

Strengthening The Relationality of Heteronomous and Autonomous Legal Rules in Workers' Decent Wage Law Policies (An Attempt to Create a Dignified Tripartid

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STRENGTHENING THE RELATIONALITY OF HETERONOMOUS AND AUTONOMOUS LEGAL RULES IN WORKERS' DECENT WAGE LAW POLICIES (AN ATTEMPT TO CREATE A DIGNIFIED TRIPATRID ECOSYSTEM)

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Abstract

The Job Creation Act (Ciptaker) protects the interests of employers (corporations) by omitting the heterogeneous Legal terms that are integrated (coherent) into the State and the workers expect to provide protection for workers in the context of determining and providing decent wages for workers. These legal circumstances demonstrate that, under the Job Creation Act, the application of autonomous legal norms predominates over the application of heteronomous legal principles. Such a situation affects the obscure presence of the State in providing decent employment for workers and upsets the tripartite ecosystem. It is employed to restore the degradation of the quality of the relationship between the two parties within the Job Creation Act. Therefore, it is necessary to make legal reconstruction efforts related to matters associated with the determination and payment of wages for workers in the Job Creation Act that emerge uncertainty and injustice for workers, to produce a formulation of a decent and fair wage legal policy to establish a relationship between the state, workers, and decent employers (Tripart ides). This research uses normative legal research methods, the type of research used in juridical normative research is descriptive. As for the approaches used in this research, there are several methods found in normative law research, among others: conceptual approaches, and philosophical approaches.

Keywords: *Legal Terms (Heteronom-otonom); Wage; State.*

1. INTRODUCTION

Employment is a fundamental problem facing almost all countries in the world without exception in Indonesia. The workplace problem is very complex. Because the problem of influencing at once is influenced by many factors that interact with each other and the geometric relationship is not always orderly and clear with patterns that are not easily understood. Such conditions are inevitable, and thus the issues of employment are an ongoing issue not only in the social, political, economic, and legal realms but have also spread into the realm of humanitarian issues.

One of the issues in the field of employment that has occasionally emerged in the course of work history is the issue of decent wages for workers. Functionally, wages can provide a decent life guarantee for workers and their families (social

function), reflect rewards for a person's work output, and provide incentives to boost labor productivity and national income.¹

Conscious of the essence and existence of a decent wage for the workers, the Constitution guarantees its fulfillment, as stipulated in Article 27, which reads as follows:

- Section (1): "Every citizen shall have an equal position in law and government."
- Section (2): "Every citizen has the right to a work and a livelihood worthy of humanity."

In addition to the provisions of Article 27 section (2) of the 1945 UUD, the assertion against the guarantee of decent wages for workers is also stipulated in Article 28D section (2) of UUD 1945. This constitutional framework can be used as a basis for determining the size of the wages of the workers for the services they have performed. The wage is given by the employer to the labor force, which is bound by a labor relationship.

Even if the Constitution expressly guarantees its fulfillment or despite the legally formal relationship that the employer and workforce have in which they are both equal before the law, sociologically this is not the case. This is so that, relative to the workers, the employer is in a stronger position. The position between them is not equal in degree to each other because of the subservient or vertical downward relationship between the employer and the workforce.

Given the presence of pay for employees, workers in social contexts are confronted with the entrepreneurial paradigm that sees them as a burden on production. This means the formation of conflicting paradigms between workers and entrepreneurs. For business owners, their share of earnings decreases in direct proportion to the amount of wages given to employees. On the other hand, the employee solely views his take-home pay—the money he receives—as earnings.² The issue of employees requesting a raise in the minimum wage and companies responding in kind is the pivotal point in the paradigm's twisting of the two poles.

Given the significance of the interests of both employees and business owners, conflicts between them frequently arise. This query presents an unending conundrum. On the one hand, the company will stop investing if the minimum wage is increased per the requests of the labor union. This has an impact on the business's closure. On the other hand, if the minimum wage is not increased, the workers may experience poverty and suffering. Serious and enduring societal issues may result from this.³

¹ J Simanjuntak Payaman, "Pengantar Ekonomi Sumber Daya Manusia Edisi 2001," *Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia*. Jakarta, 1998.

