

PAYMENT OF WAGE UNDER MINIMUM WAGE FOR ABDI DALEM SULTAN PALACE (DAERAH ISTIMEWA YOGYAKARTA)

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Purpose of Study: The compensation for running a job is to get wages. There is one form of wage protection through minimum wage. The fact is, there are still workers who have not earned a minimum wage of minimum wage after they run their jobs. One of them is the court palace of Yogyakarta Palace. This study aims to analyze the validity of the court servants in getting wages below the minimum wage.

Methodology: This legal research uses a socio-legal approach. The result of this research is Abdi Dalem get wages in the form of "kecuca" which amount is less than the minimum wage of Yogyakarta Province. Sultan Hamengkubuwana X should be prosecuted for violation of Article 90 paragraph (2) jo. Article 187 of Law Number 13 Year 2003. The right to prosecute of the courtiers has never been implemented because the working relationship between the courtiers and the Sultan is devotion. The sense of service is the soul of the agreement on which the working relationship is based. What has been agreed upon by the parties binding as the law for the party making it (Article 1338 B.W. Burgerlijkwetboek).

Results: The significance of this research is that the principle of local wisdom which is the basis of working relations can be unleashed.

Implications/Applications: The contribution of this research is the emergence of an understanding that the employment relationship is not solely aimed at earning wages. A sense of tranquility after work becomes the choice of the destination of the courtiers to serve the Sultanate of Yogyakarta.

INTRODUCTION

Every person needs a source of income to meet the needs of his life. Sources of income can be obtained from the work. Work can be done someone to others or work independently. Working to others can be interpreted by working with a state/government or to the private sector. Work to private parties get wages.

Wage determination should be based on an agreement between employer and workers. This agreement is subject to the scope of civil law. The employer is the person who best understands what wages should be paid to the worker. Given that wages are part of the cost of production to be borne by the employer.

The importance of wages as part of the cost of production can be the basis for employers to provide the lowest wage. This is one of the factors of the occurrence of wage payments under minimum living requirements.

Minimum living necessity (MLN) value is determined by the state. Its development, the

determination of the NDL is improved by the need for decent living (NDL). On the basis of this NDL then became the basis for determining.

The purpose of stipulating the provincial minimum wage, district/city is for workers to fulfill life as social security included. ¹ Determination of minimum wage for workers always rises social conflict. There is a sharp conflict of interests between employers and workers in determining the minimum wage. Workers demands high wages, but employers tend to keep the wages low. The different interest in determining the minimum wage. As a protecting effort of workers' wage, a comprehensive minimum wage is determined. The fact is, there are still workers who have not earned a minimum wage of minimum wage after they run their jobs. One of them is the court palace of Yogyakarta Palace.

This study aims to analyze the validity of the court servants in getting wages below the minimum wage. The research method used was socio-legal, that is a legal research using social methodology in a broad sense. It is an alternative approach to evaluate the doctrinal study of law (especially the minimum wage). Steps taken in this study are a textual study, by analyzing the legal rules and policies critically then analyzing and explaining the meaning and the implications of legal subject. Whether the rules or policies are favorable or disadvantage to particular groups ², especially to labor.

LITERATURE REVIEW

An employment agreement is an agreement between a worker/laborer and an employer that contains the terms of employment, rights and obligations of the parties (Article 1 Point 14 of Law 13/12).

Employment relationship is a relationship between employers and workers/laborers based on employment agreements that have elements of work, wages, and commands (Article 1 Point 5 of Law 13/2003). In general it is said there has been a working relationship if it has fulfilled three elements namely:

1. The existence of work (arbeid)
2. Under the command/gezagverhouding (meaning the worker performs the work of the employer's employer so that it is subordinate)
3. The existence of certain wages / loans.

The working relationship in principle contains three elements, namely the existence of work, commands, and wages. The fourth element is time generally considered as an additional element. In unspecified time (tijd) (can be indefinitely / pension or based on certain time).

