

Implication Analysis Of Wage Arrangement Changes Law Number 11 Of 2020 Concerning The Creation Of Employment Cluster

Sarbini¹, Sigit Sapto Nugroho²

¹Faculty of Law, Mayjen Sungkono University, Mojokerto

²Faculty of Law, Merdeka University, Madiun

E-mail : sarbinikurnia73@gmail.com¹, sigit.nugroho26@gmail.com²

Abstrak

Penelitian ini bertujuan untuk mengetahui perubahan pengaturan pengupahan dalam Undang-Undang Nomor 11 Tahun 2020 tentang Penciptaan Lapangan Kerja bagi Gugus Ketenagakerjaan dan implikasi peraturan tersebut dalam penerapannya di masyarakat. Penelitian ini menggunakan metode penelitian yuridis normatif. Menggunakan bahan hukum primer dalam penelitian ini, menggunakan Undang-Undang Nomor 11 Tahun 2020 tentang Penciptaan Lapangan Kerja, Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, Peraturan Pemerintah Nomor 36 Tahun 2021 tentang Pengupahan, dan Peraturan Pemerintah Nomor 78 Tahun 2015 tentang Pengupahan, sedangkan sumber hukum sekunder menggunakan hasil penulisan karya ilmiah dari kalangan hukum berupa jurnal. Hasil kajian menunjukkan bahwa perubahan pengaturan pengupahan dalam Undang-Undang Nomor 11 Tahun 2020 tentang Klaster Ketenagakerjaan Ketenagakerjaan menimbulkan berbagai dampak atau implikasi terhadap pekerja atau buruh termasuk pelanggaran hak asasi manusia untuk mendapatkan pekerjaan dan penghidupan yang layak (Pasal 27 ayat (2)). UUD 1945), hak untuk mendapatkan balas jasa dan perlakuan yang adil dan layak dalam hubungan kerja (Pasal 28 D UUD 1945), pekerja atau buruh yang tidak menerima upah yang adil dan layak akan mempengaruhi daya belinya. pada akhirnya berdampak pada taraf hidup pekerja, kesejahteraan pekerja atau buruh dipertaruhkan, serta lahirnya generalisasi upah di berbagai sektor di kota-kota padat industri, sehingga menimbulkan ketidakadilan.

Kata Kunci: *Perubahan Upah, Undang-Undang Penciptaan Lapangan Kerja*

Abstract

This study aims to find out changes in wage arrangements in Law No. 11 of 2020 concerning Job Creation for the Employment Cluster and the implications of these regulations in their application in society. This study uses a normative juridical research method. Using primary legal materials in this study, using Law Number 11 of 2020 concerning Job Creation, Law Number 13 of 2003 concerning Manpower, Government Regulation Number 36 of 2021 concerning Wages, and Government Regulation Number 78 of 2015 concerning Wages, while sources secondary law uses the results of writing scientific papers from legal circles in the form of journals. The results of the study show that changes in wage arrangements in Law Number 11 of 2020 concerning Employment Cluster Employment create various impacts or implications on workers or laborers including violations of human rights to get a job and a decent living (Article 27 paragraph (2) the 1945 Constitution), the right to receive fair and proper remuneration and treatment in an employment relationship (Article 28 D of the 1945 Constitution), workers or laborers who do not receive fair and proper wages will affect their purchasing power. ultimately has an impact on the standard of living of the workers, the welfare of workers or laborers is at stake, as well as the birth of generalization of wages in different sectors in industrially dense cities, resulting in injustice.

Keywords: *Changes in Wages, Job Creation Act*

INTRODUCTION

Since the enactment of Law Number 11 of 2020 concerning Job Creation by the President of the Republic of Indonesia, there have been many polemics for and against the content of the law, one of which is the employment cluster. Law Number 11 of 2020 concerning Job Creation changes, replaces, or deletes several provisions in Law Number 13 of 2003 concerning Manpower, most of which cause contra for the community because they are considered detrimental to employees/workers. One of the changes and deletions in Law No. 11 of 2020 concerning Employment Creation for the Employment Cluster is regarding wages.

