

The Role Of BPJS Ketenagakerjaan In Improving The Welfare Of Informal Workers In Indonesia

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Abstract

The purpose of this study is to analyze the role of BPJS in providing social security for informal sector workers in Indonesia. This study employs normative legal research methods, focusing on legal norms and regulations, particularly the BPJS Law and the 1945 Constitution. Primary legal sources such as laws and regulations, as well as secondary sources including academic literature, are collected using descriptive tracing techniques. Data analysis uses a statute approach combined with a conceptual approach to examine the legal protection and position of informal workers. The results show that the BPJS Law has normative gaps and does not clearly regulate the social security rights of informal workers who are outside formal employment relationships. This situation causes difficulties for informal workers in accessing social security benefits, which aggravates economic vulnerability, leading them to rely on informal financial sources with high-interest rates. In conclusion, the government needs to strengthen social security policies for informal workers to promote economic stability and social welfare.

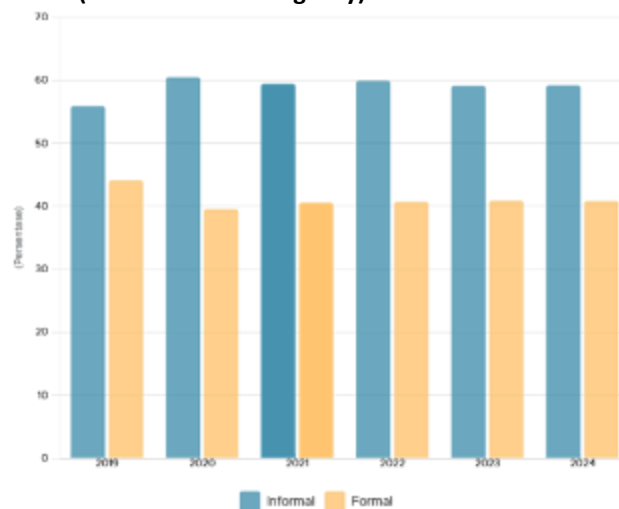
Keywords: Informal Worker, BPJS, Social Security, Legal Protection, Economic Vulnerability

1. INTRODUCTION

The number of informal workers in Indonesia has increased significantly since the Covid-19 pandemic.

Proportion of Formal and Informal Workforce in Indonesia

Source: BPS (Central Statistics Agency)



Source : data.goodstats.id

The number of informal workers in Indonesia has increased significantly since the Covid-19 pandemic. According to the Central Statistics Agency (BPS), the number of informal sector workers reached 84.13 million

people or 59.17% of the total working population in February 2024. This marks a significant rise compared to February 2019, when the number was 74.09 million or 57.27%. In 2020, Indonesia recorded its highest proportion of informal workers at 60.47% of the total workforce (BPS, 2024). The increase in informal workers has notably occurred towards the end of President Joko Widodo's administration.

Informal workers can be classified into two categories there is informal self-employment and informal wage employment (Gindling, T. H., Mossaad, N., & Newhouse, D., 2016). Informal self-employed workers include entrepreneurs in the informal sector, individuals running informal businesses, unpaid family workers, and members of informal production cooperatives. Meanwhile, informal wage employment consists of employees without formal contracts, worker insurance, or social protection, regardless of whether they are employed formally or informally (BPS, 2024). According to BPS data, the majority of informal workers are men, making up 56.87% of this workforce, and 52.49% live in rural areas, indicating a strong rural presence among informal laborers.

The Indonesian state has a constitutional obligation to protect its people and promote welfare to achieve equitable social justice. This welfare encompasses the fulfillment of material, spiritual, and social needs, allowing citizens to live dignified lives and develop themselves fully. As explained by Pangalo et al. (2020), social welfare is defined in Article 1 number 1 of Law No. 11/2009 concerning Social Welfare as "the condition of fulfilling the material, spiritual, and social needs of citizens so that they can live decently and be able to develop themselves, so that they can carry out their social functions." The implementation of social welfare should focus particularly on vulnerable groups such as those below the poverty line, the disabled, victims of violence, or marginalized groups, which include many informal workers who face unstable incomes and lack job security.

The social security system in Indonesia is administered by the Social Security Administering Agency (BPJS), which was established under Law No. 40/2004 concerning the National Social Security System. This law transformed four former social security agencies JAMSOSTEK, TASPEN, ASABRI, and ASKES into BPJS institutions to expand coverage for all Indonesians (Astuti, 2024). However, these social security institutions have been criticized for their limited coverage, especially in relation to informal workers. The BPJS law mandates the formation of BPJS to accelerate national social security implementation but does not explicitly address informal workers' rights or guarantee their inclusion (Astuti, 2024).

