



Wage Protection for Workers in the Notary Office in Kampar District

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Abstract

The wage is the most vulnerable and the most major in industrial relations. On the one hand wages are the right for workers/laborers in exchange for the services and/or personnel provided, in others the entrepreneurs see wages as fees. In order to provide protection against workers/labors for the amount of income earned, the government's Minimum wage must be applied by employers. The problem: 1. To know the problem and examine the form of employment relationship between notary public and workers working at the notary office in Kampar District, and 2. To know and review the wages protection of workers working at the notary office in Kampar district. This research is empirical legal research, i.e. research that sees the application of regulations related to the objects being researched. This research was conducted in several offices of Kampar District notary. The data used is primary data and secondary data and data collection techniques using interviews and literature studies. From the research results can be concluded: 1. Form of employment relationship between notary and workers working in the office of notary Public in Kampar District, notary Public use the work agreement orally, but according to the employment LAW only use the work agreement orally at least Make a letter of appointment for workers and this is not made by notary. 2. Protection of wages workers working in the office of notary in Kampar district, that wages have not been fully provided in accordance with the existing regulations that are manpower LAW and decree of Riau Governor number Kpts 949/XI/2018 about Minimum wage Regency/city in Riau Province year 2019.

Keywords: *Protection; Wages; Workers; Notary; Notary Office*

Introduction

Law Number 13 of 2003 concerning Manpower is a Manpower Act that is comprehensive and comprehensive in nature, regulating various matters in the field of manpower which had not been previously regulated in a single law. Some Manpower provisions that are regulated in various legislation beforehand are no longer in accordance with the development of the current era, because they are a colonial product, revoked and replaced by this law.

Wage is the most vulnerable and most important side in industrial relations. On the one hand, wages are the right of workers / laborers in return for services and / or labor provided, on the other hand

employers view wages as costs. In order to provide protection to workers / laborers over the amount of income they receive, the Minimum Wage is set by the government

The 1945 Constitution mandates the rights and obligations of citizens regarding work, which is regulated in Article 27 paragraph (2) of the 1945 Constitution that every citizen has the right to work and a decent living for humanity, while Article 28D paragraph (2) The 1945 Constitution states that every person has the right to work and to receive fair and appropriate compensation and treatment in an employment relationship. This shows that between rights and obligations in a work relationship must be balanced legally, meaning that when a worker / laborer who works for an employer has fulfilled his obligations properly, the right to his salary must be given fairly and properly.

The existence of an employment relationship is a relationship between employers and workers / laborers based on work agreements, which have elements of work, wages and orders or Industrial Relations, namely a system of relationships formed between the actors in the process of producing goods and / or services consisting of elements of employers, workers / laborers and the government, which is based on the values of the Pancasila and the 1945 Constitution of the Republic of Indonesia, between workers / laborers and employers will give rise to the rights and obligations of each party, both from the workers / laborers and businessman.

If the relationship between employers and workers does not use an employment agreement it means it is done verbally. Work agreements made orally are contained in Article 63 paragraph (1) of the Manpower Act which states that:

In the event that an indefinite time employment agreement is made verbally, the employer is required to make a letter of appointment for the worker / laborer concerned.

According to Article 63 paragraph (2) of the Manpower Law, a letter of appointment for workers / laborers contains at least four statements, namely:

- a. Name and address of the worker / laborer
- b. Date started work
- c. Type of work
- d. The amount of wages

Labor issues in Indonesia are very complex national problems. Of all the problems in the field of employment, the problem of wages is a major problem and an annual issue that is always busy being discussed and debated. In determining the level of wages, the employer (businessman) and the recipient of work (worker) have different views. For businessman, wages are a form of costs incurred by the company, which has an impact on the company's profit / loss. Therefore in setting the level of wages they are very careful. As for workers, wages are a source of income, so they really expect an increase and increase in wages. As a source of income, as far as possible the wages demanded are the highest wages.

Differences of opinion concerning the establishment of wage levels often lead to disputes between workers and employers. Therefore to reach an agreement in determining the level of wages, the role and intervention of the government needs to be involved. One form of government involvement in industrial relations is in setting wage levels. This policy is called the minimum wage policy. Minimum wages are defined as provisions issued by the Government regarding the obligation of companies to pay wages at least equal to the Decent Living Needs (hereinafter referred to as KHL) to the lowest level workers.

