

**LEGAL ANALYSIS OF WAGE STRUCTURE AND SCALE FAIR AND  
PROPORTIONATE AT PT XYZ POST-CONSTITUTIONAL COURT  
DECISION NUMBER 168/PUU-XXI/2023**

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**ABSTRACT**

*This research aims to find out and analyze the application of the principle of proportionality of wage structure and scale in the Constitutional Court Decision No. 168 PUU-XXI/2023 and the sense of justice of the principle of proportionality of wage structure and scale in PT. XYZ after the Constitutional Court Decision No. 168 PUU-XXI/2023.*

*This research is an empirical juridical research that is descriptive. Normative juridical research is carried out through literature research to obtain secondary data on various primary legal materials, secondary legal materials, and tertiary legal materials with document study tools. Empirical research is carried out through field research to obtain primary data by conducting interviews with research subjects, both respondents and resource persons with tools based on interview guidelines. The data from the research results are analyzed qualitatively and presented descriptively.*

*The conclusion of this research are: **First**, PT. XYZ has created a wage structure and scale that is partly in accordance with the principle of proportional wage structure and scale as stipulated in the Constitutional Court Decision No. 168 PUU-XXI/2023, which has taken into account the factors of the Company's ability, productivity, as well as class, position, working period, education, and competence. **Second**, the application of the principle of proportional wage structure and scale at PT. XYZ has partially fulfilled the sense of justice according to the philosopher Thomas Aquinas, namely distributive justice, commutative justice, and vindictive justice.*

*Keywords:*

*Employment relations, the principle of proportionality, wage structure and scale, Constitutional Court decisions, and justice.*

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## **ANALISIS HUKUM TERHADAP STRUKTUR DAN SKALA UPAH YANG BERKEADILAN DAN PROPORSIONAL DI PT XYZ PASCA PUTUSAN MAHKAMAH KONSTITUSI NOMOR 168/PUU-XXI/2023**

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### **INTISARI**

Penelitian ini bertujuan untuk mengetahui dan menganalisis penerapan asas proporsional struktur dan skala upah dalam Putusan Mahkamah Konstitusi No. 168 PUU-XXI/2023 dan rasa keadilan asas proporsional struktur dan skala upah di PT. XYZ pasca Putusan Mahkamah Konstitusi No. 168 PUU-XXI/2023.

Penelitian ini merupakan penelitian yuridis empiris yang bersifat deskriptif. Penelitian yuridis normatif dilakukan melalui penelitian kepustakaan untuk mendapatkan data sekunder atas berbagai bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier dengan alat studi dokumen. Penelitian empiris dilakukan melalui penelitian lapangan untuk mendapatkan data primer dengan cara melakukan wawancara kepada subjek penelitian baik responden maupun narasumber dengan alat berupa pedoman wawancara. Data hasil penelitian di analisis secara kualitatif dan disajikan secara deskriptif.

Penelitian ini memiliki kesimpulan: *Pertama*, PT.XYZ telah menyusun struktur dan skala upah yang sebgayaan faktor sudah sesuai dengan asas proporsional struktur dan skala upah seperti diatur di dalam Putusan Mahkamah Konstitusi No. 168 PUU-XXI/2023 yaitu telah memperhatikan faktor kemampuan Perusahaan, produktivitas, serta golongan, jabatan, masa kerja, pendidikan, dan kompetensi. *Kedua*, penerapan asas proporsional struktur dan skala upah di PT. XYZ telah sebagian memenuhi rasa keadilan menurut filsuf Thomas Aquinas yaitu keadilan distributif, keadilan komutatif, dan keadilan vindikatif.

Kata kunci : Hubungan kerja, asas proporsionalitas, struktur dan skala upah, putusan Mahkamah Konstitusi, dan keadilan

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