



## Legal protection for non-salaried participants of the social security agency (BPJS) employment program in light of presidential instruction No. 4 of 2022

Aang Supono, Isnaini, M Citra Ramadhan

Master of Law, Postgraduate Program, Universitas Medan Area, Indonesia

### Abstract

This research aims to examine the legal regulations of the Workers Social Security Agency (BPJS Ketenagakerjaan) and analyze the procedures and legal protection provided to non-wage workers in preventing extreme poverty. The research adopts a normative juridical approach, focusing on legal principles, legal systems, vertical and horizontal synchronization, legal comparison, and legal history. Deductive methods are employed to analyze secondary data obtained from relevant legislation. The results reveal that BPJS Ketenagakerjaan is governed by Law No. 40 of 2004, Law No. 24 of 2011, and Presidential Instruction No. 4 of 2022. The registration process for non-wage workers involves online steps, ensuring data accuracy, entering captcha codes, agreeing to terms, and providing employment information. Payment of contributions is made according to codes sent via email. BPJS Ketenagakerjaan provides legal protection with stringent sanctions, including administrative and criminal penalties, to safeguard the rights of workers that may be overlooked. Social security programs such as JKK, JHT, JKM, and JP are tangible forms of protection for non-wage workers. Timely payment of contributions is crucial to maintaining the continuity of social and economic protection.

**Keywords:** BPJS Ketenagakerjaan, non-wage workers, legal protection, online registration, sanctions, social security programs

### Introduction

President Joko Widodo issued an instruction to expand employment opportunities and support the opening of businesses to address poverty and promote job creation in Indonesia. The program also aims to provide skills training through vocational programs, with a focus on eliminating extreme poverty and increasing the participation of non-salaried workers in social security programs.

In the city of Medan, poverty remains a concern due to various factors, including limited job opportunities, unemployment rates, and job terminations. The government is making efforts to address this issue by examining poverty data from 2020 to 2022. According to the Central Bureau of Statistics (BPS) in Medan, the number of impoverished residents in the city has fluctuated, with an increase in 2021 and a decrease in 2022. The government has taken measures to prevent extreme poverty, but it remains a primary focus in Medan.

To reduce extreme poverty, the government needs to ensure job opportunities through comprehensive labor regulations. The main objective is to create legal certainty for both workers and employers, ensure the rights and responsibilities of both parties and establish mutually beneficial relationships between workers and employers. These steps are expected to make a significant contribution to addressing the issue of extreme poverty in the community (Yusriadi & Tinggi, 2019) <sup>[14]</sup>.

The workforce is a means of increasing the value of needs, playing a significant role in national activities, particularly the national economy, to ensure the prosperity of the society. A large workforce represents mobility in life and is part of an abundant resource (Husni, 2014) <sup>[4]</sup>. Therefore, the need for job opportunities arises, and the acceptance of workers, particularly those with skills and expertise in their

field, can enhance a company's productivity (Asikin, 1994) <sup>[11]</sup>.

In daily life, many people often experience illnesses, especially those in low-income communities who cannot afford expensive medical expenses due to poverty. Therefore, the Indonesian government has established a program to assist those who are financially challenged, particularly in the field of social security, especially for labor-related social security (Suryani & Suharyanto, 2016) <sup>[12]</sup>.

The importance of social security for workers in Indonesia is crucial in striving for the welfare improvement of its people. Article 28H, paragraph (3) of the 1945 Constitution of the Republic of Indonesia states: "Every person shall have the right to social security which shall be provided by the state and shall be used for the development of that person as a dignified human being (see Article 28H, paragraph (3) of the 1945 Constitution)." According to this article, social security is a fundamental aspect that every country, especially for non-salaried workers, must protect and provide through social security programs (Purnawan, 2014) <sup>[8]</sup>.

The employment social security program, regulated by labor laws, aims to enhance the well-being of workers by protecting them from various social and economic risks. The Social Security Agency for Employment (BPJS Ketenagakerjaan), as a legally established government body, plays a crucial role in protecting the public. This program is not limited to salaried workers but also extends to non-salaried workers, such as self-employed individuals, freelance workers, and interns (Miraharja, 2022) <sup>[6]</sup>.

BPJS Ketenagakerjaan covers protection against various risks such as workplace accidents, death, and old age. It aims to provide security to workers and promote progress in the labor sector. Social and economic risks, like accidents

and death, can occur irrespective of the time, place, or employment status of a worker. Therefore, protection through the BPJS Ketenagakerjaan program is crucial to ensure the ongoing well-being of workers (Khairati et al., 2023) <sup>[5]</sup>.

