

Protection of Wages of Specific-Time-Work-Agreement Workers (PKWT) at Notary and PPAT Offices in Sleman Regency

Nasikhun Amin Imawan¹ and, *Beni Hidayat*²

¹Law Study Program, Faculty of Law, Muhammadiyah University of Yogyakarta, Indonesia

²Law Study Program, Faculty of Law, Muhammadiyah University of Yogyakarta, Indonesia

Abstract. This research aims to find out the obligations of Notaries to the labor law and to find out the protection of wages for non-permanent workers at PPAT and notary offices in Sleman Regency. And to find out and examine what hinders the implementation of wage protection for non-permanent workers at the Notary/PPAT office in Sleman Regency. This research is conducted normatively and empirically which prioritizes literature study with secondary data base, namely: primary, secondary, and tertiary legal materials, supported by primary data from the field by conducting direct interviews with respondents related to the problems in this study. Data obtained from literature research and field research are analyzed quantitatively. The results of the analysis are presented descriptively. The results showed that the protection of wages of non-permanent workers in notary offices and PPAT in Sleman Regency has been running well, the minimum wage has been set by the government and there is government supervision of the minimum wage, The factors that hinder the implementation of wage protection of non-permanent workers in notary offices and PPAT in Sleman Regency are the limited ability of the Sleman Regency Manpower Office to supervise one by one companies in Sleman Regency and the absence of openness from the company so that they close themselves not to report labor problems to the government.

1 Introduction

Every citizen basically has the desire to live and work properly in order to get a prosperous life. A prosperous life is a right for every citizen. Every right starts with an obligation, so every citizen has an obligation to achieve a prosperous life[1]. The 1945 Constitution of the Republic of Indonesia mandates that one of the main objectives of the Indonesian State is to create a just and prosperous life of the nation and state in order to realize a social justice, the state to get a decent job and livelihood for all Indonesian people. Clearly, a prosperous life is achieved by fulfilling obligations as a workforce [2].

Legally speaking, wages are defined as payment for labor that should normally be agreed upon prior to the start of work. Many nations have laws requiring that the wage rate be specified in the contract and that pay statements be given outlining the pay rate and the due dates for payments.[20] In fact, minimum wages are mandated by law in 90% of the world's countries; however, implementation differs significantly in terms of methodology

and effectiveness among countries. Minimum wage setting, due to its possible redistributive impact, is a sensitive political topic and a source of controversy among governments, labor organizations, and employers.[21]

Wage protection is the most important aspect of protection for labour. The form of wage protection is the goal of workers/labourers in doing work to get enough income to finance their lives together with their families, namely a decent livelihood for humanity. [3] Wages implemented by employers must not be lower than or contrary to the wage provisions stipulated in the applicable laws and regulations. If the agreement turns out to be lower or contrary to the laws and regulations, the agreement is null and void.[4] Minimum wages enforce the notion that when wages fall below a certain level, they are unreasonably low for morally arbitrary grounds. Insisting on a higher wage will bring us closer to a just world in terms of wages [19]. Based on the description of background above, the researchers are interested to seek the form of wage protection for PKWT (fixed-term employment agreement) workers at Notary and PPAT offices in Sleman Regency.

2 Research Method

2.1 Research Type

The type of research is empirical legal research. Empirical legal research is in analyzing the problem by combining secondary data obtained from library research with primary data obtained from field research.[5]

2.2 Research Data

In research there are two types of data that are treated, the first type is referred to as primary data and the second data is called secondary data.

2.2.1 Primary Data

Primary data in legal research is data obtained from the results of empirical research, namely research conducted directly in the community, primary data sources, namely data taken from the source or from the field, through interviews based on interview guidelines. interviews with interested parties or respondents who can provide the information needed related to the problems to be studied.

