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Actualization of Pancasila Justice Values In Regarding Wage Regulations In Realizing Social Welfare

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Abstract: Indonesia is a country of law and upholds the values of justice, as justice is outlined in the fifth principle, namely social justice for all Indonesian people. Apart from that, the state also plays a role in improving the welfare of the people, namely ensuring that people get decent work and wages through regulations regarding wages. The latest regulations regarding wages are contained in Government Regulation (PP) No.51 of 2023 concerning Amendments to PP No.36 of 2021 concerning Wages. The problem is that the values of justice and existing regulations often conflict and these regulations do not even have justice values in accordance with the character of Pancasila. So the problem is formulated whether the values of justice have been actualized in wage regulations in Indonesia. This type of research uses a normative juridical research method, namely studying norms through literature and a research approach using a statutory approach, a conceptual approach and a historical approach. The research results show that based on the emergence of new regulations, namely Government Regulation (PP) No. 51 of 2023 concerning Amendments to PP No. 36 of 2021 concerning Wages, there are several changes in determining minimum wages in each region and it is hoped that these changes will be able to actualize the values of social justice for all Indonesian people.

Keyword: Justice, Pancasila, Wages, Welfare.

INTRODUCTION

Everyone certainly desires justice that can create peace in the country. Justice can be viewed from many aspects, not only legal but also justice from economic, social and other aspects. However, in the legal aspect it is actually oriented towards justice. The relationship between law and justice does not only belong to the people. The state is obliged to realize justice, which means that the state as the ruler acts based on the law as if these actions are in accordance with the values of justice, remembering that the existence of the state is to guarantee that the people get their rights fairly. Justice cannot be separated from the philosophy of science which has been the thought of many previous philosophical figures. The long historical journey that discusses justice is still relevant and important to study or

formulate. But formulating the nature of justice is not easy, the meaning of justice has had a long discussion at a philosophical level. Many philosophers, especially in the legal field, have tried to define the meaning of justice in depth and have different definitions. According to Thomas Hobbes, justice is an action that can be said to be fair if it is based on an agreed agreement. Meanwhile, Justinian believes that justice is a policy that produces results, that everyone gets what is his or her share.

In relation to justice in Indonesia, in general the law is still far from its goal, namely bringing justice to Indonesian society. However, this does not mean that justice does not exist, it means that the existence of a sense of justice is still seen by some people and cannot be accepted by the general public. To realize justice which is abstract in its implementation, it is necessary to have a concrete statement that is legal and has legal force as regulated in statutory regulations. Wages are one source of income for workers to meet the needs of a decent living. The right to wages is based on the work agreement that has been made by the employer and employee. Although wages are determined by agreement between the parties, wages are also limited by the government in standardizing minimum wages as regulated in Law Number 13 of 2003 concerning Employment and Law Number 6 of 2023 concerning Job Creation, which is specifically regulated by Government Regulations (PP) Number 51 of 2023 concerning Amendments to Government Regulation Number 36 of 2021 concerning Wages. This regulation is a derivative of Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which mandates that every citizen has the right to work and a living that is worthy of humanity. However, it cannot be ascertained in the existing regulations whether they fulfill the elements of justice envisioned in Pancasila (Aprilsesa et al., 2023).

These wage arrangements have not yet fully created harmonious and conducive industrial relations. Because sociological aspects and juridical aspects are not yet connected to each other. This can be seen from the protests from worker demonstrators who are fighting for justice regarding their welfare (Rachmandita, 2021). This is based on the slow adjustment of wage increases to the inflation rate due to the recession. Apart from that, looking at previous problems, there are several problems, including; Law Number 13 of 2003 concerning employment does not meet the principles of justice, wages are low for low-level workers, there is a gap between the lowest and highest wages, and the relationship between wages and productivity is unclear (Rachmandita, 2021). Wage problems, both from a sociological and juridical aspect, must be returned to the values of Pancasila, namely social justice, so that the welfare of all Indonesian people can be achieved.

The development of modern wage arrangements has become part of the policies of national private companies, but the philosophical aspect of all companies must be based on Pancasila values including social justice. Historically, after the New Order government, it has had a negative impact on the spirit of respecting Pancasila (Zulkarnain Ibrahim, 2015). So in UUK, the existing formulation is "Indonesian Industrial Relations" not "Pancasila Industrial Relations". Even though there was already an understanding of Pancasila Industrial Relations (HIP), in work norms in the pre-reform period. So Pancasila must be returned to the paradigm developed by the Founders of the Republic of Indonesia, including Pancasila as the Ideal of Wage Law.