In the context of Medan, non-salaried workers now constitute a significant portion of the workforce, approaching the number of salaried workers. However, the current BPJS Ketenagakerjaan program is still primarily focused on salaried workers. In line with the presidential instruction to accelerate the eradication of extreme poverty, BPJS Ketenagakerjaan is striving to provide a special membership program for non-salaried workers. Non-salaried workers, who often face high risks and receive low monthly wages, deserve protection from BPJS Ketenagakerjaan.

To expand membership programs, BPJS Ketenagakerjaan is collaborating with the North Sumatra Provincial Government to assist non-salaried workers who have difficulty paying insurance premiums. BPJS Ketenagakerjaan is also working to promote its programs to more established companies so they can benefit non-salaried workers as well.

The monthly premium for non-salaried workers is Rp. 16,800, which covers two programs: Work Accident Insurance (JKK) and Death Insurance (JKM). If a participant wants to enroll in all three programs, including Old Age Insurance (JHT), they must add Rp. 20,000, making the total Rp. 36,800 per month.

JKK provides financial assistance, medical care, and treatment for participants who experience work-related accidents or illnesses. JKM offers funeral expenses and educational scholarships in case of death. Meanwhile, JHT is designed to secure the well-being of participants during retirement, permanent disability, or death, with benefits in the form of cash calculated based on the total premiums paid and their growth.

With the BPJS Ketenagakerjaan non-salaried worker program in place, the government needs to provide legal protection to these participants. This will help achieve the President's vision and mission regarding the acceleration of the eradication of extreme poverty in Indonesia, assisting impoverished Indonesians in meeting their basic needs through the BPJS Ketenagakerjaan non-salaried worker program.

Based on the background issues outlined above, the objective of this research is to analyze the legal regulations of BPJS Ketenagakerjaan based on existing legislation, with a focus on non-salaried participants. The registration process, administrative procedures, and compliance with legal provisions will be the key areas of analysis in examining BPJS Ketenagakerjaan's practices. Additionally, this research will evaluate the effectiveness of the legal protection provided by BPJS Ketenagakerjaan to non-salaried participants, especially in preventing extreme poverty. With a deep understanding of regulatory aspects, procedures, and legal protection, this research aims to provide a holistic overview of BPJS Ketenagakerjaan's role in supporting the welfare of non-salaried participants and mitigating the risks of extreme poverty

### Research method

In this research, the location of the study is conducted at the BPJS Ketenagakerjaan Office in Medan City, located at

Jalan Kapten Patimura No. 334, Medan. The type of research that will be used is normative juridical research. Normative juridical research consists of Examining legal principles; Examining the legal system; Examining the level of vertical and horizontal synchronization; Conducting legal comparisons; and Examining legal history (Ediwarman, 2016) <sup>[2]</sup>. Normative juridical research consists of several stages, including:

1. **Examining legal principles:** The research will involve the examination of legal principles applicable in the context of BPJS Ketenagakerjaan and the protection of non-salaried workers.
2. **Examining the legal system:** The research will include an analysis of the legal system governing BPJS Ketenagakerjaan, including regulations that govern the rights and obligations of participants, as well as the programs provided.
3. **Examining the vertical and horizontal synchronization level:** The research will assess the extent to which BPJS Ketenagakerjaan aligns with legal regulations at the national and local levels, as well as how these programs can be effectively implemented in the context of Medan City.
4. **Comparing legal provisions:** The research will conduct a legal comparison between existing regulations and actual practices in the field, with a focus on the protection of non-salaried workers.
5. **Examining legal history:** The research will examine the historical development of laws related to BPJS Ketenagakerjaan, including policy changes that may affect the protection of non-salaried workers.

This research method will provide a comprehensive understanding of the legal regulations of BPJS Ketenagakerjaan and their implementation in protecting non-salaried workers in Medan City. The research will utilize secondary data, such as legal regulations, BPJS Ketenagakerjaan policies, and other relevant documents for normative juridical analysis. Normative juridical research is a type of research that is guided by legal norms, including legal regulations. Normative juridical research deals with a doctrine or principle that encompasses the science of law (Soekanto & Mamudji, 2013) <sup>[11]</sup>.

