

Management of Worker Protection Regarding the Cancellation of the Decision of the Governor of Jakarta in Postponing the Implementation of the Minimum Wage

Haryono Edi Hermawan

Tangerang Raya University, Tangerang Indonesia

Correspondence Author: haryono@gmail.com

Rosmalily binti Salleh

Curriculum Development Division, Ministry of Education Malaysia, Malaysia

Correspondence : rosmalily@moe.gov.my

Abstracts

The purpose of this research is to find out the legal protection for the minimum wage deferral policy. And want to know the cancellation of the decision of the governor of Jakarta on the implementation of the minimum wage. This research method uses normative law. Methods of data collection are observation, interviews with the district court judges and prosecutors involved, documentation studies through existing archives on worker protection laws and official records, and supporting books that focus on labor protection. Decree of the Minister of Manpower and Transmigration No. Kep.231/MEN/2003 concerning Suspension of Implementation of the Minimum Wage. In the Jakarta Administrative Court decision Number 62/G/2021/Ptun.Jkt and Appeal Decision No. 10/B/2014/PT.Tun.Jkt, regarding the setting for the deferral of the minimum wage, needs to be reviewed, also regarding the deadline for the completeness of the files in submitting a deferral of the minimum wage. Agreements between employers and labor unions as a prerequisite for employers to carry out are contrary to law. Unions as legal subjects can sue Ptun. Legal settlement of the cancellation of the suspension of the minimum wage, can provide legal certainty for workers, and cause consequences in the settlement through a process at the Industrial Relations Court. Companies that have been declared void of their decision to suspend wages have not carried out their obligations to pay the minimum wage by the provisions.

Keywords: Management, Protection, Workers, Minimum Wage, Decisions

A. Introduction

The dynamics of the workforce are very interesting to study and examine in more depth because most of Indonesia's population has switched, who used to work as farmers but now work more in the industrial sector which often creates many endless problems. However, even though the Government has fortified it with a statutory regulation to regulate the mechanism of relations between employers and workers, the relationship between employers and workers is like two opposing camps. A "declaration" made by the UN General Assembly which is not legally binding, and is known as the "Universal Declaration of Human Rights. This declaration reflects a pledge of

respect for human rights, as stated in Article 55 of the UN Charter.

In the juridical relationship between employers and workers, workers are free because according to the principles of the Universal Declaration of Human Rights no one may be enslaved or enslaved. However, throughout the 20th and early 21st centuries there have been certain humanitarian developments in international law, the most prominent of which is the abolition of the slave trade. However, 50 years later, the General Act of the Berlin Conference governing European colonization of Africa stated that "the slave trade was prohibited. Based on the principles of International Law". On the other hand, the Universal Declaration of Human Rights also includes economic, social, and cultural rights which are very important for developing countries. These rights include, among others: the right to work and the right to health, the right to housing, and the right to education.

As a result, workers are often extorted by employers with relatively small wages. For this reason, the government issued several laws and regulations to protect the weak, workers, and employers' power, to place them in a proper position with human dignity. Indonesia is a country with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia, everything regarding regulations and policies in the field of labor law should be based on the philosophy and foundations of that country. The values contained in Pancasila, especially regarding labor, stated that industrial relations must be based on the principles of cooperation, cooperation, and the principle of deliberation to reach a consensus.

The impact of setting the minimum wage is usually experienced by workers and employers. Workers/laborers think that the minimum wage set by the Governor is too small so it is not sufficient for their living needs. Not infrequently they carry out efforts such as strikes or demonstrations so that the Governor reviews the minimum wage rate. Employers consider the minimum wage too high. Thus, it is difficult to pay for it.

The ways that employers can take if the company is unable to implement a wage increase are varied, ranging from the most accommodative way to extreme methods such as laying off workers, reducing the number of workers/laborers, and even closing the company. However, other measures can be taken to anticipate the burden on the entrepreneur, namely The entrepreneur can submit a request for suspension to the Governor by the Decree of the Minister of Manpower and Transmigration Number Kep.231/Men/2003 concerning Procedures for Postponing the Implementation of the Minimum Wage.