2.2.2 Secondary Data

Data obtained through literature studies through literature, official documents, laws and regulations, books or dictionaries as data support. Legal materials that can be made objects of literature include primary legal materials, secondary law, and tertiary, secondary data used in this study consist of:

- a. Primary legal materials
 - 1) Legal materials that are binding in nature, namely:
 - 2) Constitution of the Republic of Indonesia Year 1945. 2) Law Number 13 of 2003 concerning Manpower.
 - 3) Government Regulation No. 78/2015 on Wage Protection.
 - 4) Regulation of the Minister of Labor of the Republic of Indonesia Number PER-01/MEN/1999 concerning Minimum Wage.

- 5) Decree of the Minister of Manpower of the Republic of Indonesia Number KEP 150/MEN/1999 on the Labor Social Security Program for Casual Workers, Piece Workers and Certain Time Work Agreements.
 - 6) R.I. Regulation of the Minister of Manpower Number 33 of 2016 concerning Procedures for Implementing Manpower Supervision,
- b. Secondary legal materials
- 1) Legal materials that provide guidance and explanation of primary legal materials. Using books that discuss:
 - 2) Books on legal science in general
 - 3) Books about agreements
 - 4) Books on labor law
 - 5) Journals and research results on employment
 - 6) Articles, modules, papers, and other materials from the internet media related to the issues studied.
- c. Tertiary legal materials
- Legal materials that provide instructions and explanations for secondary legal materials, namely:
- 1) Big Indonesian Dictionary (KBBI)
 - 2) Data sourced from the internet that can be accessed for research purposes.

2.3 Data Collection

To obtain data in the research, the researchers conducted research by taking a location in the Sleman Regency area. This study incorporates two major data collection. First, the researchers perform literature study. The researchers did review literature, legislation, law books, writings of experts and supporting literature related to research material. Second, the researchers collect data using interview techniques. Interview is a question-and-answer process in research that takes place orally where two or more people meet face to face listening directly to information or information from respondents and sources.

2.4 Respondents and Sampling

In the research to be carried out, the subjects of the author's research are respondents and sources. A respondent is a person or individual who will respond to questions posed by the researcher. [6]

1. The respondent chosen to obtain primary data in this study is the Head of the Industrial Relations & Worker Welfare Division or an official of the Sleman Regency Manpower and Social Service.
2. Respondents selected to obtain primary data in this study are workers at the Notary and PPAT offices in Sleman Regency, totaling 10 (ten) workers.

The sampling technique in this study was to use the Random Sampling method, namely by determining the sample randomly, meaning that each sample in a population has the same opportunity to be selected as a sample member. Such sampling can be done if the level of homogeneity of the sample can represent the population.

2.5 Data Analysis

Research materials that are arranged systematically are made both premier, namely the results of Interviews, and secondary data, namely the results of literature studies, then analyzed qualitatively.[7] Qualitative is the ability of reason and research logic in connecting the data and information obtained which is then interpreted in the form of words and numbers systematically and deeply. The truth is, then compared with the theory obtained from the literature study so that it will get answers to the problems found. The data that has been analyzed is then presented descriptively, namely describing the reality in the field which is closely related to the problem under study. Based on the results of the research, conclusions can be drawn regarding the issues discussed and proposed as necessary.

3 Research Results And Discussion

3.1 Forms of wage protection for PKWT (Specified Time Work Agreement) workers at Notary and PPAT offices in Sleman Regency.

Legal protection encompasses the safeguarding of dignity and the acknowledgment of human rights possessed by legal entities, grounded in legal laws that shield against arbitrariness or serve as a compendium of regulations designed to protect one entity from a different source. In Indonesia, the legal protection in question is fundamentally grounded in Pancasila, despite the formulation of its concepts being influenced by Western ideologies that prioritize the safeguarding of human rights. Consequently, the principle of legal protection for workers in Indonesia fundamentally hinges on safeguarding their dignity. [8] The connection between labourers or workers and employers or entrepreneurs is legally free since our country's concept is that no one should be enslaved or held in servitude. All forms and types of slavery, bondage, and servitude are prohibited, but sociologically speaking, labourers or workers have no other source of income other than their energy and are sometimes forced to accept working relationships with employers or entrepreneurs, despite the fact that it is a burden for the laborers or workers themselves, particularly in light of the large number of workers who are not proportional to the available positions. Employers who pay low wages frequently exploit their employees. As a result, the government enacted various rules and regulations to safeguard them as labourers or workers from the power of employers or rulers, putting them in a decent position in accordance with human dignity.[9]