Normative juridical research has the nature of descriptive-analytical research, where the purpose of descriptive analysis is to provide a detailed and systematic overview of the issues to be studied. The analysis is conducted based on the information and facts obtained, and it is carried out carefully to determine how to address the issues and arrive at a solution as the answer to those problems (Wijayanti, 2011) <sup>[13]</sup>.

This research involves informants who serve as sources of information regarding legal protection for non-salaried participants in the BPJS Ketenagakerjaan program, related to Presidential Instruction No. 4 of 2022. The primary informants are employees or staff members of BPJS Ketenagakerjaan in Medan City, who will be interviewed to understand the implementation of legal protection for non-salaried workers.

The data collection tool used is a literature review or documentary study, utilizing secondary legal data sources. Secondary data refers to information obtained by the researcher from literature reviews and documents, which are the results of research and processing by others, typically available in the form of books or documents commonly found in libraries or private collections (Hadikusuma, 1995) [3].

This research utilizes three types of secondary data. Firstly, primary legal materials involve fundamental norms and relevant legislation, including Law No. 13 of 2003 concerning Employment, Presidential Instruction No. 4 of 2022, and other related regulations. Secondly, secondary legal materials support primary legal materials with literature and books discussing labor law. Thirdly, tertiary legal materials provide additional guidance and explanations through sources such as general dictionaries, legal dictionaries, and encyclopedias (Sinamo, 2010).

Data analysis is the final step in a research activity. Data analysis is conducted qualitatively, which means it is descriptive research that tends to prioritize analysis, processes, and meanings. In qualitative research, theoretical foundations are utilized as guides to ensure that the research remains aligned with the facts observed in the field (Nasution, 2016) [7].

The data obtained through the collection of secondary data will be gathered and then analyzed qualitatively to gain clarity on the issues at hand. All collected data will be edited, processed, and systematically organized for subsequent conclusions using the general-to-specific deductive method, which is a process of reasoning from one or more general statements to conclude.

## Results and discussion

### Legal Regulations of BPJS Ketenagakerjaan According to Legislation

#### 1. Law No. 40 of 2004 concerning the Social Security System

Law No. 40 of 2004 concerning the social security system in Indonesia aims to protect the entire population so that their basic needs can be met. This law upholds the principles of humanity, benefit, and social justice. The principles of implementing this law involve cooperation, non-profit, openness, prudence, accountability, portability, compulsory participation, trust, and the management of Social Security funds for participant development and welfare programs.

The BPJS (Social Security Organizing Agency) Ketenagakerjaan Law is a legal regulation implemented by BPJS Ketenagakerjaan to assist the community, particularly in the city of Medan, facing poverty. BPJS Ketenagakerjaan is the result of the merger of several state-owned enterprises, namely PT. Jaminan Sosial Tenaga Kerja (Jamsostek), Dana Tabungan dan Asuransi Pegawai Negeri Sipil (Taspen), and Asuransi Sosial Angkatan Bersenjata Republik Indonesia (Asabri). Through this merger, BPJS Ketenagakerjaan aims to be more effective in providing social security to the public, including through the management of funds for programs that support the welfare of participants.

In this law, there are social security programs that consist of:

##### a. Health Insurance

National health insurance is based on the principles of social insurance and equity to provide health maintenance and

basic protection to the public. Participants need to register to receive health services, including promotive, preventive, curative, and rehabilitative services, as well as medication and medical supplies. Health insurance benefits are provided through government or private healthcare facilities partnered with the Social Security Organizing Agency. In emergencies, participants can receive services without cooperation. If facilities are not available, the Social Security Organizing Agency is obligated to assist. Contributions are determined through agreements between the agency and healthcare facility associations in each region, with payments made to participants within 15 days. Salaried workers pay contributions based on their wages, while non-salaried workers pay contributions periodically.

##### b. Occupational Accident Insurance

BPJS occupational accident insurance is a national program based on social insurance principles. Participants who pay contributions can receive healthcare and cash benefits when they experience work-related accidents. Cash benefits are provided to the beneficiaries of deceased participants or participants with disabilities according to specific criteria. Government or private healthcare facilities partnering with BPJS provide occupational accident insurance benefits. In urgent situations, services are provided without BPJS cooperation. If facilities are inadequate, BPJS provides compensation, and for hospitalization, the class of care follows established standards. Contributions for occupational accident insurance are determined based on workers' wages. Non-salaried participants pay contributions according to government regulations periodically.

