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## THE CONCEPT OF DETERMINING THE SCALE OF DESERVING WAGES RECEIVED BY WORKERS IN ACCORDANCE WITH APPLICABLE REGULATIONS

**Fulgensius Jimmy Hardjo Lukito**

Universitas Prof Dr Hazairin SH, Bengkulu, Indonesia

notaris\_jimmy@yahoo.com

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KEYWORDS	ABSTRACT
wages, labor, jobs.	The main component of a job is wages. Wages are earned when workers complete their work. The purpose of this study is to find out and analyze the determination of the wage scale that workers deserve in accordance with applicable regulations. The method used in this study is the analytical descriptive method, the type of research that is then applied in this study is normative juridical. Based on the results of the study states that a good and healthy working relationship between superiors and subordinates is very important to achieve the desired goals in the world of work. To achieve a good working relationship, the company must fulfill predetermined clauses, namely work, orders, and wages. However, for workers, the most important clause is wages, because wages are the main component used to meet the daily needs of personal and family life. Therefore, it is important for employers to follow the establishment of a wage structure and scale in accordance with applicable regulations and provide fair wages in accordance with job title, length of service, and other achievements in the company. By providing fair wages, companies can improve worker motivation and performance, as well as strengthen the relationship between companies and workers. This research implies that wages can increase worker motivation and performance, increase job satisfaction, strengthen company reputation and avoid conflicts with workers. Thus, providing fair wages to workers as one of the keys to success in running a business and building healthy and harmonious working relationships.

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**Corresponding Author:** Fulgensius Jimmy Hardjo Lukito

**Email:** notaris\_jimmy@yahoo.com

### INTRODUCTION

In this homeland, national development is urgently needed that is evenly distributed throughout the region. Sustainable development is expected to be one of many ways to improve the people's standard of living, so that people feel prosperity. However, if the needs of the people's standard of living as a whole and individually as well as their families, then they must try to get a job and work.

Work is a part of human rights, in accordance with the mandate of Pancasila and the 1975 Constitution of the Unitary State of the Republic of Indonesia Article 27 paragraph (2) and Article 28 (Wardani, 2017). Part of the economic driver in Indonesia is workers, therefore they must get protection from the government in the form of social security programs.

Employment is covered by a legal umbrella, where employment is also very synonymous with labor, so that both have the same rules and laws. However, after Law No. 13 of 2003 was promulgated which is a legal umbrella for employment/labor, the existence of the term labor law has become unpopular (Nadhiroh, 2020).

The position of workers and employers is equal in terms of juridical labor law. However, government involvement is still needed in the wage system. In terms of determining the value of wages

is the authority of the government, and employers are not permitted to provide wages to workers without following the government's determination. The amount of the wage value that has been set by the government is that which meets the basic needs of workers (Farza et al., 2019).

Employment from time to time continues to move with problems that never end. Problems regarding protection, welfare, wages, and other social problems always fall upon workers. Juridically, the position of employers and workers is equal, but in certain conditions sociologically, employers and workers have different positions, they are no longer in an equal or equal position, but sometimes workers are in a weaker position (Shalihah, 2017).

The sociologically weak position of workers, which illustrates that the existing position is that entrepreneurs certainly have higher power than workers (Satria, 2015). This means that the existing position is vertical down. Therefore, workers are people who must be given a protection in the form of social security.

Workers who have completed their work will receive compensation which will later be used for their individual and family needs. These wages will be very useful for everyone's survival. In the distribution of wages, the employer's policy must be fair and in accordance with the current regulations (Woodcock, 2023).

The Jamsostek program given to workers is a public program that is implemented to overcome all risks in the socio-economic sector that will occur. Generally, the protection provided is in the form of social insurance. Protection for workers that must be implemented and paid close attention to by employers or employers is in the form of maintenance and improvement of the general and basic welfare of workers in accordance with the mandate of the 1945 Constitution.