Indonesian society has a unique national character attached to it as an identity as well as a guide to uniting the diversity of the Indonesian people, namely Pancasila. Pancasila is an understanding or ideology that has five precepts which serve as guidelines for national and state life for Indonesia. Pancasila is a philosophical system that can be studied or formulated in depth because its substance contains deep meaning. Pancasila is also the legal basis which is embodied in the Constitution or the 1945 Constitution of the Republic of Indonesia, so that legislative regulations do not lose their identity and remain in line with their path. The relationship between justice and Pancasila is closely related, which is implied

in the fifth principle, namely social justice for all Indonesian people. However, the problem is that the meaning of social justice is not easy to explain. So, regarding this issue, there needs to be an in-depth study of whether Government Regulation (PP) Number 51 of 2023 concerning Amendments to Government Regulation Number 36 of 2021 concerning Wages is in accordance with the values of social justice contained in the fifth principle of Pancasila.

METHOD

Legal research is normative research but not only positivist law because norms do not only mean positive law or rules made by the legislature or rules made by the authorities. This means that legal research seeks to find the truth of coherence where legal rules are in accordance with legal norms or legal norms are in accordance with legal principles. Meanwhile, research methods can be interpreted as a way to analyze or deepen research so that you can obtain solutions to problems or legal issues that will be studied (Dr. Muhaimin, S.H., 2020). This research uses a type of normative research, which means that this research examines the norms or rules contained in statutory regulations as written law with legal principles based on literature studies, namely through primary legal materials and secondary legal materials (Jonaedi Efendi & Johnny Ibrahim, 2016). This research examines the actualization of Pancasila justice values in Government Regulation (PP) Number 51 of 2023 concerning Amendments to Government Regulation Number 36 of 2021 concerning Wages.

To examine this research, this research uses several research approaches, namely the statutory approach, the case approach, the historical approach, and the conceptual approach (Dian, 2017). The approach used in this research uses a statutory approach, namely the statutory regulations in question are Government Regulation (PP) Number 51 of 2023 concerning Amendments to Government Regulation Number 36 of 2021 concerning Wages. As well as using a conceptual approach by trying to offer concepts in the values of justice in Pancasila to apply Government Regulation (PP) Number 51 of 2023 concerning Amendments to Government Regulation Number 36 of 2021 concerning Wages.

The legal materials used in this research consist of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials are the main legal materials used to study, namely statutory regulations, including the 1945 Constitution, the Criminal Code (old Criminal Code), Government Regulation (PP) Number 51 of 2023 concerning Amendments to Government Regulation Number 36 of 2021 concerning Wages. Furthermore, secondary legal materials are legal materials that provide explanations of related studies such as books, legal dictionaries, journals and others related to the renewal of the Criminal Code and diyat. And finally tertiary legal materials as supporting legal materials to provide clearer guidance on the studies to be studied, for example non-legal study materials.

RESULTS AND DISCUSSION

Justice is an inseparable part of the objectives of law, with in-depth study through the philosophy of science. Justice has become an idea that is always discussed, because its character is still abstract and important to be realized in society. The existence of justice only exists within a society or country, not just individuals, meaning that justice is always related to other people, society and the state (Sule, 2016). The state as the ruler gives rights to every color of the country, such as guarantees of security, welfare, etc. in accordance with the constitution fairly. Justice also develops following the development of society, previous ideas about the meaning of justice had a different understanding from the meaning of justice now. However, this does not mean ignoring the thoughts of previous philosophical figures regarding justice, the values of justice conveyed by previous philosophical figures became the embryo for the development of the meaning of justice. In ancient or classical Greece, justice was already an idea thought by philosophers of that era, for example Plato, Aristotle,

Thomas Aquinas, etc. According to Plato, the existence of justice only exists in laws and regulations made by experts who have expertise in that field. Justice cannot be separated from individual and social morality. To answer the problems faced by society as individuals and those faced by the State. The balance point between individual justice and the State will lead to a harmonious and harmonious life in the social and state life order. Plato argued that the concept of justice is influenced by collectivistic expectations of harmony between social organisms (Suliantoro & Runggandini, 2018).