Wages are one of the essential elements in an employment relationship because their existence is always associated with a source of income for workers/laborers in order to achieve a decent living for themselves and their families. According to Law Number 13 of 2003 concerning Manpower, Article 1 number 30 states, wages are the rights of workers/laborers that are received and expressed in the form of money as a reward from the entrepreneur or employer to the worker/labourer which is determined and paid according to an employment agreement, agreement, or laws and regulations, including allowances for workers/laborers and their families for a job and/or service that has been or will be performed. The issue of wages has become very sensitive to discuss because it includes the rights that workers/laborers should have for a job and/or service that has been or will be performed to achieve a decent living. Article 88 of Law Number 11 of 2020 concerning the Creation of Manpower Clusters states that every worker/labor has the right to a decent living for humanity, and as a form of effort to realize this, the Central Government establishes a wage policy as stated in Article 88 paragraph (3).

Based on the wage policy regulated by Law Number 11 of 2020 concerning Job Creation, the government stipulates, deletes and replaces some of the articles of Law Number 13 of 2003 concerning Manpower which are considered detrimental to workers/labor, such as the abolition of the wage provisions for severance pay. and wages for calculating income tax (Article 88 paragraph (3) letters j and k of Law Number 13 of 2003 concerning Manpower), the abolition of provisions regarding provincial or district/city minimum wages (UMK) and minimum wages based on sectors in the province or regency/city (Article 89 paragraph (1) of Law Number 13 of 2003 concerning Manpower), additional requirements in the provisions for determining the provincial minimum wage for governors (Article 88C paragraph (2) Law Number 11 of 2020 concerning Employment Cluster Job Creation), additional policy requirements if the UMK must adjust economic growth and inflation in the district/city concerned (Article 88C paragraph (3) of Law Number 11 of 2020 concerning Employment Cluster Job Creation), and several others. It is feared that this change in the wage policy regulation will cause various adverse effects for workers/laborers, such as in the case of regulations on the elimination of minimum wages by sector in the province or district/city. The abolition of the regulation creates injustice because it reduces the income of workers/ laborers working in certain sectors so that their income will be the same as the income of workers/ laborers in other sectors with different burdens. It would be unfair for workers/ laborers who have a longer workload and time to have the same income as workers/ laborers with normal workloads and hours.

Workers or laborers in certain sectors with a heavier burden or a longer working period will only receive the same minimum wage as other workers/labor. The sectoral minimum wage allows for higher incomes than the regional minimum wage, so that if the sectoral minimum wage is abolished, it is feared that the minimum wage that will be received will be lower than the previously set. This arrangement is considered to be able to exploit workers/laborers because their income is determined from the company's ability and productivity, in the sense that the entrepreneur can pay the workers/laborers according to their productivity capabilities without considering the burden borne

and the working period of the worker/labourer.

Therefore, there is a need for a deeper study of changes to the wage policy setting in Law Number 11 of 2020 concerning Job Creation for the Employment Cluster so that in its application in society it can provide benefits and uses as it should and is not twisted to give arbitrariness to business owners. Based on the description above, problems can be formulated, among others: How are the changes to the wage arrangements in Law Number 11 of 2020 concerning Job Creation for the Employment Cluster and what are the implications of changing the wage arrangements in Law Number 11 of 2020 concerning the Creation of Clusters of Employment?

METHOD

The method used in this research is a normative juridical research method, which is a scientific research procedure to find the truth based on the logic of legal scholarship from the normative side. The type of law that puts the law as a building system of norms. the system of norms in question is regarding the principles, norms, rules of the legislation in the form of primary legal materials in the form of statutory regulations, and secondary legal materials in the form of research results of scientific works by the legal community. The primary legal materials that are relevant in this research are Law Number 11 of 2020 concerning Job Creation, Law Number 13 of 2003 concerning Manpower, Government Regulation Number 36 of 2021 concerning Wages, and Government Regulation Number 78 of 2015 concerning Wages. Meanwhile, the secondary legal materials used in this research are in the form of research journals by the legal community.

In this study, the approach used is the statute approach. This statutory approach is carried out by reviewing all laws and regulations relating to the legal issues under study. Existing facts are related to the laws and regulations that govern them and which are still in effect. The analysis in this study was conducted by examining Law Number 11 of 2020 concerning Job Creation, Law Number 13 of 2003 concerning Manpower, Government Regulation Number 36 of 2021 concerning Wages, and Government Regulation Number 78 of 2015 concerning Wages to find out the differences and the advantages and disadvantages of each.

