



Legal Review of PT. Surya Foresta's Compliance In Registering Casual Workers With BPJS Employment Based On Law No. 24 of 2011 and PP No. 35 of 2021

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Abstract: His research began with the problem of non-compliance of the company (PT. Surya Foresta) in providing social security protection to workers, especially casual daily workers. Law No. 24 of 2011 stipulates that every worker, including casual daily workers, contract workers, or permanent employees, must be registered in the BPJS Employment program. Government Regulation No. 35 of 2021 regulates fixed-term work agreements, outsourcing, working hours and rest times. The method used in compiling this research is the legal approach method of examining regulations governing workers' rights to BPJS employment and the empirical approach of observing and analyzing practices in companies related to compliance with these regulations. The results of the study explain that non-compliance in providing social security can cause workers not to get the legal protection they should, cause discomfort, health and safety risks without protection, and economic uncertainty in old age for workers and their families.

Keyword: Legal Review, Casual Daily Workers, BPJS Employment, Law No. 24 of 2011, PP No. 35 of 2021

INTRODUCTION

Daily life that has important aspects needs to be considered in order to provide and improve the quality of life that is good and decent. In the long-term life plan made by each individual, it can be assessed how important an effective long-term plan is so that each individual in each community seeks the best solution from state and private institutions. Both institutions provide programs that can be used as solutions to every problem faced. With the involvement of institutions, it is expected to have a significant impact on the welfare of the community. To ensure the welfare of workers, the government has established regulations, one of which is the provision of social security for workers. Social security is a protection provided by the community from economic and social distress caused by the cessation of wage payments (not working) for example illness, accident, childbirth, termination of employment, disability, death and others. Legal protection for workers is intended to guarantee the basic rights of workers. Guaranteeing equality and treatment without any discrimination, in order to realize

the welfare of workers and their families. The scope of protection for workers according to Law Number 13 of 2003, includes:

1. Protection of basic rights of workers or laborers to negotiate with employers
2. Protection of occupational safety and health
3. Special protection for female, child, or disabled workers or laborers.
4. Protection of wages, welfare and social security of workers.

Legally, in labor law, the position of employers and workers is the same and equal. However, sociologically, in certain conditions, the position between workers and employers is not the same and balanced. Because workers are often in a weak position. This is regulated in government regulation No. 35 of 2021 which states that "Employers as referred to in paragraph (1) are obliged to fulfill the rights of workers/laborers including the right to social security". In addition, Law No. 24 of 2011 also regulates BPJS, which confirms that every worker, including casual daily workers, contract workers or permanent employees must be registered in the BPJS employment program. Casual daily workers are workers who have been contracted for a short-term period while contract workers are employed and paid according to the projects that have been completed. BPJS employment is referred to as an instrument that protects workers in order to reduce socio-economic risks that occur due to work accidents, death, old age, or loss of employment (PHK). However, at this time there are still many companies that have not been able to fully fulfill the obligation to provide social security for workers, one of the companies that is one of the objects of the study is PT. Surya Foresta, which employs its employees using a casual daily system or a contract system but does not register them in the BPJS employment program.

This can result in workers not getting the legal protection they should get in working, it can also cause several impacts, namely a sense of discomfort in working, health and safety risks without protection in working, economic uncertainty in old age for workers and their families. Casual daily workers (PHL) are workers who are bound by a work relationship from day to day and receive wages according to the number of working days, or working hours or the number of goods or types of work provided. They are called casual daily workers because they are not obliged to come to work and do not have the same rights as permanent workers. Generally, casual daily workers are workers who do work that is not continuous but seasonal. According to the Manpower Law in Article 99 paragraph (1) it is stated that every worker/laborer and their family have the right to receive social security for workers. Then Article 15 Paragraph (1) of Law Number 24 of 2011 concerning BPJS states: BPJS employment is a mandatory social security program for workers that organizes the Work Accident Security (JKK), Old Age Security (JHT), Pension Security (JP), and Death Security (JK) programs. Social security is intended to provide protection for workers against socio-economic risks that befall workers in carrying out work, whether in the form of work accidents, illness, old age, or death, thus it is hoped that peace of mind for workers will be realized so that productivity will immediately increase.

METHOD

The research method used by the researcher is the empirical legal method, which not only examines legal norms in laws and regulations, but also how the law is applied in company practices. The approach used is the legal approach to examine regulations governing workers' rights to BPJS employment and the empirical approach to observe and analyze company practices related to compliance with these regulations. In collecting data, the methods used in this study are Observation, interviews and library research.

RESULTS AND DISCUSSION

Legal obligations of the company that exist in PT. Surya Foresta in registering casual workers into the BPJS Employment program based on Law No. 24 of 2011 concerning BPJS Employment

The increasing role of labor in the development of national development throughout Indonesia and the use of technology in various business sectors can result in higher risks that threaten the safety, health and welfare of workers so that there is a need for increased protection of workers. Labor protection is provided to workers who do work both within and outside of employment relationships through the labor social security program (Jamsostek) which is currently being changed to the BPJS program.

