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Legal Protection of Social Security BPJS Employment for Informal Workers

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Abstract: This research discusses the legal protection for social security in employment for informal workers as a realization of the mandate of the state basis of the Republic of Indonesia aimed at achieving social welfare. The objective of this research is to identify the forms of legal protection for participants of social security in employment from the ranks of informal workers, as well as solutions to the problems that arise, particularly related to the inability to pay contributions to BPJS Ketenagakerjaan. The research method used is normative juridical with a legislative approach (statute approach). The data sources utilized are derived from primary and secondary legal materials, with data collection techniques through literature study. Data analysis is conducted in a descriptive-analytical manner. The problem formulations in this research include: (1) What is the form of legal protection for informal workers in employment social security, and (2) What are the legal consequences for informal workers who are unable to pay the BPJS Employment contributions.

Keyword: Protection, Guarantee, Employment.

INTRODUCTION

Every individual needs a job to meet their basic living requirements. Employment can be conducted independently or for others, including working as a government employee or in the private sector. However, many workers, especially from underprivileged backgrounds, face health risks and difficulties in affording medical treatment (Faikotul Masruchah et al., 2024). To address this, the Indonesian government provides an employment social security program through BPJS Employment, aimed at protecting workers from economic risks such as work-related accidents, layoffs, and other crises (Sutrisno, 2020).

As a constitutional country aiming to ensure the welfare of its people, Indonesia must firmly ensure the realization of the right to a healthy life for everyone. One form of health development is through the establishment of social security as an effort to enhance social protection for workers. In line with the ideals of the Indonesian state, social security for workers is a fundamental human right that must be realized alongside the rights of citizens (Panjaitan, 2024).

Regarding this matter, the definition of social welfare refers to Article 1, paragraph 1 of Law No. 11/2009 on Social Welfare, which states that “social welfare is the condition in which the material, spiritual, and social needs of citizens are met so that they can live decently and develop themselves, thus enabling them to perform their social functions.” The implementation of social welfare can be prioritized for those who are experiencing insufficient living conditions, categorized under various criteria of poverty, disability, violence, or discrimination. Welfare is greatly needed by society, especially for informal workers who are living below the poverty line, or those who have jobs outside of formal employment relationships with incomes below the minimum wage set by the government, or those with uncertain earnings.

In order to achieve the goal of social welfare, the government is justified in establishing a comprehensive social guarantee so that every individual can live with dignity, implemented as a manifestation of the objective of improving social status in life welfare. The administration of the social security system is provided in the form of insurance for those who are socially and economically insufficient, facilitated by the government through the Social Security Agency (BPJS). BPJS refers to Law No. 40/2004 concerning the National Social Security System, which includes JAMSOSTEK, TASPEN, ASABRI, and ASKES.

The four social security institutions are considered to be imperfect as they do not yet encompass all segments of society, thus careful changes are made by the BPJS Health and BPJS Employment agencies. The amendments refer to the provisions of Law No. 24 of 2011 on the Social Security Administering Agency, particularly Article 5 paragraph (1) and Article 52 of the National Social Security System Law, which state 'The BPJS must be established through law as a transformation of the four State-Owned Enterprises to accelerate the implementation of the National Social Security System for all Indonesian citizens.' Referring to Government Regulation of the Republic of Indonesia No. 101/2012 regarding Health Insurance Contribution Assistance Recipients, BPJS members who receive contribution assistance from the government are those who are financially incapable.

The criteria for being classified as “incapable” is determined by the Minister of Social Affairs in coordination with the heads of the relevant agencies. This provision serves as the basis for the organization in conducting data collection. When an individual no longer meets the criteria for being classified as 'incapable', they are required to register themselves as a Non-PBI participant who pays their contributions.

BPJS facilitates the guarantee of rights for every Indonesian citizen. The BPJS Law does not provide a definition of workers based on their right to social security, and only defines a person who works as someone who can receive salary, wages, and other forms of compensation. This completely disregards informal workers outside of employment relationships, leading to a lack of clarity regarding the receipt of wages or other forms of compensation. Furthermore, the status of informal workers is not regulated when referring to Article 28 H paragraph (3) of the 1945 Constitution, which states that every person has the right to social security, including informal workers. Therefore, the BPJS Law is not in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia (Lestari & Hirawati, 2022).

