Jurnal Daulat Hukum
Volume 9 No. 2, June 2026
ISSN: 2614-560X
SINTA 3 Decree No.
0547/ES/DT.05.00/2024
Dated May 15, 2024

The Implementation of Government Regulation No. 49 of 2025 in Establishing the 2026 Regency/City Sectoral Minimum Wage by the Governor of West Java

Mimin Ida Nurjanah[1], Muhammad Abas[2], & Yuniar Rahmatiar[3]
[1]Universitas Buana Perjuangan Karawang, Karawang, Indonesia, E-mail: hk22.miminnurjanah@mhs.ubpkarawang.ac.id
[2]Universitas Buana Perjuangan Karawang, Karawang, Indonesia, E-mail: muhamad.abas@ubpkarawang.ac.id
[3]Universitas Buana Perjuangan Karawang, Karawang, Indonesia, E-mail: yuniar@ubpkarawang.ac.id

Abstract. *The enactment of Government Regulation Number 49 of 2025, which re-established the authority to determine Regency/Municipal Sectoral Minimum Wages (UMSK), has sparked considerable legal and policy debate concerning its implementation in West Java Province. This study aims to examine the implementation of the governor's authority in determining the 2026 UMSK and to assess its conformity with administrative law principles and applicable laws and regulations. This study adopts a normative juridical approach, employing statutory and conceptual analyses, complemented by empirical evidence obtained through semi-structured interviews. The legal materials consist of primary legal sources in the form of legislation and secondary legal. The findings indicate that the implementation of UMSK determination in West Java has not fully complied with normative provisions, particularly regarding the phrase "based on recommendations," which in practice is not consistently used as the primary reference by the governor. Furthermore, non-juridical factors such as economic interests and political dynamics also influence the policy, resulting in potential industrial conflicts and legal uncertainty. Therefore, it can be concluded that the implementation of the governor's authority in determining the 2026 UMSK has not fully reflected the principle of legality and the general principles of good governance.*

Keywords: *Administrative Law; Governor Authority; Principle of Legality; Sectoral Minimum Wage.*

1. Introduction

Workers' welfare is a constitutional mandate, as enshrined in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which provides that every citizen has the right to employment and a decent standard of living. The state has an obligation to establish legal instruments capable of providing protection and promoting workers' welfare, including through wage policy (Wiryawan, 2016; Afrilia, 2020). Wages are not merely compensation for labor rendered by workers; they also serve as an important instrument for ensuring the livelihood of workers and their families (Hudaya et al., 2025).

Within the framework of economic activities, workers are in a comparatively weaker bargaining position because they are subject to the authority of employers, thereby requiring legal protection (Dwianisa & Andriyani, 2025). Such protection should extend not only to occupational safety and health but also to the preservation of moral and ethical standards in employment relations. This principle is reflected in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees every citizen the right to work and to a livelihood worthy of human dignity (Abas, 2017).

Wages constitute the right of workers/laborers to receive monetary compensation from employers, the determination of which is based on employment agreements, collective agreements, or prevailing laws and regulations. Such wages also include allowances provided to workers/laborers and their families in return for work and/or services that have been or will be performed. In the context of wage regulation, the minimum wage serves as one of the key instruments within the labor system, including the Regency/Municipal Sectoral Minimum Wage (*Upah Minimum Sektoral Kabupaten/Kota*/UMSK), which is adjusted to regional economic conditions and leading industrial sectors. This regulatory framework was subsequently altered with the enactment of Law Number 11 of 2020 on Job Creation, as amended by Government Regulation in Lieu of Law Number 2 of 2022 and later confirmed by Law Number 6 of 2023, together with Government Regulation Number 36 of 2021 on Wages, which eliminated the legal provisions governing Regency/Municipal Sectoral Minimum Wages (UMSK). As a result, the removal of UMSK had significant implications for industrial regions across Indonesia (Bagijo 2021; Kurnia, 2025).