Based on the background above, the purpose of this study is to find out and analyze the determination of the wage scale that workers deserve to receive in accordance with applicable regulations. The benefits in this study are ensuring that the wages received by workers are in accordance with decent and fair wage standards, ensuring the welfare of workers by setting a decent wage scale, workers can meet the needs of life and improve welfare and increase worker motivation and loyalty so that workers who receive decent and fair wages tend to be more motivated and loyal to the company.

## **METHOD**

The research method is a stage to answer the question how to make research can be realized. In the discussion of research methods discussing the implementation of research reviewed through the procedure. Methods of work that are related to a scientific activity, in order to gain an understanding that will be given to research materials in the form of objects or subjects, in an effort so that an answer is obtained and scientific accountability can be given to the answer including a validity known as a method. While the process is carried out in a systematic way in carrying out analysis and data collection activities in seeking certain objectives to be achieved is the definition for research (Efendi et al., 2016).

In order to realize this research, the method applied is descriptive analytical method. The purpose of this method is intended to be able to convey a clear picture, carry out studies on positive legal norms and dig deeper into legal facts. The type of research which is then also applied in this study is normative juridical, all legal materials in the form of various types of regulations that apply in Indonesia are the things that are focused on in the analysis in this research, as well as being the main foundation in this research.

## **RESULT AND DISCUSSION**

### **The Concept of Minimum Wage Definition in Labor Law**

Law Employment is the law that regulates all work relations activities, from before, during and after work (Asyhadie et al., 2019). Not only that, but there are also arrangements regarding guarantees to workers along with their rights. In employment, all the rights that will be obtained by workers or laborers are clearly specified, starting from the protection they will receive, the social security that will be received, the wages that are their rights and their rewards after fulfilling their obligations, along with the provisions for workers' holidays (Egger et al., 2022).

Everything that has been detailed in the statutory regulations must be considered by employers at the beginning of making an agreement with workers. All their rights must be given fairly without discrimination, and continue to the limits of the agreement that has been formed together. An agreement made by employers and workers constitutes a PKB. Entrepreneurs and representatives of employers and trade unions as well as their representatives are parties that have an interest in this PKB from the time it was drafted, it is being drawn up, it is closed, until it is signed.

Collective labor agreements, abbreviated as PKB in practice, can be produced as a result of a negotiation process held by employers and workers. The agreement that has resulted from these negotiations, through the negotiation process, has been agreed on clauses in an employment relationship, thus, PKB is realized in accordance with the negotiations that have been carried out. The agreement is basically the source of the birth of the agreement. Engagements that are born as a result of an agreement are included in the type of engagement that is very often found in human daily life (Izzati, 2021).

Usually, a PKB is not given conditions for its formation, in the sense that the PKB does not have a standard form. That way, collective agreements between one company and another can have different forms and even vary, both in the same industry and in different types of industries. PKB like this in Article 1866 of the Civil Code is included in the class of written documents or commonly known as letters. Where written documents in the form of letters can be used as evidence that has the power of proof (Sridadi, 2016).

PKB included in the scope of underhand agreements, because in its manufacture it does not involve authorized officials. However, the PKB can only be valid and has the power of proof as evidence if the registration number from the competent authority, namely the employment agency, has been obtained. Thus, PKB is a class of underhand agreements that have an authentic dimension (Sridadi, 2016).

The term PKB is not found in the Civil Code, where this PKB is not included in the name according to the Civil Code. The term found is the term work agreement, which is made by employers with workers. In this way, the PKB is embedded as an innominaat agreement, namely an unnamed agreement which has the meaning that the agreement is not specifically regulated in the Civil Code, so that the provisions in the Civil Code are not applied with a closed system but with an open system (Sridadi, 2016).

