

LEGAL PERSPECTIVE IN CREATING EMPLOYMENT POLICIES FOR MINIMUM WAGE PAYMENT SYSTEMS IN THE COMPANY

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ABSTRACT

Wages or salaries is an income, but the income does not always in term of Wages or salaries. Revenue that is also the type of other income, for example profits from the sales of goods entrusted to someone, as brokerage commissions and other income in the administration in the form fees. The policies of payment of wages has been the problems that always lead to conflict which was never completed from year to year. Determination of remuneration policies, especially for employers and workers are expected to provide fairness and legal certainty in the implementation of the employment relationship so that the interests of the parties according to expectations in providing the realization of rights and obligations, as appropriate. Policies include wage-setting authority to wage determination process, the implementation of the wage, calculation and payment of wages and wage control that must be done continuously by the Government.

Keywords: *Wages, Policy, Employers, Workers.*

INTRODUCTION

ASEAN Economic Community (AEC) is a form of economic integration that went into effect and target achievement in 2015. With these achievements, ASEAN will become a single market and production base which occurs the flow of goods, services, investment and skilled labor is free and capital flows freely. The flow of commodities and production factors are expected to bring ASEAN into a region that is prosperous and competitive with equitable economic development, and reduced levels of poverty and socio-economic differences in the ASEAN region. The regional economic integration opportunities should be exploited to the fullest by Indonesia. It is considering the number of

population, area and geographical location, and the value of Gross Domestic Product (GDP), the largest in the ASEAN should be an asset so that Indonesia could become a major player in the ASEAN Economic Community. (Muhamad fadli.2015)

When viewed from the historical development, since the inception of ASEAN activities, already seen their hopes and desires of the ASEAN members to have the same determination to cooperate well in improving the economic welfare of the peoples of ASEAN as well the creation of cooperation in various fields and needs of the people of ASEAN through aid and increase mutual cooperation in all fields, including reducing poverty and development gaps, and other

security defenses as.

The consequences of the position of Pancasila as the nation, the entire life of the state and society related to all must comply and can be set based on Pancasila. The fields that must be regulated based on Pancasila, including the problem of Political, Economic, Social, Cultural, Legal, Education and others, including the relationship between people, power and authority. Similarly, all the laws and regulations issued by the Government of the Republic of Indonesia must be imbued with the soul and Pancasila. The content and the material should not deviate from the essence of Pancasila as the nation. (Gayus Lumbun,)

The existence of Pancasila as state philosophy or *staatsidee* (ideal state), which serves a *filosofische grondslag* and common platform or *kalimatun sawa* among fellow citizens in the context of the state of life in the first deal buffer constitutionalism shows the essence of Pancasila as an ideology has been developed on a real open the new order. However, in the implementation of the time is more indicative of Pancasila as an ideology is closed. Pancasila became a tool of hegemony priori defined by the power elite to curb freedom and legitimize power. Pancasila truth at that time includes not only the ideals and basic values, but also includes practical operational policies that can not be questioned, but must be accepted and respected by the community. (Teguh Prasetyo dan Abdul Halim Barkatullah.2014)

In connection *with* the existence of

Pancasila as the philosophy of state or *staatsidee* (Cita Country) in Juridical stated in the 1945 opening paragraph 4 as follows: Later than it was to form a Government of the State of Indonesia which protect the entire Indonesian nation and the entire homeland of Indonesia and to promote the welfare Generally, the intellectual life of the nation, and participate in implementing world order based on freedom, lasting peace and social justice, then drafted independence National Indonesia was in an Act of the State of Indonesia which are formed in an arrangement of the Republic of Indonesia the sovereignty of the people by virtue of the Godhead one God, just and civilized humanity, the unity of Indonesia and Democracy led by Wisdom Wisdom of the Consultative / Representative and by fostering a social justice for all Indonesian people.

To achieve the state's goals and ideals of the Indonesian nation and the hope of all citizens of *Indonesia*, expects the country's goal is achieved according to desire of all people in Indonesia, and to realize that all should be good cooperation and the same desire to make it happen, both from the government and the public.