The BPJS Employment differs from BPJS Health. BPJS Employment is specifically designated for the workforce, while BPJS Health is intended for the entire community. Based on the Perpu Number 2 of 2022 concerning Job Creation, there are six basic social guarantees: health, work accident, death, pension, old age, and unemployment. BPJS Employment manages five out of these six guarantees (except for health insurance).

Participants of the BPJS Employment are divided into two categories:

1. Wage recipients (formal workers)
2. Non-wage recipients (BPU), which includes informal or independent workers such as farmers, ride-hailing drivers, fishermen, artists, etc.

BPU participants can register for the JHT (Old Age Security), JKK (Work Accident Security), and JKM (Death Security) programs. Although informal jobs also carry high risks,

BPU participation has not yet reached optimal levels. In 2022, 11.4% of the 6.7 million BPU participants exited their membership. This program is not yet deemed mandatory, and there are no strict penalties or regulations providing contribution assistance for low-income workers.

According to Law No. 40 of 2004, the government is obligated to pay contributions for the poor and the underprivileged. However, currently, the contribution assistance is only available for the Health Insurance program and does not yet cover the employment program. Many poor workers who are worthy of receiving assistance remain unprotected due to the absence of specific regulations governing contribution assistance for the Employment BPJS.

METHOD

Based on the explanation above, the author has decided to use a normative legal research method to study and write the discussion as a method of legal research. The approach in this research is conducted through statutory regulations (statute approach) (Irwansyah, and Yunus, 2022). The juridical-normative approach is undertaken based on primary legal materials by examining theories, concepts, legal principles, as well as regulations related to this research (Irwansyah, 2020). This approach is known as the library approach, which involves studying books, regulations, and other documents relevant to this research. The data sources used in this study are derived from primary and secondary legal materials (Jonaedi Efendi & Prasetyo Rijadi, 2022).

The data collection method used in this research writing is the library research method, which is obtained by reading books and literature related to the issues being discussed, and the collected data is processed. The data analysis technique used in this research is descriptive analysis.

RESULTS AND DISCUSSION

LABOR FORCE

The workforce refers to an individual who is capable of working. According to Article 1 Paragraph 2 of Law No. 13 of 2003 concerning Employment, a workforce is defined as someone who is able to perform a job to produce goods or services to meet personal needs or those of others. Meanwhile, Article 1 Paragraph 3 defines a worker or employee as someone who works and receives wages or compensation in other forms.

The workforce is also defined as human labor capable of assisting in the production process, both physical and mental. Physical labor refers to labor that relies on physical strength in carrying out production, while mental labor pertains to labor that requires cognitive effort during the production process. Classification is the process of grouping something based on specific categories or classes according to established standards (Tan, 2022).

In the context of labor discussions, labor classification can be differentiated based on several main criteria, namely based on residential status, working age, and the quality of the workforce itself. First, based on residential status, the workforce can be categorized into two groups: the labor force and non-labor force. The labor force consists of all residents who are considered capable and willing to engage in work. They are within the working age and have the readiness to work in various fields. Meanwhile, non-labor force refers to individuals who are deemed unable and unwilling to work, such as children and the elderly, who are generally not included in the productive group.

Secondly, based on the working age limit, the population is classified into the labor force and non-labor force. The labor force consists of individuals who are of productive age, approximately 15 to 16 years and older, who are either employed, currently working, or seeking employment. Meanwhile, non-labor force includes those aged over 10 years whose activities are limited to household duties or schooling, and therefore do not fall into the categories of job seekers or active workers.

Thirdly, based on quality, the workforce is divided into three types, namely educated labor, trained labor, and uneducated and untrained labor. Educated labor refers to those who possess specific skills acquired through formal education, such as lawyers, doctors, and teachers. Trained labor consists of individuals who have skills based on experience and training in certain fields, although not always through formal education. Meanwhile, uneducated and untrained labor refers to individuals who do not require special skills or education to perform their jobs, such as manual laborers or housekeepers.

This classification is important in understanding the direction of labor law policies, including aspects of legal protection, competency development, and social security for various types of workers.

