



## *Implementation of Government Regulation No. 36 of 2021 Regarding Remuneration at PT. Grand Salma Mandiri Gresik, East Java*

**Ruminingsih**

Faculty of Law, Sunan Bonang University

Email: [ruminingsihsh79@gmail.com](mailto:ruminingsihsh79@gmail.com)

### **Abstract**

*Policy on remuneration for workers is a very crucial and sensitive condition if it doesn't get proper attention from employers. This study aims to examine the implementation of Government Regulation No. 36 of 2021 concerning Remuneration at PT Grand Salma Mandiri Gresik, East Java. In conducting the study, the statutory approach and the empirical approach were used. The results of the study on the implementation of Government Regulation No. 36 of 2021 concerning remuneration, it was found that the company had not complied with these government regulations, in terms of giving remuneration to its workforce, both workers bound by monthly work contract agreements and casual daily work contracts. In the event that Government Regulation No. 36 of 2021 concerning remuneration, administrative sanctions may be given in the form of written warnings, restrictions on business activities, cessation of part or all of the means of production and freezing of business activities.*

*Keywords: implementation; labor; remuneration*

### **A. INTRODUCTION**

In the world of work, the implementation of production process activities certainly involves a number of workers (Priyo & Paridi, 2018). In this regard, human resources (HRD) play a significant role in carrying out business activities (Sugiyanto & Kosbiamtoro, 2022). The involvement of the workforce cannot be replaced even with the existence of production machines that still require workers as operators to run them (Thoif, 2022). Regarding manpower, the government of the Republic of Indonesia has regulated regulations in the form of legislation that has legally binding power for business operators (Nurcahyo, 2021). This regulation was published as the Manpower Law No. 13 of 2003 and was ratified by the legislature, namely the People's Representative Council of the Republic of Indonesia (DPR RI). Furthermore, what is meant by workforce in the labor law is anyone as an Indonesian citizen with the ability they have to take action to produce in the form of products and/or services in order to

meet their own and other people's needs, while employees or workers are anyone as an Indonesian citizen with work activities and is entitled to a salary/remuneration or other forms of compensation (Presiden Republik Indonesia, 2003).

In the current era of global development, the labor factor is an important asset that influences the level of competition between countries (Rani, 2016). Many countries offer a variety of superior potentials, including the level of availability of an adequate number of workers and supported by more competitive rates/fees, which are many considerations for global investors to develop their businesses in these countries. This has resulted in many investors finally choosing to expand their business because one of the considerations is the labor factor, the impact of which can increase the movement of the national economy in the country concerned (Alika, 2019). Thus, indirectly the workforce can also be used as a trigger factor due to contributing to income and business turnover on investment from foreign investors to the country concerned.

The position of the workforce from the perspective of Pancasila ideology and the 1945 Constitution is the most important part (component) of the nation and at the same time an integral part of national development. This can be implemented by realizing complete human development with specific targets in the context of increasing self-esteem, usability and bargaining value of labor and in general creating conditions for the national economy that encourages the achievement of equity, justice and prosperity for all people. Thus, the role of the workforce is the most important component in national development because the various sectors and infrastructure needed in development involve a large number of workers with various skills (Subakir & Sugiyanto, 2022). In the current development discourse, massive development is needed in various kinds of infrastructure needs in order to boost the national economy (Asset & Sugiyanto, 2021; Sugiyanto & Puniadi, 2023). This was shown during the reign of Joko Widodo in his 2 periods of leadership, development was carried out in its entirety in every region of Indonesia, including the super priority 3 T areas (terdepan, terluar and tertinggal) in the concept of Indonesia-centric development and not centered only on the island of Java (Java Centric) (Sugiyanto & Darmawan, 2023).

In the moment of commemorating the 75th Independence Day of the Republic of Indonesia in 2020, it has been proclaimed the achievement of the big theme of Advanced Indonesia in 2045. In realizing this theme, great work is needed involving all the resources we have in order to increase national income for welfare and prosperity for all the people (Sugiyanto, 2020). In the context of increasing business income nationally in its concrete form, it requires the role of the business world in driving the wheels of the national economy (Paikun, 2020). In this regard, the workforce aspect is also an important key to success in the business world, because the business world without a workforce will also not work (Sugiyanto, 2022). Therefore, workers must receive compensation in the form of their rights and fair treatment (protection) as employees who are employed by business owners in order to create togetherness in running a business that is in the common interest (Wijatanti, 2010).

