

Legal analysis of the imbalance of wages between recruited workers and employees regarding minimum wages (decision number 99/Pdt.Sus-PHI/2024/PN Mdn)

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ABSTRACT

The wage disparity between recruited workers and assigned employees who bear equivalent workloads and responsibilities represents a serious issue in industrial relations in Indonesia. Recruitment workers often receive wages below the City Minimum Wage and experience discrimination in the provision of allowances and other normative rights, as occurred in the case of PT. Prima Multi Terminal. In this case, recruitment workers received Merit Salaries below the 2024 Medan City Minimum Wage, as well as unequal position allowances and leave entitlements compared to assigned employees, despite performing the same job functions. This condition contradicts the principle of justice and the principle of non-discrimination as stated in Article 6 of Law Number 13 of 2003 concerning Manpower and the provisions in Government Regulation Number 36 of 2021 in conjunction with Government Regulation Number 51 of 2023 concerning wages. This study aims to analyze the form of legal protection for recruitment workers who experience wage imbalance based on Decision No. 99/Pdt. Sus-PHI/2024/PN Mdn. The research method used was the normative legal method through a literature study approach and juridical analysis of the court decision. The results showed that the court partially granted the lawsuit and ordered the equalization of salaries and allowances. Therefore, the government needs to strengthen regulations, the labor inspection system, and improve legal education for workers.

Keywords: wage imbalance; recruitment workers; minimum wage; discrimination; legal protection

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1. INTRODUCTION

In an employment relationship, employers employ workers to perform specific work, the implementation of which is subject to the company's rules and regulations. In return, employers provide wages at a mutually agreed-upon rate. However, in practice, this wage provision often gives rise to normative issues, such as wages not being paid in accordance with applicable laws and regulations or companies not paying their workers.

Furthermore, there are numerous violations of workers' rights to a fair wage, such as the failure to provide holiday allowances (THR), overtime pay, and the failure to provide equal pay for workers with similar responsibilities and workloads. This issue, as seen at PT. Prima Multi Terminal, occurred where recruited workers had similar responsibilities and workloads as assigned workers from Pelindo, yet their income was unequal. This is a key issue in the employment relationship between workers and employers, which should be based on fairness.

One of the fundamental principles of employment relationships is fairness in the treatment and protection of workers. Workers with the same qualifications and performing the same workload should receive equal pay without discrimination. Discrimination against workers can occur based on educational background, religion, race, national origin, gender, or differences in recruitment mechanisms (Putu, 2016).

Article 6 of Law Number 13 of 2003 concerning Manpower explicitly states that every worker/laborer has the right to receive equal treatment without discrimination from employers. This principle is reinforced by the constitutional guarantee that everyone has the right to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law, as stipulated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia ([Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan](#)).

Another problem that arose in this case concerned the payment of basic wages (Merit Salary), which were given below the Medan City Minimum Wage (UMK). The worker in this case received a Merit Salary of IDR 3,410,034 per month for job class 16, even though the UMK for Medan City in 2024 was IDR 3,769,082. This indicates that the company did not fulfill its legal obligation to pay wages in accordance with the applicable regional minimum wage provisions.

This is inconsistent with the provisions of Article 23 paragraph (2) of Government Regulation Number 36 of 2021 concerning Wages, as amended by Government Regulation Number 51 of 2023, which states that if wages consist of a basic wage and non-fixed allowances, the basic wage must be at least the minimum wage. Therefore, the basic salary paid to workers in this case is clearly below the legal standard and violates workers' normative rights.

If workers' normative rights to receive a minimum wage are not met, workers have the right to file objections to company policies deemed unlawful. Moreover, the provisions of these articles are imperative and cannot be overridden by agreements or internal company policies. This demonstrates that labor law regulations fundamentally favor workers in ensuring adequate wages ([Suhartoyo, 2020](#)).

This wage imbalance issue is more complex because it involves not only salary calculations but also structural equity in the employment relationship between recruited and assigned workers. The company created two different employment schemes for the same job function, which gave rise to vertical discrimination in the workplace.

In resolving the dispute, the employer showed no good faith in resolving the dispute through bipartite means or through the recommendations of a mediator from the Manpower Office. The mediation resulted in a recommendation for the company to equalize the wages of workers with similar workloads and responsibilities; however, this was ignored by the company.

This situation reflects the failure of the company's internal system to ensure equality and fair treatment of all employees. The company not only ignored legal provisions but also rejected amicable settlements facilitated by the relevant authorities, in this case, the Manpower Office. This undermines healthy industrial relations.

