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"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



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**RECONSTRUCTION REGIONAL MINIMUM WAGE (UMR) IN RENEWAL OF
EMPLOYMENT LEGAL REMEDIES BASED IN INDONESIA THE VALUE JUSTICE
PANCASILA**

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ABSTRACT

As a developing country, Indonesia is facing problems of population and employment. The crucial question of which is the low level of wages among workers. Employment issues in Indonesian is regulated in Article 5 (1), Article 20 (2) of Article 27 paragraph (2) of Article 28 and), Article 33 paragraph (1) Constitution 1945. Government set wage the rule Minister of Manpower and Transmigration No. 7 of 2013 about Minimum. In the fact wages, worker more difficult to achieve the Living Needs (KHL) to uncover research Reconstruction Policy concept (Minimum Wage) UMR In Indonesia. Rekonstruksi employment Legal Reform efforts Minimum Wage (UMR) The Justice Value based Pancasila. UMR Based on the values of Al-qur'andan Al-Hadith, In human life, not everyone can work for himself, because of the lack of working capital, so it must be working for someone else.

Keywords: Justice, Wages and Rights

A. INTRODUCTION

Indonesian is the fourth largest gatra World Population hearts aspect Period. Alongside Potential is possessed, Term The solid Population Issues Immediate pose insurmountable That provision Age Population Employment For Productive And Providing fair wages for workers, especially in the industrial sector. In the life of 'the people of Indonesia, orangutans can not all work for review themselves, because lack of working capital, so must work for review other people. UMR Justice based on values of Pancasila values of Pancasila Values since 2003, based on the MPR Decree No. I / MPR / 2003, item

36 has been replaced Pancasila Implementation Guidelines Being 45 grains Pancasila.Principle basic foundation of the Republic of Indonesia is Pancasila.which accommodate and coercive as a way of life of all people claiming Nation Indonesian.And into nature for all Indonesian citizens in society and justice .Rekonstruksi Minimum Wage (UMR) based justice Pancasila. Rekonstruksi UMR values will be based on values Pancasila because justice is the foundation of the Indonesian state. Three level values include the basic value, instrumental value, and the value of praxis into a heated debate among academics and practitioners to look for solutions in order to create fairness in the administration of workers' wages.

B. ISSUES

Problems in this study as follows: (1) Is the implementation of Minimum Wage (UMR) is now in accordance with the values of Pancasila Justice? (2) How Downside Downside Implementation of Minimum Wage (UMR) saatini? (3) How Reconstruction Minimum Wage (UMR) based on values of Pancasila Justice? A description and discussion of the above problems will be discussed in detail and straightforward in further exposure in this study.

C. IMPLEMENTATION OF THE REGIONAL MINIMUM LWAGE (UMR) AND COMPLIANCE WITH THE VALUES OF JUSTICE PANCASILA

Development of national law is part of the national development system that aims to realize the goal of the state to protect all the people and the nation, as well as the entire country of Indonesia, promote the general welfare, educating the nation and participate in the establishment of world order based on freedom, lasting peace and social justice, through a system of national law. Legal development programs need to be a top priority because of the changes to the Constitution of the Republic of Indonesian Year 1945 has broad implications and fundamental The constitutional system that need to be followed by changes in the law / legal system structuring. Therefore many of our workforce in Indonesia is still in need of legal protection. Legal protection here is not merely the rule of law, but the law enforcement . Actually, with the enactment of Law 2003 on employment No.13 year this be a fresh start in the spirit of national legal reform. Aimed at legal protection to woker, this can be seen in the Act No. 13 In 2003 the foundation, principles and objectives that national development conducted in order to complete Indonesian human development and the development of Indonesian society to realize a prosperous society, fair, prosperous, equitable, both materially

and spiritually based on Pancasila and the Constitution of the Republic of Indonesia Year 1945. The government set wages through Regulation of the Minister of Manpower and Transmigration No. 7 of 2013 concerning Minimum Wage. Wage fixing is conducted every year through a long process. At first the Regional Wage Council (DPD), which consists of academics, bureaucrats, workers and employers hold meetings, form teams and go to the field survey to find out the price of a number of requirements needed by employees and workers. After a survey in a number of cities in the province are considered representative, obtained Living Needs (KHL) used to be called the minimum requirements (MIC). Based KHL, DPD proposes regional minimum wage (UMR) to the Governor for approval. Components need for decent living are used as the basis for determining the minimum wage based on the needs of workers living single (unmarried).