According to PP RI No. 101/2012 concerning Recipients of Health Insurance Contribution Assistance, government assistance is provided only to those classified as financially unable, based on criteria set by the Minister of Social Affairs (Salangka, 2023). Those no longer meeting this "unable" status are required to register as non-contributory members who pay their own fees. Although BPJS aims to guarantee the rights of all Indonesian citizens, informal workers remain insufficiently covered by social security schemes. The Central Statistics Agency reported that in February 2020, 74.04 million workers (56.50%) were in the informal sector, compared to 43.50% in the formal sector (BPS, 2020). This data underscores the dominance of informal workers yet highlights their precarious position in social security coverage.

Furthermore, the BPJS Law does not clearly define workers based on their right to receive social security. It only mentions workers entitled to salaries, wages, or other forms of compensation, thereby excluding informal workers who typically do not have formal employment relationships or clear wage entitlements (Wijaya, 2022). This legal gap creates a normative vacuum that contradicts Article 28H paragraph (3) of the 1945 Constitution, which guarantees social security for all citizens, including informal workers. Since the BPJS Law ranks below the 1945 Constitution in the legislative hierarchy, all regulations must comply with the constitutional mandate (Law No. 12/2011, Article 3 paragraph 1). Thus, lawmakers face the urgent task of harmonizing BPJS regulations to ensure informal workers receive equal social security rights, fulfilling the fifth principle of Pancasila: "Social Justice for All Indonesian People."

The implementation of social security programs for informal workers faces many obstacles. Many informal workers lack awareness and public insight about the importance of social security and work safety, often prioritizing immediate daily needs due to their low and irregular incomes (Aprillia & Lubis, 2023). The Covid-19 pandemic has further exacerbated their vulnerability, as many Micro, Small, and Medium Enterprises (MSMEs) collapsed, making it difficult for workers and entrepreneurs in the informal sector to contribute regularly to social security programs (Nadhifah, Adlina, & Sakinah, 2023).

Workers in the informal sector play a crucial role in Indonesia's economy as they absorb a large portion of the workforce, often engaging in jobs that require minimal skills, such as street vending, farming, daily labor, and small workshops. Their role is expected to grow alongside various social and economic risks, but irregular income and payment difficulties often hinder their participation in mandatory social security contributions (Tsuroyya & Maharani, 2023). Moreover, limited cooperation between BPJS Ketenagakerjaan and informal sector workers, inadequate program outreach, and difficulties in tracking independent workers further challenge the effective implementation of social security for this group.

In conclusion, informal workers in Indonesia constitute a large and vital part of the labor force but face significant legal, economic, and social barriers to accessing adequate social security protections. Addressing these challenges requires comprehensive policy reforms and enhanced government efforts to ensure that social security systems fulfill constitutional mandates and promote equitable social welfare for all citizens.

2. RESEARCH METHODS

The research method used in this study is normative legal research, which focuses on examining legal norms and regulations related to social security for informal sector workers as an implementation of the fifth principle of the 1945 Constitution of the Republic of Indonesia. The study begins by identifying the existence of a normative gap (empty norms) in the BPJS Law, which does not explicitly regulate the rights of informal workers to receive social security, especially those outside formal employment relationships who do not receive fixed wages or other forms of compensation. This situation contradicts Article 28H paragraph (3) of the 1945 Constitution, which guarantees everyone, including informal workers, the right to social security.

The legal materials used in this study consist of primary legal sources, such as laws and regulations, primarily the BPJS Law and the 1945 Constitution that govern social security and workers' rights, as well as secondary legal sources, including academic books, journal articles, and government reports discussing the conceptual position and legal protection of informal workers. Data collection was conducted using descriptive tracing techniques to gather relevant legal materials. Data analysis was performed using a statute approach to review the BPJS Law concerning informal workers, alongside a conceptual approach to explore the position and rights of informal workers based on constitutional principles and social security. The data were analyzed qualitatively by interpreting and synthesizing legal norms and academic perspectives to understand the extent and limitations of BPJS protection for informal sector workers. (Natalis, 2020)

3. RESULTS AND DISCUSSION

1. Social Security Protection for Informal Workers in Facing Economic Shocks

The current economic shock is the result of Covid-19, which has caused the weakening of the world economy. The government's policy to implement Work From Home (WFH) aims to avoid physical contact easily. However, this has led to a decline in income that affects the ability of informal workers and their families to meet basic needs. As a result, informal sector actors tend to borrow from unlicensed financial sources, such as middlemen, because these lenders do not require complicated requirements or collateral.