Ultimately, this industrial relations dispute was resolved through the Industrial Relations Court under case number 99/Pdt. Sus-PHI/2024/PN Mdn. The workers sued the company to recover their

rights, including the shortfall in their position allowances, and to acknowledge the injustice they experienced.

The workers filed a lawsuit demanding that the company pay the shortfall in their position allowances and equalize the other components of their income. In this case, the workers drafted a petition calculating the actual material losses that could be proven in a court of law.

In the lawsuit, the workers alleged discriminatory treatment, which resulted in significant material and immaterial losses. Furthermore, the lawsuit pointed to violations of the principles of non-discrimination, fairness, and the fulfilment of workers' normative rights. This lawsuit also tested the legal commitment to upholding the principle of justice and protecting workers' rights in the workplace. By taking the case to court, the workers resorted to litigation as a form of resistance to structural workplace injustice.

Through the trial, the panel of judges found the plaintiff's arguments legally proven and worthy of partial acceptance. In its legal reasoning, the panel referred to the imperative provisions of laws and regulations and the persuasive evidence presented by the plaintiff. The panel of judges found the company to have violated the provisions of laws and regulations regarding minimum wages and the principle of nondiscrimination. Furthermore, the court considered the company's failure to comply with the mediator's recommendations as a form of negligence in resolving the dispute amicably.

The judge's ruling required the company to pay the shortfall in position allowances and equalize the basic salary and other benefits for the recruited workers. This ruling also stated that workers have the right to equal treatment as assigned workers with similar positions and workloads. This ruling is significant because it recognizes the position of recruited workers as being entitled to equal treatment as assigned workers. In the context of industrial relations, equal treatment is a fundamental principle that cannot be suspended in the name of internal policy.

In the context of industrial relations, this ruling affirms that the principle of justice cannot be overridden by discriminatory policies. Furthermore, this ruling opens the way for other workers experiencing similar conditions to pursue legal remedies. Legal protection for workers is a manifestation of the state's role in maintaining social justice in the workplace. Through the Industrial Relations Court, workers have a legal avenue to fight for their rights, including the right to decent wages and fair treatment (Mustaqiem, 2014).

Law enforcement through the courts is a legitimate mechanism for correcting policies that disadvantage workers. In this case, the litigation process serves not only as a venue for dispute resolution but also as a means of testing the conformity between company policies and applicable laws and regulations. Therefore, this study is crucial for analyzing how court decisions serve as instruments of justice and legal protection for workers. Furthermore, this research aims to understand the extent to which the Indonesian labor law system can provide fair and effective solutions to issues of discrimination and minimum wage violations (Uwiyono & Aloysius, 2014).

This research also aims to contribute to the development of labor laws that are fairer and more responsive to the dynamics of industrial relations. In the context of changing times and increasingly complex worker recruitment patterns, employment law must accommodate new forms of employment relationships without sacrificing workers' normative rights.

Therefore, this study focuses on analyzing the legal protection for recruited workers in cases of wage imbalance related to the minimum wage based on Decision Number 99/Pdt. Sus-PHI/2024/PN Mdn to address the need for justice in contemporary industrial relations.

2. METHODS

This research is normative legal research because the object of study is Court Decision Number 99/Pdt. Sus-PHI/2024/PN Mdn focuses on the legal norm system through a literature study of legal principles, systematics, synchronization, and judicial decisions. The type of data used is secondary data, which includes primary legal materials (statutory regulations and court decisions), secondary legal materials (books, journals, and other scientific literature), and tertiary legal materials (legal dictionaries and articles

from the Internet). Data collection techniques are carried out exclusively through library studies of legal documents and related literature. Data analysis uses a qualitative method with a deductive approach, namely processing and interpreting data based on normative tools to draw conclusions that answer the legal problems being studied.

3. RESULTS AND DISCUSSION

Industrial relations disputes related to wages are one of the most frequent forms of labor conflict and have significant impacts, particularly among workers recruited through third-party agencies. Recruited workers are hired by outsourcing companies and then placed in user companies. In practice, this group of workers often experiences various violations of their basic rights, one of which is the failure to pay wages in accordance with the minimum standards set by local governments through the Provincial Minimum Wage (UMP) or Regency/City Minimum Wage (UMK) policies.

Provisions regarding minimum wages are clearly stipulated in Government Regulation Number 36 of 2021 concerning Wages, which is the implementing regulation of Law Number 11 of 2020 concerning Job Creation ([Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja, 2020](#)). This regulation stipulates that employers are prohibited from paying wages below the minimum wage, and violations of this provision are subject to administrative and criminal penalties. However, the reality on the ground shows that many companies, especially those utilizing outsourcing schemes, still do not pay their workers wages in accordance with the applicable UMP or UMK ([Rut, 2023](#)).