In the issue of minimum wage, state or country managers have adhered to the nature and functions of the state (for what the country present). If not, it will be difficult to understand that the issue of minimum wage is a matter of real purchasing power. That is, the minimum wage should be able to represent the real purchasing power (the ability to buy real). To achieve this, we need the state's ability to control the prices of the necessities of life and understand the social network of low-income residents (problem of availability and how citizens can get it), so the state is able to formulate the minimum wage closer to the real purchasing power of the workers. Employment law if studied further scope is quite broad. Employment law not only regulates the relationship between the workers / laborers with employers in the implementation of the employment relationship but also including one that would find work through the correct process or implementing agencies concerned. Employment law is a rules written or unwritten that regulates a person from before, during, and after labor-related in scope in the field of employment and, if violated can be exposed to civil penalties or criminal including management bodies related private in the field of labor.

Analysis on Reconstruction Minimum Wage (UMR) in Indonesian Labor Law Reform Efforts The Justice Value Based Pancasila "using the Theory of Justice As Grand Theory where. Plato, call justice can only exist in the law and regulations made by the experts that particular thought. Paradigma legal positivism, justice is seen as a legal purpose. It's just too fully aware of the relativity of justice is often obscure other elements are also important, element of legal certainty.

As a law enforcement Middle theory Theory especially in support of the principles of human rights, John Rawls. His A Theory of Justice, stated that, ideals of justice lies in the social structure (community), such as: social institutions, political, legal, economic. The structure of society, including the constitution, private ownership of means / production infrastructure, competitive market that requires the cooperation of all enforcement employment that helps maintain a working relationship, in addition to regulation through legislation published also by the form of company regulations or collective agreements, and the agreement essentially workers. this law, based on the principle of certainty, fairness, benefits, balance of interests, deleberation, as well as equality in law. These principles have value as the goal of employment law in providing the foundation for the protection and law enforcement employment field.

Applied Theory, this study is the Theory of Progressive Law progressive understanding of law according to the law that the law is an institution that aims to deliver people to the life of a just, prosperous, and make people happy. Progressive thinking means having to venture out of the mainstream thinking legal absolutism, then put in a position of relative law. In this case, the law should be put in the whole issue humanity. The progressive legal concepts, the law does not serve himself, but for a purpose outside himself.

Iron wage theory put forward by Ferdinand Lassalle, refer to the application of natural reward system put pressure on the workers, because the position of the worker in a position that is difficult to penetrate the wage policies that have been set by the produsen. Related with these conditions then the theory is known as the "Theory wages Iron".

This study is a qualitative research approach sociological juridical law (Socio legal research), the research done by reviewing the legislation in force or applied to a specific legal problem.

This research to uncover Reconstruction Policy Concept (Minimum Wage) UMR In Law Reform Efforts employment law Indonesian. What primary, secondary and tertiary collected in accordance with the topic that is being done / discussed. Techniques for assessing and collecting these materials is a documentary study of the law. The three types of legal materials should be mutually supportive and not contradict causing material synchronization law for a particular topic endeavored to first find the primary legal materials, if not available, the use of secondary materials. While tertiary legal materials are only used to support the primary legal materials and legal materials available sekunder. All then studied komprehensif.

As the research that is natural settings for data retrieval, the method used in this study with the observation in the Company PT Fajar Inti Indotrad Bandung, interviews with key persons and documentation. Situation research data source that is natural setting in which researchers act as participant observation. The collection of data through the selected documents as a track record in the Company PT Fajar Inti Indotrad Bandung. Selected found various documents analyzed and researched relevance to the purpose of research. Precisely the document is very important in supporting the observations and interviews with the data thus collected is actually required data and the data used triangulation techniques relevant. collected as joint data collection techniques and a variety of data sources.

The study was conducted in Bandung precisely in PT Fajar Inti Indotrad. Geographically the city of Bandung is the capital city of West Java Province, located between East longitude 107 36, 6 55 south latitude. Ground elevation 791m above sea level, the lowest point + 675 m in the south of the surface is relatively flat and the highest point + 1,050 m located on the north by culture hilly. The results showed that the implementation of Minimum Wage (UMR) There Value In accordance with Pancasila Justice. Condition that occurs in small companies is different to that of the big companies that have been referring to Act No. 13 of 2003, article 88 paragraph 2 of the Employment. Wage protection merely become mere theoretical study.

