

THE PROPER WAGE FOR WORKERS DURING THE COVID-19 PANDEMIC ACCORDING TO THE GOVERNMENT REGULATION PERPECTIVE NUMBER 78 OF 2015 CONCERNING WAGES

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ABSTRACT: *Wages are an absolute that couldn't be avoided. Wages are the companies' obligation to their workers for their reciprocal efforts for the sake of the companies. However, during the covid-19 pandemic, there are obstacles to this wage, such as wage's cut, suspension of THR, until housing of workers or layoffs. This study is intended to determine the implementation of government regulation number 78 of 2015 about wages for workers. This study uses empirical juridical based on online forms distributed via Google form. From this study the authors found several things that considered the case, there are delays, wage deductions and THR. In this problem, the average of it is caused by less income from consumers. Therefore, the government issued Government regulation number 78 of 2015 about Wages and Circular letter (SE) Number M/6/HK.04/IV/2021 About the Implementation of Provision of Religious Holiday Allowances in 2021 for workers/ laborers in companies. Whether the companies do not enforce the applicable regulations, it will be considered as a crime. According of legislation, the government had carried out the legal accountability to workers or laborers.*

Keywords: wages, THR, employment.

INTRODUCTION

Wages are crucial thing in the field of employment, and even if they are unprofessional in handling wages, they often not only become potential disputes but also encourage strikes and /or demonstrations. Wages are a fundamental issue in the field of employment and industrial relations. Consequently, wages are the top of demand in various strikes and/or several workers or laborers demonstrations. In the general explanation of Government Regulation Number 78 of 2015, stated that wages are one of the most sensitive aspects in the employment relationship. At the practical empirical level, the handling of wages are not only involved by technical and economic aspects, but also the legal aspects that underlie how matters relating to wages are carried out safely and correctly based on the applicable laws and regulations. Therefore, to handle wages in a professional manner absolutely requires a comprehensive understanding of these three aspects.

In the legal aspect, the wages sector includes the process and authority for determining wages, implementing wages, calculating and paying wages, delaying wages, and imposing fines and

deductions from wages, administrative sanctions and criminal provisions, as well as supervising the implementation of wages provisions. Legally, all of it must be basic and philosophical. Then, it is combined with other aspects (technical and economic aspects). Proper wages for workers are still as important there in the workers' struggle. Debating about the agreed value, both by workers and employers, is still ongoing. On the other hand, laborers assume that the wages which they receive are not sufficient for their proper living needs, in addition, the increases of price which occur every year. At the other side, the employers often assume that an increasing of labor's wages will increase production costs, which in turn is considered to be one of the factors in the uncompetitive business climate in Indonesia. Especially during the covid-19 pandemic, workers experienced wage inhibition due to the lack of working hours for workers who use the attendance system such as honorary teachers or factory workers.

Set out of this background, the article of the law and Empirical study: "The proper wages for laborers/ workers according to the Employment Law Perspective during the Covid-19 pandemic" intends to discuss and describe various matters regarding wages, delays, and various other matters relating to wages during the covid-19 pandemic.

PROBLEMS

In this journal, the authors show several issues that will be used as the main issues to be discussed, namely:

1. What is a proper wage based on legal aspect?
2. During the pandemic covid-19, do workers get their right on getting the wages, and how about the solution?

RESEARCH METHOD

The research method uses empirical research methods or research field which uses data which obtained through questionnaires in the Google form, it is done because of the covid-19 pandemic which prevent direct meeting with respondents, and other complementary data is obtained by book, journals, and sources from the internet which reliable sources.

DISCUSSION

A. Wages

Based on the clause 1 number 30 of constitution number 30 of 2003 about employment, the definition of wages is: " *the right of workers or labors who are received and expressed in the form of **money as compensation** from employers to them who are determined and paid according to **an employment agreement, dealing, or constitutional regulation**, including allowances for workers or laborer and their families for a job*

and/or services that has been or will be performed". Based on its definition, it is legally clear that wages are the rights of workers or laborers and not as a gift from their employers. This is because the workers or laborers has worked or will work for employers as agreed. If it turned out that worker or laborer does not work accordance to the agreement, the worker or laborer has no right for the wages from the employer.