One of the goals of the country is the hope and aspiration to achieve public welfare in the *economic* field, the economic activities one of which is often linked to each person's needs for employment and income or wages as a result of the receipt after work.

Working under Islamic law is one of the obligations and the worship for mankind to achieve a *decent living up to expectations and ideals. Work for a living for the family has a great reward to the sincere and honest intentions.*

Al-qur'an Surat Al-Jum'ah Verse 10 says that,

Where prayer has been accomplished, then spread about the earth and seek God's bounty, and remember Allah a lot that you prosper

Al-Qur'an Surah At-Tauba paragraph 105 says that:

Work ye, then Allah and His messenger and those mu "min will see your work it, and you will be returned to Allah, the All-Knowing will be unseen and real, then reported her to you what you did".

In connection with meanings that can be drawn from the Qur'an mentioned above and Indonesia Nations activity in the economy as well as their rights and obligations to work as already stipulated in the 1945 Constitution and the laws governing the economy, employment and staffing to achieve state goals Republic of Indonesia.

Under the provisions of the Qur'an mentioned above and linked to the contents of the 1945 Constitution relating to the employment of which Article 27 of the 1945 Constitution that can be assessed have not all reached the state goal and realized according to expectations, especially in the field of

economic welfare for a decent life and rights the employment of nationals. This problem continues to increase along with the progress of Science and Technology in the Era of Globalization. Indonesia would not all be able to enjoy the destination country evenly, one of the labor issues related to wages received by workers of companies.

With the development of the current employment issues in Indonesia continues to occur, the problem continues to roll after another, not all employment issues can be addressed and resolved. When viewed from the rules governing labor law, but implementation of the provisions of existing labor law is not maximized. Some of the problems that often occur include, demo activities of the company workforce every time often occurs and increases, more workers demo addressed to the company to demand a wage increase in order to meet the needs of a viable economy as expected.

Demo Full and automatic strike to halt work, including worker strikes by low wage payment system made by the company. Low wage payment system caused by several factors, including the economic needs proper standard to be expected, because the needs of families and the increase in prices of goods and services in accordance with developments in society.

The technical aspects of the field of remuneration is not only limited to how

the calculation and payment of wages to do, but also about how the process are established. Starting from the provincial minimum wage (UMP), sectoral minimum wages provinces (UMSP), minimum wage districts/cities (UMSK), and wages header. Any basic consideration of their establishment? and who is authorized to assign? How to create a pattern of wage determination header proportionate? (Abdul Khakim.2003)

In its development, the economical aspects in the area of wages is basically done more because of the economic conditions, both macro and micro, which is operationally then consider how the ability of the company at the time the value of wages will be set, as well as how its implementation in the field. Companies then translate how the level waging system in a company are designed so that policy to increase the minimum wage can still push work productivity of workers / laborers and does not burden the cash flow of the company. (Abdul Khakim.2003)

Based on the fact the field, it would be nice if the company that has the ability to provide decent wages according to the needs of workers as well as tailored to the level of economic growth continues to increase, it is part of the implementation of the provisions of the applicable regulations on the payment of decent wages received by workers of the company. If the company has not been able to provide a decent wage as needed for workers, the company should provide socialization to

employees within the enterprise is situated, this is to prevent misunderstanding between workers and employers in the company.

Basically, any existing employment issues can be resolved properly without any violence or hurt others along aware of their rights and obligations that must be implemented by all parties, particularly relating to jobs and payment of wages.

In practice, the system of remuneration in the employment relationship in the enterprise as if it never finished and always cause adverse reactions by the parties involved in the implementation of labor relations one of which the lack of supervision of the Government. In connection with the implementation of the system of remuneration, often will hurt the party in the employment relationship, especially for workers of companies whose position is weak.