The minimum wage is widely recognized as a key policy instrument for safeguarding workers against declines in income. As a matter of public policy, the minimum wage serves not only as a general wage floor but also as a mechanism for increasing workers' earnings and reducing poverty and income inequality. Accordingly, wage policy constitutes a fundamental form of protection for workers in relation to remuneration (Izzati, 2023). From a philosophical perspective, the minimum wage functions as a safety net to ensure that workers' wages do not fall below an acceptable minimum level (Kurniawati & Hennigusnia, 2019; Miarsa et al., 2023). Meanwhile, a sectoral minimum wage refers to a minimum wage established for specific sectors within a particular region, taking into account economic development zones as well as the distinctive characteristics of the region concerned (Hudaya et al., 2025).

The standard of living of workers in Indonesia remains relatively inadequate, particularly in terms of wages. Indonesian workers generally receive compensation that is low in comparison to the continually increasing cost of living. The persistently low level of workers' income has prompted the government to develop a comprehensive framework for worker protection (Abas et al., 2025; Fakhry, 2026). In response, the central government has formulated wage policies

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as a means of ensuring the fulfillment of workers' rights to a decent standard of living. Furthermore, these policies are intended to promote harmonious, dynamic, and equitable industrial relations. Following Constitutional Court Decision Number 168/PUU-XXI/2023, which required the central government to revise several regulations in the wage sector, particularly those concerning minimum wages, the functions of wage councils, and wage structures and scales, the regulation of wages has undergone further development. In principle, the determination of minimum wages is aimed at ensuring a decent standard of living for workers and their families (Budijanto, 2017; Shintia & Abbas, 2019).

At the policy formulation stage undertaken by the Central Government, it is necessary to optimize the involvement of regional wage councils with the participation of local governments. This is essential to ensure that the resulting wage regulations reflect fairness for workers/laborers and employers alike, while taking into account the differing social and economic conditions of each region.

Government Regulation Number 49 of 2025, which amends Government Regulation Number 36 of 2021 on Wages, reintroduces a regulatory framework that recognizes sectors with higher productivity, stronger business performance, greater economic capacity, and distinct operational characteristics, including differing levels of occupational risk. Consequently, workers in these potential sectors tend to receive higher wages. In addition, wage structures and scales constitute crucial components in the development of a fair wage policy. The existence of wage structures and scales provides guidance for employers in determining wage levels based on the company's capacity and work productivity, as well as factors such as job classification, position, length of service, education, and the competence of workers/laborers. Their objective and transparent implementation has the potential to increase productivity, create a conducive working environment, and reduce wage disparities at the company level (Habib, 2021; CNN Indonesia, 2026).

The determination of minimum wages is not solely based on government regulations but also forms part of the state's policy to protect the interests of workers (Siburian, 2023; Raharjo et al., 2025). The authority to determine the Regency/Municipal Minimum Wage (UMK) and the Regency/Municipal Sectoral Minimum Wage (UMSK) is vested in the governor. Pursuant to Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages, the governor determines the UMSK for specific sectors by referring to the recommendations of regents/mayors proposed by the Regency/Municipal Wage Council.

However, in practice, the determination of the UMSK by the Governor of West Java through Governor Decree Number 561.7/Kep.876-Kesra/2025 concerning the 2026 Regency/Municipal Sectoral Minimum Wage did not fully accommodate the recommendations of the regents/mayors resulting from the deliberations of the Regency/Municipal Wage Councils. This gives rise to legal issues concerning the limits of the governor's authority in determining the UMSK and its conformity with the provisions of Government Regulation Number 49 of 2025 as the legal basis for such authority.

The discrepancy between the Governor's Decree and the recommendations of the regents/mayors has the potential to create legal uncertainty for workers and employers in the relevant sectors. It also raises questions regarding the validity of the decree from the perspective of administrative law, particularly when examined in light of the principle of legality and the General Principles of Good Governance (AUPB).

Accordingly, this study focuses on examining the mechanism for determining the UMSK based on Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages, as well as analyzing the role of Government Regulation Number 49 of 2025 in the determination of the 2026 Regency/Municipal Sectoral Minimum Wage by the Governor of West Java.

Based on the foregoing background, this study is conducted to examine the implementation of Government Regulation Number 49 of 2025 in the determination of the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) by the Governor of West Java. Accordingly, the research seeks to address the following questions:

1. How is the mechanism for determining the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) regulated under Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages?
2. How has the Governor of West Java implemented his authority in determining the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) pursuant to Government Regulation Number 49 of 2025?
3. Has the determination of the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) by the Governor of West Java been consistent with the principle of legality and the General Principles of Good Governance (AUPB)?