According of Sadono Sukirno, the definition of wages itself is a payment to unskilled workers whose jobs are always moving, such as agricultural workers, carpenters, stone masons and unskilled laborers. Whereas, Endang Dyah Widyastuti and Waridin said that wages are an award or remuneration is given by employers to employees for their work or services to employers within a certain period of time. Besides wages, there are several terms that are often used to designate the same meaning, namely compensation and rewards. Generally, economists equalize the three terms. However, in modern human resource management, the terms reward and compensation are more widely used. According to Jusmaliani (2001:116) on her book called it as reward system. Wages and salaries are one of the components of compensation, however, other forms of compensation such as incentives, bonuses, remuneration, allowances and other social facilities.

The definition of proper wages can be traced in constitution number 13 year 2003 clause 88, which stated:

1. Every worker or labor has the right to earn an income which can fulfill a decent living for humanity.
2. To realize an income that fulfilled a proper living for humanity as referred to in paragraph (1), the government stated a wages policy which protects workers or laborers.

A proper wages is not only a minimum wage but also a unitary wage mechanism regulated in law 13/2003.

B. Government regulation Number 78 of 2015 Concerning Wages

In order to push the growth back in Indonesia getting better so that the society become more prosperous, then, in 2015 the government established several Economic Policy Packages, including the Economic Policy Packages Volume IV which focuses on the real sector with the main point being highlighted is the new wage calculation scheme. For this reason, the government issued Government Regulation Number 78 of 2015 concerning wages. In spite of the rejection from the workers or laborers, at least the existence of the PP (regulation of constitution) provides certainly in determining the minimum wage for each year, as the government claims with employers. In fact, the Minister of Finance, Bambang Brojonegoro

(15-10-2015) expressed optimism that this would provide great benefits for business world and claimed that the policy was able to save 27 thousand employees from the layoffs threat. Contrary, the workers/laborers rejected the policy. The primary reason is the KHL which previously used as a consideration in setting of the minimum wage, is no longer used. As a result, the workers/ laborers feel disadvantages.

Based on Government Regulation number 78 of 2015 about Wages there are several fundamental changes, including:

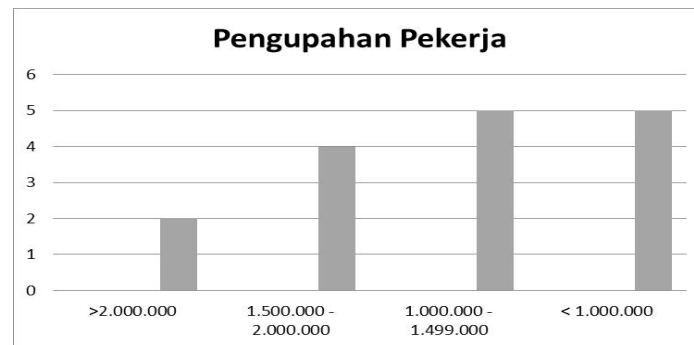
- a. THR is mandatory with administrative sanctions for violators who do not pay THR [clause 7 (1) jo. Clause 59 paragraph (1) letter a].
- b. The employer's obligation to draw up the structure and scale of wages and to notify all workers/laborers [Clause 14 paragraph (2) and (3) jo. Clause 59 paragraph (1) letter c].
- c. The workers/laborers or their legally appointed has the right to request information regarding wages for themselves (Clause 40).
- d. The components and types of KHL are reviewed within a period of 5 (five) years [Clause 43 paragraph (5)].
- e. The minimum wage calculation formulation (Clause 44), which applies to the determination of the UMP and UMK [Clause 45 paragraph (2) and clause 47 paragraph (1)].
- f. The governor's obligation to determine the UMP (clause 45), while the determination of UMSP/UMK/UMSK is voluntary or *regelendrecht/aanvullendrecht* (clause 46 and 49).
- g. There are administrative sanctions for violations of 4 clauses (clause 59,60,61,62).