B. Research Methods

Research uses a legal normative approach in realizing law as a rule, the normative approach used in this research will examine normatively based on labor laws and the reciprocal relationship between employers, workers, and the government

1. Data Sources

The source of data used in this research is secondary data. Secondary data is data that comes from a literature study consisting of primary legal materials, in the form of regulations and legislation, such as the 1945 Constitution of the Republic of Indonesia, the Civil Code (KUH Perdata), Law no. 13 of 2003 concerning Manpower, Law Number 21 of 2000 concerning Worker Unions, Labor Unions, Law no. 2 of 2004 concerning Settlement of Industrial Relations Disputes, Government Regulation Number 8 of 1981 concerning Wages Protection, Government Regulation Number 78 of 2015 concerning Wages Protection, Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Per-01/Men/1999 concerning Minimum Wages

2. Research Data Analysis

Research in the type of normative legal research in which data analysis can be categorized in the approach of legal principles and assessing the synchronization of statutory regulations. In reviewing the substance of the decision with the provisions of labor law related to the decision

C. Results and Discussion

In 2021, the Governor, together with the Jakarta Provincial Manpower Office, decided to comply with the request to postpone the implementation of the 2021 provincial minimum wage put forward collectively by several companies. Through this decision, companies that obtain approval for suspension can pay their workers' wages at a value below the Jakarta Provincial Minimum Wage, but may not be lower than the KHL figure of Rp. 3.9 million, with a suspension period of no more than 12 months.

Every year, the determination of the Minimum Wage is always the main topic of discussion among interested parties, namely employers, trade unions, and the government. This year 2021, was surprised by the determination of a very significant increase in wages in several regions. The 2021 provincial minimum wage nationally increased by an average of 18.9% (39.1%) from the previous year and was a fairly high increase since the economic crisis. The increase in the minimum wage was mainly dominated by the increase in the province of Jakarta

1. Decision Number 62/G/2021/Ptun-Jkt. In the Management of Workers' Protection of the Cancellation Law of the Governor of Jakarta in Postponing the Implementation of the Minimum Wage

The case was heard at the Jakarta State Administrative Court. The parties in this case include the Regional Leadership Council of the Jakarta Province National Workers' Union, the Chairperson of the Jakarta Workers' Union, and the Secretary of the Jakarta Workers' Union. plaintiff I, as well as, the North Jakarta Administrative City National Workers Union Branch Leadership Council represented by Moch Halili (Chairman of the North Jakarta Administrative City Workers Union) and Sopyan Hadi (Secretary of the North Jakarta Administrative City Workers Union) as plaintiff II.

Meanwhile the Governor of the Province - Jakarta as Defendant I, with PT Kaho Indah Garment represented by Mahon Kyu Bung a Foreign Citizen as Defendant II Intervention 1, PT. Kohan Sung Indonesia represented by Kim Dae Hwan as the second defendant of intervention 2. PT. Hanseng Trading Indonesia is represented by Lee Bong Bon as Defendant II Intervention 3. PT. Mon Bomber was represented by Joo Chul Kim as the Intervention II defendant 4. PT Best Boys Indonesia was represented by Jong Liang Kim as the Intervention II defendant 5. PT Taseng Heing Mega Sari was represented by Chun Boen Oh as the intervention II defendant 6. In addition, there is one more company namely PT Misung Indonesia but not included in the intervention defendant.

The object of the lawsuit is the Decree of the Governor of the Special Capital Region of Jakarta Province, Number 510 of 2021 dated April 5, 2021, concerning Approval of the Suspension of Implementation of the 2021 Minimum Wage for PT. Pratam Garment, Decree of the Governor of the Province of the Special Capital City Region of Jakarta, Number 511 of 2021 dated 5 April 2021 concerning Approval of the Suspension of Implementation of the 2021 Minimum Wage, to PT. Missing Indonesia, Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 512 of 2021 dated 5 April 2021 concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage to PT. Missing Indonesia, Decree of the Governor of the Province of the Special Capital City Region of Jakarta, Number 513 of 2021 dated 5 April 2021 concerning Approval of the Suspension of Implementation of the 2021 Minimum Wage to PT. Hanseng Trading Indonesia, Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 514 of 2021 dated 5 April 2021 concerning Approval of the Suspension of the Implementation of the Minimum Wage for 2021, Decree of the Governor of the Province of the

Special Capital Region of Jakarta, Number 515 of 2021 dated 5 April 2021 concerning Approval of the Suspension of Implementation of Wages Minimum 2021 to PT. Best Boys Indonesia.

Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 515 of 2021 dated April 5, 2021, concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage for PT. Taseng Heung Mega Sari. According to the decree, companies are required to pay the lowest wage according to the 2012 Jakarta Province KHL value, which is Rp. 1,978,789. The material for the lawsuit is related to the legal standing of the plaintiff, the issue of unclear regulations regarding the deadline for the completeness of the files, the problem of the prerequisites for submitting the main application regarding sincere agreement and auditing of a public accountant, and the object of improper suspension, as well as the implementation of the minimum wage in the company.

2. The basis for judges' considerations in the management of worker protection over the cancellation of the decision of the governor of Jakarta in suspending the implementation of the minimum wage

Considering that because the Defendant has denied the arguments of the Plaintiff's lawsuit, the Panel of Judges will consider the subject matter of the object of the dispute by examining the arguments of the parties based on the facts obtained in the quo trial, with the following legal considerations:

Considering, that to strengthen its arguments, the Plaintiff has submitted 101 pieces of evidence marked P-1 to P-101, and submitted 8 (eight) Witnesses, namely: Catur Dewi Astrid Hadi, Achyar, Denni Moniaga, Indra Jaya, D. Delopa Muladi, Siti Rahayu, Muh Farhan Intervening Defendant II submitted 56 (fifty six) pieces of documentary evidence and 3 (three) Witnesses, namely: Ruslan, Muh Cakra, and Slamet Sentoso, but did not propose Experts.

Considering, after having examined the documentary evidence, witness statements, and expert statements submitted by the Parties, the Court will then consider the validity of the issuance of the object of dispute in terms of administrative law, namely in terms of authority, procedure, and substance, of course taking into account the facts that occurred before and at the time the object of the dispute was issued.

Considering, that the Object of the Dispute was issued by the Governor - Jakarta by the provisions of Article 5 paragraph (1) Kepmenakertrans RI Number: 231/MEN/2003 concerning Procedures for Postponing the Implementation of the Minimum Wage jo Article 11 paragraph (2) Pergub Jakarta Number: 42 of 2007 concerning Procedures for Postponing the Implementation of the Provincial Minimum Wage.

Considering, that PT. Pratam Garments, PT. Kohan Sung Indonesia, PT. Hanseng Trading Indonesia, PT. Mon Bomber, PT. Best Boys Indonesia and PT. Taseng Heung Mega Sari is a Civil Legal Entity, namely a Company engaged in the textile business, which has thousands of employees (exhibit T.II.Int.1-1, evidence T.II.Int.2-1, evidence T.II. Int.3-1, evidence T.II.Int.4-1, evidence T.II.Int.5-1, and evidence T.II.Int.6-1);

Considering, that against employees from PT. Pratam Garments, PT. Kohan Sung Indonesia, PT. Hanseng Trading Indonesia, PT. Mon Bomber, PT. Best Boys Indonesia and PT. Taseng Heung Mega Sari as well as employees from other companies in - Jakarta, the Governor - Jakarta has set the Provincial Minimum Wage for Jakarta of Rp. 2,200,000.- (two million two hundred thousand rupiah), according to the Regulation of the Governor of the Province of Jakarta Number 189 of 2012 concerning the Provincial Minimum Wage for 2021 and subsequently the Provincial Sectoral Minimum Wages have been determined based on the Governor of the Province of Jakarta Regulation Number 207 of 2012 concerning Minimum Wages Province Sectoral Year 2021 (exhibit P-12).

Considering, that against the stipulation of the 2021 Provincial Minimum Wage stipulated by the Government - Jakarta (in case the Defendant), the Employer (in case the Intervening Defendants II) objected and has submitted a Postponement/postponement of the payment of the

Provincial Minimum Wage by the provisions of article 90 paragraph (2) Law Number 13 of 2003 concerning Manpower jo. Article 2 paragraph (2) Kepmenakertrans Number: KEP.231/MEN/2003 concerning Procedures for Postponing the Implementation of the Minimum Wage jo. Article 3 Governor of Jakarta Regulation Number 42 of 2007 concerning Procedures for Postponing the Implementation of the minimum wage, until early 2014 (exhibit T.I-1, evidence T.II-1, evidence T.III-1, evidence T.IV-1, evidence T.V-1, evidence T.VI-1, and evidence T.VII-1).

