

UNILATERAL TERMINATION OF EMPLOYMENT BY EMPLOYEES AT MOREST RESTAURANT

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Abstract

*Getting a job and achieving a decent living is a fundamental right of every citizen. In practice, however, various issues arise in the realm of employment, one of which is related to wages. This wage issue emerges due to a fundamental gap between the regulations aspired to and their implementation in society, often described as the gap between *das Sollen* and *das Sein*. This discrepancy is evident in the ineffective enforcement of the law within the community, particularly regarding the Bali Governor's Decree Number 2235/03-G/HK/2019, which pertains to the provision of minimum wages for workers, and the factors that hinder the realization of these minimum wages. The aim of this journal is to analyze and understand the implementation of legal arrangements related to the provision of minimum wages for workers, as well as the factors that impede this implementation. The method employed in this journal is empirical legal research, which is conceptualized as an empirical phenomenon that compares existing rules with their actual implementation or reality in society (*das Sollen* and *das Sein*). The findings suggest that the implementation of legal arrangements related to the provision of minimum wages for workers in the *Commanditaire Vennootschap (CV) Raka Bali* has not been effective. The factors contributing to the ineffectiveness of wage implementation are primarily internal to the company itself.*

Keywords: Labor, Wage, Proper Living Components

1. INTRODUCTION

Employment is something that relates to workers/laborers and the time before, during, and after the working period. Currently, reality has proven that the employment factor is a human resource. In the current period of national development, it is a very important factor for the implementation of national development in our country "Republic of Indonesia". Even the labor factor is a very dominant means in the life of a nation, therefore labor is a determining factor for the life and death of a nation (Giri & Wiryawan, 2019). The 1945 Constitution of the Republic of Indonesia has regulated the fundamental needs of citizens, one of which is to obtain employment in Article 27 paragraph (2). This is also in line with the objectives of national development, which aims to promote the general welfare of all Indonesian people in a just and prosperous manner.

Problems in the field of employment have now become a daily sight in various countries, both in developed countries and in developing countries. Problems related to labor occur because employment opportunities are getting narrower, while the population continues to increase. Various labor problems can also arise because basic rights and normative rights of workers are not guaranteed and discrimination in the workplace occurs, resulting in conflicts that include low wage levels, health insurance, occupational safety insurance, old age insurance, facilities provided by the company, and usually end in termination of employment (PHK) (Perdana, 2001).

The employer is the party that fully regulates the acceptance and termination of employment. If the employer has the will to terminate the employment relationship, often

the workforce can do nothing but accept the decision. Workers always experience injustice when dealing with employers who are more concerned with the interests of the company than the rights of workers (Perdana, 2008).

- a. Termination of employment
- b. Key points because it is important to terminate employment in accordance with the rules
- c. Rights and obligations violated if termination of employment is not carried out in accordance with the rules

Morest Restaurant located on the beach in Sanur, Bali is a business that is not incorporated and is owned by an individual who is managed by the owner directly by employing 10 employees. Morest restaurant is a business that targets foreign guests as consumers by providing western food or western food. Based on the results of my interview with the owner of Morest Restaurant, the acceptance of labor at Morest Restaurant is carried out without company management (Ghufron et al., 2018). Employees who are accepted to work are only based on verbal agreements, while employees who leave work are often decided unilaterally by both employees and owners. From the description above, the author determines the basis of the problems that occur at Morest Restaurant and decides to further examine the unilateral termination of employment by employees and the factors inhibiting termination of employment at Morest restaurant which is not in accordance with legal arrangements (Udiana, 2013).

Based on the explanation of the background above, two problem formulations are identified. First, how is the implementation of legal arrangements related to termination of employment by employees at Morest restaurant? Second, what are the inhibiting factors for termination of employment by employees at Morest restaurants that are not in accordance with legal arrangements. The purpose of writing this scientific work is to find out the legal arrangements for termination of employment and factors that hinder termination of employment at Morest restaurants that are not in accordance with applicable legal arrangements.

2. RESEARCH METHODS

Basically, research is "a search effort". Sunggono (2015) argues that the research method is how the steps that must be taken in a study are systematic and logical, so that they can be accounted for (Hadi, 2010). The research method used in writing this research is empirical legal research method. Empirical legal research is a law conceptualized as an empirical symptom that compares existing rules with their implementation or reality in society, namely *dasollen* and *dassein* (Nasution, 2008). This research is conducted by examining through observations in the field and then comparing with the concepts contained in the library materials used and legislation as a legal basis in solving problems (Sunggono, 2015).