With the presence of PKB, it will give birth to a working relationship. The working relationship between employers and workers will only be realized if it fulfills several related elements, namely

a. There is an element of work

Every agreement will always have a clause in it. Where the clause is highly prioritized in an agreement. One of the legal clauses that is the object of a work agreement is work. Meanwhile, there are no clear details regarding the types, criteria, and scope of work, so the types that exist are very diverse. Even the meaning of work is not specified in the Labor Law, this is intended so that the

implementation and development of employment are not hampered as a result of the existence of certain understandings and limitations. Thus, it can be stated in general only regarding work agreements.

b. There are wages

Wages are the most important part that workers look forward to. Where this wage is the right of the workers who will be received by them in the form of money or other forms from the employers as a form of compensation for the work they have completed (Dido, 2015). This wage is paid based on the work agreement that has been made, the agreement that occurred, and the applicable regulations, including benefits for workers and their families (Febrianti et al., 2021).

c. There is an order

This order is an instruction issued by the employer with the aim that the workers complete the work given (Batubara, 2020). These orders in other terms can be said to be workers who are ordered by their superiors to do certain jobs. Thus, the meaning of the review is that there will be two parties, namely the upper and lower parties, in which one party will have to do something at the will of the other party. In the work agreement, it is not necessary to include instructions from superiors. This instruction has become a rule contained within a company. With this instruction, every worker must be willing to work under someone else's instructions or work under pressure (Farida, 2014)

After the PKB is finally formed, then from there an agreement will arise, in which the parties who have a connection in it will create obligations for them. In his logical thinking, the obligations imposed on workers will give rise to rights for employers. The clauses listed in the agreement that have been agreed between the parties are the implementation of the engagement that was born from the agreement.

The giving and receiving of CLA to workers/labourers are an agreement resulting from negotiations or the result of negotiations between the parties, but the form must be in a standard form. In its application, the agreement that occurs is often not the result of negotiations, but the desire of one party which seems to force the other party to be able or not to accept their will at all. With the occurrence of the following, it often causes an imbalance in the existing position (Farida, 2014).

The reality that often occurs is that the existing agreement is in fact the position of the employer who has more advantages compared to the position of the workers/laborers. Because in making a work agreement the highest position is held by an entrepreneur. The thing that is no less important for workers is wages. Wages are awards given to workers for the work they successfully complete for the benefit of a company where they work. This award is not only in the form of money, but can also be in other forms.

Wages are a very valuable component of the employment relationship. Because wages are one of the things that can give encouragement to workers in work. If wages do not run smoothly, there is concern about performance, so that the morale and discipline of workers decreases. In this way, it is hoped that a company will provide wages that are in accordance with the weight of the work carried on by workers (Budijanto, 2017).

By Therefore, manpower development has a goal, to create efficient and successful workers. It is important for employers to pay attention to workers who are paid according to their needs and the results of the work they complete. This wage can be given by considering the hours worked by workers and the work units they have completed for the smooth running of the company's operations.

The definition of wages can be found in Article 1 paragraph 30 of Law Number 13 of 2003. In short, it can be concluded from this article that wages are rights in the form of money and are received by workers as compensation for the work they have completed, which are paid by employers based on

work agreements, statutory regulations, along with benefits to workers and their families for the work that has been completed.

Wages are terms that are often heard and are familiar, but there are still other terms that describe the same meaning as rewards and compensation. Wages and salaries are included in the same component, besides there are also other forms such as incentives, bonuses, remuneration, benefits and other social facilities (Budijanto, 2017).

Compensation is something that is given by employers to employees to repay the services they have provided. Salary is compensation that will be received by workers on a periodic basis. Wages are compensation obtained by workers not on a periodic basis, but according to the results of the work completed. Allowances are compensation given to workers because they are considered to have participated in the success of the company's mission. While intensive is compensation from employers to certain workers or laborers for the success and achievements that have been achieved (Budijanto, 2017).

