



## Legal Justice Of The Wage Rights Of Honorary Teachers In Indonesia

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## ABSTRACT

Teachers are an important aspect of education because the success of students depends on the teacher's teaching. The welfare of honorary teachers in Indonesia is still a problem that must be resolved immediately. The low wages of honorary teachers in Indonesia cause many honorary teachers to take part-time jobs to meet economic needs. This research aims to seek legal protection for honorary teachers' wage rights, with the hope that honorary teachers have clear and definite legal protection so that honorary teachers can get wage rights commensurate with their hard work. This research uses normative legal methods. The results of this research show that there are still many cases of honorary teachers who are willing to work elsewhere to meet economic needs, some are even determined to sell illegal goods because of the low wages of honorary teachers. The absence of legal certainty governing salary schemes for honorary teachers is one of the causes of low wages for honorary teachers and also the absence of regulations that regulate honorary teachers.

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## PRELIMINARY

Indonesia has a great desire to develop into a developed nation. Quality education is one of the main requirements for a country that wants to become a developed country. Education is a main priority because education is an indicator of whether a country is progressing or not.

Education is the right of all citizens as explained in article 5 point 1) Law Number 20 of 2003 concerning the National Education System which states "Every citizen has the same right to obtain quality education". According to Mahatma Gandhi, education is important for both men and women, and education is a source of balanced development of the human personality (Fauzan, 2021: 198).

Article 1 number 1) Law Number 20 of 2003 concerning the National Education System explains that " Education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious spiritual strength, self-control, personality, intelligence, noble morals, and skills needed by himself, society, nation, and state". From this understanding, education is a reciprocal relationship between those who need knowledge, called students, and those who provide knowledge, usually called teachers.

Teachers are an important aspect of education because the success of students depends on the teacher's teaching. "A teacher who is intelligent, religious, knows how to teach morals, is capable and skilled in educating children, has a neat appearance, is far from bad words and has authority in front of students, is happy, polite, clean and holy" is the definition of a good teacher, according to Ibn Sina (Iqbal , 2015: 13) . One important factor in improving student achievement is having quality teachers (Ginanjar and Dimiyati , 2022: 470) . With good quality teachers, we will produce superior students who will become heirs to the next generation and meet the need for quality human resources.

The quality of good teachers can become bad or decrease in quality due to several factors, one of which is the lack of wages for teachers, especially honorary teachers. It is no longer a public secret that many online media contain news about the lack of wages for honorary teachers. It is not uncommon for many relatives, friends, and parents who work as honorary teachers to complain about the lack of salaries they receive.

What is even more worrying is that there are honorary teachers who are determined to sell illicit goods, as is the case in Central Lombok because the honorary salary is insufficient and are determined to sell illicit goods (Viqi, 2022 ) . And there are still other cases involving honorary teachers due to the low wages they receive. Apart from low salaries, honorary teachers also often complain that salaries are paid late, some haven't been paid for three (3) months (Juniarsih , 2023) . Providing sufficient salaries will motivate teachers to behave professionally and improve their quality (Seto and Merdja , 2020: 45) .

Based on the background explanation above, researchers are interested in further research regarding legal protection for honorary teachers' wage rights in Indonesia.

## **METHOD**

The type of research used in this research is normative law. This research was carried out by collecting library materials or secondary data as a basis for research by exploring regulations or literature related to the subject under study (Soekanto and Mamudji, 2001: 13), namely legal protection of wage rights for honorary teachers.

This research is a literature study. Data was collected through literature study, namely from books, reputable journals, scientific works, and utilizing the latest news in online media related to teachers. Then the researcher processes the legal material by editing, namely re-examining the legal material that has been obtained. After processing, the existing legal materials are analyzed using qualitative analysis.

## **RESULTS AND DISCUSSION**

### **Low Wages for Honorary Teachers in Indonesia**

So far, the teaching profession has become one of the jobs that is very popular with the public. The noble profession of teaching is one of the causes of the high demand for this profession. Not only does he earn his salary as a teacher, but he also receives praise and awards for imparting his knowledge to students. Honorary teachers are professional educators whose main responsibilities as educators include educating, teaching, guiding, directing, training, assessing, and formally evaluating students (Amanah et al, 2022: 313) .