D WEAKNESS WEAKNESS IMPLEMENTATION OF MINIMUM WAGE (UMR) CURRENT

Birth of labor legislation as one of the government's efforts to improve the economy of the people towards society Welfare, independent and sustainable, as well as constitutional article 28 h Jo., Article 33 (1) UUDNRI 1945 is not so effective running after nearly a decade running. In fact, enforcement of labor laws by naked eye if examined tend to actually cause a variety of new problems from the many labor problems that exist today, such as setting up part-time work, the system contracts through agency "outsourcing", the placement of foreign workers, the wage system and many others, so it does not guarantee the legal certainty as a consequence of the application of law No. 13 of 2003 on Manpower. Reflecting on the above issues, which draws upon the enactment of Law No. 13 of 2003 on employment is the absence of the government's efforts to balance the implementation of the normative rules of employment with the controls.

Implementation weakness weakness Minimum Wage (UMR) Today is the First Law of weakness substance, including: Suspension of Implementation of Minimum Wages weakness, weakness . Regulation of the Minister of Manpower and Transmigration No. 7 of 2013 concerning Minimum Wage. Government Regulation No. 78 Year 2015 on Equal Remuneration. Second, the weakness in the structure of law, including the Wage Council, Mechanisms and Processes Birth of Minimum Wages on Wage Council, expediency Opportunities Wages Council as a strategy Fighting for wage and Weaknesses In Law Culture include weakness Culture nrimo and Work Competence Low and less Improved Job Performance.

E. RECONSTRUCTION MINIMUM WAGE (UMR) BASED ON VALUES OF PANCASILA JUSTICE

UMR Based on the values of the Qur'an and Al-Hadith, In human life, not everyone can work for himself, because of the lack of working capital, so it must be working for someone else. Workers for others is not a lack, because the Apostle was before being appointed to the Apostle is the shepherd who get wage job. Wage or salary to be paid as hinted at in the Qur'an Allah Aal Imran: 57. Islam offers a good solution to the problem of wages and salvage interests of the two parties, the workers and businessman.

this case there are a few things you should met relating to issues that the principles of fairness, decency, and Al-Hadith policy. The Pay wage before his sweat dried. The value of the divine, human values, national values, as well as deliberative democracy it gained fullness of meaning as far as realizing social justice. In the vision of social justice by the Pancasila, desired is a balance between physical and spiritual fulfillment, a balance between the role of the individual human being and the role of humans as social beings, as well as the balance between the fulfillment of civil and political rights to economic, social and cultural.

Regional Reconstruction of minimum wage (UMR) based on values of Pancasila Justice. UMR reconstruction will be based on the values of justice because Pancasila Pancasila is the philosophical basis Indonesian. Pancasila state implies the Indonesian people as a result of profound reflection of the founders of the state when it tried to explore the basic values and formulate basic state on it established the Republic of Indonesia.

F.1. Conclusion

1. Not there is compatibility between the minimum wage to the value of justice Pancasila, the five precepts yatu "Social justice for the whole of the people of Indonesia." In a theoretical

level, among others, Law No. 13 of 2003 on Labor in Chapter 10 regulates the Wage. According to Article 88 paragraph (1) of the Manpower Law, every worker / laborer is entitled to earn a living befitting meet humanity. In practical terms, the government has been carrying out the supervision and implementation of the laws on employment, there are still many companies that violate these rules. It reflects that between the government and the company is still no proper coordination of the implementation of labor legislation ini. Banyak companies that do not implement the Labor legislation Invitation causing Accidents and constitute a breach of the employment norm.

2. Weaknesses implementation Regional minimum wage today originated from the government efforts to improve the economy of the people towards an *berkesejahteraan*, independent and sustainable, as well as in the Constitution Article 28 h Jo. Article 33 (1) UUDNRI 1945 is not so effective.
3. Rekonstruksi value / rekonstruksi philosophical regional minimum wage in order to reform Indonesian law based on values of justice Pancasila is the realization of the minimum wage that meets the decent life of workers and their families and protect the productivity of the company as a balanced contribution of Islamic law on the minimum wage (pay wages before his sweat dry).

F.2. Suggestion

1. The bureaucrat policy makers provincial, district and city, are urged to provide more intensive briefing for the stabilization of the labor laws in Indonesian government demanded a role to mediate in a conflict of interests between workers and employers by making the rules of the game and arrange a compromise between parties- interested parties. Thus in effect, within the framework of the Pancasila Industrial Relations (HIP), the minimum wage policy is a point of balance as a result of deliberation for the parties concerned. The academic society to be more concerned with employment issues by contributing his thoughts through research activities labour. The employment issues that thus compound of the above, of course, also need a comprehensive and systemic solutions.
2. The Government and Parliament need to enhance Article 96 of Law No. 13 of 2003 on Manpower.
3. Governments need prefect article 44 Paragraph (2) of Government Regulation No. 78 Year 2015 About the Wage.

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