In employment relationships, employers and employees have obligations that must be fulfilled to ensure the rights of workers are upheld. Workers' rights are regulated by law. Employers who fail to implement the basic rights of workers will face sanctions, which can range from mild penalties such as warnings to the revocation of business licenses, and serious violations may be classified as criminal offenses with criminal penalties. In Indonesia's labor system, protection for workers is a constitutional mandate enshrined in various regulations. One form of this protection is the guarantee of a decent income to secure a humane standard of living for both workers and their families (Hirawan et al., 2023).

The government has established a wage policy that protects the rights of workers, including provisions regarding minimum wage, overtime pay, and remuneration for workers who are absent for specific reasons, such as being incapacitated, engaging in activities outside of work, or taking their entitled breaks. Furthermore, the protections also encompass regulations on the forms and methods of wage payment, sanctions in the form of fines and wage deductions, components that can be factored into wages, a proportional wage structure and scale, as well as wages utilized for severance pay and income tax calculations.

In addition to wage aspects, legal protection also encompasses provisions regarding working hours as stipulated in Article 77 paragraph (2) of Law Number 13 of 2003 concerning Manpower. This law states that the permitted working hours are seven hours per day for six working days in a week, or eight hours per day for five working days in a week (Listhyaningrum et al., 2024). Beyond these working hour provisions, employees are also entitled to the Religious Holiday Allowance (THR) as a form of religious benefit that must be provided by the company in accordance with the Regulation of the Minister of Manpower Number PER-04/MEN/1994 (Sania, 2025).

Furthermore, employers are also obliged to provide rest periods and leave to their workers. The need for rest is recognized as part of the protection of human rights and work productivity. This form of rest includes breaks between work hours, weekly breaks (one day for six working days and two days for five working days), annual leave of at least 12 days after working continuously for 12 months, as well as a long break of at least two months. In addition, there are also special leaves granted under certain conditions, such as religious leave, menstrual leave, maternity leave, and nursing leave.

In the event of termination of employment (PHK), Law Number 13 of 2003 Article 156 paragraph (1) stipulates that employers are required to provide compensation in the form of severance pay, appreciation payment for length of service, and replacement of rights to employees. Termination can occur for various reasons, including but not limited to serious misconduct by the employee, detention by law enforcement authorities, having received a third warning letter, changes in company status, company closure, bankruptcy, death, retirement, unexplained absence, improper actions by the employer, resignation, or prolonged illness and disability resulting from work-related accidents (Manisha et al., 2022).

All of these provisions reflect the principle of labor protection, which is an integral part of labor law in Indonesia, aimed at maintaining a balance in the relationship between workers and employers within the framework of social justice (Sari et al., 2024).

LEGAL PROTECTION AND LEGAL CERTAINTY

According to Satjipto Rahardjo, legal protection is the provision of safeguarding human rights that have been violated by others, and this protection is granted to society so that they may enjoy all rights afforded by the law (Wakhfidh et al., 2024).

In the Great Dictionary of the Indonesian Language (KBBI), protection is defined as the method, process, and act of safeguarding. The definition of legal protection refers to the efforts made to protect legal subjects through legal instruments that may be either preventive or repressive, and can be in both written and unwritten forms (Panjaitan, 2024).

In this regard, it pertains to the theory of legal protection that is derived from the theory of natural law or the natural law school. According to the natural law school, it is stated that law originates from God and is universal and eternal, and that law and morality should not be separated. Adherents of this doctrine view that law and morality are reflections and rules that govern both the internal and external aspects of human life, manifested through law and morality. Legal protection encompasses all efforts to fulfill rights and provide assistance to ensure safety for witnesses and/or victims. Legal protection for crime victims, as a part of community protection, can be realized in various forms, such as through the provision of restitution, compensation, medical services, legal assistance, and damages, as well as through a restorative justice approach (Nurcahyo, 2021).

In accordance with the above explanation, it can be stated that the function of legal protection is to safeguard the people from dangers and threats of crimes that may harm themselves. Legal protection is a means of safeguarding legal subjects through applicable laws and regulations, which are enforced with sanctions.

The concept of a legal state is the protection of the law. Preventive and repressive legal protection are the two main forms of legal protection. Preventive legal protection is the protection provided by the government with the aim of preventing violations before they occur. This is present in laws and regulations with the intention of preventing a violation and providing guidance or repercussions in fulfilling an obligation (Manisha et al., 2022).

