

## ABSTRAK

PT. Telkom Akses Pontianak merupakan perusahaan yang bergerak di bidang penyediaan layanan konstruksi dan pengelolaan infrastruktur jaringan. Adanya sebuah hubungan kerja tidak luput dari perjanjian tertulis antara PT. Telkom Akses dengan pekerja, di perjanjian tertulis itulah ada sebuah hak dan kewajiban yang harus dilaksanakan oleh masing-masing pihak, baik perusahaan maupun pekerja. Dimana pekerja berkewajiban bekerja atas perintah perusahaan, termasuk kerja lembur dan berhak mendapatkan upah kerja lembur, yang mana upah kerja lembur sudah diatur dalam Peraturan Pemerintah Nomor 35 Tahun 2021 Tentang Perjanjian Kerja, Alih Daya, Waktu Kerja dan Waktu Istirahat, dan Pemutusan Hubungan Kerja.

Rumusan Masalah dalam penelitian ini adalah Apakah PT. Telkom Akses Pontianak Telah Melaksanakan Kewajiban Dalam Pemberian Upah Kerja Lembur Kepada Pekerja? Metode Penelitian menggunakan Penelitian Hukum Empiris yaitu meneliti dan menganalisis keadaan berdasarkan fakta-fakta sebagaimana adanya. Sumber data didapatkan melalui penelitian kepustakaan dan penelitian lapangan, kemudian teknik pengumpulan data menggunakan wawancara dan penyebaran angket untuk mendapatkan hasil penelitian. Adapun tujuan penelitian yaitu untuk mendapatkan data dan informasi mengenai pemberian upah kerja lembur di PT. Telkom Akses Pontianak.

Hasil dari penelitian lapangan menunjukkan bahwa: Kewajiban Hukum Perusahaan Kepada Pekerja Dalam Pemberian Upah Kerja Lembur di PT. Telkom Akses Pontianak belum dilaksanakan sesuai dengan peraturan perundang-undangan yang berlaku, pihak perusahaan PT. Telkom Akses Pontianak berpendapat bahwa perjanjian kerja waktu tertentu yang telah disepakati oleh pihak perusahaan dan pekerja telah sesuai dengan perundang-undangan yang telah ditetapkan pemerintah, dikarenakan tidak adanya komplain dari pihak pekerja kepada PT. Telkom Akses Pontianak, akan tetapi pada kenyataannya pekerja tidak mendapatkan haknya, yaitu Upah Kerja Lembur. Akibat Hukum bagi PT. Telkom Akses Pontianak apabila tidak melaksanakan ketentuan mengenai pemberian upah lembur sesuai dengan Pasal 187 Undang-Undang Nomor 11 Tahun 2020 yang dimana dikenakan sanksi pidana kurungan paling singkat 1 bulan dan paling lama 12 bulan dan/atau denda paling sedikit Rp. 10.000.000,00 dan paling banyak Rp. 100.000.000,00. Upaya yang dapat dilakukan pekerja terhadap PT. Telkom Akses Pontianak yang tidak melaksanakan ketentuan perundang-undangan adalah dengan jalur bipartit yaitu bermusyawarah dengan pihak Perusahaan PT. Telkom Akses Pontianak, apabila tidak menemukan penyelesaian maka dapat ditempuh dengan mediasi/jalur tripartite, jika mediasi juga tidak berhasil maka dapat mengajukan gugatan kepada Pengadilan Hubungan Industrial.

**Kata Kunci:** *Kewajiban, Pemberian Upah, Kerja Lembur*

## ABSTRACT

PT. Telkom Access Pontianak is a company engaged in the provision of construction services and network infrastructure management. The existence of a working relationship is inseparable from a written agreement between PT. Telkom Access with workers, in a written agreement that there are rights and obligations that must be carried out by each party, both companies and workers. Where workers are obliged to work on orders from the company, including overtime work and are entitled to overtime work wages, where overtime wages have been regulated in Government Regulation Number 35 of 2021 concerning Work Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment Relations.

The formulation of the problem in this study is whether PT. Telkom Access Pontianak Has Implemented Its Obligations in Giving Overtime Wages to Workers? The research method uses Empirical Legal Research, namely researching and analyzing the situation based on the facts as they are. Sources of data were obtained through library research and field research, then data collection techniques used interviews and questionnaires to obtain research results. The research objective is to obtain data and information regarding the provision of overtime pay at PT. Telkom Access Pontianak, considering the factors causing PT. Telkom Access Pontianak does not provide overtime pay, legal consequences for PT. Telkom Access Pontianak for not providing overtime wages to workers, and legal remedies that can be taken by workers against PT. Telkom Access Pontianak does not provide overtime pay.

The results of the field research show that: The Company's Legal Obligations to Workers in Giving Overtime Wages at PT. Telkom Access Pontianak has not been implemented in accordance with applicable laws and regulations, the company PT. Telkom Access Pontianak is of the opinion that the work agreement for a certain time that has been agreed upon by the company and the workers is in accordance with the laws that have been set by the government, because there are no complaints from the workers to PT. Telkom Access Pontianak. Legal Consequences for PT. Telkom Access Pontianak if it does not implement the provisions regarding overtime pay in accordance with Article 187 of Law Number 11 of 2020 which is subject to a criminal sanction of imprisonment for a minimum of 1 month and a maximum of 12 months and/or a fine of at least Rp. 10,000,000.00 and a maximum of Rp. 100,000,000.00. Efforts that workers can make to PT. Telkom Access Pontianak, which does not implement the statutory provisions, is using the biparit route, namely in consultation with the Company, PT. Telkom Access Pontianak, if you don't find a solution, you can use mediation/tripartite route, if mediation doesn't work, you can file a lawsuit with the Industrial Relations Court.

**Keywords: Keywords: Obligations, Wages, Overtime**