

ABSTRAK

UUD NRI Tahun 1945 mengamanatkan bahwa tiap-tiap warga negara berhak atas pekerjaan dan penghidupan yang layak bagi kemanusiaan. Untuk mewujudkannya kemudian ditetapkanlah kebijakan upah minimum. Menjelang penetapan upah minimum 2023, meskipun ketentuannya telah diatur PP Nomor 36 Tahun 2021, Menaker justru mengeluarkan Permenaker Nomor 18 Tahun 2022 yang merubah dan membuat ketentuan berbeda. Adanya dua peraturan yang mengatur substansi yang sama namun saling bertentangan menimbulkan dilema dan ketidakpastian hukum. Penelitian ini bertujuan mengkaji perbedaan pengaturan upah minimum antara kedua peraturan tersebut, menjelaskan implementasinya dalam kebijakan UMK Kota Semarang tahun 2023, serta menelaah model perhitungan upah minimum yang ideal dalam hukum ketenagakerjaan di Indonesia.

Metode penelitian yang digunakan adalah pendekatan non doktrinal atau empiris dengan spesifikasi penelitian deskriptif analitis. Jenis dan sumber data meliputi data primer dari wawancara dan observasi serta data sekunder dari peraturan perundang-undangan, buku, jurnal/artikel ilmiah, dll. Analisis data dalam penelitian ini menggunakan model interaktif oleh Mathew B. Mills & Michael C. Hubberman dimana hasil reduksi data dianalisis menggunakan peraturan perundang-undangan, asas-asas hukum, konsep hukum, dll.

Hasil penelitian menunjukkan bahwa perbedaan pengaturan upah minimum antara kedua peraturan tersebut mencakup pada formulasi perhitungan, keberlakuan, penetapan bagi daerah pemekaran, serta tenggat waktu penetapannya. Kemudian implementasi perhitungan UMK Kota Semarang tahun 2023 menghasilkan dua usulan angka upah minimum dimana usulan unsur pekerja/buruh dan pemerintah berdasarkan formulasi permenaker sedangkan usulan unsur pengusaha tetap mengacu pada peraturan pemerintah. Adapun model perhitungan upah minimum yang ideal adalah dengan menggunakan KHL sebagai dasar perhitungannya karena memperhatikan biaya-biaya yang perlu dipenuhi pekerja/buruh dengan upah yang diterima.

Kata Kunci: Dewan Pengupahan, KHL, Pengupahan, Upah, Upah Minimum.

ABSTRACT

The 1945 Constitution of the Republic of Indonesia mandates that every citizen has the right to work and a living that is worthy of humanity. To make this happen, a minimum wage policy was established. Towards the determination of the 2023 minimum wage, even though the provisions have been regulated by PP Number 36 of 2021, the Minister of Manpower actually issued Minister of Manpower Regulation Number 18 of 2022 which changes and makes different provisions. The existence of two regulations that regulate the same substance but conflict with each other creates legal dilemmas and uncertainty. This research aims to examine the differences in minimum wage settings between the two regulations, explain their implementation in the Semarang City UMK policy in 2023, and examine the ideal minimum wage calculation model in labor law in Indonesia.

The research method used is a non-doctrinal or empirical approach with analytical descriptive research specifications. Types and sources of data include primary data from interviews and observations as well as secondary data from statutory regulations, books, journals/scientific articles, etc. Data analysis in this research uses an interactive model by Mathew B. Mills & Michael C. Hubberman where the results of data reduction are analyzed using statutory regulations, legal principles, legal concepts, etc.

The research results show that the differences in minimum wage regulation between the two regulations include the calculation formulation, implementation, determination in expansion areas, and deadlines for determination. Then, the implementation of the Semarang City UMK calculation in 2023 resulted in two proposed minimum wage figures where the worker/laborer and government elements' proposals were based on the Minister of Manpower Regulation while the entrepreneur's proposals continued to refer to government regulations. The ideal minimum wage calculation model is to use KHL as the basis for the calculation because it takes into account the costs that need to be met by workers/laborers with the wages received.

Keywords: Wage Council, KHL, Wages, Minimum Wage.