Repressive Legal Protection Repressive legal protection is the final form of protection in the form of sanctions such as fines, imprisonment, and additional penalties imposed when a dispute has arisen or a violation has occurred.

Legal certainty is a hope for those seeking justice against the arbitrary actions of law enforcement officers who sometimes display arrogance in carrying out their duties as enforcers of the law. With the existence of legal certainty, the community will have a clear understanding of their rights and obligations under the law.

Without legal certainty, individuals will not know what actions to take, whether their actions are right or wrong, and whether they are prohibited or permitted by law. This legal certainty can be realized through well-defined and clear provisions in a statute, which will also clarify its application.

In other words, legal certainty means that it is correct in the law, involving its subjects and objects, as well as the legal threats. However, legal certainty should not necessarily be regarded as an element that is always present; rather, it is a tool utilized according to the situation and conditions, with consideration of the principles of benefit and efficiency. When related to legal certainty in the field of law, particularly the legal protection for participants who are not beneficiaries of the BPJS Employment program, namely (Sania, 2025):

1. To serve as a basis for participants of the non-wage recipients in the BPJS Ketenagakerjaan program.
2. To serve as a basis for BPJS Ketenagakerjaan for the data collection of non-wage participants in the BPJS Ketenagakerjaan program.
3. To serve as a foundation in realizing legal certainty regarding legal protection for non-wage participants in the BPJS Ketenagakerjaan program.

The theory of legal certainty encompasses two meanings: first, the existence of general rules that enables individuals to understand what actions are permissible or impermissible, and second, it provides legal protection for individuals against arbitrary actions by the government. This is because, with the presence of general legal rules, individuals can ascertain what can be imposed or carried out by the state against individuals.

Legal certainty is not only represented by the articles in the law but also by the consistency in judicial decisions among judges in similar cases that have been adjudicated. The theory of legal certainty emphasizes that the role of law is to guarantee legal certainty in social relations. Certainty is achieved “by reason of law” (Suwandi et al., 2022).

In that task, two other tasks are encompassed, namely that the law must guarantee justice and the law must remain useful. There are two different understandings of 'legal certainty': certainty due to the law and certainty within or from the law. Certainty within the law is achieved when the law is predominantly codified in statutes and that within those statutes there are no conflicting provisions, that the statutes are created based on 'rechtswerkelijkheid' (legal reality), and that within those statutes there cannot be terms that are subject to interpretation.

Legal certainty (Dutch *rechtszekerheid*; English Legal certainty) is one of the terms commonly heard among the general public. Legal certainty refers to the assurance regarding rights and obligations, concerning what is permissible and impermissible by law. According to Apeldoorn, legal certainty has two aspects, namely (Wibowo & Herawati, 2021):

1. The issue of the determinability of law in concrete matters, namely the parties seeking justice wanting to understand what the applicable law is in a specific case before initiating proceedings. According to Roscoe Pound, this constitutes an aspect of predictability. Similarly, according to Algra et al., an important aspect of legal certainty is that judicial decisions can be anticipated in advance.
2. Legal certainty means legal security, which implies protection for parties against arbitrary decisions by judges. Legal certainty is a greater value of written regulations compared to unwritten ones. With the existence of written regulations, individuals can more easily find, read, and ascertain the applicable law.

SOCIAL SECURITY

Social security is a fundamental right of every citizen guaranteed by Article 28H paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to social security to enable the comprehensive and dignified development of themselves. To realize this, the government establishes social security organizing agencies as a form of state protection for its citizens (Akbar & Jayadi, 2021).

Social security is a social protection system designed to ensure that all citizens are able to meet their basic living needs and achieve well-being. This assurance provides a sense of security when an individual faces risks that disrupt their financial condition, such as (Fadhiah & Kamilah, 2024):

1. Unemployment
2. Accidents
3. Old age
4. Illness
5. Death

The objective is to prevent the public from losing a stable income and to ensure well-being throughout their lives. Social security is a manifestation of the state's responsibility to protect and promote the welfare of its citizens.