##### c. Old-Age Insurance

BPJS old-age insurance is organized nationally with the principles of social insurance and mandatory savings. This program aims to provide cash benefits to participants upon retirement, total permanent disability, or death. Benefits are paid directly to participants. Contributions for salaried participants in the old-age insurance program are determined as a certain percentage of their wages or income, paid jointly by employers and employees.

##### d. Retirement Insurance

BPJS retirement insurance is implemented nationally with the principles of social insurance and mandatory savings, aiming to improve the quality of life for participants who lose their jobs due to retirement or total disability. Benefits include monthly cash payments for retirees, disabled individuals, widows/widowers, children, or parents by regulations. Participants or their beneficiaries are entitled to receive pension payments every month after meeting a minimum contribution period of 15 years unless otherwise stipulated by law. If a participant passes away before completing 15 years of contributions, their beneficiaries still have the right to receive benefits. Participants who retire before reaching 15 years of contributions can receive the contribution amount along with its growth. Contributions for salaried participants are determined based on a percentage of their wages and a specific nominal amount, jointly covered by employers and employees.

##### e. Death Insurance

BPJS provides a national death insurance program based on social insurance principles. Its purpose is to provide benefits

to the beneficiaries of deceased participants. Participants pay monthly contributions and receive death benefits within 3 working days after the claim is received. The amount is based on the BPJS accumulation, with contributions borne by employers. This regulation, based on Law No. 40 of 2004, helps the poor and reduces the impact of extreme poverty, especially in Medan City.

## 2. Law No. 24 of 2011 Concerning Social Security Organizing Agency

This law is designed as part of the state's program to achieve national welfare through a national social security system. The establishment of the Social Security Organizing Agency (BPJS) was accelerated to prevent extreme poverty with the principles of cooperation, non-profit, openness, prudence, accountability, portability, compulsory participation, and entrusted funds. BPJS, as a legal entity, aims to implement social security programs with the principles of humanity, benefit, and social justice, creating programs that are beneficial and equitable for all Indonesians regardless of race or ethnicity. This program aims to ensure to meet the needs of participants and their families.

BPJS consists of two main forms:

- a. **BPJS Kesehatan:** Administers programs to guarantee public health.
- b. **BPJS Ketenagakerjaan:** Administers programs that include occupational accident insurance, old-age insurance, retirement benefits, and death benefits.

The tasks of BPJS include participant registration, collection of contributions, management of social security funds, payment of benefits, and provision of information to participants and the public. BPJS's authority includes collecting contributions, fund management, monitoring compliance of participants and employers, agreements with healthcare facilities, administrative sanctions, reporting to relevant authorities, and collaboration with other parties. BPJS's rights involve operational funds and program monitoring results every six months. BPJS's obligations include providing identification numbers, expanding assets, providing benefits as mandated by law, providing information to participants, establishing technical reserves, bookkeeping, and reporting program implementation to the President.

Companies are required to register themselves and their employees as BPJS participants, and failure to do so will result in administrative sanctions such as warnings, fines, and restrictions on public services. Registered participants are obliged to pay monthly contributions by government regulations or presidential decrees

## 3. Presidential Instruction No. 4 of 2022 on Accelerating the Eradication of Extreme Poverty

President Joko Widodo issued an instruction for the accelerated eradication of extreme poverty with three main strategies: reducing the burden on the population, increasing income, and reducing the accumulation of poverty. The instruction involves various ministries, including:

- a. **Coordinating Minister for Human Development and Culture:** Establishing priority locations, data policies, and program guidelines.

- b. **Coordinating Minister for Economic Affairs:** Coordinating efforts to increase income through economic empowerment.
- c. **Minister of Home Affairs:** Facilitating local governments, updating data, and providing population access.
- d. **Minister of Social Affairs:** Facilitating local governments, distributing social assistance, and managing data.
- e. **Minister of Education, Culture, Research, and Technology:** Improving access and quality of education.
- f. **Minister of Religion:** Enhancing access and quality of education services, distributing aid, and supporting religious higher education institutions.
- g. **Minister of Health:** Enhancing access and quality of healthcare services and promoting participation in national health insurance.
- h. **Minister of Village, Development of Disadvantaged Regions, and Transmigration:** Providing data on sustainable rural development and prioritizing the use of village funds.

The instruction also involves other ministries such as Energy and Mineral Resources, Public Works and Public Housing, and Agriculture to support the program for eradicating extreme poverty with a focus on energy, infrastructure, and agriculture. Governors and Mayors/City Mayors are also responsible for implementing the program at the regional level and providing regular reports.