Then according to Aristotle, Plato's students had different views from their teacher. That he formulated justice is *fiat iustitia beret mundus*, which means something that must be given to everyone as is their right. The key to justice is law, so to create justice that can be accepted by society, legal rules must be formulated that reflect the values of justice. Law makers must be able to address the social realities faced by society and the challenges faced by the State. Furthermore, Aristotle also described justice as being divided into two forms, namely: distributive justice and commutative justice. First, distributive justice is justice that demands that everyone gets what is their right, so it is proportional. This justice is almost the same as Plato's concept, but in this concept, the rights given are adjusted to their respective portions in accordance with the rights they should receive (proportional). Distributive justice is related to the granting of rights and fair distribution of rights in the relationship between society and the state, meaning what the state should provide to its citizens. The rights granted can be in the form of objects that cannot be shared (undivided goods), namely collective benefits, for example protection, public facilities both administrative and physical and various other rights, where citizens can obtain their rights without having to interfere with other people's rights in the process of enjoying them (Herawati, 2014). Apart from that, divided goods are rights or objects that can be determined and can be given to fulfill the individual needs of citizens and their families, as long as the state is able to provide what its citizens need fairly, or in other words On the other hand, where there is distributive justice, the situation will be close to what is called a situation where social justice is achieved for society.

Second, commutative justice concerns the determination of fair rights between several equal individuals, both between physical individuals and between non-physical individuals. In this connection, an association or other association as long as it does not mean the relationship between the institution and its members, but the relationship between the group and other groups or groups and other physical humans, then the determination of fair rights in this relationship is included in the meaning of commutative justice. The object of another party's rights in commutative justice is what belongs to a person from the beginning and must be returned to him in the process of commutative justice. The objects of property rights vary from physical and moral interests, relationships and qualities of various things, both familial and economic, the results of physical and intellectual work, to things that were not previously owned or possessed but are can be obtained through legal means. This all imposes obligations on other parties to respect them and provides sanctions in the form of compensation if these rights are reduced, damaged or made not function properly.

The government has issued the latest 2003 wage regulations through Government Regulation (PP) No.51 of 2023 concerning Amendments to PP No.36 of 2021 concerning Wages. The issuance of the latest regulation has an impact on 14 provisions regulated in PP 36/2021. First, Article 24 which is added to Article 24 paragraph (1a) basically regulates that workers/laborers with a working period of less than 1 year who have certain qualifications required for their position can be given wages greater than the minimum wage. In the explanation of Article 24 paragraph (1a), what is meant by 'certain qualifications' includes education, competency and work experience required to carry out a job or position.

Second, delete Article 25 paragraphs (4) and (5), where the provisions previously regulated economic and employment conditions used in determining minimum wages as well

as sources of variable data. Third, amend Article 26 which regulates the formula for calculating the minimum wage. PP 51/2023 no longer uses the upper and lower limits of the minimum wage, the variables used to calculate the minimum wage. Namely economic growth, inflation and certain indices. Specific index (α) with a range of 0.10 to 0.30. Fourth, Article 27 confirms that the calculation of provincial minimum wage adjustments is carried out according to the formula as in Article 26 paragraphs (4) and (5). Fifth, Article 28, regulates the issue of recommendations for the minimum wage by the wage council not being in accordance with the formula for calculating the minimum wage. In that case the Governor was ordered to determine the provincial minimum wage referring to Article 26 paragraphs (4) and (5) or Article 26 paragraph (4) and Article 26A paragraph (1).

Next, Article 28A contains regulations which state, among other things, that the provincial minimum wage that applies for the first time uses the provincial minimum wage that applies in the parent province. Sixth, Article 29 states that the latest period for determining the provincial minimum wage is November 21 of the current year. Seventh, regarding the determination of the district/city minimum wage as regulated in Article 30. Eighth, Article 31 confirms the provisions of the previous article which essentially determines the district/city minimum wage in the event that the results of calculating the district/city minimum wage are higher than the provincial minimum wage. Ninth, Article 31A, regulates the conditions that must be met in determining the district/city minimum wage. Among other things, the average economic growth of the district/city concerned for the last 3 (three) years from the data available for the same period, is higher than the average provincial economic growth.