Labour law seeks to establish social justice in the workplace by safeguarding workers from the power of businesses. Workers are protected when labour standards that require or force employers to operate in accordance with the legislation are correctly implemented by the parties involved, particularly employers. Laws and regulations are mandates or prohibitions that create punishments for law and regulation infractions. It is private because of the existence of an individual employment relationship, such as a work agreement. However, it is public because of government intervention in employment relations, such as the determination of salaries and the termination of employment.[9]

Every worker or laborer is entitled to an income that contributes to a respectable standard of living for all. The government establishes a wage policy that safeguards workers/laborers in order to generate an income that provides a respectable standard of living for humanity. Wage policies that safeguard workers/laborers include: [10]

1. Minimum wage;
2. Overtime work wages;

3. Wages for absence from work due to absence;
4. Wages for absence from work due to other activities outside of work,;
5. Wages for exercising the right to rest from work;
6. Form and manner of payment of wages;
7. Fines and deductions from wages;
8. Things that can be calculated with wages;
9. Proportional wage structure and scale;
10. Wages for severance pay;
11. Wages for income tax calculation.

The government sets the minimum wage based on decent living needs and with due regard to productivity and economic growth. The minimum wage consists of : [10]

- a) Minimum wage based on the province or district/city;
- b) Minimum wage based on sectors in the province or district/city.

The minimum wage aims to fulfil essential living requirements. The Governor establishes the minimum wage by considering the suggestions of the Provincial Wage Board and the Regent/Mayor. A Ministerial Decree governs the elements and execution of the phases for attaining adequate living standards. Employers are forbidden from compensating employees below the minimum salary; for those unable to meet this requirement, the suspension process is governed by a Ministerial Decree. Wage agreements established between businesses and employees or labour unions must not fall below the wage standards set forth in relevant laws and regulations. If the agreement is inferior to or conflicts with the laws and regulations. The agreement will be rendered null and void, and the employer is obligated to compensate the earnings of workers in line with applicable laws and regulations. Employers establish compensation structures and scales by considering class, position, duration, labour, education, and proficiency. Employers perform regular wage assessments considering the company's capacity and productivity. Regulations concerning the framework and magnitude of wages are governed by Ministerial Decree.[10]

Another provision related to minimum wage is seen from the regulation of wage payment according to the minimum wage. According to Government Regulation No. 78/2015 on "Wages", CHAPTER V, Article 41 paragraphs (1) and (2) "Minimum wages only apply to workers/laborers with a working period of less than 1 (one) year in the company concerned. Wages for workers/laborers with a work period of 1 (one) year or more shall be negotiated bipartisanly between employers and workers/laborers in the company concerned".[22] The issue of minimum wage implementation is one of the genuine problems in the labor sector today. This is evident in the frequent demonstrations or strikes by workers, who typically demand an increase in wages or an enhancement in their welfare. This is due to the fact that most companies strive to maximize their profits by exploiting their employees, while employees desire to receive the highest possible compensation from their employers in exchange for their services. So that between employers and workers there is often conflict, where each party tries to fight for their respective interests. To prevent workers and employers from prolonged conflict, Law No. 13/2003 on Manpower has regulated the minimum wage for provinces, districts/cities.[11]

According to the author's field research, which included interviews with Mr. Muhammad Umar Sukarno, Head of the Industrial Relations & Workers Welfare Division, if there is a disagreement between employers and employees, the workers must notify the Disnakertrans. The Disnakertrans then investigates the matter and, if anything is found to be illegal, issues a memorandum of examination, which is a warning letter that ensures the business fulfills its responsibilities in accordance with the law. [12]