## Procedures Provided by BPJS Ketenagakerjaan for Non-Wage Workers in Preventing Extreme Poverty

BPJS Ketenagakerjaan in Medan plays a crucial role in implementing social security programs for participants, including both workers and employers. These programs encompass occupational accident insurance, death insurance, retirement insurance, and old-age insurance, to provide social and economic protection to participants. In carrying out its duties and functions, BPJS Ketenagakerjaan has branch offices in each province and branch offices in districts/cities, creating an extensive national network.

In the context of Law No. 24 of 2011, BPJS Ketenagakerjaan is recognized as a public legal entity directly accountable to the president. Its main tasks involve participant registration, premium management, collection of government premium subsidies, social security fund management, benefit payments, and providing information related to the implementation of BPJS Ketenagakerjaan programs to participants and the public.

In carrying out its duties and functions, BPJS Ketenagakerjaan has various authorities, including premium collection, placement of social security funds for investment, monitoring and compliance checks on participants and employers, agreements with healthcare facilities, imposition of administrative sanctions, and collaboration with other parties for the implementation of social security programs.

BPJS Ketenagakerjaan also has certain rights, such as obtaining operational funds from designated sources, monitoring and evaluating the implementation of social security programs every six months, and the right to receive information regarding the implementation of social security programs. However, along with these rights, BPJS Ketenagakerjaan also has obligations, such as providing a unique identification number to participants, developing social security fund assets, providing information through mass media, and providing benefits to participants by the National Social Security System Law.

In an interview with Dr. Suci Rahmat, the registration procedures for non-wage worker participants were explained in detail. Participants are required to meet the registration requirements, possess a National Population Identification Number (NIK) or an Identity Card (KTP), and complete the registration process through an online system. The registration process involves accurate data entry, verification through an OTP code, payment of premiums based on the code sent via email, and ensuring timely premium payments to maintain social and economic protection for participants.

Therefore, BPJS Ketenagakerjaan not only serves as the provider of social security programs but also commits to delivering excellent services, involving participants effectively, and ensuring optimal protection for its participants.

Registration Procedure for Non-Wage Worker Participants in BPJS Ketenagakerjaan: Non-wage worker participants are required to meet all the registration requirements set by BPJS Ketenagakerjaan. Official identity documents such as the National Population Identification Number (NIK) or Identity Card (KTP) are required for the verification process. Registration is done online through the official BPJS Ketenagakerjaan website at <https://www.bpjsketenagakerjaan.go.id/bpu>. Participants must fill in complete and accurate data, including NIK, name as per KTP, date of birth, phone number, and current address. After filling in the data, participants need to double-check the information entered to avoid data errors. Participants then enter the captcha code or security code and agree to the registration terms and conditions. Other important information, such as gender, email address, and residential address, should also be filled in. Participants request and enter a 6-digit OTP code sent via SMS. After verifying the OTP code, participants agree to the registration terms and continue by providing employment information, including employer data, company phone number, the program they want to enroll in, and other relevant information. Premium payment is made according to the code sent via email. Once all the processes are completed, participants are successfully registered with BPJS Ketenagakerjaan as non-wage workers, with the important note to always pay premiums on time to ensure the continuity of social and economic protection. By following these steps, participants can smoothly go through the registration process and ensure the availability of protection from BPJS Ketenagakerjaan.

## **Legal Protection Provided by BPJS Ketenagakerjaan for Non-Wage Worker Participants in Preventing Extreme Poverty**

### **1. Stages for Non-Wage Worker Participants in BPJS Ketenagakerjaan**

The obligation for non-wage worker participants to register with BPJS Ketenagakerjaan is part of their responsibility, aiming to ensure the well-being of non-wage worker participants.

Based on the Minister of Manpower Regulation No. 1 of 2016 regarding the Implementation of Work Accident Insurance, Death Insurance, and Old-Age Insurance Programs, "Non-Wage Workers (BPU) are workers who independently engage in economic activities to earn income. Examples include Gojek drivers, public minivan drivers, and street vendors." Based on Presidential Regulation No. 109 of 2013 concerning the Gradual Implementation of Non-Wage Worker Participant Membership, it includes:

#### **a. Employers**

In the National Social Security System Law No. 40 of 2004, Article 1, paragraph 12 states that employers are individuals, entrepreneurs, legal entities, or other entities that employ labor and provide wages or other forms of compensation." (See Article 1, paragraph 12 of Law No. 40 of 2004).

