

# Legal Political Perspective Wage System to Realize Social Justice

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### ABSTRACT

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Manpower development is based on Pancasila and the 1945 Constitution of the Republic of Indonesia as regulated in the Manpower Act. In its implementation, labor relations aim to improve the welfare of workers and their families and create social justice in work relations that protect the interests of workers and companies for the sustainability of work relations. This research is empirical, descriptive, and explorative in nature. The results of the study show first.

## 1. INTRODUCTION

The existence of state sovereignty plays a major role in the context of globalization, especially in the fields of administration and governance. This is because state power is de facto exercised not by the word of the king or by debates in parliament, but by the routine administration of the state. Regardless of the process of debate that takes place in parliament, the desired changes will never materialize, if the routine administration of the government as the last executor of the wheel of power does not give a commensurate result. (Sunarno Danusastro, 2010)

The provisions of Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulate that "Every citizen has the

right to work and a decent living for humanity". The existence of this article gives hope that everyone has the right to have a good job to fulfill the needs of himself and his family. One of the important objectives of the 1945 Constitution is to provide opportunities for each workforce to freely choose and obtain jobs and income that can provide welfare. Technological advances in various production processes can certainly help ease the workload of workers, with more and more results. a faster process. (Pratiwi, 2019)

The participation of workers/laborers in development is increasing along with the various challenges and risks it faces. Therefore, workers/laborers must provide protection, maintenance, and an increase in their welfare, so

that in turn they can increase national productivity. (Koesparmono Irsan, 2016)

The development of globalization in the field of technology and information has contributed to the manpower sector. One of the rapid developments of globalization at this time in the life of the people nationally and internationally is very influential in the interaction of human life continuously and has an impact in all fields of activity both in the fields of religion, economy, politics, law, socio-culture, as well as other activities both nationally and internationally. Economic development cannot be separated from human relations in the world which is experiencing acceleration and change. The process of change that is currently taking place is a process of transforming an industrial society into an information society, namely a society whose life and progress are strongly influenced by the mastery of information. This situation gives rise to revolutionary changes or fundamental changes involving all aspects of life. This is in the order of international relations between nations that fosters the trend of globalization. (Supanto, 2015)

In the implementation of employment relations, it is often seen that demonstration activities are carried out by company workers who demand wage increases every year, and demonstrations result in automatic strikes to stop working activities, which expect the attention of the Government and the company to fulfill their rights and obligations in the interests of workers, which will often be detrimental to the parties. If this demonstration is without a clear direction, one of which is the low wage payment system implemented by the company. The low wage payment system is caused by several factors, including the expected standard of decent economic needs, due to family needs and rising prices for goods and services following developments in society and sometimes influenced by the surrounding environment.

The restlessness of workers/laborers who do demonstrations and often go on strike to demand an increase in wages/salaries, basically want to defend their rights and obligations for

the interests of themselves and their families but must also pay attention to the ability of the company and the sustainability of the company for the process of producing goods and services. Companies must pay attention and have a concern, togetherness in carrying out work relationships and perceive work partner workers, and carry out openness in the management of company management where sometimes good managerial skills for cooperation for company sustainability are still not right. Whereas in the field of guidance and supervision of government agencies in manpower, either directly or indirectly, it has not been maximized as expected in a good working relationship.

The technical aspect of the field of wages is not only limited to how wages are calculated and paid but also concerns how the wage process is determined. Starting from the determination of the provincial minimum wage (UMP), provincial sectoral minimum wages (UMSP), regency/city minimum wages (UMSK), and proposed wages. (Abdul Khakim, 2006)

In its development, the economic aspect in the field of wages is carried out by looking at economic conditions, both macro and micro, which operationally then considers how the company's ability when the wage value will be determined, as well as how its implementation in the field. At the company level, it is then interpreted how the payroll system in a company is designed so that the minimum wage increase policy can still boost worker/labor productivity and not burden the company's cash flow. (Abdul Khakim, 2006)

Initially, the minimum wage policy was set based on the amount of the Minimum Physic Needs (KFM) cost. In its later development, in the era of regional autonomy, in determining the minimum wage level, several considerations are: (a). Minimum Living Needs (KHM), (b). Consumer Price Index (CPI), (c). The level of minimum wages between regions, (d). Capability growth, and company sustainability, (e). Labor market conditions, and (f). Economic growth and income per capita.