In Government Regulation Number 78 Year 2015 it is stated that wage policies are directed at achieving income that meets a decent living for workers / laborers. Decent income as referred to is the amount of income or income of workers / laborers from their work results so that they are able to meet the living needs of workers / laborers and their families fairly. That the minimum wage can be said to be one of the government's policy instruments to protect the lowest-tier workers in every company in order to get the lowest wages according to the value or price of a decent living necessity. Wage formulations are carried out in a tripartite way between employers, trade unions and the government to reach an agreement on fair wage rates for all parties, both employers and workers.

The development of legal relations in the community such as business relations, land, banking, and other social relations, which require authentic deeds as evidence to determine the rights and obligations of the parties, making the need for the existence of a Notary is increasing. Along with that, the increase in the number of Notaries who in this case are ready to provide services to make authentic deeds for community members in need, also continues to increase. On the other hand, the increase in the number of Notaries also had the effect of increasing the Notary Office and Notary Office employees. In carrying out their duties as a Notary who is largely assisted by employees who work in the Notary's Office, in terms of Article 1 number (4) of the Manpower Act, the Notary is included in the category of an individual employer as a 'legal company' engaged in services as referred to in that article, all company provisions stipulated in the Manpower Law apply to the Notary Office.

In the early stages of this study authors conducted pre-study in Kampar district, because in Kampar District there were still Notaries who provided salary / wages to their employees under the UMR / UMP, amounting to Rp. 700,000, - to Rp. 1,000,000, - which is not in accordance with the wage / salary rules in the Manpower Act and Riau Governor Decree No. Kpts 949 / XI / 2018 concerning Regency / City Minimum Wages in Riau Province in 2019, which is Rp. 2,718,724.80, -

To find out more about the working relationship between notaries and notary office employees and also how the protection provided by the government regarding wages to workers, the authors are interested in conducting further research with the title "WAGE PROTECTION FOR WORKERS IN THE NOTARY OFFICE IN KAMPAR DISTRICT".

Methodology

The method used in this thesis research is empirical juridical research, which is research based on field research to get primary data in the field of law. The specifications of this study are descriptive analysts, because this study is expected to obtain data that clearly illustrate what is discussed in this study. The type of data used in this study are primary and secondary data, where secondary data consists of Primary, Secondary and Tertiary Legal Materials. The data collection techniques used for research in the field are interviews and study of documentation documents. While the data obtained from this research will be analyzed using qualitative methods, namely analysis of data without using statistical formulas because the data used are not in the form of numbers. Thus what is used is only by logical explanation of the sentence based on the rules and opinions of experts.

Result

Form of Work Relationship of the Parties Between Notaries and Workers Who Work at Notary Offices in Kampar Regency

Notary Public is the only official who is authorized to make an authentic deed regarding an act, agreement and stipulation required by a general regulation or by the interested parties to be stated in an

authentic deed, guarantee the certainty of the date, keep the deed and give a grosse, copy and quotations, all along making the deed by a general rule are also not assigned or excluded to officials or others.

The success of a notary can not only be measured by the number of deeds he made, but also from his expertise in managing the administration in his office. A lot of deeds, without a neat and orderly administration will cause problems and difficulties in the future. Therefore it is necessary to have a Notary worker to help do the work of a notary, as well as a Notary candidate (apprentice) to find out, study and pay attention to office administration, before he can carry out his position as a Notary later.

In the employment relationship between the employer (Notary) and his workers, begins with a legal relationship. Legal relations are relationships between legal subjects or between legal subjects and legal objects, which are governed by law and have legal consequences, namely rights and obligations. Every legal relationship created by law always has two sides. One side is the right and the other side is the obligation, because in essence something must have a partner, there are no rights without obligations or vice versa misuse of rights are considered to exist, if people exercise their rights not in accordance with the objectives. There are achievements that must be carried out by both parties. Fulfillment of all these achievements will lead to harmony or disharmony in work relationships.