In this context, employers refer to non-wage worker participants who employ individuals without legal entities. Furthermore, employers have both rights and obligations to participate in programs created by BPJS Ketenagakerjaan.

#### **b. Self-Employed Workers or Independent Workers**

According to the Minister of Manpower Regulation No. Per-24/Men/VI/2006 of 2006 concerning Guidelines for the Implementation of the Workers' Social Security Program for Workers Engaged in Work outside of an Employment Relationship, "Workers engaged in work outside of an employment relationship are individuals who work or operate at their own risk."

The implementation of social security for workers engaged in work outside of an employment relationship has been mandated in Law No. 3 of 1992 concerning Workers' Social Security.

Workers engaged in work outside of an employment relationship are also referred to as self-employed workers, meaning that these workers work independently in the informal sector of the economy. Workers not included in the category of workers engaged in work outside of an employment relationship who are non-wage earners include internship workers, student interns, honorary workers, and prisoners under assimilation processes employed by employers other than state organizers.

### **2. Implementation of the Workers' Social Security Program for Non-Wage Workers in Medan City.**

The implementation of the social security program is the responsibility of the state, as mandated by the 1945 Constitution Article 28 paragraph 3 and Article 34 paragraph 3, which provides social security to all Indonesian citizens. In this context, there are two national social security systems, namely BPJS Kesehatan (Health Insurance) and BPJS Ketenagakerjaan (Employment Social Security Agency).

In 2015, companies were mandated to register their employees in the BPJS Ketenagakerjaan program, and violations of this rule could result in the revocation of a

company's business permit. This program provides economic support to families of workers in Indonesia, especially through programs for non-wage workers, which include protections such as Work Accident Insurance (Jaminan Kecelakaan Kerja or JKK) and Death Insurance (Jaminan Kematian or JKM).

Non-wage worker participants can choose three types of social security programs in BPJS Ketenagakerjaan, with JKK and JKM being mandatory, while Old-Age Insurance (Jaminan Hari Tua or JHT) is voluntary. However, many non-wage workers may not be able to afford the contributions, and the government is expected to consider solutions to ensure that they can also access the benefits of the Social Security program.

BPJS Ketenagakerjaan's membership data in Medan City shows high participation rates among low-income workers, but there are still high-income workers who participate as well. The government and legislature are still more focused on the Health Insurance Program managed by BPJS Kesehatan, and they need to consider solutions to ensure that non-wage workers who cannot afford it can also access the benefits of the Employment Social Security Program.

The registration requirements for Non-Wage Worker Participants include having a National Identification Number (Nomor Induk Kependudukan or NIK) or an Identity Card (Kartu Tanda Penduduk or KTP) and being under 56 years of age. Registration can be done through the civil administration system by filling out forms and contacting the BPJS Ketenagakerjaan office or its partners.

### **3. Contribution Amount for Non-Wage Worker Participants in BPJS Ketenagakerjaan**

BPJS Ketenagakerjaan's program for non-wage worker participants offers flexibility in contribution payments. Participants can choose the payment period and pay it in advance, providing significant flexibility. Although official rules stipulate that contributions must be paid by the 15th of each month, in practice, participants have the flexibility to pay contributions according to the explanation provided by the Head of the BPJS Ketenagakerjaan Branch in Medan City, Dr. Suci Rahmat.

### **4. Legal Protection Provided by BPJS Ketenagakerjaan**

The registration of non-wage workers as members of BPJS Ketenagakerjaan aims primarily to improve the welfare of workers as the weaker party in their relationship with employers. Law No. 24 of 2011 on BPJS stipulates that employers are obliged to register themselves and their employees as BPJS participants under the social security program they follow. Violations of this rule can result in administrative sanctions as stipulated in Government Regulation No. 86 of 2013.

The same law also imposes criminal penalties on employers who neglect their obligation to collect BPJS Ketenagakerjaan contributions, with a maximum penalty of 8 years in prison and a fine of up to IDR 1,000,000,000. This is a form of legal protection for workers/laborers whose rights are neglected.

BPJS Ketenagakerjaan protects four main programs: Work Accident Insurance (Jaminan Kecelakaan Kerja or JKK), Old-Age Insurance (Jaminan Hari Tua or JHT), Death Insurance (Jaminan Kematian or JKM), and Pension Insurance (Jaminan Pensiun or JP). The process of

membership registration in BPJS Ketenagakerjaan is considered easy, and once workers/laborers are registered and make their first contribution payment, they are already protected, even if their BPJS Ketenagakerjaan membership card has not been issued yet. This shows BPJS Ketenagakerjaan's commitment to providing fast and effective social protection to its members.

