

ABSTRAK

Undang-undang Cipta Kerja mengubah sistem pengupahan di Indonesia secara signifikan, terutama dalam penetapan upah minimum. Jenis upah minimum persamaan menjadi UMP dan UMK, dengan formula baru yang fokus pada inflasi, pertumbuhan ekonomi, dan indeks tertentu, menggantikan pendekatan berbasis Kebutuhan Hidup Layak (KHL). Oleh karena itu, perlu dikaji mengenai pengaturan sistem penetapan upah minimum sebelum dan sesudah berlakunya keputusan Mahkamah Konstitusi No. 168/PUU-XXI/2023. Selain itu, perlu dikaji penerapan setelah berlakunya keputusan tersebut. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan yang mengkaji dan menafsirkan bahan hukum yang ada, berupa bahan hukum primer dan sekunder, untuk menemukan jawaban atas permasalahan yang ada. Hasil penelitian menunjukkan bahwa sistem penetapan upah minimum wajib melibatkan Dewan Pengupahan, dan rumusan upah minimum harus memasukkan kontribusi tenaga kerja serta KHL demi terwujudnya keadilan dan perlindungan hak pekerja sesuai dengan UUD 1945. Selanjutnya, penetapan sistem upah di Jawa Timur melalui keputusan Gubernur dengan kenaikan upah minimum sebesar 6,5% dari tahun sebelumnya. Penetapan upah ini berdasarkan formula yang mempertimbangkan indeks tertentu, seperti inflasi tahunan, pertumbuhan Produk Domestik Bruto (PDB) kuartal sebelumnya, dan kebutuhan hidup layak, sehingga memastikan penyesuaian upah tetap relevan dengan kondisi ekonomi lokal serta menjamin keseimbangan antara keadilan sosial dan pertumbuhan ekonomi di Jawa Timur.

Kata Kunci: Putusan MK, Upah Minimal, UU Ciptaker

ABSTRACT

The Job Creation Law significantly changed the wage system in Indonesia, particularly in determining the minimum wage. The minimum wage was simplified to the Provincial Minimum Wage (UMP) and the Regional Minimum Wage (UMK), with a new formula focusing on inflation, economic growth, and certain indices, replacing the Decent Living Needs (KHL) approach. Therefore, it is necessary to examine the regulations governing the minimum wage system before and after Constitutional Court Decision No. 168/PUU-XXI/2023. Furthermore, its implementation after the ruling is also necessary. The research method used is normative legal research with a legislative approach, examining and interpreting existing primary and secondary legal materials to find answers to existing problems. The research results indicate that the minimum wage setting system must involve the Wage Council and that the minimum wage calculation formula must incorporate labor contributions and the KHL to ensure fairness and protect workers' rights in accordance with the 1945 Constitution. Furthermore, the wage system in East Java was determined through a Governor's Decree, with a minimum wage increase of 6.5% compared to the previous year. This wage determination is based on a formula that takes into account certain indices, such as annual inflation, Gross Domestic Product (GDP) growth in the previous quarter, and the cost of living, thus ensuring that wage adjustments remain relevant to local economic conditions and guarantee a balance between social justice and economic growth in East Java.

Keywords: Constitutional Court Decision, Minimum Wage, Job Creation Law