A teacher is someone who conveys knowledge or is an educational worker. If you look at Article 1 paragraph 1) Government Regulation Number 48 of 2005, and most recently changed to Government Regulation Number 56 of 2012, namely;

"An honorary employee is someone who is appointed by the Civil Service Development Officer or other official in the government to carry out certain tasks in a government agency or whose income is a burden on the State Revenue and Expenditure Budget or Regional Revenue and Expenditure Budget."

According to the definition above, honorary teachers are teaching staff appointed by school service officials to fill teacher vacancies in a school. However, honorary teachers can also refer to teaching staff who have not been appointed as Civil Servants (PNS).

The results of research conducted by Alfi Muyassaroh and Syaifu show the condition of honorary teachers during the COVID-19 pandemic, where during COVID-19 the need for teachers increased but salaries experienced a decline. Teachers are still required to work sincerely and professionally. That's how painful honorary teachers felt during the COVID-19 pandemic (Muyassaroh and Syaifu, 2022).

The salaries of honorary teachers at each level of education are different, in general, the salaries of honorary elementary school teachers range from IDR 300 thousand to IDR 1.5 million per month. For middle and high school levels, the salary for honorary teachers depends on how many hours the teacher teaches. Meanwhile, the nominal hourly rate depends on the UMK of each region and also depends on the agreement of the educational institution. Honorary junior high school teachers generally receive a salary of IDR 1.4 million per month with the assumption that the hour is around IDR 35 thousand and the teacher teaches for 8 hours per week. For high school level honorary teachers it is usually higher, namely around IDR 55 thousand per hour. Plus transportation money and homeroom teacher allowance. The amount of salary is also different in each region, usually in big cities like Jakarta it will be bigger than in small cities like districts with low income (Wijayanti, 2023).

From this data, is the salary of honorary teachers sufficient to meet the economic needs of their families? It is not uncommon for some schools to pay honorary teachers' wages depending on the disbursement of school operational assistance (BOS) funds which are disbursed every 3 (three) months. So it is not surprising that many honorary teachers take part-time jobs to meet their family's economic needs (Saputra, Saputri, and Bimantara, 2023: 800).

If you look at honorary teachers, they are teachers who are willing to give part of their time to teach from morning to evening, voluntarily, and with the promise of sincere work and charity, but in reality, their salary is not enough to buy powder, petrol, and other necessities. Many religious pretexts indoctrinate honorary teachers to teach voluntarily, sincerely, and with charity. There is nothing wrong with this doctrine, everything is correct and is also taught in Islam if the teacher's salary or the teacher's rights as workers are fulfilled.

In QS Al Qasas verse 77 which means "Seek the land of the hereafter in the blessings that Allah has given you, but do not forget your part from this world." One of the virtues of the verse above is to balance the world and the hereafter, Prof. Dr. Yunahar Ilyas in his lecture said that what is meant by reaching the world is what is done in the world for the world and gets a bonus in the afterlife, for example seeking sustenance to get a bonus salary for worship, and what is meant by reaching the afterlife is what is done in the world for the hereafter. the world's bonus, for example, praying for the hereafter is the world's bonus/health.

This means that teaching is a global job that requires a salary, your rights as a worker must be fulfilled, and the bonus is that you get rewards, charity, sincerity, and so on.

If asked what honorary teachers want, they will not be grandiose. They will not try to be equal to the salaries of Civil Servants (PNS) or the salaries of government officials whose allowances are so large. All they want is to humanize teachers and have their rights fulfilled. It is necessary to remember that the role of teachers is very large in educating the nation's life to create quality human resources to become a developed country. It is hoped that teachers' salaries and rights can be fully fulfilled so that honorary teachers can prosper.

## Legal Protection of Honorary Teachers Wage Rights

Discussing law means discussing relations between humans, and discussing relations between humans means discussing issues of justice (Rahardjo, 2012: 169). This means that when we talk about law we are also talking about justice because we cannot just talk about law formally, but we also need to look at the ideals of justice in society.