RESULTS AND DISCUSSION

Changes in wage arrangements in Law Number 11 of 2020 concerning Employment Cluster Job Creation.

Wages have an important role in the employment relationship (employment agreement) because the main purpose of a worker/labourer working in a company is to earn wages. Wages are a basic right of a worker, which should be fulfilled by the employer/employer as an obligation that can be used by workers to meet the needs of themselves and/or their families and must be paid in a timely manner. Therefore, wage arrangements must pay attention to all aspects of the rights and obligations of both workers/ laborers and companies so as not to burden one party.

"The labor law system in this case wages must be reviewed and developed based on three things, namely, the government structure (structure), legal substance (substance) and labor culture (labor culture) by taking into account the balance between achievement (reward) or work productivity, needs workers and company capabilities in each region."

The government has a very important role in determining wage standards, because wages/salaries are a basic right for workers/laborers who have a very sensitive nature. So in the provision of wages often can lead to disputes. Government intervention in determining the amount of wages is important in order to ensure that the amount of wages received by workers is not too low so that it cannot meet the needs of workers, even at a minimum.

The previous regulation regarding wages was regulated in Law Number 13 of 2003 concerning Manpower, which was later partially revised in Law Number 11 of 2020 concerning Job Creation for the Employment Cluster with the addition of Government Regulation Number 36 of 2021 concerning Wages. Unfortunately, both before and after the enactment of Law Number 11 of 2020 concerning Job Creation, especially the Employment cluster, it continues to cause polemics for and against in various circles, both academics and the public regarding the regulations because they are considered unfavorable or in favor of the rights of the community, especially workers/labourers.

The abolition of severance pay wages and income tax payments.

Article 88 of Law Number 13 of 2003 concerning Manpower states that:

1. Every worker/labor has the right to earn an income that fulfills a decent living for humanity.
2. In order to realize an income that meets a decent living for humanity as referred to in paragraph (1), the government establishes a wage policy that protects workers/laborers.
3. Wage policies that protect workers/laborers as referred to in paragraph (2) include:
 - a. Minimum wage.
 - b. Overtime pay.
 - c. Wages do not come to work due to absence.
 - d. Wages are absent from work due to other activities outside of their work.
 - e. Wages for exercising the right to rest time.
 - f. Form and method of payment of wages.
 - g. Fines and deductions from wages.
 - h. Things that can be calculated with wages.
 - i. Proportional remuneration structure and scale.
 - j. Wages for severance pay.
 - k. Wages for income tax calculations.
4. The government determines the minimum wage as referred to in paragraph (3) letter a based on the need for a decent living and by taking into account productivity and economic growth.

Based on Article 88 paragraphs (1) and (2) of Law Number 13 of 2003 concerning Manpower, it is stated that every worker/labor has the right to earn an income that fulfills a decent living for humanity and to realize this, the government establishes a wage policy that protects workers. The regulation, as stated in Law Number 11 of 2020 concerning the Creation of Employment Clusters, says the same thing. The difference lies in the regulation of Article 88 paragraph (3), Law Number 11 of 2020 concerning Employment Cluster Job Creation which summarizes the policy provisions on wages not coming to work due to absence, wages not coming to work due to other activities outside of work, wages for exercising the right to work rest periods in Law Number 13 of 2003 concerning Manpower become wages for not going to work and/or not doing work for certain reasons. Law Number 11 of 2020 concerning Job Creation for the Employment Cluster also removes the provisions of the wage policy for severance payments and wages for calculating income tax in Law Number 13 of 2003 concerning Manpower.

Wages Are Based On Units Of Time And Units Of Results.

In addition to the abolition of several wage policies in Article 88 paragraph (3) of Law Number 13 of 2003 concerning Manpower, Article 88B which is an insertion article in Law Number 11 of 2020 concerning Employment Creation of the Employment Cluster has also experienced a number of debates because it stipulates that wages for workers/labor is determined based on the unit of time and/or unit of result. According to Government Regulation Number 36 of 2021 concerning Wages,

what is meant by wages based on time units is a system of paying wages based on working time, namely daily, weekly, or monthly (Article 15). The determination of hourly wages is only for workers/laborers who work part time (Article 16).

Elimination of Minimum Wage Based on Sector in Province and/or Regency/City Areas and Determination of Regency/City Minimum Wage with Certain Conditions.