The existing wage dilemma, both from the sociological and juridical aspects, should not be allowed to continue, therefore it is necessary to find a solution so that the interests of workers and employers in the wage sector can be minimized. If the wage dilemma is allowed to continue, it will result in unfavorable industrial relations in Indonesia and the failure to achieve the goals of manpower development and national development goals. (Yetniwati, 2017)

Indonesia itself has not been able to fully solve the labor problems that continue to occur, the problems keep rolling and coming and go, not all labor problems can be resolved and resolved properly. Meanwhile, seen from the regulations governing labor law, they already exist but the implementation of labor law provisions has not been maximal. Some of the problems that often occur include, the company's workforce demonstrations often occur and increase, workers' demonstrations are aimed at companies to demand a wage increase to meet the economic needs that are feasible as expected, this will harm the company in the process of producing goods and services.

Based on the reality that exists in the company's work environment, the differences in the wage payment system are not uniform, in connection with this the difference in the wage system received by workers, in reality, is not the same because very few companies can provide decent wages according to the needs of workers and are adjusted according to the rate of economic growth that continues to increase, this is part of the implementation of the applicable regulations on the payment of wages that company workers receive. Whereas for companies that have not been able to provide proper wages for their workers, the company should provide socialization to the workers in the company where they are located, this is to prevent misunderstandings between workers and employers in the company.

To ensure legal certainty and legal protection in work relations, the government, employers, or academics say that workers and employers are partners. Workers live in poor conditions because wages are very low and not worthy of

humanity. This occurs because the employer maximizes his freedom to seek big profits, but does not pay attention to the welfare of his workers, while the Indonesian state, which aims at advancing welfare is the main goal and obligation. (Zulkarnain Ibrahim, 2013)

Regarding wage determination is not easy, each party has different desires and expectations, this is a dilemma for workers, employers and the government in determining wage policies, which are expected in accordance with the opinions of the parties, where the fulfillment of wages that reflects justice respectively for welfare as expected, a special study is needed to determine wages. In connection with the aforementioned problems the author is interested in research with the title: "The Perspective of the Legal Political Model of Wage Systems in Creating Social Justice".

## 2. RESULTS AND DISCUSSION

### *Legal Political Perspective of Wage Fixing System*

The development of science and technology as part of the activities of economic law and labor law which must be followed by the ability of human resources who have a determination and desire to be better in the midst of the swift flow of open markets so that the capabilities possessed by human resources will have very potential. good for increasing economic welfare, especially for getting wages according to the abilities and achievements of workers in a globalized world so that they can compete in the world economy.

Amidst the rapid development of the world economy and the effects of globalization, each country has a different economic growth. Indonesia's economic growth and business globalization in Indonesia need to be supported by regulations that are capable of creating strong economic growth as well as potential human resources who are educated and able to support each other, given the condition of the Indonesian nation, which has a lot of natural wealth that is not owned by other countries. countries in ASEAN in particular.



Thus, to achieve the goals of the state and to create public welfare, the support of all parties, both from the community, businessmen, and government, is needed to support each other supported by legal instruments that are following the times. Politics of Law The policy of the wage system in Indonesia is not easy, considering the Political Law to determine wages according to the conditions of each area following the deliberations of the Wage Council, Employees and Companies and Company Capabilities.

**6** Satjipto Raharjo defines legal politics as the activity of choosing and the means to be used to achieve certain social and legal goals in society. (Imam Syaukani & A. Ahsin Thohari, 2014) According to Satjipto Raharjo, several basic statements emerge in the study of legal politics, namely: (1) what objectives are to be achieved with the existing legal system (2) what methods and which, are considered the best to achieve the objectives the; (3) when the law needs to be changed and using how the change should be carried out and, (4) get a well-established and standardized pattern formulated which can help us decide the process of selecting goals and ways to achieve these goals properly. (Imam Syaukani & A. Ahsin Thohari, 2014)

The policy that underlies the laws **7** and regulations regarding wages is that every worker/laborer has the right to earn an income that fulfills a decent living for humanity (Article 88 UUK). Based on these provision **11** the government obliges itself to develop a wage policy that protects workers/laborers. In the explanation of the above provisions, the necessary income is translated as a wage that enables the worker/worker to fulfill a decent living.