Unrest workers / laborers in the form of demonstrations and strikes demanding higher wages / salaries, essentially a series on internal and external weakness of the perpetrators in connection with the production process of goods and services. Internally in the company, the aspect of caring, togetherness in partner, aspects of care, transparency and management arrangements are still very ill-fitting. Externally, about the Development and Supervision of the Government institutions in employment both directly and indirectly, have not been up to expectations in a good working

relationship, in fact the provisions of existing labor legislation, although not able to be fully implemented.(Endeh Suhartini.2013)

Every worker has the desire to acquire UMP and MSE in accordance with the KHL that should be considered by all parties. Governments, Employers and Workers. In practice, the system of remuneration must be able to analyze it properly according to applicable regulations. The desire of workers for their wages rise each year is reasonable, but which becomes unnatural when rising UMK it does not match the capabilities of firms conditions. If the company does not have the ability to raise wages, to do deliberation, so as not to harm the party and disturb work activity.

By Juridical, if the company has been able to carry out MSE and UMP well, then there is no harm in any company that is already established reconsider and reconstruct the components of anything that would add to the wages for the benefit of workers / laborers in his company so that it can improve the conditions of workers / workers in the company and can meet all the needs of their wages.

Wages earned by every worker/laborer must consider several components of the calculation, including the start of Education, Achievement and duration of action may not be the same for every worker his wage gains .. Thus, any worker who has the ability and expertise of the different impact on

wage / salary received will not be the same for every worker, as well as the needs of every worker or laborer in his life would have been different.

Policies payment of wages for workers in the implementation of the field still get a lot of obstacles due to Payment Systems Wages are applied in each region as well as the City and County of Provinces in Indonesia vary. Differences in wages received by these workers continuous turmoil and the impact that is not good and affect all aspects of society.

In connection with the above issues Authors interested in writing a paper with the title:

LEGAL PERSPECTIVE IN CREATING EMPLOYMENT POLICIES FOR MINIMUM WAGE PAYMENT SYSTEMS IN THE COMPANY

Problem Formulation

The Main Problem of writing paper as follows:

1. How Employment Law Perspectives in creating a minimum wage payment system to increase the welfare of the workers of the company?
2. What is the impact of the payment system's policy-setting minimum wages for workers of the company?

Based on the background of the problem and formulation of the problem mentioned above, this paper to

analyze and review the provisions of the labor laws in creating a payment system minimum wage for companies amid the globalization.

The purpose of this paper as follows:

1. To assess, analyze and describe the perspective of employment law in creating a minimum wage payment system to increase the welfare of the workers of the company;
2. To assess and describe the impact of the payment system's policy-setting minimum wages for workers of the company.

B. DISCUSSION

1. Employment Law Perspectives in creating Minimum Wage Payment System For Workers Welfare Improvement Company

a. Theoretical framework

The word theory comes from the word *theoria*, which means the views or insights. The word theory has various meanings. However, the theories have generally been interpreted as a theory of knowledge that exists only in the mind, not connected with the activities that are practical to do something. (Sudikno Mertokusumo.2014)

Any theories as a legal product, the goal is to solve problems and make up the system. Similarly, legal science theory as the goal is to resolve the problems law. Beside that, in solving known problems tiers. In the levels taken from the

problems that are easiest to solve,¹ described and how to resolve problems, connected with reality and regulations applicable law. In connection with that, the need to study the practice for problem resolution as an input or complementary to one study.

The theory can also contain subjectivity, let alone dealing with a complex phenomenon like this law. Hence arise various streams in the science of law, in accordance with the angle of view is used by people who are members of these streams. (Sudikno Mertokusumo. 2014)

In connection with the writing of this paper, to facilitate and analyze the problems used several theories as a consideration in writing. The theories that are relevant to this paper as follows:

1). Theory of Legal Positivism

Etymologically, the word "positive" contained in fragments "flow of legal positivism", many allegedly derived from the effect of a wave of positivism philosophy. Three waves of positivism at least go down in history:

a). First, in the early positivisme camp, where there filsup magnitude of August Comte, which was also enlivened by E. Littré, P. Laffitte, and J.S. Mill, Bentham and Spencer .

b). In contrary to the camps with the

first camp, because more rationalist than empirical. In the same period, which is about the 1890s, such as Mach and Avenarius. And lastly the most popular among scientists is a circle of Vienna M.Schlick, O Neurarth, R.Carnap, Frank and so forth. (Sudikno Mertokusumo.2014)

There are at least four characteristics of the philosophy of positivism Comte, that not all knowledge into a science becomes science knowledges. Knowledge only after obtaining scientific legitimacy and specific methodological process. The method, always directed at the facts, continuous improvement, based on the certainty, and relied austerity. From here, the Comte attack on theologians, as if searching for knowledge uforis without factual basis which could be justified rationally.