Loans from middlemen are attractive due to fast and uncomplicated procedures, despite their high interest rates and non-compliance with banking regulations. This situation has contributed to an increase in unemployment and poverty within the informal sector. Based on these considerations, the government is obliged to formulate policies that ensure economic stability through social welfare programs, namely social security, so that people can meet their basic needs without worrying about social vulnerability during economic shocks. (Kholis, et al., 2025)

Social security protection is implemented through the BPJS Law. Specifically, social security for workers is provided by the BPJS Ketenagakerjaan program, which targets both formal and informal workers. (Sholikin,

2024) The difference between formal and informal workers in the BPJS system lies mainly in registration and contribution payment mechanisms.

The components of the social security system include several elements:

1. Labor market and employment services, which provide job information and placement for laid-off workers;
2. Social insurance, which protects working people against industrial risks and prepares them for old age;
3. Social assistance, aimed at poverty eradication by empowering vulnerable groups through training and micro-business development;
4. Family allowance or child protection, offering cash assistance to children under adulthood to support family welfare and build a strong social foundation;
5. Safe guard policy, providing financial compensation to community members whose rights have been violated due to public policies such as eviction or privatization.

The social security program for workers is delivered through an insurance system with mandatory contributions, providing socioeconomic protection including for workers' families. (Sutrisno, 2022) This program covers informal workers under schemes like JKM and JKK. According to Presidential Regulation No. 12/2013 Article 4 paragraph 3, non-wage workers are those outside formal employment relationships.

The author suggests that informal workers fit into the category of non-wage participants because they work independently, earning income based on their efforts without a formal wage (Sulistiyono, T., 2018). These workers are generally financially capable and thus do not qualify for contribution assistance, placing them in the Non-PBI participant category. Typically, informal workers prioritize meeting their living expenses over paying social security contributions.

To address this, the government has provided social protection during economic shocks through relaxation policies regulated by PP No. 49/2020. PBPU workers must participate in JKK and JKM programs, while non-wage workers participate in JHT.

In principle, the government always prioritizes the welfare of its citizens through programs that offer various facilities, including social security. However, the implementation remains suboptimal due to several obstacles, especially among informal sector workers such as street vendors, motorcycle taxi drivers, and laborers. These PBPU workers are vulnerable to safety risks because they often neglect personal safety measures.

2. Mechanism for Implementing Social Security for Informal Workers

Article 1 number 3 of Law No. 4/2004 stipulates that "protection against socioeconomic risks that befall participants and/or their family members comes from the collection of mandatory funds, the collection of participant funds is called social insurance, the results of the management of social security funds are used entirely for program development and for the greatest benefit of participants." This statement aligns with the principle of social security in employment related to the National system.

BPJS Ketenagakerjaan can also be used by informal sector workers, who are not wage earners. This is part of the government's effort to protect workers and ensure employment security, which is very important for the viability of workers' lives in the event of accidents or risks that prevent them from working. Working inherently involves risks that require social security to provide benefits. For example, the JKK (work accident insurance) provides compensation to heirs in case of death, and participants with children can receive educational scholarships for a maximum of two children.

Unlike JKK and JKM, the JHT (old age security) program is voluntary and benefits are determined by the amount of contributions paid (Badikenita, R. S., 2023). For participants who are not wage earners, contributions are regulated by the government. Informal workers are categorized as Non-Wage Recipient participants (BPU) because they work independently without formal employment ties.

The registration of informal workers as BPJS Ketenagakerjaan participants requires several conditions: they must have an ID card, be under 65 years old, and have a job (Heniyatun, et al., 2018). After registration, participants are required to pay fixed contributions, which can be made monthly, bi-monthly, quarterly, semi-annually, or annually. The membership number will be issued no later than one year after registration and contribution payment. Certain groups or containers that register members must have authority to implement agreements on rights and obligations of the parties (Merges, R. P., 1996). Participants must pay contributions by the 15th of each month, as late payments can affect insurance benefits. Compensation is only paid after arrears are settled, in accordance with Article 92 of Minister of Manpower Regulation No. 5/2021.

For informal workers, registration can be done online via the official BPJS Ketenagakerjaan website (www.bpjsketenagakerjaan.go.id). The steps include registering on the website, selecting the Non-Wage Earner (BPU) category, entering an email address, activating registration via email, filling in personal data, making contribution payments, and receiving the participant card within seven days after payment.

Offline registration is also possible by visiting the nearest BPJS Ketenagakerjaan branch office. The process involves filling out the registration form and participant documents, taking a queue number, being called by an officer, receiving information about the contribution amount, paying the contributions, and receiving the participant card within seven days.

Alternatively, registration can be done at Service Point Offices (SPO) in partner banks. This includes filling out forms obtained from officers or downloaded online, taking a queue number, receiving payment instructions, making payment, and obtaining the membership card after seven days.