Article 89 of Law Number 13 of 2003 concerning Manpower states that the minimum wage can consist of a minimum wage based on a province or district/city area and a minimum wage based on a sector in a province or district/city area. However, this provision was abolished by Law No. 11 of 2020 concerning Employment Cluster Job Creation. In Article 88C (insertion article) of Law Number 11 of 2020 concerning Employment Cluster Job Creation, it only stipulates that the governor is obliged to determine the provincial minimum wage, and can determine the regency/city minimum wage with certain conditions which include regional economic growth or inflation in the regency/city. the city in question.

The minimum wage is the minimum standard used by entrepreneurs or industry players to provide wages to workers in a business or work environment with the aim of meeting minimum living standards such as for health, efficiency, and worker welfare. Meanwhile, sectoral minimum wages are the result of negotiations and agreements between company associations and trade/labor unions.

“The determination of the minimum wage is calculated using the minimum wage calculation formula, which contains the variables of economic growth or inflation. The provisions stipulated in Article 88D paragraphs (1) and (2) apply to employees with less than 1 year of service at the company concerned. Meanwhile, in Article 88B paragraph (1), the size of the wage component is determined based on the unit of time and/or unit of result. It should also be noted that the determination of minimum wages is set at the provincial level based on economic and labor conditions. Meanwhile, for the district/city level, it is necessary to consider the level of regional economic growth and inflation based on data from the authorized institution in the field of statistics.”

The determination of the minimum wage is calculated using the minimum wage calculation formula, which contains the variables of economic growth or inflation. The definition of inflation itself is an economic condition in a country where there is a tendency to increase the prices of goods and services in general in a long time (continuous) due to an unbalanced flow of money and goods.

If the sectoral minimum wage arrangement scheme has already been provided by the company, according to Law Number 11 of 2020 concerning Employment Creation for the Employment cluster, the scheme that has been provided cannot be revoked so that workers do not experience income degradation which is usually received every month (Article 191A of Law Number 11 of 2020 concerning Employment Cluster Job Creation).

Determination of minimum wages based on economic and labor conditions.

Article 25 Paragraph (2) Government Regulation Number 36 of 2021 concerning Wages states that the minimum wage is determined based on economic and labor conditions. The economic and labor conditions in question include purchasing power parity variables (balance of shopping ability), labor absorption rate, and median wages (margin between the highest 50 percent of wages/salaries and the lowest 50 percent of employees in certain positions or jobs). Article 26 of Government Regulation Number 36 of 2021 concerning Wages also states that adjustments to the value of the minimum wage are carried out every year and are set at a certain value range between the upper and lower limits of the minimum wage in the region concerned.

The wage arrangement in Government Regulation Number 36 of 2021 concerning Wages is

different from the wage arrangement contained in Government Regulation Number 78 of 2015 concerning Wages which is a derivative regulation of Law Number 13 of 2003 concerning Manpower. Article 43 of Government Regulation Number 78 of 2015 concerning Wages states that the determination of the minimum wage is carried out every year based on the need for a decent living and taking into account productivity and economic growth.

The decent living needs referred to refer to the standard needs of a single worker/laborer to be able to live physically fit for the needs of 1 month. The need for decent living consists of several components in which there are several types of necessities of life. The components and types of necessities of life are reviewed within a period of 5 years by the minister by considering the results of a study conducted by the National Wage Council. The results of the review of the components and types of living needs then become the basis for calculating the next minimum wage by taking into account productivity and economic growth (Article 43 paragraph (8) Government Regulation Number 78 of 2015 concerning Wages).

Implications of changes to wage arrangements in Law No. 11 of 2020 concerning Job Creation for labor clusters

Wage is a very crucial issue in the field of employment, even if it is not professional in handling it, it will often have the potential to cause disputes and encourage strikes and demonstrations. The handling of wages does not only involve technical and economic aspects, but also legal aspects which form the basis for how things related to wages are carried out safely and correctly based on government regulations.

The issue of wages is interesting and important to study because various parties have different interests. For entrepreneurs, wages are one of the main elements in calculating production costs which determine the amount of the basic price and the amount of profit for the entrepreneur. The wages received by workers or laborers are very meaningful for their survival in the fulfillment of daily life, because with acceptance a person can realize his goals and at the same time in order to improve a decent standard of living for humanity.

