

ABSTRAK

ANALISIS HUKUM TUNTUTAN GANTI RUGI DALAM PERJANJIAN IKATAN DINAS

Oleh

ISTIKOH MUAWIAH

Perjanjian Ikatan Dinas adalah suatu perjanjian perdata antara perusahaan dengan pekerja setelah adanya perjanjian kerja. Pada umumnya materi yang diperjanjikan dalam Perjanjian Ikatan Dinas adalah ganti rugi atau pembayaran kompensasi bilamana pekerja tersebut melakukan pelanggaran terhadap suatu perjanjian. Seperti pada perkara di Pengadilan Hubungan Industrial pada Pengadilan Negeri Serang tentang gugatan pelanggaran dalam Perjanjian Ikatan Dinas yang mengakibatkan kerugian. Berdasarkan hal tersebut maka permasalahan dalam penelitian ini akan mengkaji mengenai kasus posisi, pertimbangan hakim dalam memutus perkara pada Putusan No. 712 K/Pdt.Sus-PHI/2017, serta akibat hukum yang timbul dari Putusan No. 712 K/Pdt.Sus-PHI/2017.

Jenis penelitian yang digunakan dalam penelitian ini adalah penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah yang digunakan adalah pendekatan masalah normatif terapan dengan tipe *judicial case study*.

Hasil penelitian dan pembahasan menunjukkan bahwa perkara yang terjadi antara para pihak, yaitu PT Jas Aero-Engineering Services (penggugat) dan karyawan (para tergugat) disebabkan oleh perbuatan para tergugat yang mengundurkan diri ketika masih terikat Perjanjian Ikatan Dinas sehingga perbuatan tersebut menimbulkan kerugian bagi penggugat. Dasar pertimbangan hakim dalam memutus perkara ini pada putusan awal No. 86/Pdt.Sus-PHI/2016/PN Srg, majelis hakim menyatakan hubungan kerja belum putus dan memerintahkan perusahaan memanggil kembali karyawan. Dalam Putusan Kasasi No. 712 K/Pdt.Sus-PHI/2017, Hakim mempertimbangkan bahwa para karyawan masih terikat ikatan dinas saat mengundurkan diri. Hakim memperhatikan fakta bahwa tergugat telah bekerja di perusahaan lain dan tidak berkeinginan melanjutkan hubungan kerja dengan penggugat. Akibat hukum dari Putusan No. 712 K/Pdt.Sus-PHI/2017 yaitu para tergugat diwajibkan mengganti kerugian materiil dan penggugat bertanggung jawab membayar kompensasi atau uang pengganti hak karena para tergugat mempunyai hak mendapatkan gaji dari masa kerja sebelum mengundurkan diri.

Kata Kunci: Perjanjian Ikatan Dinas, Pengunduran Diri, Ganti Rugi

ABSTRACT

LEGAL ANALYSIS OF COMPENSATION CLAIMS AGAINST DEFAULT CASE IN AN OFFICIAL BOND AGREEMENT

By

ISTIKOH MUAWIAH

An Official Bond Agreement is a civil agreement between a company and an employee after a labor agreement. In general, the material agreed in the Service Bond Agreement is compensation or payment of compensation if the worker violates an agreement. As in the case at the Industrial Relations Court at the Serang District Court regarding a lawsuit for violations in the Service Bond Agreement that resulted in losses. Based on this, the problems in this study will examine the case of position, the judge's considerations in deciding the case in Decision No. 712 K/Pdt.Sus-PHI/2017, as well as the legal consequences arising from Decision No. 712 K/Pdt.Sus-PHI/2017.

The type of research used in this study is normative legal research with a descriptive type of research. The problem approach used is an applied normative problem approach with the type of judicial case study.

The results of the research and discussion show that the case that occurred between the parties, namely PT Jas Aero-Engineering Services (the plaintiff) and the employees (the defendants) was caused by the actions of the defendants who resigned while still bound by the Service Bond Agreement so that the act caused losses to the plaintiff. The basis for the judge's consideration in deciding this case in the initial decision No. 86/Pdt.Sus-PHI/2016/PN Srg, the panel of judges stated that the employment relationship had not been broken and ordered the company to recall the employee. In the cassation decision No. 712 K/Pdt.Sus-PHI/2017, the Supreme Court considered that the employees were still bound by official ties when they resigned. The judge noted the fact that the defendant had worked for another company and did not wish to continue the working relationship with the plaintiff. The legal consequences of Decision No. 712 K/Pdt.Sus-PHI/2017 are that the defendants are required to compensate for material losses and the plaintiff is responsible for paying compensation or money in lieu of rights because the defendants have the right to receive salary from the period of service before resigning.

Keywords: Service Bond Agreement, Resignation, Indemnity