For Comte, investigate something that can not be justified empirically just a snot-nosed kid and teenagers who were playing. An adult male has the experience and precipitation rational scientific knowledge that could determine the logical and factual. Not a knowledge built on the mythology of immortality and absolute knowledge that can not be proved and were impressed rational compulsion.

For Comte, positivism philosophy is "legal science". Philosophy of positivism is the law that paved the knowledge into science possible.

In the discourse of discourse of law, legal

positivism much discussed is the theory of pure law Hans Kelsen. Pure law is a fundamental concept in law in the positivism thought that most affect the development of thinking academics and legal practitioners in Indonesia. (Sudikno Mertokusumo. 2014)

2). Pure Theory of Law

This theory is often linked to Vienna school of thought led by Hans Kelsen (1881-1973). This theory can be seen as very closely the development of the flow of positivism. (Sudikno Mertokusumo. 2014)

Pure Theory of Law is the theory of positive law. It is the theory of general positive law, not on special order. It is a general legal theory, not an interpretation of national law or international norms, but it presents a theory of interpretation.

As a theory, it is mainly intended to identify and clarify their goals. This theory seeks to answer the question what the law is and how it is, not how it should be. It is the science of law (jurisprudence), non-political law.

It is called the theory of "pure" because it only seeks to clarify the law and clear explanation of all the objects that are not concerned with law. The goal is to clear the jurisprudence of foreign elements. This is the methodological foundation of the theory.

Such an approach appears to be the case that already accordingly. But,

from an overview of the traditional legal science that developed in the 19th century and -20 can know clearly how it is so far from the argument of purity; uncritically jurisprudence have are mixed mix with elements of psychology, sociology, ethics and political theory. This confusion can be understood because the latter was discussing issues that are closely related to law. Legal theory purely seeks to limit the meaning of the law in these areas, not because they ignore or fail to do, but because they want to avoid the confusion of various disciplines of different methodologies (syncretism methodology) that obscure the essence of the law and abolish the limits specified therein, by the nature of its subject matter.(Hans Kelsen. 2011).

3). Theory of Justice

Issues of justice, is not a new problem discussed by experts, but talk of justice has started since Aristotle until today, In fact, every member has a different view about the essence of justice. Theoretical study and analyze the fairness of since Aristotle until today, called the theory of justice, being called by his Dutch language *theorie van rechtvaardigheid* consists of two words, namely:

- 1). theory;
- 2). Justice.

Aristotle divided justice into 2 types, namely:

- a) Justice in the general sense;
- b) Justice in a special sense;

(H. Salim HS., dan Erlies Septiana Nurbani. 2015) In the general sense of justice is justice which applies to everyone. No distinction between people with each other, justice for all ,. Justice is in a special sense of justice that applies only to certain people (special). Aristotle put forward two concepts of justice, namely by:

- (1). law;
- (2). Equality.

(Hans Kelsen. 2008) Unfair terms used, both for those who violate the law and those who receive more than their right, who are being dishonest. People who are law abiding and honest person both definitely fair. So just mean they are correct according to the law and their applicable balanced or fair. Unfair means those who violate the law or those who happen balanced or dishonest. According to the law has a broad meaning, and equality has a narrower meaning. In addition, Aristotle also divide justice into two kinds, namely:

- (A). Distributive justice;
- (B). Corrective justice.

Distributive distributive justice is carried out in honor, wealth and other assets that can be divided communities that could be allocated among its members evenly or unevenly by the legislator. The principle of distributive justice is equality proportionate (balanced). Corrective justice is justice that provides a corrective principle in private transactions. Corrective

justice is carried out by the judge to settle disputes and impose penalties against the perpetrators theory of justice is also developed by Plato, Hans Kelsen, H.L.A. Hart, John Stuart Mill and John Rawls.