Wage is the right of the worker/labourer that is received and expressed in the form of money as a reward from the entrepreneur or employer to the worker/labourer which is determined and paid according to a work agreement, agreement, or statutory regulations, including allowances for workers/laborers and their families for a job and/or service that has been or will be performed (Law Number 13 of 2003 concerning Manpower Article 1 number 30). The wages received by these workers or laborers are related to the continuity of their livelihood so that the scheme for the amount of payment of wages should take into account the welfare aspects of the workers or laborers in which the worker or laborer has the right to get a job and earn a decent income.

Based on the provisions of Article 27 paragraph (2) of the 1945 Constitution stipulates that every citizen has the right to work and a decent living for humanity. Then followed again in Article 88 paragraph (1) of Law no. 13 of 2003 concerning Manpower, which was revised in Law Number 11 of 2020 concerning the Creation of Employment Clusters which stipulates that every worker/ laborer has the right to earn an income that fulfills a decent living for humanity. A decent wage must be based on certain criteria because by giving clear criteria it will determine the rationality of the assessment of the wage. The criteria for this wage are basic needs, secondary needs, saving and social needs.

One of the guarantees of the constitutionality of labor rights is contained in Article 27 paragraph (2) and Article 28 of the 1945 Constitution which regulates basic human rights that must be protected and fulfilled. Manpower development is a human right or the right of citizens as stated in Article 27 paragraph (2) of the 1945 Constitution which states that every citizen has the right to work and a

decent life. To be able to make it happen, development in the field of manpower should be directed at creating job opportunities for the community.

Meanwhile, Article 28 D paragraph (2) of the 1945 Constitution states that everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship. What is meant by wages/rewards here are all forms of income (earning) received by workers/labourers in the form of money or goods within a certain period of time in an economic activity.

The right to receive wages arises when there is an employment relationship and ends when the employment relationship is terminated (Article 88A of Law Number 11 of 2020 concerning Job Creation for the Employment Cluster). In the employment relationship between the company and the workforce, the provision of wages or remuneration aims to create an atmosphere that ensures peace of mind for the workforce, in which one of the efforts that can guarantee work peace is with work benefits. Where employee benefits are given in accordance with the participation of each employee in the company and the contribution of services that have been provided.

Regarding wages, the position of labor law in the Indonesian legal system is already related to public law. It can be seen in the intervention of the government known as the minimum wage, namely setting the lowest wage that must be paid by employers to their workers. Government intervention in determining the amount of this wage is important in order to ensure that the amount of wages received by workers is not too low so that it cannot meet the needs of workers even at a minimum. The government also has a very important role in determining wage standards, because wages/salaries are a basic right for workers/laborers who have a very sensitive nature. So in the provision of wages often can lead to disputes.

The main obligation for the company is to pay wages to its workers in a timely manner and in accordance with the minimum wage standards set in the area where the company is founded. Currently, there are still many companies that violate the minimum wage provisions that have been set by the government. Companies that provide wages below the minimum wage that are set have an impact on losses for workers. In reality, the minimum wage is still far from the basic needs of workers, so it has not succeeded in creating industrial relations as expected. The issue of wages is very important and has far-reaching implications. If the workers do not receive a fair and proper wage, it will affect their purchasing power which ultimately affects the standard of living of the workers and their families. Many from the government, employers and academics say that workers and employers are partners.

In fact, workers or laborers are in poor living conditions because wages are very low and not suitable for humanity. This happens because the entrepreneur maximizes his freedom to seek big profits, but does not pay attention to the welfare of his workers, while for the Indonesian state promoting welfare is the main goal and obligation.

Law Number 11 of 2020 concerning Job Creation for the Employment Cluster has become widely discussed because it is also considered not to solve the problems that arise and is considered to be prospering the interests of entrepreneurs. Several articles in this regard regarding wages cut a lot of rights that should be obtained by workers or laborers, causing various impacts or implications in their application to workers or laborers. The welfare of workers or laborers seems to be at stake if in fact the changes to the article actually benefit one party and harm the other party.

Law Number 11 of 2020 concerning Employment Creation for the Employment Cluster removes provisions in terms of payment of severance pay, wages for calculating income tax for workers or employees, as well as compensation for rights that should be received by workers or workers in the event of termination of employment in terms of housing replacement and treatment and care is set at 15% (fifteen percent) of the severance pay and/or service pay for those who meet the requirements. The regulation regarding severance pay is further regulated in Government Regulation Number 36 of

2021 concerning Wages. Regulations regarding severance pay in the context of termination of employment have also been regulated in Government Regulation Number 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time and Rest Time.