The existence of working relationship is always preceded by a work agreement. The work agreement can be divided into five kinds, namely:

1. Employment agreement, namely an agreement between workers and employers who fulfill the element of command and wage of works.
2. A mixed employment agreement, namely an employment agreement accompanied by other agreements. If there is a conflict between the employment agreement and the other agreement, then the applicable is the employment agreement. If there is no conflict then both treaties shall apply to the parties.
3. Profit-sharing agreement, an agreement with the objective of sharing the revenue share it has earned. The amount of the share-sharing composition can be freely determined, ex 50:50, 60:40, 70:30.
4. Lease agreement, an agreement with the objective of renting an item for a certain period of time with a certain price payment, such as an online taxi.

5. Partnership agreement, namely the agreement of the cooperation to provide the ability to make something goods/services that will be marketed by either party.

It is said there has been a working relationship if it subordinated not coordination. One party is higher/lower than the other. Manifested in the form of command. The form of accountability is vicarious liability rather than stick liability.

The purpose of someone doing a job is to get wages. The arbitrary actions of employers to provide low wages under which the state establishes minimum wage policy.

Differences of interest in determining minimum wages, influenced by conflicts of interest between, employers and workers in determining minimum wages. For workers, their wages to meet their needs and welfare. Workers demand a higher wage. On the contrary, employers see wages as part of production costs. There must be a tendency to keep the wage down to a minimum level. In fact, the openness of the cost of production is still not open.

Wages are the right of workers received and expressed in the form of money in return for employers to workers stipulated and paid under an employment agreement, agreement or legislation,

including benefits for workers and their families of a work and/or services that have been or will be done (Article 1 point 30 of Law no 13/2003). Wages are payment for worker or services based on time worked or quantity produced; specification, compensation of an employee based on time worked or output of production. Wages include every form of remuneration payable for a given period to an individual for personal services, including salaries, commissions, vacation pay, bonuses, and the reasonable value of board, lodging, payments in kind, tips, and any similar advantage received from the employer. An employer must withhold income taxes from wages.

Every worker/laborer is entitled to income that fulfills a decent living for humanity. To realize income that fulfills decent living for humanity the government establishes a wage policy that protects workers. Wage policies that protect workers/laborers as referred to in Paragraph (2) include minimum wages.; overtime wages; wages do not go to work for performing other actions outside of their work; wages for exercising the right of work time off; form and mode of payment of wages; fines and wage deductions; things that can be reckoned with wages; proportional wage structure and scale; wages for severance pay; and wages for income tax calculations. The government sets minimum wages based on decent living needs and with due regard to productivity and economic growth (Art. 88 of Law 13/2003). Employers are prohibited from paying wages lower than the minimum wage. A violation as a criminal offense punishable by a maximum of 4 (four) years and/or a fine of at least IDR 100.000.000,00 (hundred million rupiah) and a maximum of IDR 400.000.000,00 (four hundred million rupiah). Art. 90 Paragraph (1) jo. Article 185 of Law 13/2003 shall be liable to sanctions.

RESULT AND DISCUSSION

After it was proclaimed on March 13, 1755 (29 Jumadil early 1680 TJ), Karaton Ngayogyakarta Hadiningrat requires state apparatus from both civilian and military groups. *Abdi Dalem* is a civil apparatus, while his military apparatus is a palace warrior. *Abdi Dalem* served as the operational executive in every organization formed by the Sultan. Without *Abdi Dalem*, the wheels of government will not work.

In addition to performing operational duties at every organization in the palace, *Abdi Dalem* is also a 'cultural servant'. *Abdi* culture is a person who can and can provide role models for the wider community. *Abdi Dalem* should be an example of life in society, acting on the basis of the uploads and understand the etiquette [3](#).

There is a phenomenon of cultural heritage to become a man of culture in the family. [4,5](#). Therefore, a smile that always broke, friendly and good manners is always shown by the Abdi Dalem Sultan Palace. In Surakarta, there is a friction about basic-concept of 'abdi-Dalem' caused by changing of times, from serve to King becomes serve to Kraton. [6](#).

Then what about the mandatory commands and wages received by an *Abdi Dalem*? *Abdi Dalem* is divided into two major parts, namely: *Punakawan* and *Kaprajan*. *Abdi DalemPunakawan* is a servant who comes from the general public.