The essence of justice by Hans Kelsen is in accordance with the norms that live and thrive in society. Norms that live and thrive in society, not only the norm of law, but also of other values, such as religion, morality, and others. The purpose of the norm that made the pursuit of happiness. Happiness in this concept, not just individual happiness, but happiness for all human beings or persons. (Hans Kelsen. 2008)

2. Economic Law and Systems to Increase Minimum Wage Welfare Workers.

Economic problems facing mankind as old as the age of man's existence on earth ini. The approach taken to meet human needs as part of economic activity, from time to time in accordance with the evolving worldview, vision and values espoused framework , -approach Approach to economic activity there that avoid moral attitudes, and perceptions of cultural diversity, but also vice versa uniting with the moral attitude, diversity and cultural perceptions. (Fathuraman Djamil.2013)

Economic activity which later became a discipline of "science" and is known as the science of today's economy has emerged for a long time

in human consciousness and more popular again in some major lately. century economics thinking that developed in recent times, grow and develop into large in the context of the post-industrial revolution and modern capitalism. Therefore, substance and perspective economic activity uncovered is prioritizing life materialistic hedonism. (Fathuraman Djamil.2013)

In connection with the term "economic law" or "economic law" wirthafirecht, droit economicue, though were getting popular use in countries that are already developed, and for our country is still a term that is quite rare among our legal experts. Economic law has not been widely known in the community but activities related to the economy have been implemented to achieve the goals and needs of human life and society.

Economic Law in the opinion of Usman Rachmadi is that:

Economic law is the overall rules of law that govern and affect everything related to the activities and lives of the country's national economy, both legal norms it is private or public, written and unwritten, that govern the activities of national and economic life of the country. It is clear that this is not the field of economic law legal system that stands alone, but rather the name of the combined area of law is concerned with the activities of national and economic life of the country. (Abdurrahman. 1979)

Thus it can be argued that the economic activities carried out are part of the community to achieve the goal of economic development of the country. Economic law is expected to resolve all the problems that arise because of the development of society. Legal and economic relationship is a very close relationship that regulates the activity of human interaction in the economy to achieve its objectives.

The purpose of human economic activity in general is through working with the following objectives:

- a. Work is worship to meet the necessities of life and meet the needs of the family;
- b. Work is a routine activity that must be done to achieve the happiness of living world and the hereafter;
- c. Work is a routine activity that must be done to plan for a better future;
- d. Work is routine activities undertaken to meet the needs and aspirations of the family;
- e. Work is worship for better health;
- f. Work is life activity to obtain better performance;
- g. Working is a good activity in order to divide the people who can not afford.

Based on the purpose of the activity of work can be taken meaning that, with the working person will get the money or salary or income to meet all the needs of the economy is expected according the goals. Work will make

a person's life time achievement and utilize as much as possible in life.

Thus, work is an activity undertaken by a person's activities to meet the needs of the economy with the release of energy, mind energy and time appropriate expertise to achieve specific goals with the receipt of wages or income generating money that could meet the economic needs, hopes and ideals ideals of the work he does.

Activities work performed by employees of the company is expected to create prosperity anticipated by workers to receive remuneration from employment generated to meet the needs of herself and her family as well as to meet the future needs for the purpose for the Republic of Indonesia.

3. Employment Law Perspective in Creating Worker Wage Payment Systems Company.

Activities of employment stipulated in Law No. 13 of 2003 which was promulgated in the State Gazette Number 39 Year 2003 on March 25 and came into force on the date of promulgation.

A common explanation on the Law of the Republic of Indonesia Number 13 of 2003 on employment that: Manpower development as an integral part of national development based on Pancasila and the 1945 Constitution, held in the framework of the development of Indonesia fully human and the development of

Indonesian society to enhance the dignity, the dignity, and the price self manpower and to create a prosperous society, just, prosperous and equitable, both materially and spiritually.

Manpower development should be set such that fulfilled rights and fundamental protections for workers and workers / laborers and at the same time be able to create conducive conditions for the business world.