Article 1 paragraph (18) of the Regulation of the Minister of Manpower Number 33 of 2016 concerning Procedures for the Implementation of Manpower Supervision states the definition of an inspection memorandum, namely “A warning and/or written order of the Manpower Supervisor addressed to the company or management to correct non-compliance with labor norms based on the results of the inspection of the labor inspector.”[13]

Inspection notes can be divided into 3 (three) types, namely:[14]

1. Examination Note I; The period of execution of the examination note I shall not exceed 30 (thirty) days from the receipt of the examination note I. Preparation of the memorandum of examination I no later than 3 (three) days after the examination is conducted.
2. Examination Note II; Examination note II is issued on the basis that the examination note I is not carried out. The inspection memorandum II contains a warning to immediately carry out the contents of the inspection memorandum I, the period for implementing the inspection memorandum II (no later than 14 (fourteen) days from the receipt of the inspection memorandum II), the legal consequences of not complying with the inspection memorandum II, the place and date of making the inspection memorandum II and the signature of the labor inspector known by the Head of the Labor Inspection Unit. If within the specified period the inspection note II is not carried out, the labor inspector reports to the Head of the Labor Inspection Unit who then after receiving the report, will order an investigation, take legal action.
3. Special Inspection Memorandum; A special inspection memorandum can only be made if it contains a specific time work agreement and/or assigns the implementation of the worker's obligations to another company. The labor inspector is obliged to make written information on the results of the investigation to the worker/laborer no later than 7 (seven) days after the special inspection note is made. If the worker/laborer requires ratification of the memorandum to be submitted to the district court, he/she may submit a written request to the Head of the Provincial Office within a maximum of 1 (one) year from the submission of the information.

The labor inspectorate endeavors to provide an inspection note letter, issue a warning to the company up to two times, and summon the relevant company to law enforcement through the inspection minutes procedure if the minimum wage is not implemented. [14]

Companies who pay wages below the minimum wage face criminal penalties under the Manpower Law. have been explicitly stated, “Article 185 paragraph (1) of Law No.13 of 2003 concerning Manpower, namely imprisonment for a minimum of one year and a maximum of four years and a fine of at least Rp. 100,000,000 (one hundred million rupiah) and a maximum of Rp. 400,000,000 (four hundred million rupiah)”.[15]

As for what factors hinder the protection of wages of non-permanent workers at the Sleman Regency Notary and PPAT office, namely the limited ability of the Sleman Regency Manpower Office to monitor one by one companies in Sleman Regency and the absence of openness from the company so that they close themselves not to report labor problems to the government.[12]

According to field research undertaken by the author, namely an interview with Mr. Muhammad Umar Sukarno as Head of the Industrial Relations & Workers' Welfare Division, he provided information that currently the Sleman Regency Manpower Office is not fully able to monitor the wage system in companies in Sleman Regency. There are 19 (nineteen) supervisors who are tasked with carrying out supervision of companies throughout the Special Region of Yogyakarta, in Sleman Regency there are 5 (five) supervisors in charge of supervising companies, while the number of companies in Sleman Regency is more than 1400 (one thousand four hundred) companies.

In terms of quantity, this is not proportional to the number of companies that must be supervised by labor inspectors, so that the supervision carried out by labor inspectors at the Manpower Office in Sleman Regency is not optimal.

In Article 1 point 30 of Law Number 13 of 2003 concerning Manpower, it is stated that wages are: The right of workers or laborers received and expressed in the form of money as compensation from employers or employers to workers or laborers determined and paid according to a work agreement, agreement or laws and regulations including benefits for workers or laborers and their families for work or services that have been or are performed. The function of wages in labor relations is expected to function as follows:

1. Rewards or services that have been performed;
2. Fulfillment of the main needs of workers in order to live properly from the results of the work performed;
3. The realization of social justice;
4. Can encourage an increase in discipline;
5. Can increase work productivity;
6. Can provide a sense of security and certainty