² Payaman.

³ "Ketua Mahkamah Konstitusi (MK) Anwar Usman Membuka Acara Kegiatan Peningkatan Pemahaman Hak Konstitusional Bagi Pengurus Dan Anggota Organisasi Buruh/Serikat Pekerja, Selasa (3/9/2019) Di Sentul, Bogor. Lihat: <https://www.mkri.id/Index.php?page=web.Berita>, n.d. <https://www.mkri.id/index.php?page=web.Berita&id=15790&menu=2>.

These two opposing interests will result in an imbalance between workers and entrepreneurs. Given that their lives are in the hands of the employer, workers are unable to fully exercise their rights. The development of the role of a third party with the ability to mediate while also having the authority (legality) to push employers (corporations) who in this position are held by the State in this instance Government is one of the options that can aid workers.

There is no other reason not to create a legal policy (regulating, managing, and supervising) for all issues relating to the employment ecosystem, including in it related for the fulfillment of decent wages for workers. Government presence is due to normative requirements as well as ethical requirements. If the State is not involved in the application of such ideas, then the paradigm of employees as embedded objects of employers (corporations) will rule the Indonesian employment ecosystem. In other words, the autonomous rule will take precedence in this paradigm, which may have an impact on the minority or ambiguity of the application of the heteronomous rule of law to employment law policy. A qualified (relational) tripartid connection can only be created or realized when the two poles of the paradigm are related to one another.

Starting with the aforementioned relationship ideas, there is no provision for changing the clauses in the Russian Federation Constitution. It is crucial to see how the government consistently intervenes in the legal relationships between employees and employers or entrepreneurs (corporations) within the framework of the welfare state concept (welfare state) in the Year 2023 On Establishing Government Regulations Replacing Law No. 2 of 2022 On Creation of Work.

This study employs normative legal research techniques,⁴ which are descriptive and common in legal academic studies. Several methodologies utilized in normative legal research, including the analytical and conceptual approach, the historical approach, and the philosophical approach, were used in this study.

This study examines to what extent a wage policy is worthy for workers in Law No. 6 in the Year 2023 On Establishing Government Regulations Replacing Law No. 2 in the Year 2022 On Creation under UUD 1945 in particular Articles 27 and 28. Therefore, based on the above description, ¹³the problems raised in this study are as follows: 1) ¹²What is the reality of the State's function in fulfilling a decent salary for workers within the framework of the concept of the Welfare State and 2) How is the relationship pattern between heteronomous and autonomous legal principles characterized in terms of the performance of decent wages for workers in the Job Creation Act?

⁴ "Penelitian Hukum Normatif, Yakni Penelitian Terhadap Kaidah Hukum (Perundang-Undangan, Hukum Kebiasaan, Jurisprudensi) Dan Asas-Asas Hukum (Bagir Manan; Penelitian Di Bidang Hukum', Artikel Dalam Jurnal Hukum, Puslitbangkum, Unpad, Bandung, No. Perdana :, n.d.P. 4, dan P. 9.

2. ANALYSIS AND DISCUSSION

2.1 The role of the state in ensuring the decent wage for workers within the concept of the welfare state

According to Soekarno, the first president of the Republic of Indonesia, the term “Indonesia” is credited to a German ethnologist called Jordan who studied at Holland. The chain of islands that make up Indonesia is his area of expertise. He referred to it as “the island of India” because of its proximity to India. The term “Nesos” is derived from the Greek for the island; later, it became “Indusnesos,” which became “Indonesia.”⁵

The UUD of 1945 said that Indonesia is a State built on the law, which means that the law has served as the final bulwark to organize Indonesian society and to ensure the general welfare of the country and its people. The way a state’s institutions carry out their constitutionally mandated tasks and powers, as well as the choice of state administration in the form of relationships between state institutions, determine whether the state’s goals are attained.⁶ In addition to the aforementioned benefits, every interconnected interaction contributes to the realization of people’s well-being. In this situation, it is noteworthy to note Miriam Budiardjo’s description of the four general functions of the State in his book on the foundations of political science: (1) enforcing law and order; (2) working to ensure the welfare and prosperity of the populace; (3) providing defense; and (4) upholding the rule of law. According to Charles E., there are five essential roles that the state must fulfill: freedom, justice, and public welfare, internal and exterior security.⁷

To promote a just and prosperous development based on the ideals of social justice for all Indonesians, the function of the State that helps to actualize citizens’ well-being must really carry out equitable growth in all spheres of life.