Considering, that according to the provisions of Article 3 paragraph (1, 2, 3 and 8) Kepmenakertrans Number: Kep.231/Men/2003 concerning Procedures for Postponing the Implementation of the Minimum Wage jo. Article 4 paragraph (1), Article 5, Article 6 paragraph (1) Provincial Governor Regulation - Jakarta Number: 42 of 2007 concerning Procedures for Postponing the Implementation of the Minimum Wage (exhibit T-1 and evidence T-2), it is stated that the Application for Suspension of the Minimum Wage submitted to the Governor through the agency responsible for manpower affairs which is based on a written agreement between the Employer and the registered worker or trade union which is carried out through in-depth, honest and open negotiations 1) Kepmentrans Number: Kep.231/Men/2003 concerning Procedures for Postponing the Implementation of the Minimum Wage jo. Article 7 paragraph (1) Regulation of the Governor of Province - Jakarta Number 42 of 2007 concerning Procedures for Postponing the Implementation of the minimum wage must include:

- a. The original text of the written agreement between the Employer and the Labor Union or Company Workers concerned
- b. The Company's Financial Statements consist of a balance sheet, loss/profit calculations along with explanations
- c. Copy of company establishment deed
- d. Company establishment wage data
- e. The total number of workers and the number of workers who are requested for a postponement of the implementation of the minimum wage.
- f. Development of production and marketing for the next 2 years

3. Decision on Appeal in the Management of Workers' Protection of the Law on Cancellation of the Decision of the Governor of Jakarta on Suspension of Implementation of the Minimum Wage

After the abovementioned case was decided, PT Kaho Indah Garment was represented by Mahon Kyu Bung, a foreign citizen as Defendant II Intervention 1, PT. Kohan Sung Indonesia represented by Kim Dae Hwan as the second defendant of intervention 2. PT. Hanseng Trading Indonesia is represented by Lee Bong Bog as Defendant II Intervention 3. PT. Mon Bomber represented by Joo Chul Kim as Defendant II Intervention 4. PT Best Boys Indonesia represented by Jong Rim Kim as Defendant II Intervention 5. PT Taseng Heing Mega Sari represented by Chun Boen Oh as Defendant II Intervention 6 filed an appeal against Case Number 10/B/ 2014/PT. Tun. Jkt.

Whereas the appeal against the legal counsel of the Intervening Defendants II/Appellant has been filed within the grace period of 14 (fourteen) days, if calculated from November 7 2021 (decision pronounced) to November 13 2021 (Deed of Appeal Petition), therefore the appeal has fulfilled the requirements referred to in Article 123 of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court, and therefore formally the appeal can be accepted. According to the Panel of Judges the attorney The Defendants II Intervened the Appellant submitted the Memorandum of Appeal dated 23 December 2021 and received at the Registrar's Office of the Jakarta State Administrative Court on 24 December 2021 which principally stated that they disagreed with the Decision of the Jakarta State Administrative Court and requested the Panel of Judges of the High Administrative Court The State of Jakarta to pass a decision, namely in the exception: Granted the Exception of Comparator II Intervention 1,2,3,4,5,6; and in the Main Case: 1. Canceled the decision No. 62/G/2021/Ptun,

Jkt.

Declare the validity and value of the Decree of the Governor of the Province of the Special Capital City Region of Jakarta, Number 510 of 2021, April 5, 2021, regarding the Approval of Postponing the Implementation of the 2021 Minimum Wage, to PT. Pratam Garments; Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 511 of 2021, April 5, 2021, concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage, to PT. Missing Indonesia; Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 512 of 2021, April 5, 2021, concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage, to PT. Indonesian Corinth. Decree and Award, as well as 2 (two) Experts, namely: Dr. Muh Dolan, SH. M. Hum. and Harjo Maulana, SH. MH.