2. Research Methods

The approach used in this study is a normative juridical approach. According to E. Saefullah Wiradipradja (2015), normative legal research is a type of research that places positive legal norms as the main object of study. This study focuses on the examination of various statutory regulations, including the 1945 Constitution of the Republic of Indonesia, Law Number 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, and Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages. In addition, the analysis is also supported by legal doctrine and court decisions, particularly Constitutional Court Decision Number 168/PUU-XXI/2023, as well as Governor of West Java Decree Number 561.7/Kep.863-Kesra/2026 and Number 561.7/Kep.876-Kesra/2025 concerning the 2026 Regency/Municipal Sectoral Minimum Wage. This method was chosen because it emphasizes the importance of studying various documents relevant to the research topic, such as books, scientific journals, research articles, and statutory regulations (Padilah et al., 2024). Furthermore, this study also

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uses additional data in the form of interview results, which serve as supporting material to deepen and sharpen the analysis of the issues examined.

3. Results and Discussion

3.1. Mechanism for Determining Sectoral Minimum Wages (UMSK) Based on PP Number 49 of 2025

A sectoral minimum wage is a minimum wage provision applied based on specific sectors within a region, or in accordance with regional economic development zones and the particular characteristics of a given area. Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages stipulates that the minimum wage policy in Indonesia consists of four types, namely the Provincial Minimum Wage (UMP), the Regency/Municipal Minimum Wage (UMK) under certain conditions, the Provincial Sectoral Minimum Wage (UMSP), and the Regency/Municipal Sectoral Minimum Wage (UMSK).

Regulations regarding the determination of the Regency/Municipal Sectoral Minimum Wage (UMSK) are stipulated in Articles 35F and 35G of Government Regulation Number 49 of 2025 as the Second Amendment to Government Regulation Number 36 of 2021 on Wages. Article 35F explains that the determination of UMSK is carried out both in regencies/cities that have already established UMSK provisions and in those that have not previously implemented it. Furthermore, Article 35G provides that the UMSK referred to in Article 35F paragraph (1) is determined by the governor and applies only to certain sectors within the relevant regency/city areas. The criteria for such sectors refer to the provisions on the Provincial Sectoral Minimum Wage (UMSP) as regulated in Article 35B paragraph (2), which are applied mutatis mutandis to UMSK. In addition, Article 35I paragraph (1) stipulates that the determination of UMSK by the governor is based on the recommendations of the regent or mayor, which originate from proposals submitted by the Regency/Municipal Wage Council.

The enactment of Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages reflects the government's effort to establish a wage system that is more adaptive and responsive to evolving economic conditions. This regulation is intended to improve workers' living standards while also fostering fair and harmonious industrial relations.

To determine the implementation of this policy, further analysis is required regarding the procedure for establishing the Regency/Municipal Sectoral Minimum Wage (UMSK) as regulated under Government Regulation Number 49 of 2025. The provisions governing this mechanism are specifically regulated in Article 35I, which sets out the stages of UMSK determination, ranging from the process at the regency/municipal level to its final determination by the governor. Pursuant to Article 35I of Government Regulation Number 49 of 2025, "the mechanism for determining the Regency/Municipal Sectoral Minimum Wage (UMSK) is carried out through several stages involving the Regency/Municipal Wage Council, the regent/mayor, and the governor."

The first stage begins with the Regency/Municipal Wage Council, which identifies and analyses specific sectors based on the established criteria, as well as calculates the UMSK value. In this process, the Wage Council also considers the sustainability of business conditions in the relevant sector.

Subsequently, the Regency/Municipal Wage Council determines the specific sectors and the UMSK value by taking into account the views of employers' organizations and trade unions/labor unions within the relevant sector. This indicates that the UMSK determination mechanism emphasizes a participatory principle by involving various stakeholders in the decision-making process.

The results of this stage are then formulated in the form of a written recommendation submitted to the regent/mayor, who subsequently forwards it as a recommendation to the governor. In the final stage, the governor determines the UMSK for specific sectors through a governor's decree, based on the submitted recommendations.

