

ABSTRACT

Indonesia, as a state based on the rule of law, has the responsibility to realize social justice for all citizens, including in the field of employment. One form of this protection is to ensure legal certainty and justice in the process of Termination of Employment (PHK). Termination that is not carried out in accordance with legal procedures can cause conflict and harm to workers, both socially, economically, and psychologically. This research examines the decision of the Industrial Relations Court No. 41/Pdt.Sus-PHI/2023/PN Smg in the case between Suroso and PT Asia Pacific Fibers, Tbk, to evaluate whether the implementation of the termination has fulfilled the applicable legal provisions and to assess the judge's legal considerations in resolving the dispute.

This study uses a normative juridical method with a statutory and case approach. The data was obtained through literature study on primary, secondary, and tertiary legal materials, which were analyzed using descriptive-qualitative techniques. The focus of this research is on legal norms in labor regulations, especially regarding termination procedures and protection of workers' rights.

The results of this research show that the termination of employment (PHK) carried out by PT. Asia Pacific Fibers against Suroso was declared legally valid in substance because it was based on allegations of serious misconduct in the form of sexual harassment. However, procedurally, the termination did not fully comply with the applicable legal provisions because there was no prior criminal conviction as required by Constitutional Court Decision Number 012/PUU-I/2003. In deciding this case, the panel of judges considered that even though there was no final and binding criminal verdict, the actions committed by the plaintiff were deemed strong enough to be classified as serious misconduct, so the termination was still declared valid. However, the judge still ordered the company to pay part of the worker's normative rights with a lower calculation as a form of protection for the years of service already completed.

Keywords: *Termination of Employment, industrial relations, legal protection, due process of law, employment, Industrial Relations Court.*