Considering, that to strengthen the arguments of his rebuttal, Defendant has submitted 79 (seventy-nine) pieces of documentary evidence and has not presented any Witnesses or Experts. Considering, that to strengthen the arguments of his rebuttal. Governor of the Province of the Special Capital Region of Jakarta, Number 513 of 2021, April 5, 2021, concerning Approval of the Suspension of Implementation of the 2021 Minimum Wage, to PT. Hanseng Trading Indonesia; Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 514 of 2021, April 5, 2021, concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage, to PT. Mon Bomber; Decree of the Governor of the Province of the Special Capital City Region (-) Jakarta, Number 515 of 2021, April 5, 2021, concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage, to PT. Best Boys Indonesia; Decree of the Governor of the Province of the Special Capital Region of Jakarta, Number 516 of 2021, April 5, 2021, concerning Approval for the Suspension of Implementation of the 2021 Minimum Wage, to PT. Taseng Heung.

Therefore, in its decision, namely Accepting the appeal from the Intervening Defendants II/Apparatus and Strengthening the Decision of the Jakarta State Administrative Court Number 62/G/2021/Ptun. Jkt, November 7, 2021, the appeal was filed

4. Analysis of the Decision in the Management of Workers' Protection of the Law on the Cancellation of the Decision of the Governor of Jakarta on the Suspension of Implementation of the Minimum Wage

First, the author will discuss the legal standing of the plaintiff. In essence, according to Article 53 paragraph (1) of Law Number 5 of 1986 as last amended by Law Number 49 of 2009 concerning the State Administrative Court that filing a lawsuit must have an element of the interests of the plaintiff who is harmed as a result of a decision on the object of dispute. In this regard, Article 1 point 17 of the Manpower Law explains that a Trade Union/Labor Union is an organization formed from, by, and for workers/laborers both within the company and outside the company, which is free, open, independent, democratic and responsible for fight for, defend and protect the rights and interests of workers/laborers and improve the welfare of workers/laborers and their families. In Article 1 paragraph (4) of Law Number 21 of 2000 concerning Trade Unions/Labor Unions, it states that in the framework of realizing freedom of association, workers/laborers have the right to form and develop trade unions that are free, open, independent, democratic and responsible.

The author sees that in the Statutes and Bylaws of the National Workers' Union, it is stated that the Organizational Form of the National Workers' Union is a federation which is a combination of trade unions engaged in the industrial, trade, and service sectors, both formal and informal. Therefore, the plaintiff has the right to represent its members who have equal standing in law, fight for, protect, and defend the interests and welfare of workers and their families, and have the capacity to file a lawsuit at the Jakarta District Administrative Court.

In the decision of the Jakarta Administrative Court, the author sees a breakthrough made by the panel of judges. One of them is that the union is considered a legal subject that can sue the Administrative Court. Apart from that, the assembly saw that the issue of postponement of the

Minimum Wage was not just a matter of administrative requirements. For example, one of the 7 companies that suspended the minimum wage has met the necessary administrative requirements. However, the assembly questioned whether the company had negotiated the suspension with workers and complied with workers' rights.

Second, related to the problem of unclear regulations regarding the deadline for completing files. Article 6 paragraph (1) Especially in Jakarta, approval or refusal can be made under certain conditions, namely according to Article 8 paragraphs (1), (2), (3), Jakarta governor Regulation Number 42 of 2007, namely paragraph (1) If the requirements are not correct and complete, the Head of Service shall notify in writing within 7 working days from the date of receipt of the request for postponement of the implementation of the provincial minimum wage, accompanied by reasons. Paragraph (2) namely no later than 15 working days from the receipt of the notification as referred to in paragraph (1), the application must complete the requirements requested. The company did submit a written request to the Governor 10 days before the minimum wage date but in decision No. 62/G/2021/Ptun.Jkt for submission of completeness until March 2021 and stipulates approval for suspension on April 5, 2021. Sometimes the deadline for the completeness of files is detrimental to workers/laborers. As long as the request for suspension is still in the process of being finalized, the employer will continue to pay the wages normally received.

Third, regarding the prerequisites for applying, especially regarding a company audit. Even though there is, it is not a public accountant audit but only an internal company audit. Supposedly, the Manpower Office or the Governor can ask a public accountant to check the company's financial condition. In addition, in negotiations with the trade/labor unions, the entrepreneur should announce financial reports so that the union knows the financial condition of the company. This also proves that the agreement that was born does not by the legal requirements because it does not meet the legal requirements of the agreement/agreement. So the author agrees with the judge's decision that in the company there is intimidation by the company against workers/laborers. So supposedly, if there has been intimidation in the agreement, the trade/labor union can request the Industrial Relations Court itself to cancel it.