The number of rights of workers or laborers who are cut off by these regulations certainly raises a new polemic, namely a just welfare for all people as the goal of Pancasila. Trimming the rights of workers or laborers regarding wages further reduces the opportunities for workers or laborers to earn a decent living in terms of meeting their needs and income. Moreover, this is accompanied by the prevalence of entrepreneurs or companies that do not provide appropriate wages to workers or laborers. This is of course at odds with Article 28 D paragraph (2) of the 1945 Constitution which states that everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship, as well as Article 88 of Law Number 11 of 2020 concerning Copyright. Employment cluster work which states that every worker/ laborer has the right to a decent living for humanity.

Every worker/labourer, whether working in the company or outside the company, should be able to earn an income that can fulfill a decent living for humanity. With the understanding that the amount of wages received by workers/laborers from the results of their work is able to properly meet the living needs of workers/laborers and their families including clothing, food, housing, education, health, recreation, and even old-age insurance.

The next wage policy set by the government is the determination of the minimum wage. The government sets the minimum wage based on the need for a decent living and by taking into account productivity and economic growth. The minimum wage is now only in the form of a minimum wage based on the province because the minimum wage based on the regency/city area (UMK) in the provisions of Law Number 11 of 2020 concerning Job Creation for the Labor cluster only uses the phrase "can" which means it is not mandatory, while the minimum wage based on the sectoral area of the province and or district/city shall be abolished.

The definition of the minimum wage is the minimum standard used by entrepreneurs or industry players to provide wages to workers in the business or work environment with the aim of meeting minimum living standards such as for the health, efficiency, and welfare of workers. According to Article 23 of Government Regulation Number 36 of 2021 concerning Wages, what is meant by the minimum wage is the lowest monthly wage consisting of wages without allowances or basic wages and fixed allowances. This Government Regulation Number 36 of 2021 concerning Wages also stipulates that the minimum wage only applies to workers/laborers with a working period of less than 1 (one) year at the company concerned.

The determination of the provincial minimum wage according to Article 88 C paragraph (3) of Law Number 11 of 2020 concerning Employment Creation of the Employment Cluster is determined based on economic and labor conditions. These economic and labor conditions include purchasing power parity variables, labor absorption rates, and median wages, the data of which is sourced from the authorized institution in the field of statistics. Meanwhile, the district/city minimum wage is set with certain conditions, namely based on economic growth or inflation in the district/city concerned. This district or city minimum wage is determined after the provincial minimum wage is determined.

The definition of the sectoral minimum wage itself is the result of negotiations and agreements between company associations and trade/labor unions. The abolition of this sectoral minimum wage will certainly have an impact on certain industrially dense cities such as Batam, Banten, DKI, Bekasi, Karawang, Pasuruan, Semarang, and others because there will be generalization of wages in which each sector has a different level of advantages and business opportunities. different. The generalization of wages certainly creates injustice because each sector has a different workload and

time.

The abolition of sectoral minimum wages can cause injustice because it reduces the income of workers/laborers who work in certain sectors so that their income will be the same as the income of workers/laborers in other sectors with different burdens. It would be unfair for workers/ laborers who have a longer workload and time to have the same income as workers/ laborers with normal workloads and hours.

Workers or laborers in certain sectors with a heavier burden or a longer working period will only receive the same minimum wage as other workers/labor. The sectoral minimum wage allows for higher incomes than the regional minimum wage, so that if the sectoral minimum wage is abolished, it is feared that the minimum wage that will be received will be lower than the previously set. This arrangement is considered to be able to exploit workers/laborers because their income is determined from the company's ability and productivity, in the sense that the entrepreneur can pay the workers/laborers according to their productivity capabilities without considering the burden borne and the working period of the worker/labourer.