In addition to administrative stages, the mechanism for determining the UMSK also includes the determination of wage levels conducted by the Regency/Municipal Wage Council. Pursuant to Article 35F paragraphs (2) and (3), the Wage Council not only identifies specific sectors but also calculates and determines the UMSK value by considering business sustainability conditions and input from relevant stakeholders. The results of this process are then formulated in the form of recommendations submitted to the governor through the regent/mayor. However, these provisions give rise to practical issues, particularly when the recommended UMSK values determined at the regency/municipal level are not fully accommodated in the governor's decision. In practice, these provisions do not always operate in accordance with the established norms. In the implementation of the 2026 UMSK determination in West Java Province, discrepancies were found between regional recommendations and the decision issued by the governor, which subsequently triggered polemics and legal issues. The revised UMSK Decree still leaves many questions unanswered. Several regional recommendations based on local industrial structures were not properly accommodated. Moreover, some regencies/cities that had undergone extensive dialogue at the local level felt that their recommendations were unilaterally overridden at the provincial level (KoranPerdjoeangan.com, 2026).

3.2 Implementation of the 2026 UMSK Determination in West Java Province

The Government of Indonesia, through various laws and regulations, has sought to improve labor conditions; however, the implementation of these policies often encounters practical difficulties on the ground. The issue of the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) in West Java has not yet been resolved. The revision of the UMSK Decree (SK), which was initially expected to serve as a solution to workers' protests, has instead been perceived as complicating the existing situation. Tensions have arisen not only between labor groups and the

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West Java Provincial Government but have also triggered horizontal conflicts between workers and groups supporting the Governor of West Java.

The 2026 UMSK Decree revision carried out by the West Java Provincial Government is considered to have failed to resolve the main issue. Workers argue that "both before and after the revision, the substance of the policy remains problematic as it does not reflect the principles stipulated in the Government Regulation on Wages as the national reference."

Under these provisions, the determination of sectoral wages must take into account several important factors, such as the characteristics of the industrial sector, the recommendations of regional heads (regents/mayors), the results of wage council agreements, and efforts to maintain workers' purchasing power. This principle is intended to ensure fairness in wage determination by adjusting it to the actual conditions of industries in each region.

However, in its implementation, the revised UMSK Decree still raises many questions. Various regional recommendations, which were formulated based on local industrial conditions and structures, are considered to have not been fully accommodated. Moreover, several regencies/cities that had undergone lengthy dialogue processes at the local level stated that their recommendations were not used as a basis in the determination at the provincial level.

One of the main criticisms from workers is directed at the West Java Provincial Government, which is considered to have not fully adhered to the provisions of the Government Regulation on Wages and the official recommendations of regents and mayors across West Java. These recommendations were the result of a lengthy social dialogue process at the regional level, involving employers, workers, and the government. When such recommendations are not used as the basis for determination at the provincial level, this condition is seen as a breakdown of the industrial democracy mechanism. If this situation continues, it may reduce public trust in local government. Referring to Article 35I paragraph (1) of Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages, it is stipulated that the governor determines the Regency/Municipal Sectoral Minimum Wage for specific sectors based on the recommendations of regents/mayors proposed by the Regency/Municipal Wage Council. However, in practice, the Governor issued a decree on the sectoral minimum wage that did not conform to the recommendations of the regencies/cities, both in terms of the wage amount and the designated sectors.

Before further discussing the implementation of the governor's determination of the UMSK, it is necessary to first understand the concept of authority in administrative law. Authority is the power granted by statutory regulations to governmental organs to act within the field of public law. Authority refers to the right granted to government officials to make decisions and/or take actions. In the context of governance or administrative administration, a clear understanding of authority is essential so that decisions and actions taken have a legal basis and are in accordance with applicable laws and regulations. Every government official is obliged to act within the limits of the authority granted and is prohibited from exceeding such limits (Sinamo, 2010). Clear and well-defined authority creates legal certainty for all parties involved (Munaf, 2016). Decisions

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and actions taken based on lawful authority and in accordance with legislation provide legal certainty and protect the rights of citizens. In addition, the fulfillment of the aspect of authority also reflects the General Principles of Good Governance, such as proportionality, accountability, and legal certainty (Solechan, 2019; Zulianto & Latmahina,2023).