Given that the State is more than just a collection of families, a union of businesses, or a middleman between volunteer organizations that the State has allowed to exist, the role of the State in ensuring the welfare of its citizens is not solely based on rationality but also ethical considerations. The integrity of the State exists for the society in a fully functioning political community, not for the society to exist for the State.⁸

Talking about the State’s role is the same as considering how the government should carry out its duties in line with the Constitution. In the case of the State, the role of the government in maintaining order in the nation shall be based on the following: (1)

⁵ Junaedi Junaedi and Agus Dimiyati, “Hakikat Dan Fungsi Negara: Telaah Atas Persoalan Kebangsaan Di Indonesia,” *Logika: Jurnal Penelitian Universitas Kuningan* 11, no. 01 (2020): 1–9.

⁶ Abustan Abustan, “Relasi Lembaga Negara Dalam Perspektif Undang Undang Dasar Negara Republik Indonesia 1945,” *UNIFIKASI: Jurnal Ilmu Hukum* 4, no. 2 (2017): 55–63.

⁷ Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Gramedia pustaka utama, 2003).

⁸ Suwari Akhmaddhian and Dede Yusuf, “Asas Kepentingan Umum Dalam Pengadaan Tanah Untuk Kepentingan Negara,” *Logika: Jurnal Penelitian Universitas Kuningan* 10, no. 02 (2019): 100–105.

legislation, the creation of binding laws; (2) law, the determination of manifest events in disputes and the imposition of penalties for general violations; (3) the Uptearing, or the execution of judgment; and (4) the Bestuur, or any act of government that is not covered by the rules or regulations. Therefore, for the purpose of being realized, firm, and proven in the reality of society, country, and nation's life, including the role to achieve well-being, the function of the State must be described in a clear, specific, and directed legal regulation. This is a result of the welfare state idea that originated in Indonesia.⁹

The idea of a welfare state is one of a nation with a democratic form of government that is in charge of its citizens' well-being. This initiative seeks to lessen societal ills including unemployment, poverty, and other health issues. The service, help, protection, or avoidance of social issues is therefore a public policy of a state that adopts the welfare state paradigm.¹⁰

The State is not permitted to be obscure in the formulation of public policy, particularly when human rights are being respected. As one of the key actors and a means for the State to realize the welfare of employees, the State must actively contribute to the protection of its citizens, especially in the area of employment law. According to this linkage and understanding, the primary goal of labor law is to safeguard employees against potential exploitation and discrimination in employment relationships. The second purpose of employment legislation, from an entrepreneur's point of view, is to support the financial objective of making a profit for the business. Third, from the government's point of view, the purpose of labor legislation is to establish amicable workplace relations to actualize the advancement of the commercial world.¹¹

Concerning these three functions, the issue of worker wages becomes extremely important, both from the standpoint of determining its utility and from the standpoint of its provision, where workers are frequently the underprivileged party due to differences in socio-economic status, leading to the tendency of the corporation to act arbitrarily against its workers.¹² Because of this status disparity, employment laws should be made to treat employees and business owners equally. The Basic Law of 1945 said in its opening:

⁹ Indonesia adalah salah satu penganut konsep negara hukum yang meterial yang juga mengadopsi konsep-konsep negara welfare state, dan secara implisit bisa dijumpai pada penjelasan umum UUD'45, serta jika ditelisik secara keseluruhan isi dari UUD'45 dapat ditarik kesimpulan bahwa negara Indonesia merupakan negara hukum yang material atau negara dengan konsep welfare state dimana negara mempunyai tanggungjawab mutlak untuk memajukan kesejahteraan umum dan mewujudkan keadilan sosial bagi seluruh warga negaranya. Lihat: V Hadyono, Indonesia dalam Menjawab Konsep Negara Welfare State dan Tantangannya, Jurnal Hukum Politik Dan Kekuasaan Vol. 1 No. 1 Agustus 2020, Pp. 26

¹⁰ Miftachul Huda, Pekerjaan Sosial & Kesejahteraan Sosial: Sebuah Pengantar, Yogyakarta, Pustaka Pelajar, 2009, Pp. 73.

