

Legal Protection System for Equitable Remuneration

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Abstract: Employment is all matters relating to the workforce at the time before, during and after the work period. The phenomenon experienced by workers is that the wages they receive are not commensurate with the cost of living, the high cost of living makes workers far from prosperous. In addition to meeting basic needs, such as clothing, food and boards, workers must also bear the cost of education for their children and must also set aside a portion of their wages to be used when workers are unable to work anymore. According to Idan Hanifah, "from a wage point of view, it is distinguished from nominal wages, namely money and real wages, namely the number of goods that can be purchased with money. Islamic religious teachings highly respect agreements that are in accordance with provisions or syara' and include work agreements between workers and employers which contain the rights and obligations of each. And Islam obliges to comply with what is born of it from the provisions of the law. Labor law is a law that regulates labor, which was originally known as labor law. One of the functions of this regulation is to make it a means of renewal in the context of development, which can be interpreted as channeling human activities that lead to development.

Keywords: *System, Wage Determination, Justice*

1. Introduction

In this life humans have diverse needs, to be able to meet these needs humans are required to work. In terms of struggling to meet these diverse needs, there are 2 (two) types of understanding of work, namely: 1. Own self-employed work means working on one's own effort, capital and responsibility and the results are for one's own interests. Such work without binding oneself to the orders of others and not depending on others. 2. Working for other people means working with depending on other people who give orders and he must comply with all rules or conditions held by those who give the job (Abduh 2020).

Employment includes all matters related to work before, during and after the working period which begins with a work agreement. Work agreements are derivatives of agreements in general, where each agreement has special characteristics that distinguish it from other agreements. Article 1601 explains that a work agreement where the first party, namely the worker, binds to be under the leadership of another party, namely the employer for a certain time by receiving wages as compensation. The work agreement requires elements of work, orders and wages (Judge, 2003). Wages are one of the sources of employee income according to their life needs appropriately. Payment terms appear in the employment contract and it is one of the rights in the employment relationship. (Hakim 2003) This right is constitutionally regulated and protected in article 27 paragraph (2) of the 1945 Constitution of the Republic of

Indonesia which stipulates: "Every citizen has the right to work and a decent living for humanity."

Islamic religious teachings highly respect agreements that are in accordance with provisions or *syara'* and include work agreements between workers and employers which contain the rights and obligations of each. And Islam obliges to comply with what is born of it from the provisions of the law. Allah SWT said in the letter Al-Maidah verse 1 which reads:

أَيُّهَا الَّذِينَ ءَامَنُوا أَوْفُوا بِالْعُقُودِ

Meaning: O you who believe, fulfill aqad - aqad it,

Allah SWT also said in the letter Al-Imran verse 76 which reads:

بَلَىٰ مَنْ أَوْفَىٰ بِعَهْدِهِ وَاتَّقَىٰ فَإِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ

Meaning: In fact, whoever keeps promises and is pious, then surely Allah loves those who are pious.

Tafsir Al-Mukhtashar explains who wants to keep his promise to Allah by declaring faith in Him and His Messenger, and keeping his promise to fellow human beings by giving his trust, and fearing Allah by carrying out His commandments and those who are pious and will give them the best in return.(Al qur an n.d.)

The work agreement is a means for the occurrence of relations between workers and employers in an employment relationship. One of the contents of the employment agreement (Hakim 2003) Include wages received by workers. Wages are very crucial in the employment agreement. This is because the purpose of people to work is to get rewards for the work they do and get sufficient results in the hope of being able to meet the needs of life with their family so that they live prosperously. As long as the worker is still bound by the work agreement, the worker is entitled to wages that can provide for the welfare of his life with his family, and the employer has the obligation to pay wages to workers. And if the worker does not carry out his obligation to do the work that was agreed upon, then basically the worker does not get paid.(Hanifah 2020).

The phenomenon experienced by workers is that the wages they receive are not commensurate with the cost of living, the high cost of living makes workers far from prosperous. In addition to meeting basic needs, such as clothing, food and boards, workers must also bear the cost of education for their children and must also set aside a portion of their wages to be used when workers are unable to work anymore. According to Idan Hanifah, "from a wage point of view, it is distinguished from nominal wages, namely money and real wages, namely the number of goods that can be purchased with money."(Hanifah 2020).

Real wages are the most important for workers, because with the wages received workers hope to be able to buy goods or meet the needs they need to be able to finance the necessities of life with their families. Every year the government reviews the minimum wage which serves as a standard wage, the amount of which is different in each region. But the increase in the minimum wage has had little effect on workers. This is due to the increase in wages also affects the increase in the price of staple goods.(Hanifah 2020). So that there is no change in the fate of workers to get a prosperous life. Because the main goal of each individual is prosperity with different sizes according to the views, religion and doctrine of each individual. To fulfill the

goals of each worker, the government issued laws and regulations that regulate labor relations with companies that provide jobs to workers.