Implementation of labor relations at the company, as already provided for in Article 51 of Law No. 13 of 2003 on Manpower basically beginning of their employment agreement between the workers / laborers with employers or employers that regulate working conditions, rights and obligations of figs party, either verbal or written. Each working relationship must contain elements of jobs, wages and orders. (Ferry Ferdiansyah.2015)

One that must be considered in the labor laws are the implications of payment of wages in the enterprise to create a payment system Minimum wage workers who must be paid and considered by employers to achieve the objectives of the republic of Indonesia.

In the field of labor standards-setting wages for workers is important and must be considered in view of the diversity of the Indonesian nation and state of Indonesia is different.

Implications activities working relationship between Employer and Employee and Labour Inspection has been regulated in labor law which are already set about:

a. Policy, Principles and Objectives Employment

Article 2 of Law No. 13 of 2003 provides that:

Manpower development is based on Pancasila and the Constitution of the Republic of Indonesia;

Article 3 of the Employment Act provides that:

Manpower development was organized on the principle of functional integration through inter-sectoral coordination center and regions.

Article 4 of the Employment Development aims:

- a. Empower and utilize manpower optimally and humane;
- b. Creating equal opportunities for employment and labor supply in accordance with the needs of national development; and
- c. Provide protection to workers in the welfare; and
- d. Improving the welfare of workers and their families.

Under the provisions of the Employment Law described above, it is understood that employment law is the working relationships forged because no agreement, where the existence of labor relations rights and obligations of the parties shall be carried out according to the agreement.

Under an agreement between the parties their rights and obligations that must be implemented, one of the deal are: corporate leaders accepted the results of the work of the workers, the workers carry out

the obligation to work in accordance jobs and wages after work.

b. Payment of Wages In Law number 13 of 2003 on Labour Article 1 (30) UU.No.13 of 2003 establishes:

Wages are the rights of workers / laborers are accepted and expressed in the form of money as a reward from the employer or the employer to the worker / laborer assigned and paid by an employment agreement, agreements, or legislation, including allowances for workers / laborers and their families, for a job and /or services that have been or will be made.

In accordance with the developments in society and economic development that, Article 89 of Law. Number 13 of 2003 on Labour basically is not in accordance with the conditions and needs of the field so that enhanced the Minister of Manpower Regulation No. 13 of 2012 on Components and Implementation Phases Achievement Living Needs, to also heed the advice and input Wage Council, bipartite and Institutions Tripartite cooperation

In relation to the above that Law Economics and Law of Labor are interrelated, in respect of human economic activities done in the community to meet their needs

have ties related to social needs.

Efficiency, rationalization, mechanization and so on, which is a must in the process of economic development might cause collisions and tension with the values prevailing in society. Facing such circumstances, the law is expected to be able to reconcile the demands, and must have the same in a series matching. (Ferry Ferdiansyah.2015)

Activities undertaken one of them to meet the needs of families with work and earn a wage or salary as a reward to be accepted as right after implementing the obligations of the work carried out according to the agreement.

2. Determination Policy Impact of Minimum Wage Payment System For Company Workers

a. Minimum Wage Fixing Policy

Understanding Policies by Law Dictionary is something that is a basic outline and plan the execution of the work, the leadership in government or organization, a course of action which has the meaning assigned by someone actors in overcoming a problem or a change. (M.Marwan dan Jimmy P. 2009).

Meanwhile Wages by Law Dictionary is:

Rewards in the form of money paid as remuneration after doing something;

Right to work is received and expressed in terms of money as a reward from the employer or the employer to the worker assigned and paid by an employment agreement; the agreement, or regulation or law, including allowances for workers the owner of the company.

The minimum wage policy pursued because of pressure from within and abroad. These pressures arise from concerns of labor conditions in the country. (Abdul Khakim. 2003) The policy of wage made by the government is one of the responsibilities of government to provide protection to workers or workers in terms of wages.

The most principle of the minimum wage policy is an effort to realize a decent income for workers or laborers, taking into account the welfare of the workers or laborers without ignoring the increased productivity and the company's progress and economic developments in specific generally. Again that: the minimum wage policy is intended as a safeguard against workers or new workers with little education, no experience, years of under 1 year and single or not married. The aim is to prevent employers from abusing their positions as rewarder, in giving wages to new workers or workers who come to work. (Eko Wahyudi, et.all. 2016)

Besides, most politically principles in the minimum wage policy is an effort to realize a decent

and family for a job or services that have been or will be made. (M.Marwan dan Jimmy P. 2009).