CONCLUSION

The previous regulation regarding wages was regulated in Law Number 13 of 2003 concerning Manpower, which was later partially revised in Law Number 11 of 2020 concerning Job Creation for the Employment Cluster with the addition of Government Regulation Number 36 of 2021 concerning Wages. Unfortunately, both before and after the enactment of Law Number 11 of 2020 concerning Job Creation, especially here the Employment Cluster continues to cause polemics for and against in various circles, both academics and the public regarding the regulations because they are considered not inclined towards the rights of the community, especially workers/laborers. Several regulatory changes in Law No. 11 of 2020 concerning Employment Cluster Job Creation and Government Regulation No.

Changes in wage arrangements in Law Number 11 of 2020 concerning Employment Cluster Employment creates various impacts or implications on workers or laborers, including in the form of violations of human rights which state that every citizen has the right to work and a decent life. decent work (Article 27 paragraph (2) of the 1945 Constitution) and everyone has the right to work and receive fair and proper remuneration and treatment in an employment relationship (Article 28 D of the 1945 Constitution). Trimming the rights of workers or laborers regarding wages further reduces the opportunity for workers or laborers to earn a decent living in terms of meeting their needs and income. Workers or laborers who do not receive fair and proper wages will affect purchasing power which ultimately affects the standard of living of the workers and their families. The welfare of workers or laborers seems to be at stake if in fact the changes to the article actually benefit one party and harm the other party. Determination of district/city minimum wages with certain conditions and the elimination of sectoral minimum wages will have an impact on industrial cities which can give birth to generalizations of wages in which each sector has a different level of advantage and business opportunities. This will lead to injustice because each worker has a different burden of responsibility and working time from one another. The welfare of workers or laborers seems to be at stake if in fact the changes to the article actually benefit one party and harm the other party. Determination of district/city minimum wages with certain conditions and the elimination of sectoral minimum wages will have an impact on industrial cities which can give birth to generalizations of wages in which each sector has a different level of advantage and business opportunities. This will lead to injustice because each worker has a different burden of responsibility and working time from one another. The welfare of workers or laborers seems to be at stake if in fact the changes to the article actually benefit one

party and harm the other party. Determination of district/city minimum wages with certain conditions and the elimination of sectoral minimum wages will have an impact on industrial cities which can give birth to generalizations of wages in which each sector has a different level of advantage and business opportunities. This will lead to injustice because each worker has a different burden of responsibility and working time from one another. Determination of district/city minimum wages with certain conditions and the elimination of sectoral minimum wages will have an impact on industrial cities which can give birth to generalizations of wages in which each sector has a different level of advantage and business opportunities. This will lead to injustice because each worker has a different burden of responsibility and working time from one another. Determination of district/city minimum wages with certain conditions and the elimination of sectoral minimum wages will have an impact on industrial cities which can give birth to generalizations of wages in which each sector has a different level of advantage and business opportunities. This will lead to injustice because each worker has a different burden of responsibility and working time from one another.