2. Literature review

Labor law is a law that regulates labor, which was originally known as labor law. One of the functions of this regulation is to make it a means of renewal in the context of development, which can be interpreted as channeling human activities that lead to development.

The development of labor law in Indonesia cannot be separated from the history of slavery carried out by the Dutch East Indies government, known as forced or forced labor which ended in 1819. Since then, the laws that specifically regulate employment in Indonesia have continued to change until today. With the legalization of Law Number 13 of 2003 concerning Manpower (UUKK), this is because this UUKK replaces as many as 15 labor regulations, this makes UUKK the umbrella for other regulations.(Hanifah 2020).

The birth of the UUKK was due to laws and regulations prior to the enactment of the 2013 UUKK placing workers in a disadvantageous position in the placement of workers and the industrial relations system. With the birth of UUKK it is hoped that it can resolve the issue of protection and guarantees for workers and as an international instrument in terms of ratified labor rights. Indonesia as a member of the United Nations (UN) upholds and implements the Universal Declaration of Human Rights. Legally the position of labor is free and balanced, but in practice it is still far from what is expected.

It is undeniable indeed, among the many problems surrounding workers, the issue of welfare is a sensitive issue that is always discussed because it involves one's survival. From year to year the classic problem that arises is the desire of workers to increase their wages. Wages are one of the sources of employee income according to their life needs appropriately. Payment terms appear in the employment contract and it is one of the rights in the employment relationship.(Hanifah 2020).

This is because the wages they receive are not comparable or sufficient to meet their real needs. Meanwhile, the purpose of human work is to meet various needs so that humans are required to work and struggle to meet their needs. To meet the needs of life, humans need material. There are two ways to meet human needs, firstly, to meet their needs, people do their own business, secondly, in meeting their needs, people work for other people.

3. Research methods

This research was conducted by way of normative juridical research normative (Rahmat Ramadani 2019)research, the data sources used in this research are secondary data sources, which consist of primary legal materials,(Siregar 2021)form; The 1945 Constitution, Law Number 13 of 2003 concerning Manpower, Perppu Number 2 of 2022 concerning Job Creation. Secondary legal material consists of books, scientific journals, papers and scientific articles that can explain primary legal material, and is supported by tertiary legal material consisting of the Big Indonesian Language Dictionary (KBBI) and so on which can provide meaning to the terms in answer the problem of setting the minimum wage system.

4. Results and Discussion

a. The Effect of Wage Levels on Labor Welfare

Wages are an element of company costs. The company's profit orientation means that wages are lowered to the lowest level that is profitable for the company, making it difficult for workers (particularly precarious and unskilled workers) to achieve a decent standard of living. Based on this, the city/regency and regional governments have established minimum wage regulations. Setting a minimum wage policy serves as a social safety net, preventing further declines in wages due to labor market imbalances and lowering wage rates of workers due to their low bargaining power. This makes the goal of workers to improve their welfare very difficult to achieve. The increase in wages did not follow the increase in the need for workers.

Apart from the problems that are often experienced, problems related to setting the provincial minimum wage (UMP). B. salary, that is not paid after UMP as Tjioe Christine Chandra, a merchant from Surabaya who pays his workers less than UMP.2. Another problem observed is that employers who do not pay holiday allowances (THR) pay overtime wages that are not paid according to regulations.(Gani 2015).

In 2023 the Government of North Sumatra will increase wages by 7.45% from 2022 or an increase of IDR 187,883. increase in the Provincial Minimum Wage (UMP) to IDR 2,710,493 from the previous IDR 2,522,609. The increase in UMP is in accordance with Regulation of the Minister of Manpower (Kemanaker) Number 18 of 2022 concerning Determination of the 2023 Minimum Wage. With a high level of need and other costs that must be borne by workers apart from living expenses such as children's educational needs, clothing and increased fuel oil (BBM)) which is high enough to make it difficult for workers to make ends meet.

The minimum wage is of concern to many groups in order to increase it workers welfare. Labor law regarding wages. This protection is necessary because of an imbalance between the power of employers and the will of workers. Countries that practice low wages are under international pressure to raise the minimum wage or face trade sanctions. Sanctions can be in the form of an increase in export taxes to one country or another.(Alatas 2008).

