



**JURIDICAL ANALYSIS OF THE POSITION OF EMPLOYEES IN THE
COOPERATION AGREEMENT FOR THE MANAGEMENT OF CIPANAS
INDAH RESORT HOTEL WITH THE REGIONAL GOVERNMENT OF
GARUT REGENCY**

UNDERGRADUATE THESIS/FINAL PROJECT

By:

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**FACULTY OF LAW
LAW STUDY PROGRAM
CIKARANG
JULY, 2025**



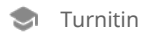
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Submitted as one of the requirements to obtain
Sarjana Hukum

By:
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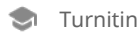
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ABSTRACT

Name : Salvia Zahra Shavalysta

Title : JURIDICAL ANALYSIS OF THE POSITION OF EMPLOYEES IN
THE COOPERATION AGREEMENT FOR THE MANAGEMENT OF
CIPANAS INDAH RESORT HOTEL WITH THE REGIONAL
GOVERNMENT OF GARUT REGENCY

This research analyzes the position of employees in the cooperation agreement for the management of Cipanas Indah Resort Hotel between the Regional Government of Garut Regency and CV. Wulandari, especially related to severance pay rights and obstacles during the management transition. The background of the research is based on the protection of labor rights guaranteed by the 1945 Constitution and the Manpower Law, as well as legal complexities in changing the status of regional asset management. The formulation of the problem includes: the position of employees in the distribution of severance pay after the transfer of management, and legal constraints in the transition process related to the payment of labor rights. The research method uses a normative-juridical approach with IRAC (Issue, Rule, Analysis, Conclusion) analysis, examining laws and regulations, cooperation documents, and court decisions. The results of this study show disparities in the calculation of severance pay due to the ambiguity of the status of non-ASN employees, as well as violations of the Transfer of Undertakings Protection of Employment (TUPE) principle that ignores the accumulation of length of service. The conclusion emphasizes the importance of tripartite agreements and adjustments to the structure of normative rights to ensure legal certainty and justice for all parties.

Keywords: severance pay, co-management, non-ASN employees, labor protection, TUPE.

ABSTRAK

Nama : Salvia Zahra Shavalysta

Judul : JURIDICAL ANALYSIS OF THE POSITION OF EMPLOYEES IN
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Penelitian ini menganalisis kedudukan pegawai dalam perjanjian kerjasama pengelolaan Hotel Cipanas Indah Resort antara Pemerintah Daerah Kabupaten Garut dan CV. Wulandari, khususnya terkait hak pesangon dan kendala selama transisi pengelolaan. Latar belakang penelitian didasarkan pada perlindungan hak tenaga kerja yang dijamin UUD 1945 dan UU Ketenagakerjaan, serta kompleksitas hukum dalam perubahan status pengelolaan aset daerah. Rumusan masalah mencakup: kedudukan pegawai dalam pembagian hak pesangon pasca-peralihan pengelolaan, dan kendala hukum dalam proses transisi terkait pembayaran hak tenaga kerja. Metode penelitian menggunakan pendekatan normatif-yuridis dengan analisis IRAC (*Issue, Rule, Analysis, Conclusion*), mengkaji peraturan perundang-undangan, dokumen kerjasama, dan putusan pengadilan. Hasil penelitian ini menunjukkan disparitas perhitungan hak pesangon akibat ambiguitas status pegawai non-ASN, serta pelanggaran prinsip *Transfer of Undertakings Protection of Employment* (TUPE) yang mengabaikan akumulasi masa kerja. Simpulan nya menekankan pentingnya kesepakatan tripartit dan penyesuaian struktur hak normatif untuk menjamin kepastian hukum dan keadilan bagi seluruh pihak.

Kata kunci: hak pesangon, kerjasama pengelolaan, pegawai non-ASN, perlindungan tenaga kerja, TUPE.

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