Subsequently, the Governor of West Java established the Regency/Municipal Sectoral Minimum Wage (UMSK) through Governor of West Java Decree Number 561.7/Kep.863-Kesra/2026 concerning the 2026 Regency/Municipal Sectoral Minimum Wage, dated 24 December 2026. However, in this decree, only 12 regencies/cities were included out of the total regions that had previously submitted UMSK recommendations.

In addition, there are discrepancies between the recommendations submitted by the regencies/cities and the governor's decision, both in terms of wage levels and the scope of business sectors. For example, in Bekasi Regency, the UMSK value was revised, and the number of business sectors originally proposed amounting to 60 sectors was significantly reduced to only 8 sectors in the governor's decree.

Purwakarta Regency was not included in the UMSK determination despite having submitted a recommendation, as the proposal submitted was not accompanied by detailed wage values and types of business sectors. This condition indicates issues in the UMSK determination process, both in terms of coordination between levels of government and consistency in accommodating regional recommendations, which ultimately affects wage certainty for workers.

Following the rejection by labor unions and protests in West Java, the Governor of West Java, on 29 December 2025, issued a revision through Governor of West Java Decree Number 561.7/Kep.876-Kesra/2025 concerning the 2026 Regency/Municipal Sectoral Minimum Wage, dated 24 December 2025. However, the revision still did not fully accommodate the recommendations of the regencies/cities. In Bekasi Regency, for example, the number of business sectors initially set at 8 sectors increased to 22 sectors in the revised decree. Nevertheless, these business sectors still did not fully align with the recommendations submitted by the local government.

This condition indicates that despite policy revisions having been made, the process of determining the UMSK has not been fully responsive to regional aspirations and needs, and has not yet reflected the principles of participation and transparency in decision-making. Ultimately, this may lead to legal uncertainty and unfairness for workers in the relevant sectors.

From the perspective of administrative law, there is a principle known as the supremacy of law, which is implemented through the concept of the principle of legality. This principle requires that every governmental action must be based on applicable laws and regulations. According to Indroharto, the application of the principle of legality supports legal certainty and equal treatment. Equal treatment occurs because every person in the same situation will be treated in accordance with the provisions of the law. Meanwhile, legal certainty is reflected in the ability of the public to predict government actions based on applicable rules, allowing society to adjust accordingly (Ridwan, 2014). In Indonesia, this is reflected in Law Number 30 of 2014 concerning Government Administration, which stipulates that every decision and/or action of government officials must comply with laws and regulations and the General Principles of Good Governance (AUPB) (Asmara et al., 2025). The elements of governmental action are as follows (Haryanti, 2024):

1. The act is carried out by government officials in their capacity as authorities or as governmental administrative organs (*bestuurorganen*), acting on their own initiative and responsibility;
2. The act is performed in the context of carrying out governmental functions;
3. The act is intended as a means to give rise to legal consequences in the field of administrative law;
4. The act is undertaken in the interest of the state and the public; and
5. The act is based on statutory regulations.

Administrative actions must be based on law, meaning that every state administrative action, whether in the formation of regulations or the issuance of decisions, must be grounded in applicable legal provisions, particularly statutory regulations. The principle of legality is a fundamental principle that serves as the foundation for the administration of government in a rule-of-law state, especially within the continental legal system (Pramuji, 2023). Therefore, every legal action in the field of state administration can only be carried out in accordance with the authority and procedures stipulated in the laws and regulations. If there is no clear legal basis, such an action may be considered to have exceeded the authority granted, as described above (Haryanti, 2024).

The regulation concerning the determination of the Regency/Municipal Sectoral Minimum Wage (UMSK) is explicitly stipulated in Government Regulation Number 49 of 2025, particularly in the provision stating that the governor determines the UMSK based on the recommendations of regents/mayors proposed by the Regency/Municipal Wage Council under Article 35I paragraph (1). This norm indicates an interrelation of authority between the regency/municipal governments and the provincial government in the UMSK determination process, which conceptually reflects the principles of coordination and distribution of authority within the framework of decentralization. Accordingly, this regulation not only demonstrates the division of governmental authority under decentralization but also affirms that every authority granted to the government is subject to certain limitations that must be observed in its implementation.