Establishing a working relationship between the Notary and his workers should begin with a work agreement. So that the terms of employment, rights and obligations of the parties are clear. If there is a violation regarding the thing that has been promised then there is already binding on the parties to take responsibility. Work relations are interdependent relationships between employers and workers. In juridical manner, Article 1 number 15 UUK formulates employment relations is the relationship between the employer and workers / laborers based on work agreements, which contain the elements of work, wages, and orders.

In the Manpower Act, a worker or laborer is any person who works and receives wages or other forms of remuneration. The legal relationship that occurs between workers and employers is the substance of the employment agreement between the two, namely the agreement between the worker or laborer with the employer that contains the conditions of work rights and obligations of the parties.

According to the results of the author's interview with Notary workers in Kampar District, the following are:

- 1) The employment relationship between workers and notaries is only in the form of a verbal work agreement and no appointment letter is made.
- 2) In the recruitment of employees known probation.
- 3) Employees are not included in the Health or Employment BPJS program.
- 4) In the event of a default because the work agreement is not made an appointment letter, it is difficult to determine what if there is a default done by one or both parties.

According to the Manpower Act, if an employment agreement for an unspecified time period can be agreed verbally, but if an employment agreement for a certain time must be made in writing. The working relationship between workers and notaries is continuous and permanent, so that work agreements can be made verbally, but verbal agreements also have many shortcomings. Even though the work agreement was made verbally, the agreement was still binding on both parties (workers and employers).

The weakness of an oral work agreement is that if one party does not fulfill the obligations in accordance with what has been agreed and a dispute occurs, it will be difficult to reach a settlement, because the agreement is made verbally and not in writing so it is difficult to prove what matters have been promised previous. While a written employment agreement can be used as a tool if one party does not fulfill what has been promised.

Wage Protection for Workers Working in Notary Offices in Kampar District

In Law Number 13 of 2003 concerning Manpower regarding wages mentioned in Article 88 paragraph (1), reads: "Every worker / laborer has the right to earn an income that fulfills a decent living for humanity". Therefore, as an appropriate wage parameter for contract workers are:

1. Enough clothing, food and shelter;
2. Enough for the cost of annual leave (return to my hometown)
3. Enough to finance the education of workers / laborers up to college.

Article 5 of the Manpower Law legally provides protection that every laborer has the right and has the same opportunity to obtain decent work and livelihood without differentiating sex, ethnicity, race, religion, and political flow according to the interests and abilities of the workforce concerned, including the same treatment for people with disabilities. While Article 6 requires employers to give workers' rights and obligations without differentiating gender, ethnicity, race, religion, color, and political affiliation.

If the employer withholds his employee's salary, then the employer's actions as an employer withholding the worker's wages / salary constitutes a violation of Article 18 of Government Regulation Number 78 of 2015 concerning Wages ("Wages Regulation"). If the company does not provide wages or is late paying wages, then the company can be fined.

Basically, every employer is prohibited from paying workers' wages lower than the minimum wage. This is regulated in Article 90 of the Manpower Act which reads:

- 1) Entrepreneurs are prohibited from paying wages lower than the minimum wage as referred to in Article 89.
- 2) Suspension can be made for entrepreneurs who are unable to pay the minimum wage as referred to in Article 89.
- 3) The procedure for suspension as referred to in paragraph (2) shall be regulated by a Ministerial Decree.

The following are the results of the author's interviews with several workers who worked at the Notary with a 5-year appointment decree, a 10-year appointment decree and a 15-year appointment decree. The results of interviews with workers working for notaries with a 5-year appointment decree that the wages given are wages below the minimum wage standard of Rp. 1,300,000 (one million three hundred thousand rupiah). The worker also said, the Notary sometimes asked them to work overtime but was not given overtime pay. Basically overtime work is voluntary, there can be no coercion, but this can happen because there is an agreement between the worker and the notary. If workers refuse to work

overtime then it cannot be forced to do overtime. Their overtime pay is only replaced by food without an agreement with the workers.

There are also workers who work for a notary with a 10-year appointment decree that the wage given is a wage below the minimum wage standard of Rp. 1,500,000 (one million five hundred thousand rupiah). But there are also workers who work for notaries with a 15-year appointment decree are given wages above the minimum wage standard of Rp. 3,500,000 (three million five hundred thousand rupiah).

