

**PERLINDUNGAN UPAH BAGI PEKERJA BADAN USAHA MILIK DESA  
DITINJAU DARI HUKUM KETENAGAKERJAAN  
(Studi Kasus BUM Desa X)**

**INTISARI**

Oleh:

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Tujuan dari penelitian ini adalah untuk mengetahui dan menganalisis tentang hubungan hukum yang terjadi antara pihak BUM Desa dengan para pekerjanya. Penelitian ini juga bertujuan untuk menganalisis perlindungan upah bagi pekerja di BUM Desa dalam sudut pandang peraturan perundang-undangan di bidang pengupahan.

Penelitian ini bersifat normatif empiris. Penelitian normatif dilakukan melalui penelitian kepustakaan, sementara penelitian empiris dilakukan dengan penelitian lapangan. Data dari hasil penelitian kepustakaan dan lapangan dianalisis secara kualitatif. Hasil analisisnya disajikan secara deskriptif sehingga menggambarkan jawaban atas permasalahan yang dibahas.

Hasil dari penelitian menunjukkan bahwa hubungan hukum antara BUM Desa X dengan para pekerjanya yang diikat dengan perjanjian tertulis merupakan hubungan kerja. Isi dari perjanjian kerja tertulis telah memenuhi syarat sah perjanjian kerja menurut Pasal 52 ayat (1) UU Ketenagakerjaan. Adapun bagi pekerja yang diikat dengan perjanjian lisan bukan merupakan hubungan kerja, karena perjanjian kerja lisan dalam kasus ini batal demi hukum. Pihak BUM Desa X tidak menyertakan surat pengangkatan sebagaimana diamanatkan dalam Pasal 63 ayat (1) UU Ketenagakerjaan. Penelitian ini juga menunjukkan bahwa sistem pengupahan di BUM Desa X belum memberikan perlindungan upah bagi para pekerjanya. Hal ini didasarkan pada sebelas tolak ukur kebijakan perlindungan upah yang diatur dalam Pasal 88 ayat (3) UU Ketenagakerjaan serta penjabarannya melalui Peraturan Pemerintah Nomor 78 Tahun 2015 tentang Pengupahan.

**Kata Kunci :** Hubungan Kerja, Perlindungan Upah, Badan Usaha Milik Desa

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## WAGE PROTECTION FOR WORKERS OF VILLAGE-OWNED ENTERPRISES REVIEWED FROM LAW ON MANPOWER

(A Case Study of BUM Desa X)

### ABSTRACT

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This research aims to find out and analyze the legal relationship between the Village-Owned Enterprises and the workers. This research also aims to analyze the wage protection for the workers of Village-Owned Enterprises in the perspective of laws and regulations concerning wages.

This is a normative-empirical legal study. The normative study was conducted through library research, while the empirical study was conducted through field research. The data were analyzed using qualitative analysis. The results are presented descriptively to illustrate the answers of problems discussed.

The results of this research show that the legal relationship among Village-Owned Enterprises with the workers that is bound through written agreement is an employment relationship. The substances of written agreement have been fulfilled the legal terms of employment agreement according to Article 52 paragraph (1) of Indonesian Manpower Act. The workers who are bound by unwritten agreement are not qualified as employment agreement because in this case the unwritten agreement is null and void. The party of Village-Owned Enterprises “X” does not establish the letter of appointment as mentioned in the Article 63 paragraph (1) of Indonesian Manpower Act. This research also shows that the wage system at the Village-Owned Enterprises has not provided wage protection to the workers. This analysis is based on the eleven of wage protection policy benchmarks as regulated in the Article 88 paragraph (3) of Indonesian Manpower Act and its elaboration through the Government Regulation Number 78 of 2015 concerning Wages.

**Keywords: Employment Relationship, Wage Protection, Village-Owned Enterprises**

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