Abdi DalemPunakawan is an operational force who performs daily duties within the palace. Divided into two groups, namely *Abdi DalemPunakawan Tepas* and *Abdi DalemPunakawanCaos*.

Abdi DalemPunakawan Tepas has the right to work as an employee working in the office, while *Abdi DalemPunakawanCaos* only faces the palace every ten days. This is done to show the sign of respect and loyalty as a servant.

Abdi DalemKeprajan is they come from TNI, Polri, and Civil Servant (PNS) accepted and appointed as *Abdi Dalem*. In general, *Abdi DalemKeprajan* is the people who have entered the retirement period and then spending time for Sutan, knowledge and energy to help the palace voluntarily. Equality *Abdi DalemKeprajan* and *Punakawan* is having the same rank. Before being appointed *Abdi Dalem* was called an apprentice for two years. After being appointed the lowest rank, namely *Jajar*, then *BekelAnom*, *BekelSepuh*, *Lurah*, *Penewu*, *Wedana*, *RiyoBupati*, *Regent Anom*, *Regent Sepuh*, and *Regent Kliwon*.

Considerations of promotion include the presence of, as well as expertise. The length of time for promotion is three years or more. Based on the governance structure of the palace, all called *Abdi Dalem*. No exception sister, son, daughter, and consort.

The quantity of *kekucuh* (wages) based on the rank of *Abdi Dalem*. *Jajar* gets a wage of Rp 15.000 per month and the highest sister Sultan Rp 90.000 per month. While the honor from the allocation of privileged funds for *Tepas* is higher than *Caos*. For the lowest *Tepas* Rp 1,100,000 per month and the highest Rp 2,500,000 per month. Even the reigning Sultan gets an honorarium of Rp 3,800,000 per month.

For the lowest *Caos* fee Rp 150.000 per month and the highest Rp 400,000 per month. Total privileges which is a special allocation fund (DAK) from the center for honor *Abdi DalemKeraton* amounting to Rp 900,000,000 per month for 1,800 people *Abdi Dalem* [7,8](#)

Abdi Dalem whose scope of work is closest to the Sultan is *Keparak*. This group is generally dominated by female *Abdi Dalem*. *Abdi DalemKeparak* became one of the groups closest to the Sultan because of his duties, among others: keeping heritage, preparing the ceremonial equipment, and preparing the needs of the Sultan who lives in the palace.

Before officially endorsed as *Abdi Dalem*, candidate *Abdi Dalem* will undergo a two-year apprenticeship. During these 2 years the apprentice servants will be judged from the diligence or not to sowan to keratin, *tekatnya* to serve, as well as talent and also educational background. After being judged eligible to become new *Abdi Dalem* then appointed through graduation. *Abdi Dalem* graduation is held every 2 times a year, namely in *BakdaMulud* and *Shawwal*.

The basis for becoming *Abdi Dalem* is a personal commitment. *Abdi Dalem* who is no longer able to carry out the task because of old age, health, and other causes will undergo a process called a *miji* dismissal. However, it is rare that *Abdi Dalem* is bored or resigned. Here are some provisions related to the seed or process of dismissal of *Abdi Dalem*:

1. *MijiSudonoMulyo*: has served over 20 years

2. *MijiSudonoSaroyo*: has served between 10-20 years
3. *MijiTumpuk*: long service under 10 years
4. *MijiPocot*: dismissed with disrespect so must return the title given by the Sultan (asma paring Dalem) and forbidden to enter the palace.

In carrying out his duties the Abdi Dalem Sultan Palace is tied with the credo WatakSatriya coined by the founder of Yogyakarta Palace, Prince Mangkubumi or Sri Sultan HamengkuBuwono I. Among them are:

1. *Nyawiji*: total, focused and always surrendered to God Almighty.
2. Full of appreciation & inspiration.
3. *SengguhGreget*: confident.
4. *Oramingkuh*: not afraid to face exams and obstacles.

Being a servant in the palace does not mean getting a high honor. The main reason for becoming Abdi Dalem generally is to gain peace and inner happiness. There is also based on the gratitude has been allowed to live in the land belonging to the Sultan. In addition, another factor to be gained from being Abdi Dalem is to get Dalem's blessing. According to the Abdi Dalem, there is a fortune that comes and can meet the needs of his family after becoming Abdi Dalem.