BPJS Employment is a social security organizing body, in the form of a public legal entity established based on Law Number 24 of 2011. BPJS Employment is directly responsible to the president and functions to organize the Work Accident Insurance (JKK), Old Age Security (JHT), Pension Security (JP) and Death Security (JKM) programs for all workers in Indonesia. The BPJS Employment program includes: The company's obligations in BPJS Employment membership have been expressly regulated in Law Number 24 of 2011 concerning the Social Security Administering Body, as stated in Article 15 concerning the employer's obligations, namely that they must gradually register themselves and their workers as participants with BPJS in accordance with the social security program they are participating in. Employers are required to provide complete and correct data on themselves and their workers and their family members to BPJS.

Thus, it can be concluded that the registration of casual daily workers as social security participants is an obligation that must be carried out by the employer or company where they work. In this case, the company registers its workers as social security participants for workers in accordance with Law Number 24 of 2011 and Government Regulation Number 35 of 2021, but what about casual daily workers, are all of them protected by the BPJS Ketenagakerjaan social security program.

Tabel 1. Data on the number of companies in Jampang Tengah sub-district from 2021-2024

| Year | Number of Companies | Already registered | Not registered yet |
|------|---------------------|--------------------|--------------------|
| 2021 | 269 | 165 | 104 |
| 2022 | 275 | 185 | 90 |
| 2023 | 272 | 193 | 79 |
| 2024 | 276 | 197 | 79 |

Source: BPJS Employment, Sukabumi Regency

Based on the data above, the number of companies in Jampang Tengah District that are registered and not registered with BPJS Ketenagakerjaan is still very low because not all companies are registered with BPJS Ketenagakerjaan. In 2021, the number of companies that have not registered was 104, while in 2022 it decreased to 90 companies and in 2023-2024 the number of companies that have not registered is still the same, namely 79 companies. As a result, many casual workers do not receive Work Accident Insurance (JKK) and Death Insurance (JKM) protection. Law No. 24 of 2011 states that all employers are required to register their workers, without exception, in the employment social security program organized by BPJS. Specifically, Article 15 (1) of the Law states that: "Employers are required to gradually register themselves and their workers as participants with BPJS in accordance with the social security program they follow." From these provisions, there are no exceptions, for types of work including status as casual workers.

Based on the results of research at PT. Surya Foresta, which was conducted in January 2025. There are a number of casual daily workers at PT. Surya Foresta who have been

registered or have not been registered from 2023-2024, for more details the researcher describes it in the following table:

Tabel 2. Data on Employees Who Have Been Registered with BPJS and Those Who Have Not at PT. Surya Foresta

| No | Year | Already registered | Not registered yet |
|----|------|--------------------|--------------------|
| 1. | 2023 | 25 Orang | 70 Orang |
| 2. | 2024 | 25 Orang | 70 Orang |

Source: HRD PT. Surya Foresta

(Processed by Researchers, 2025)

According to data obtained from HRD PT. Surya Foresta and processed by researchers, the total number of employees is 95 employees. Among them, 25 employees have been registered and 70 employees have not been registered as BPJS employment participants in 2023 and 2024. Of course, this data is one of the cases and challenges as well as obstacles for BPJS employment to ensure work safety for workers at PT. Surya Foresta. So, to what extent is the role of BPJS employment in implementing administrative sanctions regulated in Law No. 24 of 2011 against companies that do not comply with these regulations. The failure to register these casual workers will have implications for the non-fulfillment of workers' rights to receive protection against risks that occur while working in the form of work accidents and death.

As a company that runs a business activity and employs casual workers, PT. Surya Foresta should realize that carrying out legal obligations for workers, which is none other than social protection for workers, is not just an option but has become a legal obligation that PT. Surya Foresta should carry out and provide to all workers, both permanent workers and casual workers. In Law number 24 of 2011 concerning BPJS, it is clearly stated that every employer, both government and private, is required to register their workers as participants in Social Security, including BPJS Employment.

What are the legal consequences and social impacts for workers and PT. Surya Foresta due to the failure to register casual workers in the BPJS Employment program Based on / Reviewed from PP No. 35 of 2021

In companies, internal agreements are often used as a form of agreement or work arrangement between the company and casual workers. Although internal agreements are not always in the form of formal work agreements as regulated in the Manpower Law. Where it contains data on the names and identities of the parties working, the duration of work or certain working days and the amount of wages, but in many internal agreements used by companies for casual workers, it is not necessarily explicitly stated about social security for workers, including the company's obligation to register these casual workers in the BPJS Employment program.