¹¹ Joko Ismono, Hubungan Kerja dalam Perspektif HAM, Ekonomi, dan Pembangunan, Holrev, Vol. 2, No. 1, Pp. 354-355

¹² Chamdani, Wawan Setiabudi, Vika Andarini, 2022, "Pertanggungjawaban Hukum Oleh Korporasi Dalam Tindak Pidana Terhadap Pekerja Di Indonesia", Wijaya Putra Law Review, Vol. 1, No. 1, Pp.89

“The State of Indonesia’s government, which guards both Indonesia as a whole and all of its bloodshed in favor of the general welfare.”

It has been stated since the UUD’s introduction in 1945 that any administration in power must foster the welfare of Indonesian society. Under certain circumstances, in which the worker can feel comfortable in his life and job so that the fundamental needs of life can be satisfied, well-being is not independent of the comfort connected with the life of a worker. The State should have a major interest in the issue of acceptable wage policies for workers. The idea of balance between the rights and duties of the employer and the worker must also be followed while calculating the rate of pay for employers. This implies that timely wage payment is the employer’s responsibility.

The main element affecting the labor force is salary since the goal of working is to earn enough money to support one’s family and maintain a standard of living that is commendable to mankind.

According to Imam Soepomo in Ridwan Halim¹³, the role of salaries is:

1. The realization of social justice to humanize man;
2. Satisfaction of the minimum basic needs of labor at the level at which a living is worthy of the result of the work performed; and
3. Increased discipline and productivity.

Mochtar Halim¹⁴ asserts that the role of income varies based on the perspective taken, and is as follows:

1. From the standpoint of the workforce, a wage is necessary for him to provide a good life for his family.
2. Wage is the company’s production cost and acts as a driving force in the manufacturing process from the employer’s standpoint.
3. Wages are the yardstick by which the government measures the quality of life in society. Therefore, pay formulation must be capable of fostering an environment that is peaceful, constant, steady, calm, and dynamic for business.

He had opinions about how to pay for employees should be used regarding the welfare state idea. As a result, the State is required to work to promote the welfare of the labor force equitably, which means that wages must be applied consistently to improve society’s well-being. In this situation, enforcing a minimum wage regulation turns out to be one of the practical ways to meet workers’ expectations of receiving a reasonable income.

A monetary system that has been extensively adopted in various nations is the minimum wage policy, which can essentially be regarded from both angles. The minimum

¹³ Halim, Ridwan. 2001. *Hukum Perburuhan dalam Tanya Jawab, Cet. 2*. Jakarta: Ghalia Indonesia, Pp. 178

¹⁴ “Majalah: Halim, Mochtar. ‘Upah Layak Merupakan Tolak Ukur Keberhasilan Pertumbuhan Perekonomian’, *Majalah Tenaga Kerja Tripartit Nasional*, Jakarta, 4 Juli 2000,” n.d., Pp. 34.

wage is a safeguard for workers to ensure that the value of their pay does not diminish when it comes to covering basic requirements. Second, it is employed as a safeguard for businesses to keep workers' productivity high.

The purpose of the minimum wage allowance is to safeguard workers from receiving too little income. The minimum wage allowance also contributes to workers' well-being by helping them satisfy necessities like their need for food and shelter. Thus, it might be argued that the minimum wage legislation serves as a safeguard for employees, i.e., a precaution against salaries falling to a very low level. The government became involved in the employment process by setting a minimum wage to safeguard lower-class workers and prevent a decline in their salaries. To prohibit the arbitrary acts of business owners when paying salaries to freshly hired workers, the government established a minimum wage regulation.