Also based on this provision, laborers/workers with the work they do must be able to earn a certain amount of wages which enables them to reasonably support themselves and their families. Included in that is the ability to meet the needs of food, clothing, shelter, education, health maintenance, reaction, and old-age insurance. It seems clear that this breakdown of wages reflects plans rather than

actual conditions in Indonesia. (Agus Hamidah, 2012)

It is an extraordinary thing that Indonesia has been familiar with the determination of the minimum wage since the 1970s, even though many more developed countries have not regulated it. Minimum wages are an important element in social policy in Indonesia. What is unique in the system developed in Indonesia is the emphasis on wage proportionality, namely the practice of linking wages to the needs of workers/laborers. In this case also relevant is the number of family members who are economically dependent on the labor/worker and labor legislation that limits the right of employers/entrepreneurs to dismiss workers/workers. (Agus Hamidah, 2012)

The current wage setting in Indonesia is also influenced by the increasing globalization so that workers/laborers can quickly find out about wage developments in various regions, both nationally and internationally. Globalization is accompanied by the opening of international markets where there is a competition between local workers and foreign workers, there is no policy on fixing wages for foreign workers, so there is a concern about wage discrimination.

Related to Aristotle's theory of justice, it can be related to determining wages for justice and the balance should wage be adjusted with professionalism, tenure, and other matters related to the capabilities of employees and the company. This is following the Minister of Manpower Regulation Number 1 of 2017 concerning Wage Structure and Scale. However, to achieve social justice and welfare, efforts must be made to increase income for all citizens to achieve what the state's goals are. This state aims to create general welfare, the state is seen as a mere tool formed by humans to achieve common goals, namely a happy, prosperous, and just society. (Suryono, 2010)

### ***Wage System for Social Justice for Workers and Entrepreneurs***

The Five Principles of Pancasila reflect the meaning that Social Justice for All Indonesians is equitable justice for all Indonesian citizens

including for Company Workers. To realize social justice for all Indonesian people equally is not easy considering the vast territory of the Republic of Indonesia.

Regarding the policy system for determining wages, it is not easy, each region has different capabilities, including the ability of companies to provide decent wages for workers to meet their family and personal needs. Each worker or entrepreneur has different desires and expectations, this is a dilemma for workers, employers, and the government in determining wage policies, which are expected to meet decent needs for workers and not be detrimental to employers. Every worker always hopes that the income from their work is fulfilled by wages that reflect each other's fairness for welfare as expected, thus a special study is needed to meet a decent wage but there are a balance and social justice for workers and employers.

The Wage Fixing System that reflects social justice for Workers and Employers is a wage payment system who pay attention to the ability of workers, be able to meet the needs of workers and their families, pay attention to humanity and justice for workers, and continue to consider the company's ability to sustain company activities so that social justice for workers and employers can be realized.

According to the provisions of Article 96 of the Manpower Act, it means that problems of claiming wages including severance pay and the like can only be demanded for payment within two years. The remaining period automatically cannot be prosecuted. Thus, labor law is a law that is formed to provide justice and balance rights and obligations in work relations. A good working relationship must consider and respect and realize the same interests by respecting each other's rights and obligations. In this regard, legally, the economic and social parties in the employment relationship pay attention to and implement properly that the position of the entrepreneur/employer and the worker is very different. this causes a relationship between the two is arranged by law, namely fair law which will guarantee legal certainty and legal protection of the parties.

Creating and realizing legal certainty and fairness in work relations must be carried out and can truly accommodate two parties of interest, namely workers/labor and entrepreneurs/employers will make a business climate in Indonesia is conducive

### 3. CONCLUSION

The conclusions are as follows the political and legal perspective of the wage-fixing system requires government intervention considering that there are interests of employers and workers that must be aligned for social justice so that the hope of fulfilling the needs of a decent life according to humanity while still paying attention to the sustainability of the company. And A good wage fixing system that varies from region to region takes into account the company's, social and economic capabilities as well as the work performance of the workers.

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