Based on the above interview it is clear that there are still notaries who give wages to workers below the minimum standard wage, this is not in accordance with Article 90 of the Manpower Act which reads:

- 1) Employers are prohibited from paying wages lower than the minimum wage as referred to in Article 89.
- 2) Suspension can be made for entrepreneurs who are unable to pay the minimum wage as referred to in Article 89.
- 3) The procedure for suspension as referred to in paragraph (2) shall be regulated by a Ministerial Decree.

And also not in accordance with the Decree of the Governor of Riau Kpts Number 949 / XI / 2018 concerning Regency / City Minimum Wages in Riau Province in 2019 namely for Kampar Regency amounting to Rp. 2,718,724.80, -.

According to the author's analysis it appears that there are still notaries who provide wages to workers below the minimum standard wage. Workers should be given a decent wage that follows the minimum standard wage in Kampar District. as a whole, the government has provided protection for wages for workers by regulating in detail the employment relationship and wages and also setting minimum wages to become standard wages

Conclusion

The legal relationship that occurs between a notary and a worker is a work relationship, where the notary as the employer and the worker as the recipient of the work, even though the Notary is not an entrepreneur, because of his responsibilities and work, he is classified as an employer. This is because between the notary and the worker there is an order / work, wages, and an element of time. In the legal relationship between workers and notaries, what is known as an oral work agreement, according to the laws and regulations, is permissible as long as it is done in the case of permanent and continuous work such as work carried out by workers in a notary office.

From what the writer examined, there is a fact that notaries in Kampar Regency usually use verbally work agreements, but according to the Manpower Act even though they only use verbal agreements at least make an appointment letter for workers but this is not carried out by notaries in Kampar District. The legal relationship between a Notary and Notary workers is based on Industrial Relations because in this case the Notary is a civil actor so that the fulfillment of the rights and obligations of Notaries and Notary Workers is subject to the Manpower Act.

Wage protection for workers working in notary offices in Kampar Regency has not been fully provided in accordance with existing regulations, namely the Manpower Act and Riau Governor Decree

Number Kpts 949 / XI / 2018 concerning Regency / City Minimum Wages in Riau Province in 2019. The notary workers should get a decent wage according to these rules.

References

Abdul Khakim, Op. Cit, p. 60.

G.H.S. Lumban Tobing, 2006, Op. Cit, p. 31.

Juli Maria, "Legal Relationship between Notary Public and Notary Employee", Journal of PGMI Study Program, Volume 4, Number 1, March 2017, p. 120.

Khairani, Introduction to Labor and Labor Law, Rajawali Press, Depok, 2018, p. 60.

Marwan Mas, Introduction to Legal Studies, Ghalia Indonesia, Jakarta, 2004, p. 40.

Maimun, Labor Law, An Introduction, PT. Pradnya Paramita, Jakarta, 2004, p. 10.

Sidauruk, Wage Policy in Indonesia; A Critical Review and Proposed Changes to Eligible Wages, PT Bumi Intiama Sejahtera, Jakarta, 2011, p. 41.

Suwarto, Industrial Relations in Practice, Indonesian Industrial Relations Association, Jakarta, 2009, p. 191.

Interview with Nur Rofi'ah, Notary Worker Novira Sari, SH., M.Kn, Notary in Kampar District, Saturday, July 6, 2019, Located at the Notary Office Novira Sari, SH., M.Kn.

Interview with Eko Apri, Notary Worker Mexon Otopia, SH., M.Kn, Notary in Kampar District, Thursday, July 11, 2019, Located at the Notary Office of Mexon Otopia, SH., M.Kn.

Interview with Mayfrizal, Notary Worker Sylvi Yeriza, SH., M.Kn, Notary in Kampar District, Thursday, July 11, 2019, at the Kampar District Land Agency Office.

Interview with M. Mora Komis, Notary Worker Saprijon, SH., Sp.N, Notary in Kampar District, Monday, July 15, 2019, Located at the Kampar Regency National Land Agency Office.

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