Here there is a working relationship agreed by the palace and candidate Abdi Dalem before performing his duties. Based on the provisions of Article 1 number 14 Law no. 13 Than 2003, employment is the relationship between employers and workers based on employment agreements, which have elements of work, wages, and orders. Elements of employment in accordance with the provisions of Article 1 number 14 of Law no. 13 Year 2003 are:

1. The existence of work (arbeid)
2. Under the command / gezagverhouding (meaning the worker performs the work of the employer's employer so that it is subordinate)
3. The existence of certain wages / loans, and
4. In unspecified time (tijd) (can be indefinitely / pension or based on certain time).

Regarding the wages (loan) in exchange for the Abdi Dalem can be said at the most minimal limit. Because the wages (Abdi Dalem) they get not in accordance with the provisions of Law. 13 Year 2003 where the wages earned must be in accordance with the existing MSEs in the area. However, in this case does not mean the court violates the provisions of the Act that has been determined. Because wages can be considered feasible if workers feel fulfilled his life and do not feel deprived. Decent size is relative, if workers can accept and feel fulfilled with what is earned. Worthy here for Abdi Dalem they can feel even they feel there is no shortage in any case even if they earn a little wage (very minimum wage size). The Abdi Dalem got their own inner satisfaction, not the wages they favored, but the gratitude was allowed to live on the property of the Sultan, the tranquility of life, and feel that his family life was self-sufficient.

In addition to Abdi Dalem's wages can get some rewards from the palace to meet the needs of his life and family. For example, food and drink, clothing, shelter, health, and old age benefits. Provision of wages from the palace to the servants can be said to violate Law no. 13 of 2003 when viewed from the nominal given, but this is not to blame because the palace itself has guaranteed a decent life for the family Abdi Dalem.

Regarding the working time, as stipulated in Article 77 paragraph (1) of Law no. 13 of 2003 explained that every entrepreneur must implement the provisions of working time. The provisions of working time shall be stipulated in working time as referred to in Article 77 paragraph (2) of Law no. 13 year 2003 which is:

1. 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1

- (one) week; or
2. 8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week.

But the work system created by the palace for Abdi Dalem is not in accordance with the provisions, because the specified work time is at any time, there is no work limit within a week. So whenever the Sultan / his family needs a servant, then they (Abdi Dalem) must be ready to carry out the task given.

The question arises about the time worked for these servants, why there is no effort / action to propose / protest working time in accordance with the provisions of Law no. 13 of 2003 Article 77 paragraph (1)? The palace did not compel the candidates to the enlisted service, they had agreed with the provisions given, because it assumes that if devoted himself wholeheartedly to Sultan and his family then the work done feels light and the family life of the servants also guaranteed. So, the effort for working time as stated in Law no. 13 Year 2003 has never happened or does not apply to the Abdi Dalem.

Employment relationship may occur if there is agreement on which the work agreement is based. The employment relationship in Indonesia is governed by several rules of Law. Before the existence of Law 13/2003, in the field of civil law there has been *BurgerlijkWetboek* (BW). In practice law, in general still used the provisions BW. Working agreements are provided in Art. 1601, 1061 a and 1601 b BW. 'Other than an agreement to administer some services which are governed by the special provisions thereof and by the terms of the agreement, and where these terms and conditions do not exist, consent is customary, there are two kinds of consent, with which the first one reminded himself to do a job for a job'. The employment agreement is an agreement that the union, is the laborer, binds himself to surrender his/her labor to another party, is the employer with a wage for a certain period of time. The contract of employment is an agreement that the first party, the contractor, binds himself to complete a job for another party, namely the assignor assigned.

The validity of an employment agreement is determined by the fulfilment of the conditions of validity of a treaty, namely the existence of parties that makes, the ability to act, certain objects and the lawful cause (Art. 1320 BW). An agreement that has fulfilled the four conditions of validity of a treaty shall be as a law to the party making it.