3. RESULTS AND DISCUSSION

3.1. Implementation of Legal Arrangements Related to Unilateral Termination of Employment by Employees at Morest Restaurant

In general, workers are accepted into a company based on a work agreement that signifies the establishment of a working relationship between the worker and the employer that contains the rights and obligations of the worker and the employer. Termination of employment has been regulated by the Manpower Law, which includes provisions regarding termination of employment in accordance with the law. The importance of terminating employment in accordance with the Manpower Law is so that workers can get the severance pay they should receive.

Based on the results of the author's interview with the owner of Morest Restaurant, the implementation of work termination is often carried out unilaterally by employees. There are many factors that cause employees to terminate their employment unilaterally, including the desire to gain experience with a different job or workplace, not feeling at home at work, conflicts between employees, and personal problems owned by employees, so that employees are reluctant to negotiate with business voters and terminate their employment unilaterally, in other words running away from work.

As a result of unilateral termination of employment carried out by Morest restaurant employees, the impact is that the rights that workers should get are not fulfilled in accordance with applicable laws and regulations. However, so far, unilateral termination of employment by employees at Morest Restaurant has not caused legal problems because it has been resolved in a family manner.

3.2. Factors Inhibiting Termination of Employment by Employees at Morest Restaurant That Are Not in Accordance with Legal Arrangements

From the results of interviews with Mr. Putu Raka as the owner of Morest Restaurant, it is known that the inhibiting factors for termination of employment are not in accordance with legal arrangements because:

a. Restaurant managed without company management

In order to increase buying interest from consumers, the credit system is chosen by entrepreneurs as a way of payment, so that consumers dare to place orders. However, in reality, the payments received by CV Raka Bali are not in accordance with the agreement. In order to continue to carry out production, the victims are suppressing the wages of the workers so that the company can continue to produce. Delays in payments made by consumers / subscriptions are unable to withstand the company's high production costs.

b. Oral Employment Agreement

Due to the frequent turnover of employees at Morest Restaurant, the owner accepts employees without proper procedures, so that if employees want to leave their jobs, it is done without procedures as well. Employees who leave their jobs of their own accord will terminate their employment unilaterally, causing conflict. Production costs are the main factor in a company to keep running its business. Production costs are increasing every day due to inflation or an increase in raw materials needed to produce finished goods to be sold by the company. With uncertain income and receivables from clients but increasing production costs, the company is unable to provide minimum wages for its workers (Aulia & Mahartayasa, 2018).

c. Erratic Tourism Conditions

One of the factors or problems faced by CV Raka Bali is that sales or product orders are not steady and tend to decline, this is due to a lack of buying interest from previous clients due to economic factors. This is also an obstacle to not fulfilling the provision of minimum wages for workers at CV. Raka Bali (Wijaya et al., 2019).

d. Behavior of employees who want to try out jobs

One way to reduce high production costs, CV Raka Bali determines the down payment that must be paid by consumers so that work can proceed. However, the customers themselves often do not provide an advance payment, this makes CV Raka Bali forced to prioritize production costs, and this also has an impact on the workers themselves who do not get the minimum wage in accordance with applicable regulations (Billy & Ibrahim, 2019). Based on the results of interviews with the owner of CV Raka Bali, Mr. Putu Raka Vica, he said that he was very forced to reduce the cost of wages / salaries for workers because the company's condition was still unstable while the company had to keep producing to fulfill orders (Interview conducted on January 10, 2019).

4. CONCLUSION

The implementation of legal arrangements related to the provision of minimum wages for workers at CV. Raka Bali has not been effective. This can be seen from the employers themselves still providing wages below the stipulated Badung Regency Minimum Wage, which is regulated in Governor Decree Number 2235/03-G / HK / 2019 concerning the 2020 City Regency Minimum Wage. This is due to the company's ability to pay its employees in accordance with the minimum wage set and the workers themselves do not know about the Governor's Decree Number 2235/03-G / HK / 2019. The inhibiting factors for the non-realization of the minimum wage at CV. Raka Bali are from the company itself, such as high production costs, projects undertaken by CV. Raka Bali is uncertain, the consumer is negligent about the responsibility for payment, many consumers / clients do not provide an advance payment.

In providing wages to workers, business actors must pay attention to statutory provisions. This is very basic, because everything in a state of law must be implemented based on existing rules. As for employers, in law there is the principle of Legal Fiction which states that everyone is considered to know the law. In this regard, it is hoped that the government through the relevant agencies and the implementing apparatus, will be more intensive in conducting socialization and guidance to entrepreneurs so that giving minimum wages to workers / laborers can be implemented, because wages are a right that must be received from a worker.

Employers who employ workers by providing wages below the minimum wage should fulfill the requirements in accordance with the applicable law, then from the company in making agreements with consumers in written form so that the fulfillment of agreements with consumers in terms of payment can be collected and proven.

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