

ABSTRAK

Rizal Agung Mufti, 2249310013: Perlindungan Hukum Pekerja Kontrak di Kota Bandung Dihubungkan Dengan Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja

Penelitian ini dilatarbelakangi oleh dinamika hubungan industrial di Kota Bandung pasca berlakunya Undang-Undang Nomor 6 Tahun 2023 tentang Cipta Kerja yang memberikan fleksibilitas jangka waktu Perjanjian Kerja Waktu Tertentu (PKWT) hingga batas maksimal 5 tahun. Secara empiris, sebagian besar pengusaha di Kota Bandung, terutama pada skala usaha menengah dan sektor industri kreatif-kuliner, terbukti tidak melakukan pencatatan PKWT ke Dinas Ketenagakerjaan secara tertib dan kerap menyalahi masa kerja untuk menghindari pembayaran uang kompensasi. Perluasan durasi ini dimanfaatkan secara masif oleh korporasi untuk menekan biaya tenaga kerja (*labour cost efficiency*), yang berimplikasi pada hilangnya jaminan kepastian status kerja permanen bagi buruh kontrak.

Penelitian ini bertujuan untuk menganalisis secara mendalam bentuk dan pelaksanaan perlindungan hukum terhadap pekerja kontrak dalam sistem ketenagakerjaan nasional berdasarkan Undang-Undang Nomor 6 Tahun 2023 di Kota Bandung; penerapan asas kepatuhan hukum dalam pelaksanaan hubungan kerja antara pengusaha dan pekerja kontrak; serta efektivitas pengaturan hukum dalam memberikan jaminan kepastian dan perlindungan bagi pekerja kontrak ditinjau dari perspektif asas kepatuhan hukum.

Landasan teori penelitian ini menggunakan *grand theory* negara kesejahteraan (*welfare state*) sebagai penjamin hak dan kesejahteraan tenaga kerja, *middle theory* teori perjanjian/kontrak serta efektivitas hukum untuk membedah kepatuhan dan implementasi aturan, dan *applied theory* perlindungan hukum sebagai mekanisme korektif preventif dan represif atas ketimpangan relasi industrial.

Pendekatan metode penelitian yang digunakan yaitu yuridis empiris dengan metode deskriptif-analitis untuk membedah fakta lapangan secara mendalam. Bahan hukum primer diperoleh melalui studi lapangan berupa observasi terstruktur serta wawancara bersama Kepala Bidang Hubungan Industrial dan Mediator Hubungan Industrial Dinas Tenaga Kerja Kota Bandung. Bahan hukum sekunder berupa regulasi perundang-undangan dan literatur hukum dianalisis secara kualitatif melalui penafsiran sistematis konseptual.

Hasil penelitian menunjukkan bahwa pelaksanaan perlindungan hukum pekerja kontrak di Kota Bandung masih diwarnai oleh dikotomi yang tajam dan belum efektif. Penerapan asas kepatuhan hukum pengusaha mayoritas masih berada pada tahap *compliance* (kepatuhan terpaksa atau *pseudo-compliance*) demi menghindari sanksi, terbukti dari maraknya PKWT yang tidak dicatatkan ke Disnaker serta manipulasi kewajiban uang kompensasi. Secara keseluruhan, efektivitas hukum terhambat oleh kelemahan substansi (asas non-retroaktif uang kompensasi dan dikotomi Jaminan Kehilangan Pekerjaan), kelemahan struktur (pemisahan wewenang mediasi di Disnaker Kota dan penindakan di UPTD Pengawasan Provinsi), serta kultur hukum akibat rendahnya posisi tawar pekerja.

ABSTRACT

Rizal Agung Mufti, 2249310013: Legal Protection for Contract Workers in Bandung City in Relation to Law Number 6 of 2023 concerning Job Creation

This study was motivated by the dynamics of industrial relations in Bandung City following the enactment of Law No. 6 of 2023 on Job Creation, which provides flexibility in the duration of Fixed-Term Employment Agreements (PKWT) up to a maximum limit of 5 years. Empirically, the majority of employers in Bandung City, particularly in medium-scale enterprises and the creative-culinary sectors, have been proven to neglect proper PKWT registration with the Manpower Office and frequently manipulate working periods to evade compensation payment obligations. This extension is massively utilized by corporations to reduce labor costs (labor cost efficiency), which implies the loss of permanent employment status security for contract workers.

This study aims to conduct an in-depth analysis of the form and implementation of legal protection for contract workers in the national employment system based on Law No. 6 of 2023 in Bandung City; the application of the principle of legal compliance in the implementation of employment relations between employers and contract workers; and the effectiveness of legal regulations in providing certainty and protection for contract workers viewed from the perspective of the principle of legal compliance.

The theoretical framework of this study employs the grand theory of the welfare state as the guarantor of workers' rights and welfare; the middle theory of contracts and legal effectiveness to dissect compliance and rule implementation; and the applied theory of legal protection as a preventive and repressive corrective mechanism for inequalities in industrial relations.

The research methodology employed was an empirical-juridical approach using descriptive-analytical methods to conduct an in-depth analysis of field data. Primary legal data was obtained through field studies consisting of structured observations and interviews with the Head of Industrial Relations and the Industrial Relations Mediator at the Manpower Office of Bandung City. Secondary legal data, consisting of legislation and legal literature, was analyzed qualitatively through systematic conceptual interpretation.

Research findings show that the implementation of legal protection for contract workers in Bandung City is still characterized by sharp dichotomies and remains ineffective. The application of the legal compliance principle by employers is mostly at the compliance stage (forced compliance or pseudo-compliance) to avoid sanctions, evidenced by the widespread unregistered PKWTs at the Manpower Office and manipulation of compensation money obligations. Overall, legal effectiveness is hampered by weaknesses in substance (the non-retroactive principle of compensation money and the dichotomy of Job Loss Guarantees), structural weaknesses (the separation of mediation authority at the City Manpower Office and enforcement at the Provincial Supervisory UPTD), and legal culture due to the workers' low bargaining power.