Labor can be the most important part (element) in the role of involvement in the business world and will get a remuneration (salary) which is part of their rights (Fauzan, 2021). In this case, workers get their rights in the form of salaries for all their needs in order to fulfill a decent life (Presiden Republik Indonesia, 2021). The remuneration have a role in 2 (two) main function dimensions, namely 1) economic function which is a reward in the form of money as a form of income from work services provided to companies, 2) social function which is a driving factor to get incentives by working to meet performance standards set has been set by the company (Santoso, 2022). In this regard, there must be a form of balance between workers and employers by adhering to the principle of a mutually beneficial and mutually beneficial relationship. The existence of this relationship is certainly not automatic, it requires the role of the government as state administrators to be present in order to provide a policy or legal umbrella for labor remuneration.

With regard to policies on remuneration for workers in Indonesia, the government implements legislation in the form of Government Regulation No. 36 of 2021 concerning Remuneration (Presiden Republik Indonesia, 2021). The main substance that is emphasized in the government regulation is contained in Article 5 paragraph (1), namely that the remuneration policy is determined as one of the efforts to realize the

rights of workers/laborers to a decent living for humanity. The mechanism for giving remuneration in Article 40 paragraph (1) states that remuneration are not paid if the worker/laborer does not come to work and/or does not do work. Furthermore, in Article 1 paragraph (1) it is explained that the payment of remuneration from employers or employers to workers is carried out under conditions based on work agreements or agreements, including the allowances and incentives that must be provided. Based on Trimaya (2014) it is described that the provision of remuneration or salaries for employees plays a national role in 3 (three) aspects consisting of: 1) increasing welfare over income, 2) increasing productivity and 3) creating social justice.

With the existence of a form of work agreement or agreement is a container that accommodates the rights and obligations of each between employers and workers. The work agreement or agreement will act as a binding relationship for both parties. The validity (implementation) of the work agreement is based on Anwar et al. (2022) revealed that it can increase work motivation so that it has an effect on increasing employee performance. Dunggio & Basri (2019) added that high work motivation will have a major effect on improving employee performance, but found that there is a smaller effect of the contract work system on employee performance. In reality, the implementation of working relations does not always run smoothly (Sinaga, 2017). Base on Aritohang (2020) it is revealed that remuneration issues are the most frequently disputed issue between workers or laborers and employers, which can result in disharmonious work relations. On the part of workers or laborers, remuneration are seen as a source of income to meet the needs of life and their families, while on the part of employers, remuneration are seen as a burden that must be borne because they are part of the costs of the production process (Bhagaskara et al., 2020).

The problem of remuneration is a classic problem in the field of employment from time to time (Hamdun, 2019). This, sometimes it becomes difficult to reconcile between 2 (two) parties, each of which has different interests. In this case, the first party is the employer or job provider who acts based on the interests of economic principles. As we know, the principle of economics is to target maximum results with minimal sacrifice (cost) Therefore, in the position between employers and workers, the nature and effect

of the relationship between superiors and subordinates, so that the determination of the amount of remuneration is based on the will of the employer. Thus, the entrepreneur in a work agreement relationship is the subject and the worker or workforce acts as the object. Meanwhile, labor or workers as a second party acting for social interest motives. In this case, workers need a source of income in order to meet the needs for themselves and their families. In the conditions of the job search market with a high level of competition in the current conditions, workers do not have many options or choices except to accept the conditions they face in order to get a source of income or work remuneration (Lesly & Yuliadi, 2020).

Based on these problems, with reference to Government Regulation No. 36 of 2021 concerning remuneration requires a study in its implementation. In this case, the implementation review was carried out at PT. Grand Salma Mandiri. The company is one of the companies located in Gresik district East Java, which is engaged in the construction sector which provides civil works, electrical, mechanical and interior design services. The company has a relationship with the workforce in the form of contract worker agreements and freelance daily workers. Based on the issue of developing employee conditions that were obtained, it became the basis for why the company was chosen for research. Therefore, there is a need for a study using empirical research methods with a topic entitled "Implementation of Government Regulation No. 36 of 2021 concerning remuneration at PT. Grand Salma Mandiri Gresik, East Java".