The existence of Government Regulation Number 78 of 2015 concerning wages is as well as revoking Government Regulation Number 8 of 1981 concerning Protection of Wages.

During the covid-19 pandemic, the author conducted several studies not only on several workers but also business owners regarding the wages received or given. In this study, the authors also obtained several respondents related to the wages.



At the data consists of 22 respondents whom the majority are college students, followed by private employees, students, entrepreneurs and retirees. The authors get the data that is 6 as business owners and 16 as workers. From 6 of business owners, 2 admitted that they did not provide full of wages to the workers due to the unavailability of sufficient income to provide wages to workers.



Then, from 16 respondents with salary details under <IDR 1,000,000 with 5 people, IDR 1,000,000 – IDR 1,499,000 with 5 people, IDR 1,500,000 – IDR 2,000,000, > IDR 2,000,000. Six respondents admitted that they did not receive full wages; they said that the reason of it was the lack of revenue or income from consumers. They said that their place of business would still provide wages; however it is in installments or cuts. In 2020, there were also cases where the sixteen workers did not receive their THR fully or were paid in installments for the same reason. However, in 2021 the policy is no longer allowed. Referring to the THR 2021 policy, that is Circular Letter (SE) Number M/6/HK.04/Iv?2021, it is paid for a year or more of service, for period of service less than 1 year, the amount of THR is according to the calculation of the working period, divided by 12 months by 1 month. While, the meaning of on time means that THR must be paid by the company no later than 7 days before Eid. Still, there is an ethereality in SE Number 6/2021 Concerning the Implementation of Religious Holiday Allowance of 2021 for workers/ Laborers in the company, the payment can be postponed, but followed by conditions:

- a. The company is still affected by the covid-19 pandemic.
- b. Show the evidence of the company's financial statement.
- c. Conduct dialogue with workers regarding THR payments.
- d. The agreement is made in written and contains the time for the THR payment.
- e. Reporting the results of the agreement to the local administrative officer in local employment area.
- f. THR payments are still made before Eid.

Nevertheless, if there is a case in which the worker or employee does not get the wages that should be paid without notification and agreement or violates the applicable rules, the worker can report the matter to the THR complaint post which provided by the local government both online and offline.

Conclusion

in this journal the author concludes that there are several problems in the wages' application obtained by workers from business owners or companies. These problems include the remuneration that is not on time, not fully payment or being cut, and not getting wages. If it is based on the change on Government Regulation Number 78 of 2015 concerning Wages for revocation of Government Regulation Number 8 of 1981 concerning Wage Protection. There are several changes, including:

- a. THR is mandatory with administrative sanctions for violators who do not pay THR.
- b. The employer's obligation to draw up the structure and scale of wages also inform it to all workers.
- c. The workers/ laborers or they are legally appointed that have a right to request information regarding wages for themselves.
- d. The components and types of KHL are reviewed within 5 (five) years of a period.
- e. The minimum wage calculation formulation, which applies to the determination of the UMP and UMK.
- f. The governor's obligation to determine the UMP (Clause 45), while the determination of UMSP/UMK/UMSK is voluntary or *regelendrecht/aanvullendrecht*.
- g. There are administrative sanctions for violations of 4 clauses.

The application of wages during the covid-19 pandemic tends to experience problems in the timing and amount of payments. Based on the research that is the author did on 22 respondents who give various responses with the average of it is filled with reduced revenue earned by workers on the consumers. From this reason the workers complained about reduced wages and THR installments. According to its, the government issued a Circular Letter (SE) Number M/6/HK.04/IV/2021 concerning the Implementation of the Religious Holiday Allowance of 2021 for workers/laborers in the company in which the company is obligated to pay THR in full and on time to their workers or payment no later than 7 days before the holiday. However, it is still some remissions for companies or business owners for delay in THR.

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