According to John Rawls, the minimum wage provisions of the government are mandatory, so employers will not give workers a wage lower than the applicable minimum wage unless obtained permission from the government following the principle of justice.¹⁵

According to Payaman Simanjuntak, there are two ways to look at the minimum wage: first, as a mechanism for protecting employees so that the value of their pay does not decrease since they require a certain amount of money to support themselves and their families. Second, ensuring that employees' needs are addressed serves as an instrument of protection for the employer in the sense that the business may prosper when backed by productive employees, which is one of the elements determining worker productivity.¹⁶

Due to the aforementioned purposes of wages, the State is not prohibited from ensuring that employees get guarantees of respectable salaries as well as promises of predictability and fairness as a means of compensating laborers.

2.2 Characteristics of the Pattern of Relationship Between Heteronomic and Autonomous Law on the Aspects of Fulfillment of a Fair Wage for Workers in the Law No. 6 years 2023 about the creation of work?

The legal principle of unemployment is expressed in the Constitution as stipulated in Article 27 (2) UUD 1945 as well as in the provisions of Article 28D (2) UUD 1945, which states that the remuneration for the results of work in the employment relationship between the worker and the employer must meet the needs of a decent life and fair treatment.

Based on the provisions of the constitution as referred to above concerning the formulation of the main component as an element of the formation of the remuneration

¹⁵ Bambang Setiaji, *Upah Antar Industri Di Indonesia* (Muhammadiyah University Press, Universitas Muhammadiyah Surakarta, 2002), Pp. 30

¹⁶ Payaman, "Pengantar Ekonomi Sumber Daya Manusia Edisi 2001.", P 9

scope for a reasonable need, thus, by using the grammatical and authentic interpretation approach, it is possible to find a comprehension of the main component. For example, there are four (four) main components as an element of the wage of a decent need for living, which include, the basic wage, the fixed (*functional*) benefit, the non-fixed benefit (work stimulation based on the presence of workers), the old-day guarantee benefit, and the form of the component is realized in the manner of money and other rewards, such as the investment of the old day guarantee.

The four components are the accumulation and manifestation of the fulfillment of the need for a decent life in the employment relationship between workers and employers, in which case the Government establishes the minimum wage pattern as an ideal concept that is used as a path to achieving a dignified and equitable life.

The four basic components above are combined into the minimum wage pattern with the stage pattern in achieving decent living needs.¹⁷ This provision states that the minimum wage is directed at the achievement of decent living needs. The word “directed” contains the understanding, that any minimum wage setting must be adjusted to the stage of achieving decent living needs.¹⁸ The provisions of Article 89 (2) are clarified in the explanation of Article 89 (4) of Law No. 13 in 2003, that the achievement of decent living needs is an increase in the minimum living needs of the highly determined level of the business world ability. The explanation of these two provisions describes that the setting of wages must be adapted to the question of the ability of the business world. This adjustment then raises the question of uncertainty and injustice for the fulfillment of a decent living wage for workers. According to Article 28d (2) of the 1945 UUD, the right of a person (workers) to receive remuneration (money) and fair treatment, and fairness in employment relations, must be combined (coherence) with the rules of laws and regulations at the level under UUD 1945 or in other words, the rules that are under UUS 1945 must not contradict the principles of law contained in UUD 1945. (*lex superior derogate legi priori*). Accordingly, the rule of law established under the UUD 1945, which repealed the principle of the law of trust in the context of the right of a person (*workers*) to receive remuneration (*money*) as well as fair and decent treatment in employment relations, is an unconstitutional policy. Such a policy can be called a pattern of debilitating the heterogeneous legal framework in the context of employment law which in this case relates to the fulfillment of a decent salary for workers. This means that the autonomic law in the employment law policy for workers is more dominant than the heteronomous law.

After the passage of Law No. 6 of 2023 Concerning Job Creation, the dominance of the application of autonomous legal rules has been strengthened; specifically, the

¹⁷ Indonesia, Undang-Undang No. 13 Tahun 2003 Tentang Ketenagakerjaan,” n.d.