The existence of limitations in the regulation of authority cannot, in principle, be separated from the nature and basis of that authority itself, which essentially consists of the rights and obligations (*rechten en plichten*) of the government. These limitations, whether derived from abstract principles in administrative law or explicitly regulated in statutory provisions concerning state administration, essentially also give rise to legal consequences. In principle, any violation of the limits of authority by the government constitutes a breach of the mandate of the legislation that serves as the source of authority, as well as an indicator of the scope within which the government may act in decision-making and/or the exercise of governmental functions.

The relevant legislation refers to the provisions of the Government Administration Law, which regulates forms of limitation in the form of prohibitions as stipulated in Article 17 paragraph (2) of the said Law, namely: the prohibition of exceeding authority; the prohibition of mixing authorities; and/or the prohibition of acting arbitrarily. Based on these provisions of the Government Administration Law, if a government official and/or agency violates the limits of authority, such conduct indicates an abuse of authority (*détournement de pouvoir*) and arbitrary action (*abuse de* right).

3.3. The Implementation Process for Determining the 2026 Minimum Wage (UMSK) in West Java Province

Based on the results of an interview with a member of the West Java Provincial Wage Council from the labor union element, namely Mr. Rudol, S.H. from FSPMI, it was obtained that procedurally the mechanism for determining the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) had been carried out in accordance with the stages regulated under Government Regulation Number 49 of 2025.

At the regency/municipal level, the wage council consisting of elements of workers, employers, academics, and the government formulates UMSK recommendations through meetings, which are subsequently submitted to the governor through the regent/mayor no later than 24 December 2025. At the provincial level, discussions are conducted through a so-called "semi-chamber meeting" between relevant elements as a basis for consideration, which in principle does not alter the substance of the regional recommendations.

On 24 December 2025, the Governor of West Java issued Governor Decree Number 561.7/Kep.863-Kesra/2025 concerning the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK). However, in this decree, UMSK was only determined for 12 regencies/cities, namely Bekasi City, Bekasi Regency, Karawang Regency, Depok City, Bogor Regency, Bandung City, Cimahi City, West Bandung Regency, Subang Regency, Indramayu Regency, Tasikmalaya City, and Cirebon Regency.

This raises issues, considering that 19 regencies/cities had submitted UMSK recommendations to the governor. One of the highlighted cases is Purwakarta Regency, which had submitted a recommendation but was not included in the Governor's Decree. Subsequently, workers carried out prolonged protests at the Gedung Sate. Following various objections from labor unions and large-scale demonstrations by workers in West Java, on 29 December 2025 the Governor of West Java issued a revision of the UMSK determination through Governor of West Java Decree Number 561.7/Kep.876-Kesra/2025 concerning the 2026 Regency/Municipal Sectoral Minimum Wage, dated 24 December 2025.

Although the revision was carried out in response to public pressure and workers' demands, the substance of the Governor's Decree still does not fully accommodate the recommendations of the regencies/cities, both in terms of wage values and the scope of business sectors. In Bekasi Regency, for instance, the number of business sectors initially set at 8 sectors in the original decree increased to 22 sectors in the revised decree; however, this still does not align with the regional recommendation, which proposed 60 sectors. Of the 19 regencies/cities that submitted UMSK recommendations, only 17 were included in the Governor's Decree, while 2 regions Bogor City and Garut Regency were not included on the grounds that they did not meet the criteria under Article 35B of Government Regulation Number 49 of 2025.

This condition indicates a discrepancy between the participatory process at the regional level and the outcome of the determination at the provincial level, which gives rise to polemics and questions regarding the conformity of policy implementation with normative provisions. In addition, several large companies in Bekasi Regency, including Indonesia EPSON Industry, were not included within the scope of the UMSK. As a response, labor unions filed a lawsuit with the Bandung Administrative Court (*Pengadilan Tata Usaha Negara*/PTUN) against the Governor's Decree, which is considered inconsistent with Government Regulation Number 49 of 2025. Meanwhile, interview findings indicate that this issue is also influenced by the ambiguity of the normative provision regarding the phrase "based on recommendations."