Based on Article 15 paragraph (2) of PP Number 35 of 2021, employers who employ workers with a fixed-term employment agreement (PKWT), including casual daily workers, are required to register them in the BPJS Employment program. One of the problems that often occurs is that casual daily workers are not registered in the BPJS Employment program, even though they must continue to work under the supervision and orders of the company. This problem can have a number of legal consequences and social impacts, both for workers and for the companies that employ them.

This is also reinforced by Government Regulation No. 35 of 2021 which explicitly states that casual workers are also entitled to social security protection. If it is known that when PT. Surya Foresta does not register casual workers with BPJS Ketenagakerjaan, then legally, PT. Surya Foresta is considered to have violated the regulations or provisions of the law or what is known as non-compliance with the law, the consequences obtained are in the form of a written

warning from the labor inspector, the imposition of administrative sanctions in the form of fines and also the termination of certain public services from the government such as PT. Surya Foresta cannot participate in government project tenders. However, it is very unfortunate that such things are often considered small or trivial even though they can clearly harm the company in the long term, especially in terms of the image of public trust in the company's social responsibility.

The impact of not registering casual workers with BPJS Ketenagakerjaan is very much felt when workers do their work in the field of work. Related to the lack of guarantees when they work, it is further explained how feelings or worries arise when carrying out work without social security while working. When permanent workers get protection while casual workers do not get it because they are not included in the BPJS Ketenagakerjaan program, this can trigger and cause feelings of injustice and low work motivation, even social conflict in the work environment, and can cause jealousy between workers at PT. Surya Foresta.

In addition to harming workers, not registering daily casual workers with BPJS Ketenagakerjaan also has a social impact that goes back to the company, such as decreasing worker loyalty and productivity, workers who feel unappreciated in terms of basic rights tend to be less enthusiastic and work according to their wishes which can ultimately harm the company in terms of work efficiency and production stability in the company.

It should be noted that when there is an imbalance between permanent workers and casual workers, or when a work accident occurs that is not covered by BPJS Ketenagakerjaan, PT. Surya Foresta itself has the potential to face demands or what is often known as another term, namely a strike which will affect 85% of the company's operational performance and this will cause a decrease in production results which can harm PT. Surya Foresta if this is allowed to continue.

CONCLUSION

PT. Surya Foresta actually has a legal obligation to register all its workers, including casual workers, with BPJS Ketenagakerjaan, in accordance with Law No. 24 of 2011. If viewed from the theory of justice, this kind of protection should be given evenly, especially for workers whose status is not permanent and are socially and economically vulnerable. When companies do not carry out this obligation, not only have they violated the law but also a sense of justice, workers do not have protection in the event of a work accident or other risk, even though they have worked and provided energy for PT. Surya Foresta. So by registering them with BPJS Ketenagakerjaan, it is not only a legal obligation but also a matter of responsibility and a sense of humanity and justice that should be upheld in the world of work.

When PT. Surya Foresta does not register casual workers in the BPJS Employment program as regulated in PP (Government Regulation) NO. 35 of 2021, then PT. Surya Foresta not only violates its legal obligations, but also has a fairly serious social impact, legally PT. Surya Foresta can be subject to administrative sanctions, and can even be held directly responsible if a work accident occurs, from the perspective of the parties who have been harmed by those who work without protection, feel unappreciated, and live life with increasing age with a sense of uncertainty and this will create an imbalance in the sense of justice in the workplace. Therefore, registering them in the BPJS Employment program is not only an obligation on paper (employment agreement) but also a form of concern for the safety of workers in the future.

Recommendation

1. For the Government

The government is expected to be more active in supervising and socializing the legal obligations of companies in registering all workers, including casual workers, in the BPJS

Ketenagakerjaan program, in addition there needs to be strict but still fostering law enforcement, so that companies do not only obey because they are afraid of sanctions, but also because they are aware of the importance of social protection for workers and the government should also open access for easier and safer complaints for workers whose rights have not been fulfilled.

2. For PT. Surya Foresta

PT. Surya Foresta should not see casual workers as temporary or non-permanent workers whose rights can be ignored, precisely because they are different and are in a vulnerable position, therefore PT. Surya Foresta should show its responsibility by registering them with BPJS Ketenagakerjaan as a form of basic protection. It should be remembered that protecting workers is not only a legal obligation, but also a reflection of business ethics and a sense of humanity by creating a fair and safe working environment. PT. Surya Foresta will also gain loyalty and trust from all its workers.

3. For Workers/Employees

For workers who are especially casual workers, they need to start understanding that they also have the right to get social security, do not hesitate to seek information, ask questions or even politely convey aspirations if you feel that your rights have not been fulfilled. Awareness of one's own rights is very important because it is the first step towards better protection, Uniting and supporting each other as workers can also make it stronger so that the voice is heard more by the company and the government.

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