Social security is one form of social protection to ensure that all citizens can fulfill their basic living needs adequately. Social security is a system aimed at achieving welfare and providing a sense of security throughout life. The meaning of welfare is having income to support one's life when an individual experiences financial-impacting risks. For instance, when

losing a job, experiencing an accident, entering old age, falling ill, or even upon death. All of these events can affect financial conditions or even cause an individual to lose their steady income. To mitigate such risks, social security is present in the life of the state. This means that social security is indeed initiated by the state with the purpose of providing welfare for its people.

The definition of social security according to Article 1 Paragraph 1 of Law No. 40 of 2004 concerning the social security system is a form of social protection to ensure that all citizens can meet their basic needs for a decent life. Social security related to employment relationships indicates that social security is the payment received by workers in cases where the workers are unable to perform their work through no fault of their own, thereby guaranteeing income security in situations where workers lose their wages for reasons beyond their control.

Social security is implicitly enshrined in the principles of Pancasila. For instance, in the first principle, it mandates that every servant of God must be treated as a servant of God and help fellow servants of God, which is a form of devotion and worship to God. The second principle obliges that human beings, including workers, are to be treated in accordance with their dignity and worth as human beings.

The abandonment of workers due to the acceptance of social risks that are not in accordance with their dignity and worth as human beings. The third principle mandates a sense of unity among fellow human beings. The fourth principle indicates the existence of deliberation among humans in addressing every problem. The fifth principle teaches that humans should be treated justly. Workers should not only be cared for while they are able to work but also during times when they are unable to work due to the social risks they face.

The mandate of the 1945 Constitution can be realized through the establishment of Law Number 24 of 2011 concerning the Social Security Organizing Body (BPJS), which fundamentally transforms the organization of social security programs in Indonesia, namely (Hennigusnia & Kurniawati, 2021):

1. An effort to respond to the issues and needs of employers towards workers with high skills and productivity for the fulfillment of citizen rights.
2. Regulation by various legal provisions on social security that provide basic protection and ensure equality of rights and obligations for all citizens.
3. Organization by profit-oriented enterprises to administration by public, non-profit legal entities.

The National Social Security Law is established to synchronize the implementation of social security programs conducted by the administering bodies with the social insurance process through the payment of contributions. The legal regulations of the social security system include provisions on participation, the amount of contributions, as well as benefits, and the mechanisms of the administrators and the social security institutions applicable in Indonesia. Regarding the detailed implementation of social security programs, it has been conceptualized in Presidential Regulation No. 74 of 2014 concerning the guidelines for the Roadmap of Social Security Administration in the Health and Employment sectors (Ardianingsih et al., 2021).

BPJS EMPLOYMENT

The Social Security Administration Agency is a transformation of PT. Jamsostek. Since January 1, 2014, PT. Askes has changed to the Social Security Administration Agency for Health, while PT. Jamsostek has transformed into the Social Security Administration Agency for Employment. PT. Jamsostek provides basic protection for workers and their families through four programs, including occupational accident insurance, death insurance, old-age insurance, and health maintenance insurance (Suwandi et al., 2022).

The Social Security Organizing Body (BPJS) Employment is a public legal entity established under Law Number 24 of 2011, with a mandate to administer social security

programs for all workers. The social security programs implemented include Work Accident Insurance (JKK), Death Insurance (JKM), Old Age Insurance (JHT), and Pension Insurance (JP).

The Work Accident Guarantee (JKK) aims to provide protection to workers from the risks of accidents that occur in the course of their employment. Work accidents include occupational diseases as well as accidents that occur during the journey to and from work, using the usual routes. This program provides compensation from the time the worker leaves for work until their return home.

Death Assurance (JKM) is intended for the heirs of registered workers who are participants of BPJS Employment in the event that the worker passes away not due to a workplace accident. The benefits of this program include a death grant of IDR 20 million, funeral expenses of IDR 10 million, and educational scholarship assistance for two children up to a maximum of IDR 174 million, with the condition of a minimum participation period of three years.

Old Age Security (JHT) is a guarantee program provided to workers who have reached the retirement age (56 years) or have experienced termination of employment, provided that the minimum membership duration is five years. The benefits of JHT consist of cash disbursement of the accumulated contributions plus the results of investments. In accordance with government regulations, JHT can be partially withdrawn (10% or 30%) or fully withdrawn (100%) under certain conditions, such as not being employed anymore due to layoffs or resigning, as well as having their membership status deactivated by the company.