According to an interview with a member of the Wage Council, the process of determining the Regency/Municipal Sectoral Minimum Wage (UMSK) did not fully comply with the requirements of Government Regulation Number 49 of 2025 concerning the Second Amendment to Government Regulation Number 36 of 2021 on Wages. In particular, the governor did not fully adhere to the provision requiring the determination of the UMSK to be based on recommendations submitted by regents or mayors through the respective Regency/Municipal Wage Councils.

These findings indicate a discrepancy between the applicable legal norms and their implementation in practice, which in turn may weaken legal certainty and reduce the protection of workers' rights in sectoral wage determination (Suhartono et al., 2024). The urgency of clarifying that the recommendations of regents/mayors must serve as a binding reference in determining the UMSK lies in the need to ensure legal certainty, fairness, and consistency in the implementation of wage policies. The ambiguity of the phrase "based on recommendations" in Government Regulation Number 49 of 2025 has the potential to give rise to varying interpretations, thereby opening room for excessive use of discretion by the governor. From the perspective of administrative law, every governmental action must be based on clear authority and must not exceed the limits prescribed by laws and regulations (Haryanti, 2024). This condition is further reinforced by the absence of clear regulations regarding parameters or indicators in the formulation of UMSK recommendations. The existing provisions are only general in nature, such as considering specific sectors and business sustainability conditions, without objective and measurable standards. This reflects a normative gap that may lead to legal uncertainty and inconsistency in policy implementation.

In line with this, as part of the national wage system, the regulation of the Regency/Municipal Sectoral Minimum Wage (UMSK) cannot be separated from the general objectives of wage policy established by the government. The general provisions of Government Regulation Number 49 of 2025 stipulate that wage policy aims to realize a decent standard of living for workers/laborers and to create harmonious, dynamic, and equitable industrial relations. Therefore, the regulation of UMSK as one of the wage instruments is also directed toward achieving these objectives, including minimizing potential conflicts in wage determination through a participatory mechanism based on regional recommendations.

In addition, the UMSK serves as a policy instrument to accommodate differences in productivity among business sectors while also promoting fairness in wage determination. In certain conditions, its existence becomes a necessity rather than merely an option, particularly when there is a significant gap between leading sectors and other sectors. Without the UMSK, workers in more productive sectors risk receiving wages that are not proportional to their workload, risk exposure, and contribution. Therefore, UMSK policy is not only oriented toward wage levels but also functions as a means of improving workers' welfare and ensuring a more equitable distribution of production outcomes (Hudaya et al., 2025).

However, in practice, the failure to use recommendations as the primary basis for determining the UMSK may undermine these objectives and trigger industrial conflict. Therefore, it is necessary to consider strengthening the regulatory framework, including the possibility of introducing administrative sanctions when recommendations that have been formulated through a lawful mechanism are not used as a basis for decision-making. From the perspective of administrative law, strengthening regulation through the imposition of administrative sanctions is important to prevent the abuse of discretion and to ensure legal certainty, fairness, and accountability in the determination of the UMSK (Haryanti, 2024).

4. Conclusion

The mechanism for determining the Regency/Municipal Sectoral Minimum Wage (UMSK) under Government Regulation Number 49 of 2025 is carried out through a participatory and multi-tiered process. The process begins with the Regency/Municipal Wage Council, which identifies relevant sectors and determines the UMSK value by involving workers, employers, academics, and government representatives. The results of these deliberations are then submitted as recommendations to the regent/mayor, who subsequently forwards them to the governor. In the final stage, the governor determines the UMSK based on these recommendations. This mechanism reflects the principles of participation, coordination, and the distribution of authority within the framework of decentralization, with the aim of producing wage policies that are aligned with the economic conditions and sectoral characteristics of each region.

The implementation of Government Regulation Number 49 of 2025 in the determination of the 2026 Regency/Municipal Sectoral Minimum Wage (UMSK) by the Governor of West Java does not, in substance, fully use the recommendations of regents/mayors as the primary basis, both in terms of wage levels and business sectors. This condition indicates a lack of conformity with the principle of legality and the General Principles of Good Governance (AUPB), thereby potentially giving rise to legal uncertainty and industrial conflict.

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Interview

Interview with Rudol, S.H., conducted on Saturday, April 11, 2026.