

PERLINDUNGAN HUKUM TERHADAP PEKERJA ATAS PENANGGUHAN PEMBAYARAN UPAH MINIMUM DI PROVINSI BANTEN PADA MASA PANDEMI *COVID - 19*

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ABSTRAK

Pekerja mempunyai hak untuk mendapatkan upah kerja yang layak, yang mana upah kerja ditetapkan berdasarkan hitungan upah minimum. Dengan pembayaran upah minimum tersebut, apabila perusahaan tidak mampu membayarkan upah dengan standar minimum diperkenankan untuk melakukan penangguhan pembayaran upah minimum. Hak pekerja tersebut dipengaruhi oleh mewabahnya pandemi *COVID-19*. Pandemi *COVID-19* juga berdampak pada keberlangsungan dunia usaha yang berujung pada terganggunya hubungan kerja antara pekerja atau buruh dengan perusahaan. Penangguhan pembayaran upah minimum tersebut apabila tidak adanya penjelasan lebih lanjut mengenai besarnya perusahaan membayar upah kerja yang kurang dari ketentuan hidup layak sebagaimana ditetapkan berdasarkan aturan penghitungan besaran upah minimum akan merugikan para pekerja. Permasalahan yang dibahas yaitu Apakah perlindungan hukum terhadap pekerja atas penangguhan pembayaran upah minimum di masa pandemi *COVID-19*. Diperoleh hasil bahwa Gubernur Banten berdasarkan ketentuan Pasal 88C UU No. 11 Tahun 2020 berwenang untuk menerbitkan Keputusan Gubernur Banten No. 561/Kep.272-Huk/2020 yang merupakan Keputusan Tata Usaha Negara dalam menetapkan upah minimum provinsi dan memperkenankan perusahaan terdampak ekonomi akibat pandemi *COVID-19* melapor kepada Gubernur agar melakukan penangguhan pembayaran upah minimum bagi perusahaan yang terdampak pandemi *COVID-19*. Keputusan Gubernur Banten No. 561/Kep.272-Huk/2020 yang memperkenankan perusahaan untuk melakukan penangguhan pembayaran upah minimum bagi perusahaan yang terdampak pandemi *COVID-19* berdasarkan ketentuan Pasal 90 ayat (2) UU No. 13 Tahun 2003 sebagaimana pelaksanaannya diatur dalam Keputusan Menteri Tenaga Kerja dan Transmigrasi No. 231/Men/2003 tidak relevan untuk diterapkan di masa pandemi *COVID-19* sebagaimana peraturan perundang - undangan tersebut terbit sebelum masa pandemi *COVID-19*.

Kata kunci: Perlindungan Hukum, Upah Pekerja, *COVID-19*

**LEGAL PROTECTION ON WORKERS AGAINST THE
SUSPENSION OF MINIMUM WAGE IN BANTEN PROVINCE
DURING COVID-19 PANDEMIC PERIOD**

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ABSTRACT

Workers have the right to get a decent work wage, where the work wage is determined based on the minimum wage count. With the provision of the minimum wage, if the company is unable to provide wages with minimum standards, it is allowed to suspend the minimum work wage. The rights of these workers are affected by the outbreak of the COVID-19 pandemic. The COVID-19 pandemic also has an impact on the sustainability of the business world which has resulted in the disruption of working relationships between workers or laborers and companies. The suspension of the provision of wages if there is no further explanation regarding the amount the company pays for work wages that are less than the provisions for a decent living as stipulated based on the rules for calculating the minimum wage amount will be detrimental to the workers. The problem discussed was how to protect workers from the suspension of minimum wages during the COVID-19 pandemic. The result is that the Governor of Banten based on the provisions of Article 88C of Law no. 11 of 2020 has the authority to issue Banten Governor Decree No. 561/Kep.272-Huk/2020 which is a State Administrative Decree in determining the provincial minimum wage and allowing companies affected by the economy due to the COVID-19 pandemic to report to the Governor to suspend payment of the minimum wage for companies affected by the COVID-19 pandemic. Governor of Banten Decree No. 561/Kep.272-Huk/2020 which allows companies to suspend payment of the minimum wage for companies affected by the COVID-19 pandemic based on the provisions of Article 90 paragraph (2) of Law no. 13 of 2003 as its implementation is regulated in the Decree of the Minister of Manpower and Transmigration No. 231/Men/2003 is not relevant to be applied during the COVID-19 pandemic as the laws and regulations were issued before the COVID-19 pandemic.

Keywords: Legal Protection, Workers wages, COVID-19