Based on direct interviews with respondents and resource persons in the field, the following data and information were obtained:[16]

Table 1. Results of interviews with non-permanent workers at Notary and PPAT offices in Sleman

No	Worker's Name	Wage System in Notary Office	Wages received at the Notary & PPAT office	Insurance social security
1.	Prono Santoso	Based on Type Employment	In accordance with the minimum wage	Registered
2.	Rama	Based on Length of Service	In accordance with the minimum wage	Registered
3.	Bambang	Based on Type Employment	In accordance with the minimum wage	Registered
4.	Esti Suparyani	Based on Length of Service	In accordance with the minimum wage	Registered
5.	Desi Wulamdari	Based on Length of Service	In accordance with the minimum wage	Not yet registered
6.	Ika	Based on Type Employment	In accordance with the minimum wage	Not yet registered
7.	Dwi HW	Based on Type Employment	In accordance with the minimum wage	Registered
8.	Sumaryanto	Based on Type Employment	Not according to the minimum wage	Not yet registered

9.	Derajad M	Based on Length of Service	In accordance with the minimum wage	Registered
10.	Laily Kurniasih	Based on Length of Service	In accordance with the minimum wage	Not yet registered

The results of the interview with Mr. Muhammad Umar Sukarno as the head of industry and worker welfare, according to him, the Notary and PPAT offices are companies, so that the protection of wages for non-permanent workers at notary and PPAT offices in Sleman Regency is adjusted to the provisions of Law Number 13 of 2003 concerning labor.[17]

Regarding the wage protection system for workers at the Notary and PPAT offices in Sleman Regency, based on the testimony of all respondents in this study, the respondents testified that the wages of Notary and PPAT workers are in accordance with the minimum wage standards, besides that the workers also get food money and transportation money outside the basic salary, it means that the notaries and PPATs have made good faith to submit to and comply with the provisions of the applicable law, but there are still many respondents who claim that there is no work agreement letter made officially between Notary / PPAT and their workers.

According to the researchers, the protection of wages of non-permanent workers in notary and PPAT offices in Sleman Regency has gone well and is based on the provisions of Law Number 13 of 2013 concerning Manpower, this can be seen from the form of legal protection, with the determination of the minimum wage that must be paid by employers to workers and the supervision of the minimum wage. In addition, notaries and PPATs in Sleman Regency have complied with the applicable laws, especially regarding the wage system.

One of the functions of law is to provide protection to citizens, especially those who are different in a weak position due to legal relations or positions that are in a weak position due to legal relations or unbalanced positions.[18]

The protection system at the notary and PPAT offices in Sleman Regency does not in fact provide legal protection for notary workers. According to the researcher's opinion, the work agreement made between Notary and PPAT with their workers should be done in writing, which is to ensure legal certainty for both parties.

4 Conclusions and Suggestions

4.1 Conclusion

Based on the description that has been presented in the results of research and discussion, the author can make the following conclusions: Protection of wages of non-permanent workers in Notary and PPAT offices in Sleman Regency based on Law Number 13 of 2003 concerning Manpower, in the form of the establishment of minimum wages by the government that must be paid by employers to workers and the existence of government supervision of the minimum wage, if things are found that are contrary to the Law. then a memorandum of inspection will be issued so that the company carries out its obligations in accordance with the provisions.

Then, Factors that hinder the wage protection of non-permanent workers at notary and PPAT offices in Sleman Regency are as follows. First, many workers do not know the rights they should get from the company for their work without questioning other rights, even though there are other rights for workers that have been regulated in the Law that

should be fulfilled by the company, one of which is about wages. Second, the limited number of supervisors is not proportional to the companies being supervised, so that the supervision carried out by the supervisors of the Manpower Office in Sleman Regency is not optimal. Finally, law enforcement regarding worker protection has not been implemented due to the lack of openness from the company and workers to report labor problems to the government.