## **B. RESEARCH METHODS**

This research is included in the category of qualitative descriptive research. In this case, the problems studied are analyzed in the form of in-depth studies using qualitative (non numerical) data. The research method used in the assessment consisted of:

1. The approach method uses legislation, namely in conducting a study of the problems studied using data sources in the form of statutory products and regulations.

2. The empirical approach method, namely the study is carried out using data sources which can be in the form of observations, interviews, reference/teaching books, research articles (journals) and the internet

Based on the above approach, it is used to review the implementation of Government Regulation NO. 36 of 2021 concerning Remuneration at PT. Grand Salma Mandiri Gresik, East Java.

## **C. RESULTS AND DISCUSSION**

### **1. Implementation of Remuneration for PT. Grand Salma Mandiri Gresik Based on Government Regulation No. 36 Year 2021**

PT. Grand Salma Mandiri Gresik implements a work system of 5 (five) working days a week with Saturdays and Sundays off. Meanwhile, working hours start at 08.00 WIB and end at 16.00 WIB, with 1 hour break from 12.00 WIB to 13.00 WIB. In the implementation of working days and hours carried out by PT. Grand Salma Mandiri counts for 40 hours a week. Thus, the number of working days and hours applied in the company complies with the provisions of the Labor Law Number 13 of 2003.

Based on the form of work agreement made by PT. Grand Salma Mandiri Gresik, consists of 2 (two) categories, namely 21 monthly contract employees and 23 casual daily contract employees. Employees who are bound by a monthly contract get a remuneration in a fixed nominal amount every month. As for employees who are bound by freelance daily contracts, remuneration are determined at a nominal rate per day, then their income is determined based on the number of days worked multiplied by the nominal rate per day.

In terms of wages made by PT. Grand Salma Mandiri Gresik based on the results obtained in this study, consisting of:

1. Permanent monthly employees get a remuneration of IDR 4,000,000 - IDR. 4,300,000/month
2. Freelance daily employees get a wage of IDR. 100,000 - IDR. 150,000/day

Based on the amount of remuneration mentioned above, it is included in the status of not fulfilling the regional minimum remuneration requirements based on the 2023

East Java Governor Regulation applicable to Gresik Regency, which is IDR 4,522,030 per month. Furthermore, in terms of providing religious holiday allowances (THR) based on the circular of the Minister of Manpower of the Republic of Indonesia No. M/2/HK.04.00/III/2023 it is 1 times the monthly remuneration for workers with a minimum working period of 1 year. The provision of THR carried out by PT Grand Salma Gresik also did not comply with the provisions of the ministerial circular letter because it did not fulfill the nominal amount based on the gubernatorial regulations that apply to Gresik Regency.

In the event that remuneration are not fulfilled by PT. Grand Salma Mandiri Gresik based on the gubernatorial regulation and the manpower, it can be stated that the company has not yet implemented Government Regulation No. 36 of 2021 concerning Remuneration. This can be proven based on the regulation in Chapter II concerning Wage Policy, contained in Article 4, Article 5, Article 6 and Article 8. The statements in these articles essentially state that wage policy is included in the national strategic program and is aimed at achieving a level humane decent life. Besides that, in Article 25 of the government regulation it is stated that the minimum remuneration is the remuneration for the province, district and city. Thus, it can be stated that employees of PT. Grand Salma Mandiri is still unable to receive protection rights based on the provisions in the Labor Law No. 13 of 2003 and Government Regulation no. 36 of 2021 concerning Remuneration.

## **2. Legal Sanctions Against PT. Grand Salma Mandiri In Gresik In Remuneration For Workers That Are Not In Accordance With Government Regulation No. 36 of 2021**

Government Regulation No. 36 of 2021 concerning Remuneration is one of the legal products that is expected to be implemented by all components in the context of realizing good, transparent and accountable governance. In the government regulation, in Chapter XII concerning Supervision, it is explained that the implementation of the regulation is supervised by the Labor Inspectorate, which consists of the ministry in the field of manpower and the service in the field of manpower. Based on this, the scope of

the agency that carries out labor inspection adjusts to the scale of its business. National scale companies are under the supervision of the national ministry of manpower, regional scale companies are under the supervision of the provincial service and district/city scale companies are under the supervision of the district/city service.

