

## ABSTRAK

Pandemi global yang disebabkan oleh *Corona Virus Disease 2019* (COVID-19) telah merubah seluruh tatanan kehidupan di Indonesia. Berbagai sektor telah mengalami berbagai permasalahan yang serius. Salah satunya adalah bidang ketenagakerjaan. Berkurangnya produktivitas perusahaan akibat adanya kebijakan yang dikeluarkan pemerintah berupa Pembatasan Sosial Berskala Besar (PSBB) sampai *Work From Home* (WFH) berimplikasi munculnya tindakan terhadap pekerja dari perubahan sistem pengupahan sampai pemutusan hubungan kerja (PHK). Dengan demikian menarik untuk ditinjau secara yuridis mengenai perlindungan hukum yang diberikan pemerintah kepada pekerja dengan rumusan masalah sebagai berikut : 1) Bagaimana dampak pandemi COVID-19 terhadap sistem pengupahan bagi tenaga kerja; 2) Bagaimana perlindungan hukum bagi tenaga kerja terhadap sistem pengupahan dalam masa pandemi COVID-19 berdasarkan Undang-Undang No. 13 Tahun 2003 tentang Ketenagakerjaan.

Penelitian ini menggunakan metode pendekatan yuridis normatif dengan spesifikasi penelitian deskriptif analitis, dan teknik pengumpulan data menggunakan studi kepustakaan. Sumber dan jenis data yang dipakai adalah data sekunder dengan bahan hukum primer yang mengacu pada Perundang-undangan terkait Perlindungan Upah berdasarkan Undang-Undang Ketenagakerjaan, selain itu menggunakan bahan hukum sekunder yang memanfaatkan artikel, jurnal, karya ilmiah dan sebagainya, serta bahan hukum tersier sebagai penunjang kedua bahan hukum primer dan sekunder tentang Perlindungan Tenaga Kerja terhadap Sistem Pengupahan dalam masa pandemi COVID-19.

Berdasarkan hasil penelitian dapat diketahui bahwa: 1) dampak dari pandemi COVID-19 terhadap sistem pengupahan yang paling terlihat nyata yaitu adanya perubahan siklus bekerja yang berpengaruh pula terhadap upah yang diterima pekerja; 2) perlindungan hukum bagi tenaga kerja terhadap sistem pengupahan dalam masa pandemi COVID-19 berdasarkan Undang-Undang No. 13 Tahun 2003 tentang Ketenagakerjaan diatur jelas dalam Pasal 88 UU No. 13 tahun 2003 tentang ketenagakerjaan. Selain itu terdapat pula 3 regulasi yang dikeluarkan pemerintah terkait dengan perlindungan upah pekerja pada masa pandemi COVID-19 yaitu Surat Edaran Menteri Ketenagakerjaan Nomor M/3/HK.04/III/2020 Tahun 2020 tentang Perlindungan Pekerja/Buruh dan Kelangsungan Usaha dalam Rangka Pencegahan dan Penanggulangan COVID-19, Peraturan Menteri Ketenagakerjaan Republik Indonesia Nomor 14 Tahun 2020 Tentang Pedoman Pemberian Bantuan Pemerintah Berupa Subsidi Gaji/Upah Bagi Pekerja/Buruh Dalam Penanganan Dampak *Corona Virus Disease 2019* (COVID-19), Perpres No. 76 Tahun 2020 Tentang Pengembangan Kompetensi Kerja Melalui Program Kartu Prakerja.

**Kata Kunci :** *Perlindungan Hukum, Tenaga Kerja, Sistem Pengupahan*

## ABSTRACT

The global pandemic caused by Corona Virus Disease 2019 (COVID-19) has changed the entire order of life in Indonesia. Various sectors have experienced a variety of serious problems. One of them is the field of employment. Reduced productivity of companies due to government-issued policies in the form of Large-Scale Social Restrictions (PSBB) to Work From Home (WFH) implies the emergence of actions against workers from changes in the wage system to termination of employment (layoffs). Thus it is interesting to be juridically reviewed about the legal protections provided by the government to workers with the following problem formulation: 1) How the impact of the COVID-19 pandemic on the wage system for workers; 2) How to protect the law for workers against the wage system during the COVID-19 pandemic based on Law No. 13 of 2003 on Employment.

This study uses normative juridical approach methods with descriptive analytical research specifications, and data collection techniques using literature studies. The source and type of data used is secondary data with primary legal materials that refer to legislation related to Wage Protection under the Labor Law, in addition to using secondary legal materials that utilize articles, journals, scientific papers and so on, as well as tertiary legal materials as supporting both primary and secondary legal materials on Labor Protection of The Wage System during the COVID-19 pandemic.

Based on the results of the research, it can be known that: 1) the impact of the COVID-19 pandemic on the wage system is most noticeable, namely the change in the work cycle that also affects the wages received by workers; 2) Legal protection for workers against the wage system during the COVID-19 pandemic based on Law No. 13 of 2003 on Manpower is clearly stipulated in Article 88 of Law No. 13 and 2003 on Employment. There are also 3 regulations issued by the government related to the protection of workers' wages during the COVID-19 pandemic, namely the Circular letter of the Minister of Manpower Number M/3/HK.04/III/2020 of 2020 concerning Worker Protection/Labor and Business Continuity in the Framework of Prevention and Countermeasures of COVID-19, Regulation of the Minister of Manpower of the Republic of Indonesia Number 14 of 2020 concerning Guidelines for Providing Government Assistance in the Form of Salary/Wage Subsidies for Workers/Workers in Handling the Impact of Corona Virus Disease Presidential Regulation No. 76 of 2020 on The Development of Work Competencies through the Pre-Employment Card Program.

**Keywords** : *Legal Protection, Labor, Wage System*