There is also an option to register through Indonesian Social Security Activist (Perisai) agents. Applicants prepare required documents, meet the nearest Perisai agent who will verify documents and administer registration at BPJS offices, make payments via the agent, and receive proof of participation after payment.

Currently, the minimum monthly contribution for informal workers is IDR 36,800. Payment does not have to be in cash and can be done via auto-debit from registered banks or through mobile applications such as JMO or BPJSTKU, which are available on PlayStore and AppStore. The contribution covers IDR 20,000 for old age savings and IDR 16,800 for work accident and death insurance. This applies to workers with monthly income up to IDR 1,099,000, with higher contribution caps for higher income groups.

Participants can check their BPJS Ketenagakerjaan balance, specifically their JHT (old age security) balance, via the JMO or BPJSTKU apps or the official website. Withdrawal of the JHT balance can be done by participants who are terminated, resign, or in some cases before the age of 56.

3. Implementation of the Social Security Program for Informal Workers by BPJS Ketenagakerjaan

a) Coaching

1) Target of Socialization

The target determination process carried out by BPJS Ketenagakerjaan focuses on informal workers who are already identified by the workers themselves. Informal workers are independent individuals who do not receive direct wages from an employer.

These participants are characterized by highly flexible working hours. Their jobs are often uncertain in terms of time and place, making them vulnerable to various risks. Examples of informal workers include fishermen, online motorcycle taxi drivers, MSME or market traders, casual laborers, students doing community service (KKN), and student interns.

2) Socialization Material

Informal workers who attended the socialization or viewed the BPJS Ketenagakerjaan website stated that they clearly stated what the programs were, their benefits, and their rights and obligations after becoming participants.

3) Socialization Method

Until now, BPJS Ketenagakerjaan has made continuous efforts to reach informal workers through various outreach strategies. These include direct visits, the use of social media, and online platforms such as Zoom.

To maximize outreach, BPJS Ketenagakerjaan collaborates with stakeholders such as cooperatives, MSMEs, and the Manpower Office. These collaborations often involve going directly into villages or sub-districts to provide information. In addition, partnerships with market associations are also established to expand coverage and provide education to traders and other informal workers.

Despite these efforts, many informal workers remain unaware of the benefits of the BPJS Ketenagakerjaan insurance program. Some have only heard of the program but have not yet participated, while others are entirely unaware that such a program exists specifically for informal workers.

b) Control

1) Monitoring Mechanism

The head office conducts regular monitoring, if there is a problem that arises we communicate first whether this can be handled by the branch office or we ask for help from the head office. The head office carries out a monitoring schedule held once a month. The head office provides a further monitoring method by holding a questionnaire for its employees at the branch, to conduct training on what they want to be trained.

2) Reporting Mechanism

For branch offices, reporting is rarely done in person because everything is done with a system created by BPJS Ketenagakerjaan, namely the SMILE application. Reporting to the central level can be done every day using the application.

3) Evaluation

BPJS Ketenagakerjaan carries out an evaluation of the Social Security Program, which is carried out every day by implementing it. morning briefing with the head of the department and Evaluation with all fields together with branch heads is carried out once a week. In 2023, the BPJS Ketenagakerjaan Social Security Program has reached 116,047 thousand participants where the target in 2023 is 110,000 thousand participants.

4. CONCLUSION

The decline in income affects the ability of informal workers and their families to meet basic needs. This makes it easier for informal workers to borrow from the informal financial sector such as middlemen because the requirements are not complicated and without collateral. Loans from middlemen often have high interest rates that are not in accordance with banking regulations and cause an increase in unemployment and poverty. Therefore, the government needs to formulate policies to maintain economic stability through social welfare programs, including social security, so that people can meet their basic needs without worrying about social vulnerability when economic shocks occur. The form of social security protection is implemented through the BPJS Law. Social security protection for workers is implemented in the form of the BPJS Ketenagakerjaan program, which targets all workers, both formal and informal. The difference in the BPJS Ketenagakerjaan system between formal and informal workers can be seen from the registration and contribution payment mechanisms. The components of the social security system include:

1. Labor and employment markets as a center for job information services;
2. Social insurance to protect workers from industrial relations risks;
3. Social assistance to alleviate poverty that is linked to empowerment programs;
4. Family allowances or child protection as cash assistance for families;
5. Safeguard policy as a financial compensation program to protect the rights of violated communities.

The social security program for workers is implemented through an insurance system with mandatory fund collection. This program covers informal workers with contributions starting from IDR 36,800 and how to check the BPJS Ketenagakerjaan balance through the official application or website. Withdrawals of the BPJS Ketenagakerjaan balance can be made by participants who have been laid off or resigned from work.

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