The Pension Guarantee (JP) aims to maintain a decent standard of living for workers after they retire, become permanently disabled, or pass away. This program provides periodic income to participants or their heirs, with contributions amounting to 3% of their wages, consisting of 2% contributed by the employer and 1% from the employee.

The purpose of BPJS Employment is to ensure the fulfillment of the basic living needs of participants and their families, as well as to organize and manage social security programs for workers. The operational functions of BPJS include participant registration, contribution collection, fund management, and benefit payments. Meanwhile, the authority of BPJS Employment includes the authority to collect contributions, manage social security fund assets, oversee compliance of participants and employers, and impose sanctions for violations of applicable regulations.

Authority According to Law Number 24 of 2011, the authority of BPJS Employment is: To collect premium payments, to place government-supported pension assets currently and long-term ventures considering aspects of liquidity, solvency, fairness, security, and adequate returns. To carry out oversight and examine the consistency of members and managers, pursue approvals with welfare offices referring to standard rates set by public authorities, to create or terminate employment contracts with welfare offices, to issue regulatory approvals to members and superiors who fail to meet their commitments, to report businesses operating in competent authorities that are significantly non-compliant in fulfilling their commitments or in meeting various prerequisites according to regulations.

WORKERS NOT RECEIVING WAGES (INFORMAL)

In the BPJS Employment, there are two (2) types, namely (Sholikin, 2024):

1. Wage Recipients (PU) Wage recipients are individuals who work and receive a salary, wage, or compensation in other forms from an employer. Wage recipients are typically bound by an employment contract regarding salary, working hours, and resources during their employment.
2. Non-Wage Recipients (BPU) Non-wage recipients are individuals who carry out economic activities or businesses independently to earn income from their activities or businesses. According to Minister of Manpower Regulation No. 5 of 2021 concerning the Procedures

for Organizing the Occupational Accident Insurance, Death Insurance, and Old Age Insurance Programs, Non-Wage Recipients (BPU) refer to individuals who engage in independent business activities to earn income.

Participants who are not wage recipients in the BPJS Employment program are required to participate in 2 (two) social security programs, namely the Work Accident Insurance (JKK) and Death Insurance (JKM) programs. However, in addition to that, non-wage recipients may also voluntarily join the Old Age Savings (JHT) program.

Informal workers are independent workers not linked to other parties in relation to other workers, thus in the Social Security Law, these informal workers are classified as Non-Employee Participants (Participants Who Are Not BPU). The registration mechanism for BPJS Employment participants must be fulfilled by self-employed workers who wish to enroll in the employment insurance program, which can be registered on the website and following each step on that website, which includes (Mutya & Danil, 2023):

1. National Identity Card.
2. Not yet 65 years old.
3. Must have employment

After workers become participants in the BPJS Employment Program, they are required to pay contributions with a fixed amount with options of monthly, every 2/3/6 months, or annually. The BPJS Employment membership number will be issued no later than one year after the registration and contribution to the BPJS Employment.

In the participation of the BPJS, participants will be classified into Wage Recipients and Non-Wage Recipients. BPJS is required to provide a Unique Identity Number to each participant or their family members, and to provide information regarding the rights and obligations to participants to comply with the applicable regulations.

Informal workers are classified as non-payable workers. All workers in the informal sector are referred to as informal workers. For example, street vendors, hawkers, motorcycle taxi drivers, rickshaw pullers, bajaj drivers, waste pickers, farmers, domestic helpers, etc. Simply put, informal means not formal or unofficial. A study conducted by Sukesi et al. identified 11 characteristics of the informal sector, namely (Mutya & Danil, 2023):

1. Unorganized business
2. No business permits
3. Irregular activities
4. Lack of policies and assistance from the government
5. Workers can easily come and go
6. Simple technology
7. Small capital and business
8. No formal education required
9. Conducted independently, labor comes from family
10. Consumed by middle to lower class
11. Capital is self-owned or borrowed from informal credit.

The informal sector serves as an alternative option in providing job opportunities capable of absorbing the surplus labor not utilized by the formal sector, which has more competitive requirements. The informal sector found in large cities is populated by migrant groups, whose primary motive for immigrating is economic reasons.