### **Placement of Wage Structure and Scale within the Company towards Labor**

In work relationship problems often occur that are quite serious and even damage the relationship between employers and their workers. Where the problem can be in the form of differences of opinion between the parties, disputes over rights along with obligations, disputes over interests, and workers who are subject to layoffs. Not only disputes between employers and workers, but sometimes disputes also occur between workers in a company.

Disputes over this right can arise if there is a right that is not properly fulfilled or even not fulfilled at all. The occurrence of this dispute is caused by a difference that occurs in interpreting activities, implementing work agreements, statutory regulations, PKB, and company regulations (Santoso, 2012)

Disputes of interest are also quite a serious problem, in this case it occurs because there are differences of opinion regarding the making, changes to the work clauses specified in an agreement to company regulations in an employment relationship, with the intention that the opinions issued never reach conformity or harmony (Santoso, 2012).

Furthermore, quite important disputes are disputes over termination of employment (PHK), where one of the causes of this dispute is the termination of the employment relationship carried out only by one party without any agreement, and without any agreement between the parties (Santoso, 2012).

Another dispute that also has an important value in industrial relations in a work relationship is a dispute between labor unions. This happens because it is caused by opinions that do not get compatibility and harmony. Opinions expressed always differ from one worker to another. Not only that, this is also caused by a mismatch of understanding among trade unions regarding membership, realization of rights, and worker unions (Santoso, 2012).

Disputes that continue to arise are feared not to provide welfare for both employers and workers/labourers. Moreover, the problem that is very serious and is feared to take away the rights of workers is wages. A good wage should be a wage that is in accordance with the regulations made by the government. However, there are still many companies that provide low wages and provide exhausting work as well.

One element that has important value in an employment relationship is wages. In addition, wages are also a system in the field of industrial relations. Discussion of wages is a very crucial issue related to the constitutional rights of workers in employment (Wiryawan, 2015).

It is said to be crucial, because if the issue of wages cannot be handled properly, it is feared that it will create new problems in the form of disputes which will eventually trigger a strike followed by

demonstrations by labor groups. Of course, this can directly influence the objectives of the industrial relations system, namely harmonious industrial relations.

Basically, workers will get payment in the form of wages, if they are seen as having completed a job or are currently on their assignment. Wages can be in the form of money or goods received by workers within a certain period.

Onin reality there are many companies that provide very low wages to their workers/laborers, because these wages are considered a burden to the company. So that if wages are paid in large enough amounts, employers judge that the benefits they will get are also small in value.

Phenomena that occur like that, will make workers feel very disadvantaged, because they work to get the wages, but it is not enough to fulfill their needs and that of their families. If the necessities of life cannot be met, it will be difficult for workers to achieve prosperity.

So that workers' rights are always protected, the government issued a policy regarding the minimum wage. The purpose of establishing this policy is so that the standard of living of workers can be continuously improved, specifically for workers with low wages. So that it will have a positive impact on workers. However, negative things can also arise from an increase in the minimum wage which reaches an unbalanced limit, with conditions like this it will actually reduce labor absorption, so the unemployment rate will increase to the point of poverty (Febrianica & Pratomo, 2014).

Poverty that continues to hit is none other than caused by increasing unemployment. With more and more people out of work, they have no income either. In the end their life needs are not met properly, causing them to live below the poverty line. Thus, it can be concluded that one of the causes of poverty is a low wage level below the minimum.

The understanding of the definition of wages often differs between employers or employees, labor organizations and workers. For entrepreneurs, wages are a production cost that must be kept as low as possible so that the goods produced do not carry high prices so that the profits can be higher. For workers' organizations, wages are an object that will be a matter of concern to be discussed and negotiated with employers so that they can be increased. Meanwhile for workers the amount of money they get from their work at a certain time, and with this money their daily needs can be fulfilled (Wiryawan, 2015).

Another different understanding regarding wages is when employers or in this case employers, do not want to give relatively high wages to workers/laborers, because according to them the higher the wages given to workers, the less profit they will earn. Meanwhile for workers whose wages are relatively low and below the minimum wage, it will not be enough for them to continue living.