Recruited workers are generally in a vulnerable position because their employment status is often unclear. Many employers do not feel responsible for workers' normative rights, considering the employment relationship solely between the worker and the labor provider. Conversely, labor providers are sometimes unable or unwilling to fulfill minimum wage obligations. This situation places workers in a legally and socially vulnerable position, triggering disputes in industrial relations.

To address this issue, a dispute resolution mechanism is stipulated in Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PPHI). This mechanism consists of several stages: bipartite negotiations, registration with the Manpower Office, mediation, conciliation, arbitration, and resolution through the Industrial Relations Court (PHI). The initial stage is bipartite negotiations conducted through deliberation within 30 working days. If this fails, one party registers the dispute with the Manpower Office.

After registration, the Manpower Office assigns a mediator to conduct an investigation and provide written recommendations regarding dispute resolution. Conciliation and arbitration can be used but are rarely used in such cases. If mediation fails, the dispute will be referred to the Industrial Relations Court (PHI), which will examine the matter based on employment documents, pay slips, and evidence of violations of the Provincial Minimum Wage (UMP/UMK). In this context, legal attention lies in determining the party responsible for paying the minimum wage, fulfilling the principles of legal certainty and justice, and imposing sanctions on employers ([Yuniarti, 2014](#)).

The issue of wages paid to recruited workers below the minimum wage (UMP) or minimum regional wage (UMK) is a violation of basic workers' rights that requires serious attention. While resolving these issues through bipartite channels and the Industrial Relations Court (PHI) provides a legal basis, their success is heavily influenced by workers' complaints, the role of labor unions, and government oversight. Therefore, consistent law enforcement and adequate protection for recruited workers are essential to realizing a just employment system that upholds human values ([Hoffman, 2015](#)).

Wage inequality between recruited workers and permanent employees performing similar functions is a crucial issue in industrial relations dynamics. This situation not only creates injustice in the workplace but also indicates the weak implementation of fair wage principles, as stipulated in laws and regulations. Although the government has established policies regarding Provincial Minimum Wages (UMP) and Regency/City Minimum Wages (UMK), many recruited workers still receive wages below the applicable regulations. Meanwhile, permanent employees in similar positions and with similar

responsibilities receive more appropriate compensation. This inequality is generally caused by various structural, institutional, and cultural factors that mutually influence and reinforce the existing gap.

The fundamental difference between recruited workers and permanent employees is their employment status. Permanent employees generally have a direct employment relationship with the user company and receive full normative rights, including wages in accordance with minimum regulations, benefits, and social protections. In contrast, workers are recruited by outsourcing companies, and their employment status is often not directly recognized by the user company, even though they work in the same environment and with the same workload (Harahap, 2020).

Weak oversight by labor agencies, such as the Department of Manpower, is a key factor contributing to the prevalence of substandard wage practices. Many outsourcing companies fail to comply with the Provincial Minimum Wage (UMP/UMK) without strict sanctions from relevant authorities. Furthermore, the limited number of labor inspectors and minimal reporting from workers exacerbate this situation.

Labor unions play a crucial role in upholding workers' normative rights, including the right to decent wages. However, recruited workers are often not unionized or have strong representation, making their voices unheard in collective bargaining or in dispute resolution. This makes them more vulnerable to rights violations and wage disparities (Abdullah, 2024).

Many companies use outsourcing as a cost-effective strategy by shifting the burden of wage payment responsibilities to third parties. In practice, this system is often abused to reduce production costs, including by paying recruited workers below the minimum standard required. The lack of transparency in employment contracts between labor providers and user companies leaves workers in a weak position and lacking bargaining power (Maesaroh & Nopiana, 2024).

Although not always the primary factor, education and skill levels are often used by companies to justify wage differences. Recruited workers are often assumed to have lower skills than permanent employees, even though they perform similar tasks and responsibilities. This view is discriminatory and reinforces wage system inequality.

Many recruited workers do not understand their basic rights, including the right to a minimum wage, due to limited information and access to labor regulations. A lack of legal awareness and education from relevant parties prevents workers from recognizing rights violations, leading them to refrain from reporting or taking legal action (Kennedy, 2024).

The managerial structure and internal company policies also contribute to wage disparity. In many cases, companies create administratively different job classifications for recruited workers and permanent employees, even though their functions and roles are nearly the same. This strategy is often used to avoid the obligation to provide equal wages or equivalent benefits to recruited workers (Wijayanti, 2004).