In addition to the wages received by workers to meet the needs of workers' lives, workers should also be given facilities. Facilities or allowances are provided according to the level of need. Facilities can be in the form of educational allowances for children of workers and housing facilities. Because the cost of education and housing costs are so large that the wages received each month are used up for these needs.proposed by David Ricardo. This theory simply suggests that the level of wages received by unskilled workers is only influenced by the interest to cover the living expenses for the needs of workers and their families. The state of wages in the labor market will fluctuate at the subsistence level. Offerlabor will not increase or decrease in a long-term relationship (long run). If the wage rate rises above the minimum cost of living for workers, it will increase the supply of labor and will lower the wage rate. If the wage rate is below the minimum cost of living, this will reduce the supply power of labor and then the wage rate will rise to the subsistence level again.(Alatas 2008).

b. Legal Protection System for Equitable Remuneration

The theory of legal protection is the development of the concept of recognition and protection of human rights (HAM) that developed in the 19th century. The direction of the concept of recognition and protection of human rights is the existence of restrictions and placing obligations on society and the government.(Nola 2016).

Islam does not explicitly define wages, this can be seen from the absence of detailed provisions regarding minimum wages in the Qur'an. However, its application is based on understanding and understanding of the text of the Qur'an and al-Hadith contained in the principles of justice and honesty. Allah SWT strictly obliges the employer to pay the wages of the workers who work for him. In Islam, the level of wages paid by employers to their workers is based on the principles of justice and decency which are determined by taradin-based contracts or the like between employers and workers.(Sandra Dewi 2019).

Ikhwan Fahrozi explained that legal protection of workers' rights is guaranteed and has been regulated in laws and regulations, both in the constitution, laws and other regulations.(Fahrozi 2016). The position of the workforce contributes to productivity efforts and also influences company performance. For this reason, workers must receive the attention of companies that use labor services. This will have an impact on companies to compete in the industrial era. Legal protection functions to protect human rights for people who are harmed and protected by other people in society so that they enjoy all the rights that the law provides, or in other words legal protection, is a legal tool that very many law enforcement agencies must provide to provide a sense of security, both physically and mentally from disturbances and threats from other parties everywhere.(Raharjo 2020).

Legal protection is divided into two parts, namely preventive and repressive legal protection. Preventive legal protection, i.e. statutory legal protection designed to prevent that controversy guides government action. Be careful when making discretionary decisions during the protection of Rights of the oppressed, i.e. legal protection is aimed at ending disputes.(Phillipus M. Hadjon 1987).

Legal protection is a narrowing of the concept of this protection is only legal protection. The protection needed here is also related to the existence of rights and obligations that people have as legal subjects when dealing with fellow human beings and their environment. As a subject of rights, humans have rights and are obliged to take legal action.(Muchsini 2003). Wages as the main component in work agreements are deemed necessary to get attention. A fair wage system has a positive impact on workers and companies. The company is a place for workers to work and also a place to earn a living in the hope of getting a decent wage so they can live in prosperity. Likewise for entrepreneurs, the company is a place to invest their capital to get the maximum profit.

If the relationship between workers and employers works with justice, it has a good impact on the government because companies have helped the government by absorbing workers to work for their companies, this is what is called good industrial relations. Thus making the economic power that produces goods or services to meet the needs of society. The government as a legislator must be able to balance the interests of

workers and companies. Then industrial relations will be created based on the harmony and harmony of the parties.

5. Conclusion

Problemthe most dominant and fundamental in the world of work is wages. Salary issues are a common topic of anxiety, especially among employees. This often happens because employers try to take advantage of wages/salaries. Even though the wages of workers are a source of income that meets their physical needs to survive. Wages are rights of workers/employees received from employers or employers to workers/employees as remuneration and expressed in money, determined and paid according to work agreements, agreements or laws and regulations, including bonuses paid to workers/employees/subsidies . employees and their families for the work and/or services performed or to be performed. Of course if we talk about employment, then there are several parties involved that lead to a working relationship, namely employees, employers and the government. Efforts to create industrial relations are to find a balance between the interests of workers, employers and the state, because these three elements have their own interests. Wages are based on employee performance. The size of this advantage is estimated by experts. The higher the benefits offered, the higher the salary the employee receives. Conversely, if the benefits offered by workers are small, the wages paid to workers will also be small. Wages are based on employee performance. The size of this advantage is estimated by experts. The higher the benefits offered, the higher the salary the employee receives. Conversely, if the benefits offered by workers are small, the wages paid to workers will also be small. Wages are based on employee performance. The size of this advantage is estimated by experts. The higher the benefits offered, the higher the salary the employee receives. Conversely, if the benefits offered by workers are small, the wages paid to workers will also be small.

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