Then, Article 31A concerning the calculation of the minimum wage for districts/cities that do not yet have a district/city minimum wage uses a formula based on economic and employment conditions which contains the variables purchasing power parity, labor absorption rate and median wage. Tenth, Article 32 regulates 4 stages of calculating the minimum wage for districts/cities that do not yet have a district/city minimum wage. The four stages include calculating the relative value of the district/city minimum wage to the provincial minimum wage based on the purchasing power parity ratio, labor absorption, median wage, and calculating the average relative value. Eleventh, Article 33 was amended, among other things, to regulate that if the results of calculating the district/city minimum wage are the same or lower than the provincial minimum wage, the regent/mayor cannot recommend the district/city minimum wage value to the governor. If the calculation result is higher than the provincial minimum wage, the regent/mayor recommends the results of the district/city minimum wage calculation to the governor through the office that handles government affairs in the provincial employment sector. "In the event that the results of the regent/mayor's recommendation as referred to in paragraph (4) do not comply with the minimum wage calculation formula, the governor cannot determine the district/city minimum wage," reads Article 33 paragraph (6) PP 51/2023.

Twelfth, Article 34 regulates, among other things, the determination of minimum wages for districts/cities that already have district/city minimum wages as intended in article 30 paragraph (2) letter b, carried out by adjusting the value of the minimum wage. Twelve, article 35 emphasizes the determination of district/city minimum wages through a Governor's Decree no later than November 30 of the current year. Thirteenth, Article 71 regulates in more detail the duties of national, provincial and district/city wage councils. Fourteenth, Articles 81A-81C regulate the minimum wage in the capital city of the archipelago. For example, the minimum wage in the Indonesian capital is determined not by the governor but by the Head of the IKN Authority after the decision to move the nation's capital. The minimum wage at IKN is determined by the decision of the Head of the IKN Authority and announced no later than November 21 of the current year.

Pancasila as a philosophical system has five principles that are related to each other. The meaning of a system is a unity of parts that are interconnected, work together for the same goal and all the parts are a unified whole. The meaning of the first principle is related to the civilized principles below it. The understanding of Pancasila as unity is a guide to life for every Indonesian nation in the values included in the Preamble to the 1945 Constitution paragraph 4 (four). Pancasila as a philosophical system must also be described and must not be separated from its composition, which means that Pancasila is five precepts as a unified whole which should not be interpreted as precepts that can be used one by one in complete. The values of Pancasila as a system are essentially guidelines for the implementation and administration of the state, namely as the basis of a collective state and the implementation of Pancasila must be specific and concrete. The values contained in the five precepts are the ideals of hope of the Indonesian people which will be realized.

Justice is a balance between not reducing and not adding to something that should be. Social justice in Pancasila is meant to be fair to fellow humans based on the soul, morals of oneself and God. Just actions will place rights in their proper place, and the basis of humanity will always be related to living together or in society. Referring to Aristotle's distributive justice, justice will be achieved if things are not always the same, the state is obliged to distribute its rights according to needs. This value is not easy for the state to implement, because the state must see people as individuals who have diverse lives. Social justice is an order in society that pays attention to and treats people's rights properly in personal or overall relationships. The value of social justice is that citizens must live, act in accordance with humane values, or be moral towards others. Meanwhile, the connection between social justice and all Indonesian people, namely humans, is meant by a group of people who are Indonesian citizens, both those of native Indonesian nationality and of foreign descent, as well as those within the territory of the Republic of Indonesia and Indonesian citizens residing in other countries. The embodiment of the principles of social justice for all people which is their experience, every citizen must develop a fair attitude towards others, maintain a balance between their rights and obligations and respect the rights of others. This principle means that all Indonesian people receive fair treatment in the legal, political, economic, social and cultural fields so as to create a just and prosperous society.

CONCLUSION

Based on the explanation above, it can be concluded that the essence of social justice in Pancasila is justice created on the basis of a balance of the rights of the Indonesian people obtained from the constitution. Through law and its equipment as a concrete step to realize justice that can be felt by all Indonesian people. The concept of justice means a result or a decision obtained from the implementation of good law, which is valid, impartial, in accordance with morals, and can be implemented. The values of Pancasila justice must be actualized in Government Regulation (PP) No. 51 of 2023 concerning Amendments to PP No. 36 of 2021 concerning Wages, so that prosperity for all Indonesian people can be achieved. Based on justice in the fifth principle and associated with the principles above, it becomes the ontological basis for the existence of social justice that lives in a pluralistic or diverse society. So the basis of social justice is found in norms or rules that are connected to the other four principles in the interests of the Indonesian people.

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