The business world is a partner for the government to participate in creating prosperity for the people. These conditions can be created, one of which is that the company in carrying out its business can fulfill the provisions of the applicable laws and regulations. Therefore, the government has the authority that has the force of law to provide sanctions for companies that do not comply and violate applicable laws. In this case, it can be associated with PT. Grand Salma Mandiri, which is located in Gresik, does not implement Government Regulation No. 36 of 2021 concerning Remuneration. Based on this, the company can be given administrative sanctions as stated in Article 79, Article 80 and Article 81 of the government regulation. Administrative sanctions can be in the form of written warnings, restrictions on business activities, termination of part or all of the means of production and freezing of business activities.

### **C. CLOSING**

Based on a review of the implementation of Government Regulation NO. 36 of 2021 concerning Remuneration at PT. Grand Salma Mandiri Gresik, East Java, it was found that the company had not complied with these government regulations, in terms of giving wages to its workforce, both workers bound by monthly work contract agreements and freelance work contracts.

In the event that Government Regulation No. 36 of 2021 concerning Remuneration, administrative sanctions may be given in the form of written warnings, restrictions on business activities, cessation of part or all of the means of production and freezing of business activities.

### **BIBLIOGRAPHY**

Alika, R. (2019). *Pembangunan Infrastruktur Secara Masif Akan Dongkrak Ekonomi*.  
<https://katadata.co.id/marthathertina/finansial/5e9a5551ef43c/pembangunan->



- infrastruktur-masif-akankah-dongkrak-ekonomi diakses pada 25 Maret 2023.
- Amin, M., & Rajagukguk, P. (2023). Pengaruh Modal Kerja Terhadap Profit Pada Perusahaan Manufaktur Yang Terdaftar di Bursa Efek Jakarta. *Jurnal Akuntansi Dan Keuangan Entitas*, 3(1).
- Anwar, A., Ardiano, G. T., & Ramadhani, I. (2022). Pengaruh Sistem Perjanjian Kerja dan Motivasi Terhadap Kinerja Karyawan PT Sinar Mas Multifinance Kantor Cabang Garut. *Jurnal Perbankan Dan Keuangan*, 3(1), 24-32.
- Aritohang, S. (2020). *Tindak Pidana di Bidang Ketenagakerjaan* (Ed. Rev). Jala Permata Aksara, Bekasi.
- Asset, M. A., & Sugiyanto. (2021). Analisis Biaya Kerugian Karena Mengalami Kondisi Kemacetan Akibat Perbaikan Jalan Ditinjau Dari Waktu Tunda Perjalanan dan Kenaikan Bahan Bakar Minyak Kendaraan. *Rang Teknik Journal*, 4(1), 143-163. <https://doi.org/http://dx.doi.org/10.31869/rtj.v4i1.2268>.
- Bhagaskara, A., Herdiyansyah, M. I., Afandi, M., & Christie, R. Y. (2020). Kondisi Penyerapan Tenaga Kerja Akibat Kenaikan Upah Minimum. *Inovasi*, 16(1), 157-166.
- Dunggio, N., & Basri, S. (2019). Pengaruh Sistem Kerja Kontrak dan motivasi Kerja Terhadap Kinerja Karyawan pada Perusahaan Erha Clinic. *Jurnal KINERJA*, 16(2), 166-174.
- Fauzan, R. (2021). *Pacu Kontribusi Tenaga Kerja bagi Ekonomi, OPSI: Peran Dunia Usaha Vital*. <https://ekonomi.bisnis.com/read/20210630/12/1412155/pacu-kontribusi-tenaga-kerja-bagi-ekonomiopsi-peran-dunia-usaha-vital> diakses pada 29 Juni 2023.
- Hamdun, S. A. (2019). Analisis Sistem Pengupahan Tenaga Kerja Outsourcing dalam Perspektif Ekonomi Islam (Studi Pada PT. Mutualplus Gobal Resources Malang). *Jurnal Ilmiah*, 10(2), 1-94.
- Lesly, N., & Yuliadi. (2020). Analisis Pendapatan Usaha Dan Biaya Operasional Terhadap Laba Bersih Pada Perusahaan Konstruksi Di Bursa Efek Indonesia. *Jurnal Ilmiah Akuntansi Bisnis Dan Keuangan (JIPAK)*, 6(1), 23-34.
- Nurchahyo, N. (2021). Perlindungan hukum tenaga kerja berdasarkan peraturan perundang-undangan di Indonesia. *Jurnal Cakrawala Hukum*, 12(1), 69-78. <https://doi.org/10.26905/idjch.v12i1.5781>.