This wage policy adopted by the Government to protect workers, labor companies are sometimes in a weak position compared to the entrepreneur as

income for workers / laborers, taking into account the increase in the welfare of workers / laborers without ignoring the increased productivity and the company's progress and economic developments in specific generally. Again that the minimum wage policy is intended as a safeguard against the workers / labor with low education, no experience, years of under 1 (one) year, and single / not married. The aim is to prevent abuses as rewarder employers in providing wages to workers / laborers who are new to work.

In the execution of payment of the minimum wage is technically based on the Regulation of the Minister of Manpower and Transmigration No. 7 of 2013 concerning Minimum Wage.

Article 1 paragraph 2 of Regulation of the Minister of Manpower and Transmigration No. 7 of 2013 concerning Minimum Wage explained that: referred to as UMP is the lowest monthly wage consists of basic salary including fixed allowances established by the Governor as a safety net that applies to the entire county or city in one province. Thus, it can be seen that the

UMP is the lowest monthly wage consists of basic salary, including benefits remain. (Abdurrahman. 1979)

Article 94 of Law No.13 of 2003 on Employment says that the basic wage at least 75% of the basic salary and fixed allowance. Fixed allowances are payments to workers who carried out regularly and is not associated with the presence of workers or certain of achievement. Thus, elements of the fixed allowance are: (Eko Wahyudi, et.all. 2016)

- a. Payments from the employer to the worker;
- b. Carried out regularly;
- c. Not associated with the presence of workers or achievement achievement of certain work.

Under these provisions, employers are prohibited from paying wages tranquility of the UMP. Payment of wages below the minimum wage can be categorized as a felony and liable to imprisonment for a minimum of 1 (one) year and a maximum of four (4) years and / or a fine of Rp. 100,000,000.00 (one hundred million rupiah) and Rp. 400.000.000.00, - (four hundred million).

Article 3 of the Decree of the Minister of Manpower and Transmigration No. Kep 231 / MEN / 2003 Year 2003 on Procedures for Suspension of Implementation of Minimum

Wages explained that if the employer is not able to pay the minimum wage, the employer or company can apply for the suspension of the UMP to the governor, through institutions is responsible for workers, not later than 10 days before the effective date of the UMP. The Governor may grant approval or rejection of the application.

b. Globalization and Economic

It is inevitable in the fact that there was, for many years the Indonesian nation continues to depend on other countries with the development of the global economy. This condition would be very bad if the growth of the world economy slumped, so it will affect the economic growth in Indonesia.

The definition of Globalization according to Adi Sulistiyono is that:

Globalization is order all corners of the world who live in a habitat that is incompressible or fused transparent indefinitely intertwined (linkage) and interdependence (inter-depedence) due to the advancement of science progressive (especially in the field of information technology), the current interventions ideology or due to economic motives engineered mastery through an international treaty agreements.

Economic globalization means integration of the economies of many countries into one as though without being restricted by the country's sovereignty. One characteristic of the business the most dominant in the economic globalization is its fast moving, both

transactions and the movement of the flow of goods and capital. This affects also the various regulations in the field of business and quickly changing. (Syprianus Aristeus. 2014)

After seeing the rapid pace of globalization of the economy at the macro and micro level, in order to obtain an treatments or formulation of the concept of solution-which leads to reform economic law is most suitable for Indonesia in the era of globalization, then find the root of the problem is a "disease", a mismatch ideals with the reality of globalization is the first condition to be met. This invention is directed at the root causes of the major problems faced by developing countries in dealing with the demands of the world community to liberalize the economic system. (Syprianus Aristeus. 2014)

A shared concern is a new form of exploitation, namely by financially driven economies towards good producing economies. The first group led by the United States which has enormous power to manipulate other forms of financial transactions that are apparent in the sense of contributing to the welfare of the real productive society. This happens because of the money and other financial assets which each traded as a commodity.

