

Juridical Study of Factors Causing Low Informal Worker Participation to Participate in Social Security Employment (Case Study in Central Java Province)

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Abstract- Employment in the informal sector has a very significant role in providing employment in Indonesia. The informal sector can accommodate the number of workers who are not absorbed in the formal sector so that the unemployment rate does not increase significantly. Low and uncertain income, causing informal workers to work only to fulfill their daily needs, few think to join labor social security, even though on the other hand, they need labor social security protection, considering that they have a high risk and are vulnerable to the occurrence work accident. The purpose of this study is to examine and analyze the factors that cause the low participation of informal workers to become labor social security participants. The research method uses the sociological juridical method. With primary data and secondary data. The analysis technique uses a descriptive analysis method, which describes the data collected in the form of words and not numbers. Data derived from manuscripts, interviews, distributing questionnaires, field notes, are described so that they can provide clarity about reality or reality. The results of the study imply that the Government needs to encourage informal workers to register as participants in Labor Social Security. Because there are many benefits and benefits that can be obtained, namely getting work accident insurance, old-age insurance, pension insurance, and life insurance. The government, through the Labor Social Security, needs to improve the implementation of information dissemination, information, and education on the importance of labor social security to the community, especially informal workers so that knowledge, understanding of Labor Social Security and awareness of informal workers can be gained and raise awareness of informal workers to become Labor Social Security.

Keywords- *Employment, Low Informal Workers, Participants, Labor Social Security.*

I. INTRODUCTION

Employment in the informal sector has a very significant role in providing jobs for workers in Indonesia. The informal sector can accommodate many workers who are not absorbed in the formal sector so that the unemployment rate does not increase significantly. In times of crisis, informal workers still exist and survive, not affected by the shocks of the monetary crisis, and the informal sector is also able to survive and protect the Indonesian economy.

Low and uncertain income, causing informal workers to work only to meet their daily needs, rarely of those who think to be participants of labor social security, whereas, on the other hand, informal workers need social security protection of employment, considering they have risks high and vulnerable to work accidents.

Therefore, there needs to be attention from the government to strengthen the informal sector as an important point because the facts show that most informal workers still live on the poverty line or work but are poor (working poor) [1]. The government needs to provide Social Security for informal workers so that they can work in peace and comfort in the event of social or economic risks, and to ensure that they can meet their basic needs, financial disruption and maintain welfare.

Social security is the right of every citizen protected by the constitution, in Article 41 paragraph (1) of Law no. 39 of 1999 concerning Human Rights, that "Every citizen has the right to social security needed for a decent life and for his personal development as a whole", but in reality, not all citizens have the national social security.

In the 1945 Constitution, particularly Article 28H paragraph (3) states that "Every person has the right to social security that enables the development of himself as a whole with dignified human beings", and Article 34 of the 1945 Constitution the fourth amendment of 2002, paragraph (1) The poor and abandoned children are nurtured by the state (2) The state develops a social network system for all people and empowers people who are weak and unable to comply with human dignity. (3) The State is responsible for the provision of adequate health service facilities and public service facilities. Thus, the state has an obligation to provide protection or social security for all its people.

Likewise, in the General Statement on Human Rights in 1948 article 22 stated that everyone as a member of the community is entitled to social security. Therefore, the people as citizens have the basic right inherent in themselves to get life maintenance by the State. As a consequence, the state is responsible for protecting,

protecting and caring for its citizens without exception and especially citizens who live in poverty [2].

Law Number 3 of 1992 concerning Workers' Social Security emphasizes that "Labor is anyone who is able to do work both inside and outside the employment relationship, to produce goods or services to meet the needs of the community". However, until now Law Number 3 the Year 1992 has only been effective for workers who work in employment relationships (formal workers), while informal workers whose numbers are greater are not protected.