¹⁸ Penjelasan ketentuan Pasal 89 ayat (2) Undang-Undang No. 13 Tahun 2003 tentang Ketenagakerjaan

determination of wages is expanded by taking factors such as economic growth, inflation, and specific indices into account in addition to being adjusted to the issue of the business world's capability.¹⁹ Of course, this leaves a definition ambiguity on a specific index variable. A separate method for determining the minimum wage may also be established by the government in specific situations, according to Article 88F. Given that the government has the authority to periodically alter the minimum wage calculation, the norm involves some ambiguity. This norm creates a gap that businesses (*corporations*) may fill by exploiting, but it also gives them a place to hide in times of crisis to avoid having to increase the minimum wage. Even in the middle of crises, not all businesses are actually in trouble. For instance, the Covid-19 outbreak does not instantly put businesses in the coal, palm oil, and manufacturing industries in trouble.

The Job Creation Act's Article 88C, paragraph 2 states that the Governor may choose the district's or city's minimum wage. The term "can" in the article adds to the legal ambiguity because the governor is not assigned any responsibilities.

The Ciptaker Act's ambiguity on worker protections for decent and fair employment goes beyond the issue of norm obscurity. However, on the material load of the Job Creation Act, the right is deprived of the removal of some material load in the passages that regulate related hiring. The Job Creation Act should be the point as form of implementation of the guarantee of constitutional rights for every worker that must be well fulfilled. Additionally, loading information pertaining to the clearing of more specific employment regulations governed by Government Regulations is added to *Passe 81* number 24 of the Law on Creation of Work. The absence of explanations or rules connected to the elimination of some points concerning hiring in Government Regulation No. 36 of 2021 on hiring, which is a derivative regulation of the cluster of employment, is the same as what is stated in the Job Creation Act.

The Ciptaker Law and its subsidiary laws, including PP No. 36 of 2021 about Pay, contain requirements relating to wages that must be reviewed.²⁰ The definition of wages itself in terms of their determination and payment is predicated on the availability of alternatives, whether following an employment agreement, an agreement, or regulation and is a topic of debate in the Ciptaker Law and its variants.

The definition in terms of determination and payment conditioned by optional nuances suggests that the dominance of influence of the employer is more dominant, since in practice the agreement on the determination of and payment of wages between workers and employers is stipulated in an employment agreement in which such an

¹⁹ pasal 88D ayat 2.

²⁰ "Indonesia, Peraturan Pemerintah Republik Indonesia Nomor 36 Tahun 2021 Tentang Pengupahan," n.d. Pasal 1 menentukan bahwa upah adalah hak pekerja/buruh yang diterima dan dinyatakan dalam bentuk uang sebagai imbalan dari pengusaha atau pemberi kerja kepada pekerja/buruh yang ditetapkan dan dibayarkan menurut suatu perjanjian kerja, kesepakatan, atau peraturan perUndang-Undangan, termasuk tunjangan bagi pekerja/buruh dan keluarganya atas suatu pekerjaan dan/atau jasa yang telah atau akan dilakukan.

agreement is not contrary to the provisions of Article 1320 of the Convention, but which is problematic, not all workers understand well the subjective and objective conditions in the provision of Article 1320 of this Convention on the one hand and on the other workers who are in an unequal (*equal*) position with their employers.

When the employment contract is created with a raw clause (*exoneration*), the circumstances described above place vulnerable workers in a position to be exploited or, in other words, the employer has a great intention to abuse circumstances (*misbruik omsteigheiden*) against workers in making employment agreements. As a result, the worker will increasingly be faced with a difficult decision due to their inability to understand the clauses in the labor agreement.

Based on the aforementioned causality, it is important to reconstruct the law on the definition of wages in the framework of voluntary settlement and payment, which creates a large space for the application of the autonomic law to dominate and exclude the heteronomic law. This illustrates the absence of high-quality links (*relativity*) in the job ecosystem, of course. Wages are the rights of workers that are acquired and expressed in monetary compensation from the employer or employers to the employees established and paid following a labor agreement, the agreement that is not in conflict with the law's provisions, and that also includes benefits for workers and their families in exchange for a job and/or services that have been or will be performed. By the law's reconstruction, the parties are required to submit to and abide by Article 28D (2) UUD 1945's constitutional trust. To put it another way, not reformulating the law governing the establishment of wages and payments in the Job Creation Act, is the same as establishing the dominance of the application of autonomous laws and establishing heteronomous laws, which are the normative standards of the presence of the State in providing protection for workers within the framework of the welfare state concept.

