

ANALISIS YURIDIS TERHADAP PRAKTIK PENGUPAHAN PADA SEKTOR USAHA KAFE DI KOTA SEMARANG

INTISARI

Oleh:

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Penelitian ini bertujuan untuk mengetahui dan menganalisis praktik pengupahan para pekerja sektor usaha kafe di Kota Semarang serta untuk mengetahui dan menganalisis perlindungan hukum terhadap pekerja kafe di Kota Semarang yang tidak menerima upah sesuai dengan ketentuan peraturan perundang-undangan.

Metode penelitian dalam skripsi ini berjenis empiris yuridis dan bersifat kualitatif. Bahan penelitian yang digunakan meliputi data sekunder dan data primer. Data sekunder berupa bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Sedangkan data primer dalam penelitian ini diperoleh melalui wawancara dengan pemilik dan pekerja di Kafe Kafe M, Kafe P, dan Kafe B melalui *in-depth interview*. Sampel dalam penelitian ini dilakukan dengan menggunakan teknik *purposive sampling* berupa kriteria terhadap kafe dan pekerja kafe yang kemudian disimpulkan serta disajikan secara deskriptif analitis.

Berdasarkan hasil penelitian dan analisis yang telah dilakukan, maka diperoleh dua kesimpulan. Kesimpulan pertama, praktik pengupahan pada sektor usaha kafe di Kota Semarang tidak sejalan dengan PP Pengupahan, yakni lebih rendah dari rata-rata konsumsi masyarakat di Jawa Tengah. Kesimpulan kedua, perlindungan hukum terhadap pekerja kafe di Kota Semarang yang tidak menerima upah sesuai dengan ketentuan peraturan perundang-undangan dapat dilakukan melalui sarana perlindungan preventif dan represif. Pelindungan secara preventif telah dilakukan pemerintah dengan diundangkannya Peraturan Pemerintah tentang Pengupahan sebagai dasar hukum pengupahan terhadap sektor Usaha Mikro dan Kecil. Sedangkan perlindungan hukum represif hingga saat ini belum ditemukan upaya perlindungan represif terhadap pekerja yang mendapatkan upah di bawah minimum.

Kata kunci: Praktik Pengupahan, Sektor Usaha Kafe, Usaha Mikro dan Kecil, Pelindungan Hukum

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JURIDICAL ANALYSIS OF WAGE PRACTICES IN THE CAFE BUSINESS SECTOR IN SEMARANG CITY

ABSTRACT

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This study aims to understand the remuneration practices of cafe business sector workers in the city of Semarang as well as to identify and analyze the legal protection for cafe workers in the city of Semarang who do not receive wages in accordance with the provisions of the legislation.

The research method in this thesis is juridical and qualitative in nature. Research materials used include secondary data and primary data. Secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials that come from the second hand or obtained from other parties. While the primary data in this study were obtained through the first hand of the research subjects in the form of owners and workers at Kafe M Cafe, Cafe P, and Kafe B through in-depth interviews. The sample in this study was conducted using a purposive sampling technique in the form of criteria for cafes and cafe workers.

Based on the results of research and analysis that has been done, two conclusions are obtained. The first conclusion is that the wage practice in the cafe business sector in Semarang City is not in line with the PP Wages, which is lower than the average consumption of people in Central Java. The second conclusion, legal protection for cafe workers in Semarang City who do not receive wages in accordance with the provisions of the legislation can be done through preventive and repressive means of protection. Preventive protection has been carried out by the government with the promulgation of a Government Regulation on Wages as the legal basis for wages for the Micro and Small Business sector. Meanwhile, repressive legal protection so far has not found any repressive protection for workers who earn below the minimum wage.

Keywords: Wage Practices, Cafe Business Sector, Micro and Small Businesses, Legal Protection

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