

Analisis Yuridis Penerapan Asas Pengupahan No Work No Pay saat Pekerja dirumahkan dalam Masa Pandemi Covid-19 = Juridical Analysis of the Application of the No Work No Pay Wage Principle when Workers Standing Down during the Covid-19 Pandemic

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Abstrak

Pemberlakuan asas No Work No Pay pada masa pandemi Covid-19 bagi pekerja terjadi ketika pekerja dirumahkan karna alasan internal (pengaruh penurunan bisnis) maupun eksternal (kebijakan pemberlakuan pembatasan kegiatan masyarakat). Sebagaimana diketahui, asas No Work No Pay tidak dapat serta-merta diberlakukan dalam situasi tersebut, karna tidak bekerja dalam periode tertentu bukan merupakan keinginan dari pekerja maupun bukan kesalahan pekerja. Dalam praktiknya penerapan asas No Work No Pay dapat memberikan keuntungan bagi perusahaan, namun di sisi lain menimbulkan kerugian bagi pekerja, karna dengan tidak mendapatkan upah, maka pekerja tidak dapat menerima pendapatan bagi kehidupannya. Sehingga penerapan asas No Work No Pay pengupahan secara sepihak ini dapat menimbulkan perselisihan ketika pekerja dirumahkan dalam situasi pandemi Covid-19. Penelitian ini dilakukan untuk menganalisis praktek pengupahan saat pandemi Covid-19 yang dikeluarkan oleh Pemerintah untuk perlindungan hukum terhadap tenaga kerja. Pemerintah dalam masa pendemi Covid-19 mengeluarkan beberapa aturan terkait pelaksanaan hubungan kerja selama masa pandemi Covid-19 termasuk bagaimana pengupahannya melalui Keputusan Menteri Ketenagakerjaan Republik Indonesia Nomor 104 Tahun 2021 dan Peraturan Menti Ketenagakerjaan Nomor 2 Tahun 2021. Penelitian ini menggunakan teknik analisa data yang bersifat kualitatif deskriptif, dengan data sekunder yang bersumber dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Dengan menggunakan metode penelitian yuridis normatif, tulisan ini akan menganalisis mengenai bagaimana pentingnya pemerintah mengeluarkan peraturan yang efektif untuk menjamin kepastian hukum, sehingga jelas bagaimana perlindungan hukum mengenai pengupahan pada masa pandemi Covid-19 bagi pekerja yang dirumahkan, serta penyelesaian perselisihan mengenai pengupahan, dan bagaimana selharulsnya pelngatulran pelngulpahan pada saat pandelmi Covid-19 ketika pelkelrja dirulmahkan melalui kesepakatan Bipartite.

.....The implementation of the No Work No Pay principle during the Covid-19 pandemic for workers occurred when workers are standing down due to internal reasons (effect of a decline in business) or external (policy of imposing restrictions on community activities). As known, the principle of No Work No Pay cannot be automatically applied in this situation because not working for a certain period is not the urge of the worker or the worker's fault. In practice, the application of the No Work No Pay principle can provide benefits for companies, but on the other hand it causes losses for workers, because by not getting wages, workers cannot receive income for their lives. Therefore, the unilateral application of the No Work No Pay wages principle can lead to disputes when workers are standing down during the Covid-19 pandemic situation. This research was conducted to analyze wage practices during the Covid-19 pandemic issued by the Government for legal protection for workers. The government during the Covid-19 pandemic issued several regulations regarding the implementation of work relations during the Covid-19 pandemic including how remuneration was through the Decree of the Minister of Manpower of the Republic of Indonesia

Number 104 of 2021 and Regulation of the Minister of Labor Number 2 of 2021. This research uses data analysis techniques that are descriptive qualitative, with secondary data sourced from primary legal materials, secondary legal materials and tertiary legal materials. By using normative juridical research methods, this paper will analyze how important it is for the government to issue effective regulations to guarantee legal certainty, so that it is clear how the legal protection regarding wages during the Covid-19 pandemic for workers who were standing down, as well as the settlement of disputes regarding wages, and how the ideal of wage regulations should be carried out during the Covid-19 pandemic when workers were standing down through a bipartite agreement.