In Indonesia, wage fairness for honorary teachers is still a social gap that must be resolved immediately. There are still many honorary teachers who do not receive welfare. This can be seen from the large number of honorary teachers who are looking for additional work or teaching in more than one school to meet their needs. In fact, according to the Financial Services Authority (OJK), the teaching profession is the profession most frequently involved in illegal online loans (pinjol), around 42% (detik.com, 2023).

The minimum wages received by honorary teachers are inversely proportional to the demands received and are also not by general wage standards. Most honorary teachers do not receive psychological well-being. Psychological well-being is the ability to fulfill daily life needs (Amanah, 2022: 315). This means that honorary teachers will get psychological well-being if their daily needs are met through the wages they receive.

In Article 14 paragraph 1) point (a) Law Number 14 of 2005 concerning Teachers and Lecturers explains that "In carrying out professional duties, teachers have the right to (a) earn income above the minimum living needs and social welfare guarantees". That is This means that teachers have the right to psychological well-being and with this law, the government is obliged to guarantee the welfare of teachers, especially honorary teachers.

After COVID-19, honorary teachers received appreciation from the government, where previously in the Minister of Education and Culture Regulation (Permendikbud) Number 8 of 2017 concerning technical guidelines (technical instructions) for School Operational Assistance (BOS), the use of BOS funds for honorary teacher wages was a maximum of 15% for public schools and 30% for private schools. In the latest decision, the Minister of Education states that the use of BOS funds for honorary teacher wages can be used with a maximum of 50% as stated in Article 40 paragraph 1) Regulation of the Minister of Education, Culture, Research and Technology Number 63 of 2022 concerning Technical Instructions for Management of Unit Operational Assistance Funds Education which states "Honorary payments as intended in Article 39 letter l are used at a maximum of 50% (fifty percent) of the total amount of Regular BOS Fund allocation received by the Education Unit."

This ministerial regulation can help honorary teachers gain psychological well-being because the salary of honorary teachers will increase as usual. To get BOS funds, of course, there must be several conditions that must be met. This is as stated in Article 40 paragraph 3) Regulation of the Minister of Education, Culture, Research and Technology Number 63 of 2022, namely "Teachers who can be given honorariums as referred to in paragraph (3) must meet the following requirements:

- a. status is not a state civil servant
- b. recorded in Dapodik
- c. have a unique number for educators and education personnel; And
- d. have not received professional teacher allowances."

This means that with these provisions, the BOS fund allocation cannot be used to finance all honorary teachers, especially new teachers.

In seeking the welfare of honorary teachers, the government is trying to create a National Education System Bill (Sisdiknas). Teachers who have not been certified will receive benefits in the National Education System Bill. Nadiem Makarim, Minister of Education, Culture, Research and Technology (Mendikbudristek), emphasized that the National Education System Bill (RUU Sisdiknas) can provide allowances for teachers who are not yet certified. In this bill, it is stated that teachers who have received professional allowances, both ASN teachers and non-ASN teachers, will continue to receive these allowances until retirement, as long as they meet the requirements by statutory provisions.

"In addition, this bill states that teachers who are already teaching but do not have an educator certificate will immediately receive a decent salary without having to queue for certification" (puslapdik.kemdikbud.go.id , 2022) .

It is hoped that with the government's efforts to improve teacher welfare through increasing the portion of BOS funds for honorary teacher salaries and the National Education System Bill being passed soon, it will be able to improve teacher welfare so that teachers feel appreciated and increase teacher enthusiasm in teaching and improve the quality of these teachers.

Many factors cause wages for honorary teachers to remain minimal, including the wages of honorary teachers being different from the wages of teachers who have the status of State Civil Apparatus (ASN) and government employees with work agreements (PPPK). Teachers who have ASN or PPPK status will receive wages according to their class. There are 4 (four) salary groups for ASN teachers as contained in the attachment to government regulation number 15 of 2019 concerning the eighteenth amendment to government regulation number 7 of 1977 concerning salary regulations for civil servants with salary levels starting from the lowest group, namely He with the amount wages IDR 1,560,800 – IDR 2,335,800 to the highest class I with wages IDR 3,593,100 – IDR 5,901,200. and added with 6 (six) allowances, namely Performance Allowance, Husband or Wife Allowance, Child Allowance, Meal Allowance, Service Allowance, and Position Allowance (kitalulus.com , 2023) .