Meanwhile, between one company and another, the proportion of wages differs from one another. So that it is enough to cause difficulties in determining national policies.

Issues regarding wages will be regulated in laws and regulations based on an awareness of understanding the very important definition of wages. It is known that the understanding of the definition of wages often evolves, there are terms that are understood as "rights" and turn into "rewards" which function for humanity for the sake of survival. As a result of the meaning of wages with the terms "decent" and "humane" the meaning of wages is increasingly degraded.

Over time, in an industrial relationship, the issue of wages is increasing. With the increasing complexity of the problem of wages, it has finally prompted changes to laws and regulations on manpower which are also included with changes to the meaning of wages.

Setting the definition of wages in Law No. 25 of 1997 which has received recognition regarding wages as a right of a worker, has been perfected in Law no. 13 of 2003 concerning employment. In this

improvement, it can be interpreted that legally, wages are emphasized as rights for workers as compensation to them for having or will do a job (Wiryawan, 2015).

The meaning embedded in the term wages is that wages are compensation received by workers as a form of work that has been completed, which is given by the employer in the form of money that has been determined based on an agreement. It also includes benefits for workers and their families.

Wage protection that has been confirmed in Law no. 13 of 2003 needs to be realized as a form of protecting the constitutional rights of workers in order to have a decent income for humanity.

On Basically, the unresolved complexity of the wage problem is caused by the unclear determination of the wage structure and scale, and not all companies have the same wage structure and scale. The arrangement regarding the structure and scale of wages has basically been stipulated in the Decree of the Minister of Manpower and Transmigration (Kepmenakertrans) Number 49/Men/IV/2004 concerning the Structure and Scale of Wages. However, this is still not implemented. It is explained in Article 10 of the Ministerial Decree in the Attachment to the Kepmenakertrans that the reference in compiling the structure along with the wage scale is to take into account class, position in work, education, length of time worked to labor competency (Trimaya, 2014).

On the existing explanation, it is not explained that it is obligatory to compile the structure and scale of wages accompanied by the imposition of certain sanctions. However, in order for a work relationship to be established normally without social jealousy among workers, it is necessary to develop a fair wage structure and scale based on class, length of work, education and competence (in accordance with the mandate of Article 92 of the Manpower Law). Of course, this arrangement does not violate the employer's right to reward workers who have more capabilities in the company's productivity, as well as stipulate sanctions against workers who commit violations.

It does not just stop at setting wages, sometimes workers get wages below the minimum wage. Not infrequently companies give arbitrary wages without thinking about the welfare of workers. Usually, wages for workers must be at least the minimum wage. In principle, employers may not pay lower wages than the minimum wage to workers. Thus, the agreement between employers and workers regarding the wage rate cannot be lower than what has been stipulated in the statutory regulations. If the resulting agreement is a lower wage, then the agreement will be null and void.

However, there are exceptions to the number of wages for micro and small businesses, where the wage rate is based on an agreement between the entrepreneur and the worker. Not obligated to follow the minimum wage, the number of wages is at least in accordance with the average percentage of public consumption based on data obtained from institutions that have authority in the field of statistics.

Wage inequality that occurs in the country is overcome and corrected by implementing policies to increase the minimum wage. This policy is not only implemented by Indonesia, but also implemented by several other countries. The application of this policy seeks to increase the low wages earned by workers (Rohmah & Sastiono, 2021).

The distribution of wages will be affected by the influence of the minimum wage, which is indicated in two events, namely the impact that can be directly felt is if there is an increase in wages, from a low wage or in this case below the minimum earned by workers, there is an increase to equal the value minimum wage. While the impact that can be felt indirectly is if the wages earned increase to be higher than the applied minimum wage.

Views regarding the minimum wage can be seen from two different perspectives or perspectives, where the policy regarding the minimum wage presents the possibility that workers can receive higher wages and ultimately inequality can be overcome and reduced. Meanwhile, from another point of view,

a worker may lose his job if during the minimum wage period the worker cannot receive wages (Rohmah & Sastiono, 2021).