This is based on the differences in the levels of economic development between rural and urban areas, as those residing in cities perceive better economic opportunities compared to those in villages. The informal sector can be characterized by various types of small-scale production activities in goods and services, and its production units can be owned individually or collectively, often employing a labor-intensive workforce and utilizing very simple technology.

In general, informal sector workers have limited formal education, lack special skills, and are significantly undercapitalized. As a result, the productivity and income of informal sector

workers tend to be lower compared to formal labor. The informal sector is often referenced when calculating small-scale economic activities. Another reason it is considered small-scale is that informal sector workers come from impoverished backgrounds, have low educational attainment, possess minimal skills, and are mostly comprised of migrants, particularly from rural areas. In this context, it can be depicted that the enterprises within the informal sector strive to create job opportunities and generate their own income.

The formal sector can be understood in terms of a permanent employment context, which includes: a number of workers who are interconnected and are part of a job structure that is executed in an organized manner, workers who are officially registered and recognized by the state, and formal workers' rights protected by law. Economic activities that do not meet the criteria are referred to as the informal sector, a term that encompasses various activities often characterized as self-employment by informal sector workers. One of the key differences between the formal and informal sectors in terms of employment is the irregular working hours and the contract or freelance work system. This is due to the absence of long-term contractual agreements in the informal sector, where salary or wage calculations are based on daily or weekly efforts according to individual capabilities.

The informal sector can be viewed as a form of economic activity outside the labor relations framework or as a reservoir beyond the labor relations, although the income earned by workers in the informal sector is uncertain and generally relatively small. However, the informal sector can serve as a safety valve for employment issues in Indonesia and other developing countries in the Asia-Africa region.

The aspects of informal labor are as follows (Hamid, 2024):

1. Potential aspect, indicating that every informal worker has hereditary potentials that are dynamic and can develop.
2. Professional or vocational aspect, where every worker has abilities and skills in a specific field and with those abilities and skills, they can dedicate themselves to a particular job and produce optimal results.
3. Functional aspect, meaning that every worker performs their tasks appropriately, working in areas that align with their field and abilities.
4. Operational aspect, in which each worker can leverage their abilities and skills in the processes and procedures of the work activities they are engaged in.

According to Government Regulation Number 44 of 2015 concerning the Implementation of the JKM and JKK Programs, the JKK contribution that must be paid by participants is 1% of their income, with a minimum nominal of Rp 10,000 and a maximum of Rp 207,000. Meanwhile, for the JKM contribution, the amount is approximately Rp 6,800 per month. For the JHT contribution, pursuant to Government Regulation Number 46 of 2015 concerning the Implementation of Old Age Benefits, the amount is 2% of income, with a minimum nominal ranging from Rp 20,000 to Rp 414,000 (Tsabitah & Hoesin, 2024).

CONCLUSION

The National Social Security System (SJSN) is a constitutional mandate as regulated in Article 28H paragraphs (1), (2), and (3) as well as Article 34 paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia. MPR Decree Number X/MPR/2001 also emphasizes the importance of establishing SJSN to achieve comprehensive and integrated social protection. The establishment of Law Number 40 of 2004 concerning SJSN subsequently became the basis for the creation of the Law on the Social Security Administration Body (BPJS), which operates as a public legal entity that adheres to the principles of mutual cooperation, non-profit, transparency, and accountability in administering social security.

The Constitutional Court Decision Number 007/PUU-III/2005 emphasizes that the legal status of four State-Owned Enterprises (PT Jamsostek, PT Taspen, PT Asabri, and PT Askes) as BPJS is in a transitional phase, and the articles stating otherwise are declared contrary to the

1945 Constitution. In this context, Article 52 of the SJSN Law is recognized by the Court as a norm that fills the legal vacuum (*rechtsvacuum*) to ensure legal certainty until the definitive BPJS is established.

However, the implementation of social security programs for employment still faces obstacles such as minimal socialization, low levels of education and understanding among the community, and limited funding. Therefore, strategic steps are required in the form of continuous evaluation, enhanced communication between agencies, intensified socialization by BPJS Employment, and financial support from the state budget as an incentive and effort to expand participation coverage through a savings-based approach by the workforce.

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