There are 18 (eighteen) categories of PPPK teacher salary levels as stated in Presidential Regulation of the Republic of Indonesia Number 98 of 2020 concerning PPPK salaries and allowances. Starting from the lowest group, namely Group I with a wage amount of IDR 1,794,900 - IDR 2,686,200 to the highest group, Group XVII with a wage amount of IDR 4,132,200 - IDR 6,786,500. additional allowances are also added. These include food allowances, family allowances, structural position allowances, functional position allowances, and other allowances (Putri, 2023).

Meanwhile, for honorary teachers, there are no regulations that regulate the exact amount of wages they receive. So that the salary standards for honorary teachers are in line with school policy. If the school is large and has many students, likely, the wages of honorary teachers will likely also be good, and if the school is small and the students are few, the wages of honorary teachers will be far from prosperous.

The importance of government regulations that regulate the exact salary levels for honorary teachers. As are the regulations governing the wages of ASN and PPPK teachers. The salary system rules for honorary teachers can be reflected in the ASN or PPPK teacher salary systems. Namely with a class system, for example, the lowest group is for schools that are not yet large and do not have many students, while the highest group is for schools that are large and have many students. so that when schools pay salaries to honorary teachers they can refer to existing regulations. And if regulations are made, honorary teachers will likely experience prosperity and there will no longer be cases of teachers receiving wages that are far from adequate.

Apart from that, the existing laws and regulations regarding teachers in Indonesia seem to only regulate teachers who have ASN/PPPK status. The existence of honorary teacher regulations only discusses the status transition system from honorary teacher to ASN/PPPK teacher. There are no definite laws and regulations governing honorary teachers. Even though official data from the Ministry of Administrative and Bureaucratic Reform states that there are around 2,355,092 honorary staff, 731,524 of whom are honorary teachers (Samsu , 2023) , many universities are opening education departments that create prospective teachers. From this data, it is necessary to have regulations that provide legal protection for honorary teachers because the state is obliged to provide definite legal protection as contained in Article 1 of Law Number 8 of 1999 concerning Consumer Protection which reads "Consumer protection is all efforts that guarantee the existence of legal certainty to protect consumers".

Apart from making regulations regarding honorary teachers, the government is also required to carry out more thorough supervision of the performance of teachers, especially honorary teachers who teach in rural areas or villages far from urban areas, with the hope that these teachers will receive wages commensurate with their hard work. And it is also hoped that the Government through the Ministry of Education, Culture, Research and Technology (Kemendikbudristek) must become a bridge and step in to minimize the social gap between teachers with ASN/PPPK status and honorary teachers.

## **CLOSING**

Teachers are an important aspect of education because the success of students depends on the teacher's teaching. With good quality teachers, we will produce superior students who will become heirs to the next generation and meet the need for quality human resources.

The welfare of honorary teachers in Indonesia is still a problem that must be resolved immediately. The low wages of honorary teachers in Indonesia have caused many honorary teachers to take up side jobs to meet economic needs, some even resort to selling illegal goods because of the low wages of honorary teachers and economic pressure.

The minimal wages received by honorary teachers can cause a decline in the quality and professionalism of teachers in teaching. Coupled with the large number of honorary teachers who take jobs other than teaching, the focus of teachers is divided. The absence of legal certainty makes honorary teachers confused about what and from whom to claim their rights. The importance of legal protection by making regulations regarding the salary levels for honorary teachers as well as regulations regarding the salary levels for teachers with ASN/PPPK status.

The absence of legal certainty that regulates honorary teachers could result in 731,524 honorary teachers losing legal protection. It is important to create legal regulations that specifically address honorary teachers so that honorary teachers receive legal protection. And also the government's supervision of honorary teachers needs to be further improved.

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