Fourth, improper object suspension. In fact, according to the Jakarta Provincial Governor Regulation No. 207 of 2012 for companies that are included in Jakarta's leading sectors, including one that is engaged in the textile sector, a special Minimum Wage is applied. The companies included in the lawsuit are all included in the companies that should be subject to the Minimum Wage. The Governor should have issued a decision regarding the suspension of the Minimum Wage.

Fifth, related to the issue of implementing the Minimum Wage in companies which only applies to workers who have worked for less than 1 year. The company makes the payment of wages equal to workers/laborers without differentiating the working period of each worker/laborer. The company should have a clear wage structure and scale so that it can distinguish which workers/laborers are subject to the Minimum Wage.

According to the Supreme Court Justices, this is a lesson related to the abuse committed by employers. The minimum penalty is given as a deterrent effect so that employers obey the rules regarding the minimum wage. The trade unions welcomed the decision of the Supreme Court, this decision serves as law enforcement of workers' rights because labor wages are a safety net so that workers are not poor as a result of not being paid according to the provisions. This decision is proof that the law can be in favor of the common people and employers cannot just pay wages. This can be an example of Trade/Labor Unions in protecting the rights of workers.

D. Conclusions and Suggestions

1. Conclusion

Based on the findings of the presentation in the law on labor protection for the implementation of the postponement of the minimum wage and analysis of the decision to cancel the Governor's Decree, several conclusions are drawn, namely as follows:

- a. The principle is that employers are not obliged to pay wage shortfalls during the implementation period of the Regional Minimum Wage suspension. This principle is not regulated in Kepmenakertrans Number Kep.231/MEN/200. Governor Regulation Number 42 of 2007 is regulated in Article 12 paragraph (2). The principle is that employers are not obliged to pay wage shortfalls during the implementation period of the Regional Minimum Wage suspension. This principle has at least eliminated workers' rights to receive payment of wages that should be received by workers. Labor rights in this case mean that workers with the same level of work productivity, but the higher the level of consumer prices, it is only natural that workers receive an increase in wages because their living needs are not met because the wages they receive are getting smaller in exchange value.
- b. In its implementation, according to the Ministry of Manpower, there are still obstacles in the implementation of supervision in the implementation of the minimum wage, mainly due to inadequate human resources. In the decision of the Jakarta State Administrative Court Number 62/G/2021/PTUN-JKT and the Appeal Decision No. 10/B/2014/PT.TUN.JKT, related to the scope of labor, arrangements regarding the suspension of the Minimum Wage need to be reviewed, particularly regarding the deadline for completing files in submitting a suspension of the Minimum Wage. It has not been regulated, in practice, it often occurs after the application for suspension, and the entrepreneur still submits the completeness of the file repeatedly, as found in the facts of the trial of the case analyzed.
- c. Can cause enormous losses for workers. The government approved the suspension by setting a separate nominal amount. In the case of agreements between employers and workers' unions as a pre-requisite, intimidation efforts by employers are often followed in violation of the law. Trade unions as legal subjects that can sue the Administrative Court. The legal settlement of the cancellation of the suspension of the minimum wage provides legal certainty for workers, which results in a settlement through a process at the Industrial Relations Court. The company was declared void in the decision to postpone the minimum wage and did not carry out its obligations to pay the minimum wage.

2. Suggestion

Based on the results and conclusions above, it can be recommended in the form of suggestions related to legal protection and wage differences against the cancellation of the Governor's Decree - Jakarta, namely:

For Employers, labor unions, and the Government. In the suspension of the Implementation of the Minimum Wage, it is necessary to review the arrangement of technical guidelines regarding the research of the application for the suspension of the Minimum Wage, in particular the written agreement so that in each paperwork related to the agreement of the trade/labor unions, the results of the verification are by calling the relevant trade union group for clarification. Full attention is also given to increasing supervision, especially regarding the rules and main actors in implementing the request for a wage suspension. The Administrative Court decision should have encouraged the Governor of Jakarta and his staff to go directly to the field to find out the real condition of the company applying for a suspension of the Minimum Wage. Thus, the suspension permit issued is by the conditions of the company concerned. The state should be more present in providing legal protection to realize its role in creating prosperity for all citizens as mandated in the Preamble of the 1945 Constitution of the Republic of Indonesia.

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