

RINGKASAN

Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai *union busting* dalam sistem peraturan perundang-undangan di Indonesia serta menganalisis bentuk perlindungan hukum terhadap pekerja atas dugaan tindakan *union busting* pada kasus PT CNN Indonesia dalam perspektif Hak Asasi Manusia (HAM). Penelitian dilatarbelakangi oleh masih ditemukannya praktik pemberangusan serikat pekerja walaupun kebebasan berserikat telah dijamin dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Undang-Undang Republik Indonesia Nomor 21 Tahun 2000 tentang Serikat Pekerja/Serikat Buruh, serta berbagai instrumen Hak Asasi Manusia nasional dan internasional.

Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan Undang-Undang (*statute approach*) dan pendekatan kasus (*case approach*). Data diperoleh melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier, kemudian dianalisis secara deskriptif kualitatif melalui proses inventarisasi, interpretasi, dan analisis norma hukum yang berkaitan dengan perlindungan hak kebebasan berserikat.

Hasil penelitian menunjukkan bahwa pengaturan mengenai *union busting* di Indonesia telah diatur dalam Pasal 28 dan Pasal 43 Undang-Undang Republik Indonesia Nomor 21 Tahun 2000 tentang Serikat Pekerja/Serikat Buruh, Pasal 153 ayat (1) huruf g Undang-Undang Republik Indonesia Nomor 6 Tahun 2023 tentang Cipta Kerja, serta didukung oleh berbagai instrumen Hak Asasi Manusia nasional maupun internasional. Perlindungan hukum terhadap pekerja diberikan melalui upaya preventif berupa pengawasan ketenagakerjaan, perundingan bipartit, dan larangan pemutusan hubungan kerja karena aktivitas serikat pekerja, serta upaya represif melalui penyelesaian perselisihan hubungan industrial, penegakan sanksi pidana terhadap pelaku *union busting*, dan penerapan sanksi administratif. Analisis terhadap dugaan kasus PT CNN Indonesia menunjukkan adanya indikasi yang mengarah pada praktik *union busting*, terutama karena adanya hubungan waktu yang berdekatan antara pembentukan serikat pekerja dan pemutusan hubungan kerja terhadap pengurus maupun anggota serikat. Namun demikian, secara hukum dugaan tersebut masih memerlukan pembuktian melalui mekanisme peradilan yang berwenang sesuai asas praduga tidak bersalah.

Kata Kunci: *union busting*, serikat pekerja, perlindungan hukum, hak asasi manusia, hubungan industrial.

SUMMARY

This study aims to analyze the legal regulation of union busting in the Indonesian legal system and to examine the forms of legal protection available to workers against alleged union busting practices in the case of PT CNN Indonesia from a human rights perspective. The study is motivated by the continuing occurrence of anti-union practices despite the constitutional guarantee of freedom of association under the 1945 Constitution of the Republic of Indonesia, Law Number 21 of 2000 concerning Trade Unions/Labor Unions, and various national and international human rights instruments.

This research employs a normative legal research method using both a statutory approach and a case approach. Legal materials consist of primary, secondary, and tertiary sources collected through library research and analyzed descriptively using qualitative legal analysis by identifying, interpreting, and evaluating relevant legal norms.

The findings reveal that the regulation of union busting in Indonesia is primarily governed by Article 28 and Article 43 of Law Number 21 of 2000 concerning Trade Unions/Labor Unions, Article 153 paragraph (1) letter (g) of Law Number 6 of 2023 concerning Job Creation, and supported by various national and international human rights instruments. Legal protection for workers is provided through preventive measures, including labor inspections, mandatory bipartite negotiations, and the prohibition of termination of employment based on trade union activities, as well as repressive measures through industrial relations dispute settlement mechanisms, criminal sanctions against perpetrators of union busting, and administrative sanctions. The analysis of the alleged case involving PT CNN Indonesia indicates several circumstances consistent with the characteristics of union busting, particularly the close temporal relationship between the establishment of the trade union and the termination of employment of its founders and members. Nevertheless, a definitive legal determination requires further examination and proof through the competent judicial process while upholding the presumption of innocence.

Keywords: *union busting, trade union, legal protection, human rights, industrial relations.*