Wage disparities between recruited workers and permanent employees are not solely administrative issues; they reflect structural inequities within the employment system. Therefore, addressing this issue requires a comprehensive strategy that includes the consistent enforcement of labor regulations, improvements to the labor recruitment system, and strengthening workers' bargaining power through the formation of effective labor unions and increased legal awareness among workers.

This case stemmed from an industrial relations dispute between Rizky Harahap, the Plaintiff, and PT. Prima Multi Terminal (PMT) (the defendant). Rizky is a directly recruited employee in the job class 16. He sued alleging unequal wages and benefits compared to those assigned by PT. Pelindo. These inequalities include a Merit Salary lower than the 2024 Medan Minimum Wage (UMK), lower position, performance, and leave allowances without a clear legal basis, and internal discrimination despite similar position and workload. After bipartite efforts and mediation failed, and the Defendant failed to comply with the Manpower Office's recommendations, Rizky filed a lawsuit with the Medan District Court Industrial Relations Court.

The Panel of Judges deemed the Merit Salary of Rp3,410,034 lower than the Medan Regional Minimum Wage of Rp3,769,082, and based on Government Regulation No. 36 of 2021 in conjunction with Government Regulation No. 51 of 2023, this constitutes a violation of the law because the basic wage must be at least equal to the minimum wage. The Panel also considered discrimination in the Position,

Performance, and Leave Allowances, which were not based on workload but only on employment status, thus contradicting Article 6 of Law No. 13 of 2003 concerning manpower.

The Defendant, who failed to comply with the mediator's recommendations and did not substantially respond to the submitted evidence of losses, was deemed to have acted in bad faith. The Position Allowance shortfall of Rp94,542,000 during January 2021–December 2023 was also granted, accompanied by an order to equalize the Basic Salary and all other allowances since January 1, 2021. The verdict contained partial acceptance of the lawsuit, stating that the Defendant had committed discrimination, setting the Merit Salary equal to the Medan UMK, ordering payment of the allowance shortfall, and equalizing the rights and allowances of recruitment workers with assignment workers.

This legal protection analysis is reviewed from three perspectives. First, the normative dimension, where Article 6 of Law No. 13 of 2003 and ILO Convention No. 111 require non-discrimination, and Government Regulation No. 36 of 2021 stipulates that the minimum basic wage must be equal to the minimum wage. A wage below the minimum wage violates labor law principles. Second, the practical dimension demonstrates systemic discrimination in HR management, with two categories of workers performing the same function but receiving different compensations. The mediator's disregard for the defendant's recommendations reinforces the defendant's lack of good faith. Third, the jurisprudential dimension, where this decision upholds the principle of "equal pay for equal work," setting a precedent that workers' rights are enforceable and can be redressed through legal mechanisms.

Legal protection for recruited workers is based on the prohibition of discrimination and the guarantee of a minimum wage. PMT's discriminatory practices violate the principle of fair employment relations, and this decision sets a corrective precedent for exploitative and discriminatory wage systems.

4. CONCLUSION

Wage disparities between recruited workers and assigned employees in similar positions and workloads reflect structural injustice in the national employment system. Companies using outsourcing mechanisms often exploit regulatory weaknesses and weak oversight to reduce costs by paying workers less than the minimum wage. In the case of PT. In Prima Multi Terminal, the discrepancy between the Merit Wage and the Medan City Minimum Wage, along with discrimination in the provision of benefits, constituted a violation of workers' normative rights, an imperative.

Court Decision Number 99/Pdt.Sus-PHI/2024/PN Mdn reaffirmed the principle of equal pay for equal work and affirmed that recruited workers have the same right to fair treatment, without discrimination. The company's failure to comply with mediation recommendations, along with evidence of unfair treatment, demonstrates a lack of faith in peacefully resolving industrial relations disputes.

The legal protection provided in this decision serves not only as an individual solution but also as a correction to exploitative wage practices. The state, through the Industrial Relations Court, exercises a corrective function against discriminatory internal company policies. Therefore, legal support for recruited workers must continue to be strengthened through firm regulations, active supervision, and legal education for workers so that they can fight for their rights amidst the complex dynamics of industrial relations.

Ethical Approval

Not Applicable

Informed Consent Statement

Not Applicable

Authors' Contributions

HRS contributed to the conceptualization of the study, formulation of the legal framework, and drafting of the manuscript. ASL contributed to the literature review, juridical analysis of the court decision, and refinement of the manuscript for clarity and academic rigor.

Disclosure Statement

The Authors declare that they have no conflict of interest

Data Availability Statement

The data presented in this study are available upon request from the corresponding author for privacy.

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