The minimum wage policy in its application requires the precautionary principle. Where if the wage rate is lower, the workers will not meet the standard of living needs and their welfare will be difficult to achieve. Meanwhile, if the wage rate is set too high, then the negative impact that arises is the unavoidable employment trade-off (Rohmah & Sastiono, 2021).

The existence of the policy regarding the minimum wage is as a philosophy so that wages from workers do not experience a decline to a low level. The minimum wage is a very strong foundation, bearing in mind that in the delegation of work there is an imbalance in the bargaining position which ultimately corners workers and occupies a very weak side, so that in the end they are given a small number of wages. Entrepreneurs provide wages with a smaller amount because they have the goal of making production costs more efficient. In this way, existing policies must become the minimum basis for setting workers' wages.

The wage imbalance causes workers to feel uneasy as long as they are still doing work in the company. If this injustice continues, the workers/laborers will carry out strikes and even demonstrations as a manifestation of the anxiety they have felt. Many workers are given very low wages, while they have carried out quite heavy work and sometimes get other orders outside of their work. Sometimes workers are also asked to fulfill overtime hours, but again their wages are very low.

As a rule of law that upholds humanity, of course there is protection for workers who are given wages that are far from the minimum wage. In terms of the policies set, there will be supervision carried out by the government in the workplace including companies.

Supervision is carried out so that the minimum wage provisions that are realized are in accordance with applicable regulations. The government will check the provisions that have been set in the company, which includes clauses in working, time for overtime work, minimum standard wages, women, and children workers/labor, as well as aspects regarding safety and health for workers. This supervision has a positive impact on both workers/laborers and employers. Where with this monitoring activity, the implementation of labor rights that have been regulated in previous regulations will be more guaranteed. Meanwhile, entrepreneurs will know more clearly the details regarding their authority from supervisors who are competent in their fields.

The government tends to be flexible in carrying out supervisory activities related to minimum wage standards. This means that the government will not give direct sanctions to companies that do not set minimum wage standards, because they have other consideration methods. If the intervention authority is carried out directly by the government, it is feared that there will be termination of employment for employees, which of course is detrimental to the workers. In some companies, sanctions are not applied to employers who do not pay wages according to the minimum standard.

While broadly speaking, of course there are sanctions that will be stipulated for employers who pay wages below the minimum standard. The sanctions given are alternative sanctions. Alternative meaning can be a prison sentence or a fine. However, if the payment of wages has gone through an agreement and states that the wage to be paid is below the minimum, then the agreement will be immediately null and void, and the wage arrangement will follow the applicable regulations.

## **CONCLUSION**

The working relationship that everyone dreams of is not a stressful working relationship but a good working relationship between their superiors and their subordinates. However, a working relationship will be well established if it fulfills the specified clauses. The clauses that have been



determined so that a relationship within the scope of work can be well established are jobs, orders, and wages. If one of the three clauses is not fulfilled, then the working relationship will not run well, or even cannot be established at all. However, for workers, the clause that is most prioritized is wages, because with wages they can sustain their lives and meet the daily needs of their families. In working, the goal of everyone is to earn wages to meet the daily needs of personal and family life. Wages are the main component that is always expected after completing work. Expected wages are fair wages from the company. In determining the number of wages for workers, employers are expected to follow the determination of the structure and scale of wages in accordance with current regulations. A decent wage for workers is at least the minimum wage at that time. Determination of the number of wages is done at the time of starting the work agreement. Entrepreneurs are prohibited from paying wages below the minimum wage to workers, if that happens then the agreement will be null and void. However, this is an exception for micro and small businesses, which rely on collective agreements. Employers are expected to provide fair wages in accordance with work position, length of service, and other achievements in the company. Not only wages but also benefits and other guarantees.

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