It is a qualified dialectic or a form of relationships that are interrelated and bound in the framework of morality as crucial tools in the realization of decent and dignified employment for workers to place obligations on the parties in the creation of employment agreements of fixing wages and benefits that are not in conflict with the provisions of the Constitution. The reason is that workers won't be made into a model for humanizing workers (*humanity*) to provide justice and assurance for workers' welfare amid the interests of the State and businesses. This pattern demonstrates the existence of a discussion in the development of a mutually workable agreement within the national framework, as Hobbes' concept of agreement.

Hobbes said that even if a man just exists to protect himself, compete, and wield power, he still can engage in conversation, negotiate, and socialize with others to come up with ideas for agreements. There is hope and desire to go in the direction of good

when individuals experience the worries, agony, and dread of Hobbes' mountains. Building relationships to engage in conversation and negotiation is the path toward achieving this goal. Each person is allowed to reach agreements via discourse to create a system of coexistence.²¹

According to Plato, the relationship of good in the ecosystem of work (*Tripatriid*) is prioritized by reinforcing the paradigm of managing workers (*humanity*) in the management system of the ecosystem of employment, in particular, related to worthy employment for workers. If the State does not build such relationships, the capitalist employers will strengthen their hold on power and will undermine the State's ability to safeguard workers by failing to pay them a living wage. It is sufficient for us to understand from history how the "soft" and "deep" distortions of the capitalist system have affected human consciousness. The state of human existence is critical, particularly in this day of globalization. Confusion about reality is what gives rise to this cruciality. By untruths and the pleasures offered by capitalist masters, they are distorted.

There are no other justifications or factors, and as a result, the state must uphold these principles to impose obligations on the parties engaged in the drafting of labor agreements and arrangements relating to the establishment and payment of fair and equitable wages. Ulpian asserts that the three pillars of justice are: doing what is right; not doing wrong to others; and giving people what is rightfully theirs.²² In a similar vein, Aristotle's theory of justice holds that it essentially entails the participation of rulers (i.e., the government), who can act prudently and wisely in allocating rights and obligations, as well as the determination of justice based on the parties' mutual agreement regarding their respective rights and obligations while still being subject to and complying with the laws and regulations. In this case, justice aims to strike a balance between the two stakeholders in the employment relationship-employers and employees. As a result, the legal reconstruction relates to the Creators Act's requirement that employers create agreements governing wage and benefit determination and employment agreements. Since this definition serves as a crucial conceptual foundation, it will serve as a guide or road map for the rules that follow. When the definition of wages is already expressly and requires compliance on the part of the parties in creating employment agreements and compromises in terms of establishing salaries and pay, there is a causal link between legal and ethical issues. Since every employment agreement and contract about determining salaries and compensation is in conflict with the law on its own, the employment contract and the agreement in question are void according to the law.

²¹ Antono Wahyudi, "RELASIONALITAS TATA HIDUP BERNEGARA Pendalaman Perspektif Armada Riyanto Dari Para Peletak Dasar Filsafat Etika Politik," *Studia Philosophica et Theologica* 16, no. 2 (2016): 211-27., Pp. 223

²² Thoga Hutagalung, "Hukum Dan Keadilan Dalam Pemikiran Filsafat Pancasila Dan Undang-Undang Dasar 1945," *Disertasi, Fakultas Hukum Universitas Pajajaran, Bandung*, 1995., Pp. 130

3. CONCLUSION

The presence of the State is required in the fulfillment of the welfare of the labor force in this case the application of a decent wage, one of which with the provision of a minimum wage which serves to provide protection to the workers. The application of autonomous rules and the exclusion of the application of heteronomic regulations are related to the settlement of a reasonable wage and its provision as set out in the Job Creation Act. Where there is ambiguity and injustice in the calculation of wages and their distribution, which eliminates crucial components of worker protection. The differences between these provisions affect workers socially. To create a harmonious application of the laws of autonomous and heteronomic law to a dignified Tripartite ecosystem, it is crucial to carry out a legal reconstruction of articles that do not provide certainty and justice for workers, including a legal reconstruction regarding the definition of wages.

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