- Paikun. (2020). *Peran Teknik Sipil Dalam Pertumbuhan Ekonomi Bangsa*. <https://nusaputra.ac.id/peran-teknik-sipil-dalam-pertumbuhan-ekonomi-bangsa/> diakses pada 25 maret 2023.
- Presiden Republik Indonesia. (2003). Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 Tentang Ketenagakerjaan. *Kementrian Sekretariat Negara Republik Indonesia, Jakarta*, 1–49.
- Presiden Republik Indonesia. (2021). Peraturan Pemerintah Republik Indonesia No 36 Tahun 2021 Tentang Pengupahan. *Lembaran Negara Republik Indonesia Tahun 2021 Nomor 46, Jakarta*. [http://dspace.ucuenca.edu.ec/bitstream/123456789/35612/1/Trabajo de Titulacion.pdf](http://dspace.ucuenca.edu.ec/bitstream/123456789/35612/1/Trabajo%20de%20Titulacion.pdf) <https://educacion.gob.ec/wp-content/uploads/downloads/2019/01/GUIA-METODOLOGICA-EF.pdf>.
- Priyo, M., & Paridi, M. R. A. (2018). Studi Optimasi Waktu dan Biaya dengan Metode Time Cost Trade Off pada Proyek Konstruksi Pembangunan Gedung Olah Raga (Gor). *Semesta Teknika*, 21(1), 72–84. <https://doi.org/10.18196/st.211213>.
- Rani, H. (2016). *Manajemen Proyek Konstruksi*. Deepublish, Yogyakarta.
- Santoso, A. P. A. (2022). *Pengantar Hukum Ketenagakerjaan & Penyelesaian Perselisihan Hubungan Industrial*. Pustaka Baru Press, Yogyakarta.
- Sinaga, N. A. (2017). Peranan Perjanjian Kerja Dalam Mewujudkan Terlaksananya Hak Dan Kewajiban Para Pihak Dalam Hubungan Ketenagakerjaan. *Jurnal Ilmiah Hukum Dirgantara*, 7(2), 30–45. <https://doi.org/10.35968/jh.v7i2.132>.
- Subakir, A. H., & Sugiyanto. (2022). Analisis Duration Cost Trade Off Untuk Mengejar Keterlambatan Pelaksanaan Proyek (Studi Kasus : Peningkatan Jalan Simorejo – Baureno Kabupaten Bojonegoro Jawa Timur). *Rang Teknik Journal*, 5(1), 8–23. <http://jurnal.umsb.ac.id/index.php/RANGTEKNIKJOURNAL>.
- Sugiyanto. (2020). *Manajemen Pengendalian Proyek*. Scopindo Media Pustaka, Surabaya.
- Sugiyanto. (2022). *Kewirausahaan*. Scopindo Media Pustaka, Surabaya.
- Sugiyanto, & Darmawan. (2023). The Failure Mode and Effect Analysis of Tender for Construction Companies in Indonesia. *Quality - Access to Success*, 24(192), 44–52. <https://doi.org/10.47750/QAS/24.192.06>.

- Sugiyanto, & Kosbiamtoro, A. (2022). Analisis Kinerja Biaya Pada Proyek Rehabilitasi Drainase Dan Trotoar Jalan Teuku Umar Paket I Dengan Metode Earned Value. *Jurnal Litbang Sukowati*, 5(2), 126-141. <https://doi.org/10.32630/sukowati.v5i2.320>.
- Sugiyanto, & Puniadi, A. N. (2023). Percepatan Waktu Proyek Pembangunan Gedung Kemasan Jumbo PT Semen Indonesia Dengan Metode Crashing. *Jurnal Litbang Sukowati: Media Penelitian Dan Pengembangan*, 7(1), 28-43. <https://doi.org/10.32630/sukowati.v7i1.337>.
- Thoif, M. (2022). Pemutusan Hubungan Kerja (PHK) Terhadap Karyawan Terdampak Pandemi Covid-19. *Perspektif Hukum*, 22(3), 100-120.
- Wijatanti, A. (2010). *Hukum Ketenagakerjaan Pasca Reformasi* (Ed. ke-1). Sinar Grafika, Jakarta.