### **Drivers and Barriers in the Implementation of Non-Wage Worker Employment Social Security Programs**

The Employment Social Security Program for Non-Wage Workers aims to protect against the risks of work-related accidents, death, and old age. This program includes various benefits such as compensation, funeral benefits, and education. Despite efforts by BPJS Ketenagakerjaan to increase participation, there are challenges such as low public awareness, age limitations for participants, and low educational levels.

Drivers of the implementation of this program involve the benefits provided to participants, such as BPJS Ketenagakerjaan's responsibility for work-related accident costs, death benefits, and old-age insurance. However, challenges arise, especially regarding public awareness of the importance of social security, as well as age limitations for participants that may not align with the characteristics of informal sector workers.

BPJS Ketenagakerjaan has made various efforts to increase participation, including public awareness campaigns through exhibitions and collaboration with government agencies. Nevertheless, low educational levels and the economic conditions of informal sector workers continue to be obstacles.

In the context of the implementation theory by George C. Edward III, variables such as communication, resources, disposition, and bureaucratic structure are interrelated. Communication difficulties due to low educational levels, collaboration with government agencies as a resource effort, clear information dissemination as disposition, and regulatory barriers in bureaucratic structure all play a role in these challenges (Rohidi, 1984) <sup>[9]</sup>.

Despite maximum efforts, the optimal achievement of this program has not been realized because the implementation of these four variables still faces various obstacles. Further efforts are needed to enhance public understanding, awareness, and participation in employment social security programs. The success of a policy should ideally fulfill these four variables (Sanitya, 2019) <sup>[10]</sup>.

### **Conclusion**

BPJS Ketenagakerjaan is governed by several laws and regulations, including Law No. 40 of 2004 on Social Security Systems, Law No. 24 of 2011 on the Social Security Administrator, and Presidential Instruction No. 4 of 2022 on Accelerating the Eradication of Extreme Poverty. These regulations provide the legal basis for BPJS Ketenagakerjaan to implement social security programs for participants, including non-wage workers.

The registration process for non-wage worker participants in BPJS Ketenagakerjaan involves several steps. Participants must meet the registration requirements, including having a National Identification Number (NIK) or an Identity Card (KTP). Registration is done online through the official BPJS Ketenagakerjaan website. During the registration process, participants are asked to fill in personal data such as NIK,

name as per KTP, date of birth, and telephone/mobile number. Checking the data for accuracy is necessary to avoid errors. After ensuring accurate data, participants enter a captcha code and proceed. Participants then agree to the terms and conditions before providing other important information, including gender, email address, and residential address. Next, participants request and enter an OTP code sent via SMS. Participants are also asked to provide employment information, including employer data, company telephone number, the program they want to register for, and other relevant information. After entering all the data, participants make the payment of contributions according to the code sent via email. Once the process is completed, participants are considered successfully registered with BPJS Ketenagakerjaan as non-wage workers, with the importance of paying contributions on time to maintain social and economic protection.

BPJS Ketenagakerjaan provides legal protection to non-wage worker participants through strict sanctions, as stipulated in various regulations, ranging from administrative sanctions to criminal sanctions. This protection aims to safeguard the rights of workers that may be overlooked. In addition, BPJS Ketenagakerjaan administers four social security programs, namely Work Accident Insurance (JKK), Old-Age Security (JHT), Death Insurance (JKM), and Pension Insurance (JP), as a concrete form of protection provided to each of its members.

Driving factors involve the benefits provided, such as BPJS Ketenagakerjaan's responsibility for accident costs, death benefits, and old-age security. However, obstacles arise primarily in the awareness of the importance of social security and the age limit for participants that does not align with informal sector workers. Although BPJS Ketenagakerjaan has made efforts through socialization and cooperation with the government, low levels of education and the economic conditions of informal workers remain obstacles. Further efforts are needed to enhance public understanding, awareness, and participation in employment social security programs.