4.2 Suggestions

The government should provide more legal socialization, especially labor law to the community, because both workers and employers are still unfamiliar with the applicable laws and regulations. The Sleman Regency Government needs to increase the number of supervisory employees and increase the intensity of supervision, so that supervision, especially regarding minimum wages, can run optimally. The Sleman Regency Manpower Office should build more cooperation and an open information system to all employers and especially Notaries and PPATs so that a good relationship is established and openness is realized to the government that carries out supervision.

References

1. Evy Safitri Gani, 2015, "Sistem Perlindungan Upah Di Indonesia", Jurnal, Fakultas Syariah dan Ekonomi Islam, IAIN, Ambon, **11**, 1, (2015).
2. Undang Undang Dasar Republik Indonesia Tahun 1945
3. Kagan, R. A. (1978). *Regulatory justice: implementing a wage-price freeze*. Russell Sage Foundation.
4. B.Siswanto Sastrohadwiryo, 2002, *Managemen Tenaga Kerja Indonesia : Pendekatan Administratif dan Operasional*, PT. Bumi Aksara, Jakarta
5. Soerjono-soekamto, 1983, *Pengantar Penelitian Hukum*, UI Pres, Jakarta
6. Dr Mukti Fajar ND&Yulianto Achmad, MH.,2009, *Dualisme Penelitian hukum NORMATIF & EMPIRIS*, Pustaka Pelajar, Yogyakarta
7. Tatang, M, Arifin, 1986, "Menyusun Rencana Penelitian" , Rajawali Pers, Bandung,
8. Ashabul Kahfi, 2016, "Perlindungan Hukum Terhadap Tenaga Kerja", Universitas Islam Negeri (UIN) Alauddin Makassar , **3**, 2, (2016).
9. Asikin, 1993, *Dasar-Dasar hukum perburuhan*. Jakarta : Raja Grafindo Persada,
10. Bagus Sarnawa dan Johan Erwin Isharyanto *Hukum Ketenagakerjaan*,2010, Laboratorium Ilmu Hukum, Indonesia, Yogyakarta
11. Dirham Fathurusi,2019, *Analisis Penerapan Sanksi Pidana Terhadap Perusahaan Yang Membayar Upah Tenaga Kerja Dibawah Upah Minimum Kabupaten/Kota* , Universitas Lampung, Bandar Lampung.
12. Muhammad Umar Sukarno, 2019, Hasil wawancara pribadi Dinas Ketenagakerjaan Kabupaten Sleman.
13. R.I.,Peraturan Menteri Ketenagakerjaan Nomor 33 Tahun 2016 tentang Tata Cara Pelaksanaan Pengawasan Ketenagakerjaan, BAB I, Pasal 1 ayat (18).
14. Rakhmad Aulia Abidin,2015, *Pengawasan Dinas Sosial Tenaga Kerja dan Transmigrasi Terhadap Pelaksanaan Upah Minimum Tahun 2014 Di Kabupaten Jepara*, Fakultas Hukum Universitas Negeri Semarang, Semarang.

15. Muhammad Abas, 2017, “Analisis Pelanggaran Upah Minimum”, Jurnal, Fakultas Hukum Universitas Buana Perjuangan Karawang, Jawa barat, **2**, 1, (2017).
16. Pegawai kantor Notaris& PPAT Kabupaten Sleman, 2019, Hasil wawancara pribadi, Kabupaten Sleman.
17. Undang Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan
18. Perry, Michael J. "Protecting human rights in a democracy: what role for the courts." *Wake Forest L. Rev.* 38 (2003): 635.
19. Zatz, N. D. (2009). The minimum wage as a civil rights protection: An alternative to antipoverty arguments. *U. Chi. Legal F.*, 1.
20. Ghosheh, N. (2013). Wage protection legislation in Africa. Geneva: ILO.
21. Stigler, G. J. (1946). The economics of minimum wage legislation. *The American Economic Review*, 36(3), 358-365.
22. Peraturan Pemerintah Nomor 78 Tahun 2015 tentang “Pengupahan”, BAB V, Pasal 41 ayat (1) dan ayat (2).