All agreements made in accordance with the law shall apply as laws to those who make them. The consent can not be withdrawn other than by agreement of both parties or for reasons prescribed by law. Approval must be carried out in good faith (Art. 1338 BW).

What about the status of Abdi Dalem and Sultan's employment relationship? The legal relationship is the working relationship. Between Abdi Dalem and the Sultan as a working relationship. An agreement to serve is a form of agreement between workers and employers. This qualifies the validity of the first agreement. The existence of legal acting skills between Abdi Dalem and the Sultan indicates that the age of Abdi Dalem is not under age.. The existence of a certain object is to serve without limitation of fixed and continuous working time. Working time depends on the time of day when the Sultan needs their strength. The fourth condition that is fulfilled is because doing a working relationship for something kosher that is serving the needs of the Sultan daily. No violation of the rule of law, security and decency.

A legal relationship creates rights. Rights is something that can be prosecuted in the event of a violation. The form of violation of the right is the claim to be claimed for the rights violated. The form of rights violation is the non-fulfillment of either partial or total performance.

Claims are rights, not obligations. It means that a claim of rights violation can be made against it. Here is where the release of rights.

The person who is violated his right, can indeed make a claim, but if he does not exercise the right to claim then it is ok to say there has been a waiver.

The employment relations done by Abdi Dalem and the Sultan were made on the basis of total devotion. Abdi Dalem has felt rewarded for the work that has been done in the form of gratitude to be able to serve. Abdi Dalem did not make any claims even if the wages he received were unsuitable or were under provincial/city/city minimum wage provisions.

Non-monotonous working hours, and flexibility (with no fixed routine time and less than 40 hours/week) makes the principle of the release of the right to pass in this Abdi Dalem-Sultan's working relationship.

The working relationship system of Abdi Dalem Sultan Palace can be said to violate the provisions of Article 90 paragraph (1) of Law no. 13 of 2003 which states that employers are prohibited from paying wages lower than the minimum wage as referred to in Article 88. If the Sultan unfull law, than the Sultan will be have sanction based on article 185 (1) in Law no. 13 Year 2003 : Whosoever violates what is stipulated under subsection (1) and subsection (2) of Article 42, Article 68, subsection (2) of article 69, Article 80, Article 82, subsection (1) of Article 90, Article 139, Article 143, and subsection (4) and subsection (7) of Article 160 shall be subjected to a criminal sanction in jail for a minimum of 1 (one) year and a maximum of 4 (four) years and/or a fine of a minimum of Rp. 100,000,000 (one hundred million rupiah) and a maximum of Rp. 400,000,000 (four hundred million rupiah). (2) The crime referred to under subsection (1) is [shall be legally categorized as] a felony.

However, in reality the Yogyakarta Palace gives a much lower wage than the minimum wage should be. The abdidalem prosperous parameters are to live in a family without conflict, to be healthy, to live simply without unlaw, to serve the king [9](#) , andculturalize the Palace [10](#)

Why is there no prosecution effort from the servants on the court? This is due to the existence of a contract of work agreed between the candidate servant and the palace. This is permissible underlying the principle of freedom of contract. A violation of the Act can be prosecuted if the employee feels aggrieved and the results obtained do not match what has been done. The Sultan had to build an organization that workers want to support and then how functionally to ensure that workers can do so in a way that makes the organization sustainable. [11,12](#).

Not that with low honor Abdi Dalem has a low education as well. Along with the development of the era where the palace requires a lot of professionals, today many Abdi Dalem who have a college education. His educational background is diverse, ranging from arts, to computers and accounting. This shows that Abdi Dalem is not always identical with the elderly and lowly educated. Abdi Dalem is a people who have cultural insight, expertise and high dedication. In the end, the existence of Abdi Dalem is very meaningful. Not only to support the sustainability of all activities within the palace, but also become a bastion of changing behavior of the times. [13,14](#).

CONCLUSION

This research is that the principle of local wisdom which is the basis of working relations can be unleashed. The contribution of this research is the emergence of an understanding that the employment relationship is not solely aimed at earning wages. A sense of tranquility after work becomes the choice of the destination of the courtiers to serve the Sultanate of Yogyakarta.

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