REFERENCES

- Abas, M. (2022). Dampak Hilangnya Upah Minimum Sektoral Bagi Pekerja Pasca Berlakunya Peraturan Pemerintah (Pp) No. 36 Tahun 2021 Tentang Pengupahan Juncto Undang-Undang No. 11 Tahun 2020 Tentang Cipta Kerja (Omnibus Law). *Prosiding Konferensi Nasional Penelitian Dan Pengabdian Universitas Buana Perjuangan Karawang*, 2(1), 411-427.
- Akhyar, Z., Suroto, S., & Elmy, M. (2021). Degradasi Norma Hukum Dalam Kebijakan Pengupahan Terhadap Pekerja/Buruh Di Indonesia. *Jurnal Pendidikan Kewarganegaraan*, 11(2), 85-91.
- Dani Prabowo, Ketentuan Upah Minimum yang Wajib Pekerja Tahu Setelah UU Cipta Kerja Disahkan, dalam: <https://nasional.kompas.com/read/2020/10/06/16051671/ketentuan-upah-minimum-yang-wajib-pekerja-tahu-setelah-uu-cipta-kerja?page=all>, Diakses tanggal 24 September 2022 pukul 22.00 WIB.
- Handriyanto, T., & Mahayoni, M. (2021). Dampak Implementasi Formula Upah Minimum Sesuai Peraturan Pemerintah Nomor 78 Tahun 2015 Tentang Pengupahan Terhadap Kesejahteraan Pekerja Di Kabupaten Bekasi. *Problematika Hukum*, 4(2), 147-163.
- Hidayatullah, S., & Wiradiputra, D. (2021). Menimbang Efektivitas Undang-Undang Cipta Kerja Terhadap Peningkatan Investasi Asing. *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum dan Keadilan*, 12(2), 112-125.
- Manurung, M., Nasution, E. R., Rahmat, R., & Hamsyah, R. (2022). Dampak Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja Klaster Ketenagakerjaan Hubungan Antar Perusahaan Dengan Karyawan Di Desa Prapat Janji. *Jurnal Rambate*, 2(1), 71-77.
- Mawardi Khairi, et al. (2021). *Buku Ajar Hukum Ketenagakerjaan*. Deepublish, Yogyakarta.
- Moho, H. (2022). Hakikat Upah Dalam Hubungan Ketenagakerjaan. *Jurnal Panah Keadilan*, 1(2), 117-127.
- Nurhayati, T. (2021). *Tinjauan Ekonomi Islam Terhadap Upah Buruh Pada PT Agro Muko Di Kabupaten Mukomuko (Doctoral Dissertation, IAIN Bengkulu)*.
- Oktajab, J., & Saputra, F. (2022, September). Memahami Aturan Upah Serta Perlindungan Bagi Tenaga Kerja Di Tinjau Dalam Hukum Ketenagakerjaan. In *Prosiding Seminar Nasional Hukum (Vol. 2, No. 1)*.
- Pratama, A. L., & Uwiyono, A. (2022). Politik Hukum Uu Ketenagakerjaan Sebelum Dan Pasca Putusan Mahkamah Konstitusi Pengujian Formil Uu Cipta Kerja Perkara 91/PUU-XVIII/2020. *JUSTITIA: Jurnal Ilmu Hukum dan Humaniora*, 9(5), 2700-2716.
- Purnama, N. S., Gunawan, G., & Ramdhani, F. A. R. A. (2021). Efektivitas Pengaturan Upah Tenaga Kerja Berdasarkan Undang Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja. *Jurnal Pemuliaan Hukum*, 4(1), 63-82.
- Putra, P. S. (2015). Kebijakan pemerintah dan Dampaknya Dalam Implementasi Upah Buruh (Studi kasus pemberian upah buruh di Kabupaten Karawang). *ADIL: Jurnal Hukum*, 6(2), 224-242.
- rahman Halim, A. (2021). Sistem Upah Berdasarkan Prinsip Keadilan Dalam Konsep Negara

- Kesejahteraan (Welfare State). *Journal Presumption of Law*, 3(2), 206-220.
- Sigit Sapto Nugroho, Anik Tri Haryani, Farkhani, (2020), *Metodologi Riset Hukum*, Oase Pustaka, Surakarta.
- Suhartini, E. (2020). *Hukum Ketenagakerjaan dan Kebijakan Upah*, Rajawali Press, Jakarta.
- Suparman, N., & Septiadi, M. A. (2021). *Government Political Communication in The Formulation of The Omnibus Law Cipta Kerja*. *Jurnal Penelitian Komunikasi*, 24(2).
- Syakira, H. D., Aini, A. Z. N., Darmawan, A., & FITRIONO, R. A. (2022). *Keteguhan Nilai Pancasila Di Tengah Prahara Eksploitasi Buruh: Aice Group*. *Jurnal Ekonomi, Sosial & Humaniora*, 4(01), 10-20.
- Wiranti, W. (2021). *Tinjauan Yuridis Perubahan Ketentuan Upah Pekerja Pada Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja (Doctoral Dissertation, Universitas Hasanuddin)*.
- Wiswamitra, I. B. G., Budiarta, I. N. P., & Utama, I. W. K. J. (2022). *Kajian Yuridis Terkait Penentuan Besar Upah Pekerja Berdasarkan Pasal 88 C Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja*. *Jurnal Analogi Hukum*, 4(3), 232-237.
- Yovana, Y. A. (2021). *Analisis Yuridis Terhadap Sistem Pengupahan Buruh Di Indonesia Dari Perspektif Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan Dan Undang-Undang Cipta Kerja (Doctoral Dissertation, Universitas Bhayangkara Surabaya)*.
- Zulfikar Putra, S. H., Darmawan Wiridin, S. H., & Wajdi, H. F. (2022). *Implementasi Upah Minimum Terhadap Kesejahteraan Pekerja*. Ahlimedia Book, Jakarta. 015 tentang Pengupahan.