However, financial sector has never been and will never be the last to do with the real sector. Therefore, the existence of the financial sector in the form of financial instruments and institutions that sustain it and can not stand any sophisticated alone. With refer to this sector, the financial sector in turn is a facilitator for real. If sector in fact is these two sectors have experienced

previous relationship, then mankind just waiting for the destruction of civilization or at least live in an artificial glamor consequences. Then with all of that, if mankind wants to avoid this catastrophic disaster, we would not have started to be more and more earnestly seek a new order back put the financial sector on its essential functions.

Economic globalization is an economic activity increased world equipped with advanced science and technology, resulting in all the activities of the open world of free and facilitate all activities that affect the well-being of the countries which have the power of technology and human resources to be able to follow its development in accordance needs activity.

c. Globalization Management Employees of Human Resources

The development of science and technology is more advanced and open as a result of globalization today requires human resource capacity of independent and creative and have the ability to speak and technology is strong, so it will be able to face all challenges and progress in the future better, so that the desired objectives will be achieved by the country itself.

(Umar Hasan. 2013) Global human resources management to discuss some key points are:

- a. The challenges of human resources management in international business;
- b. Many differences exist between countries that affect the global human resource management;
- c. Methods for preparing and assigning personnel (staff);

- d. Various issues concerning compensation, incentive and motivation;
- e. Various cases of human resource management is happening in the world, which can be used as a bench mark;
- f. And others

C. CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Based on the discussion of the previous chapters, while the conclusion of the writing of this paper are as follows:

1. Employment Law Perspective in creating a minimum wage system to increase welfare workers need to do the Government's policy for minimum wage workers in order to achieve the objectives of the Republic of Indonesia as stated in the Preamble of the Constitution 1945. Every worker or workers are entitled to wages in accordance humanity so as to achieve the purpose of economic activity is carried out.

Provisions governing Wage Fixing policy has been regulated in Law Number 13 of 2003 on Labour and the Minister of Manpower and Transmigration No. 7 of 2013 concerning Minimum Wage.

Wages must be paid by the Company are: Minimum Wage, Overtime Wages, wages do not come to work because of absent, wages do not come to work because of leave, wages do not work due to illness, forms and methods of payment of

wages, wages for severance calculations and so forth.

Wage Payment Systems performed in several companies not in accordance with the provisions of the applicable employment law, it is apparent in the fact still frequent demonstrations of workers as a result of payment of wages the company policy has not been implemented to the fullest.

2. Impact of the standard-setting policy payout minimum wage for companies amid the influence of the challenges of globalization is the wages paid by the company is not in accordance with the needs of the worker / laborer company and state objectives have not been achieved, the necessary regulation of government capable of overcoming any existing problems with respect to the necessary conditions of employment that can provide legal protection to workers and companies which is an important issue in the world of employment.

Payment of wages in relation to globalization is not in accordance with the needs of a viable, it needs to be supported by human resources which has the ability of science and technology so that the objectives of the state and welfare improvement in economic activity can be realized according to expectations.

Thus the purpose of determining the minimum wage, namely:

- a. Concerned with the significance and role of labor (workers) as a creative sub-system in a working

- system.
- b. Protecting the working group of the wage system is very low and that the situation is materially less than satisfactory.
 - c. Encouraging possibility given wages in accordance with the value of the work performed each worker.
 - d. Ensuring secured tranquility or peace in work organization or company.
 - e. Ensuring the urge improvement in their standard of living normally.
 - f. Suggestions

In connection with the above conclusion, from the writing of this paper author suggested that;

1. Government Perspective Policy in Employment Law, especially in the

wage payment system for the company's workers continue to be protected to the maximum and supervision of the implementation of the legislation is improved, because in reality there are many companies that provide wages to workers in accordance with applicable laws and regulations, so that welfare workers have not been reached and the destination country has not materialized;

2. Impact of Government Policy in the minimum wage payment system is needed to ensure legal certainty and the protection of workers against the company, suggested the existence of special training that supported the cooperation of all parties to increase human resource capacity in the face of the current global world in which the ability of human resources there is still less expertise than other countries that are more advanced.

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