## References

- Asikin Z. Dasar-dasar hukum perburuhan, 1994.
- Ediwarman. Monograf Metodologi Penelitian Hukum, Panduan Penulisan Skripsi, Tesis dan Disertasi. PT. Soft Media, 2016.
- Hadikusuma H. Metode pembuatan kertas kerja atau skripsi ilmu hukum. Mandar Maju, 1995.
- Husni L. Pengantar Hukum Ketenagakerjaan Edisi Revisi. Rajawali Pers, 2014.
- Khairati W, Angelia N, Kurniaty EY. Implementasi Pelayanan Lapak Asik Berbasis Online dalam Klaim Jaminan Hari Tua di BPJS Ketenagakerjaan. *Strukturasi: Jurnal Ilmiah Magister Administrasi Publik*,2023;5(1):20–26.
- Miraharja D. Pertanggungjawaban Pidana terhadap Pelaku Tindak Pidana Penggelapan Iuran Dana Badan Penyelenggara Jaminan Sosial Ketenagakerjaan. *Journal of Education, Humaniora and Social Sciences (JEHSS)*,2022;5(1):382–387. doi:10.34007/jehss.v5i1.1167.
- Nasution BJ. Metode Penelitian Ilmu Hukum, Cetakan Kedua. Mandar Maju, 2016.
- Purnawan H. Transformasi PT. Jamsostek (Persero) Menjadi Badan Penyelenggara Jaminan Sosial (BPJS) Ketenagakerjaan Di Kantor Cabang Darmo Surabaya (Studi Pada Implementasi Peraturan Presiden Nomor 109 Tahun 2013 Tentang Penahapan Kepesertaan Jaminan Sosial). *Publika*, 2014;2(3).
- Rohidi R. Edward III, George C (edited), 1984, *Public Policy Implementing*, Jai Press Inc, London-England. *Journal S1 Ak Universitas Pendidikan Ganesha*, 1984, 1(2).
- Sanitya L. Pelaksanaan Program Jaminan Sosial Ketenagakerjaan Bagi Pekerja Bukan Penerima Upah di Wilayah Kota Semarang Ditinjau Dari Permenaker nomor 1 Tahun 2016. *Indonesian State Law Review (ISLRev)*,2019;1(2):205–228.
- Soekanto S, Mamudji S. *Penelitian Hukum Normatif Suatu Tinjauan*. Singkat, Jakarta: CV. Rajawali; 2013
- Suryani AI, Suharyanto A. Implementasi Program Badan Penyelenggara Jaminan Kesehatan (BPJS) Dalam Meningkatkan Pelayanan Administrasi Kesehatan di Rumah Sakit Umum Sibuhuan. *Publika*: *Jurnal Administrasi Publik Universitas Medan Area*,2016;4(1):86–99.
- Wijayanti A. *Strategi Penulisan Hukum*. Lubuk Agung, 2011.
- Yusriadi Y, Tinggi S. *Public Health Services: A Case Study on BPJS in Indonesia*. Human Resources View project Public Administration View project. *Jurnal Administrasi Publik: Public Administration Journal*,2019;9(2):85–91. doi:10.31289/jap.v9i2.2279
- Undang-Undang Dasar Republik Indonesia 1945.
- Law No. 24 of 2011 concerning the Social Security Administering Body (BPJS).
- Undang – Undang 40 Tahun 2004 Tentang Sistem Jaminan Sosial Nasional.
- Law No. 40 of 2004 concerning the National Social Security System.
- Instruksi Presiden No. 4 Tahun 2022 Tentang Percepatan Penghapusan Kemiskinan Ekstrem.
- Presidential Instruction No. 4 of 2022 on the Acceleration of Extreme Poverty Eradication.
- Peraturan Menteri Dalam Negeri No. 84 Tahun 2022 Tentang Pedoman Penyusunan Anggaran Pendapatan dan Belanja Daerah Tahun Anggaran 2023.
- Ministry of Home Affairs Regulation No. 84 of 2022 concerning Guidelines for the Formulation of Regional Budgets for the Fiscal Year 2023.
- Peraturan Menteri Ketenagakerjaan No. 35 Tahun 2016 tentang Tata Cara Pemberian, Persyaratan, Dan Jenis Manfaat Layanan Tambahan Dalam Program Jaminan Hari Tua.
- Ministry of Manpower Regulation No. 35 of 2016 regarding Procedures, Requirements, and Types of Additional Benefits in the Old-Age Security Program.
- Peraturan Pemerintah No. 45 Tahun 2015 tentang Penyelenggaraan Program Jaminan Pensiun.
- Government Regulation No. 45 of 2015 concerning the Implementation of Pension Security Programs.
- The 1945 Constitution of the Republic of Indonesia
- Undang – Undang No. 13 Tahun 2003 Tentang Ketenagakerjaan
- Law No. 13 of 2003 concerning Manpower
- Undang – Undang No. 24 Tahun 2011 Tentang BPJS