Informal workers or non-wage earners (BPU) are those who have a job or economic business independently to obtain income from these activities or businesses, which in their work are vulnerable to work accidents. Informal workers, irregular work systems, do not use safety equipment and they do not have guarantors like those who work in companies or an agency/institution, especially the work environment is often not guaranteed security facilities. "The area of vulnerability for informal workers is the unavailability of adequate safety equipment, so the risk is certainly greater than those who work in a company/institution or agency" [3].

Informal workers are generally disadvantaged workers, workers who are the most vulnerable to various risks and they are the most "unprotected" group. The lack of information makes informal workers do not understand the importance of protection in the form of insurance or labor social security protection [4].

Informal workers who have a work accident, their condition will deteriorate or increasingly less prosperous, because they can not work and automatically have an impact on their income which is stopped, the family will also feel the impact of the occurrence of the work accident.

To overcome work injury, which results in total disability or death, old age, or retirement, workers must obtain legal protection for labor social security, because by providing employment social security, workers will be protected from the time workers leave home, at work, until returning to the house. Through this program, the government should guarantee all workers in the event of unexpected risks when doing work.

This is following the mandate of Law Number 40 of 2004 concerning the National Social Security System and Law Number 24 of 2011 concerning the Social Security Organizing Agency (BPJS), the role of BPJS Employment is very clear to protect all workers both formal and informal. Protection that must be provided includes work accident insurance (JKK), old-age insurance (JHT), pension insurance (JP), and death insurance (JK).

This research is related to the fate of most of the people who work in the informal sector which are not yet covered by labor social security protection. From the description above, the formulation of the problem in this study is what are the factors causing the low participation of informal workers to become labor social security participants?

II. RESEARCH METHOD

The method used in sociological juridical approach [5]. is to study the applicable legal provisions as well as what happens in reality in the community [6]. or it can also mean that it is a research conducted on real conditions that occur in the community with the intention to find out and find the facts and data needed, after the required data has been collected, identification of the problem is carried out which ultimately leads to problem-solving [7].

Research is analytical descriptive, that is, describing laws and regulations, scientific studies related to the object of research with the realization of labor social security for informal workers. This approach is primarily intended to see the implementation of positive law that has been written with the statutory approach (statue approach) and its implementation in the community.

The data used are primary, data collection techniques through interviews, questionnaires, and observations. And secondary data through the study of library materials, which include: primary legal materials, secondary legal materials, and tertiary legal materials [8].

Data analysis techniques, using a descriptive analysis method, which describes the data collected in the form of words, and not numbers. Data from literature, interviews, questionnaires, and observations in the field are described so that they can provide clarity about reality or reality [9].

III. FINDINGS AND DISCUSSION

1. The implementation of social security programs is one of the responsibilities and obligations of the State

The government as the organizer of the state must protect workers, especially workers who are weak, namely weak work continuity, socio-economic weakness, and physical weakness. The government can regulate through regulations or policies that protect informal workers by providing social security for labor.

In Article 6 paragraph (2) of Law Number 24, the Year 2011 BPJS states that Social Security (BPJS) for Employees organizes 4 (four) programs, namely:

- a) **Work Accident Insurance (JKK)**
Aims to overcome the loss of part / all of the income resulting from risks such as death, work disability, both physical and mental while working. JKK provides compensation and rehabilitation for workers who have work accidents starting when leaving for work until arriving back at home.
- b) **Old-Age Insurance (JHT)**
Provide protection against the risk of loss of income of workers due to death, disability, or when someone has entered retirement. This program provides workers with a certainty of income when they reach the age of 55 or resign from the workplace. The benefit is in the form of cash as much as the accumulated value of contributions along with the results of their development.
- c) **Pension Insurance (JP)**
Aiming to maintain the survival of participants for loss/income reduction due to entering retirement age or due to permanent total disability.
- d) **Death Insurance (JKm)**
Aiming to ease the burden on the family left behind, namely by providing death compensation paid to the heirs of participants who died not because of work accidents. The benefits of this program include: death benefits, funeral benefits, and periodic compensation for 24 months [10].

Social security provided to workers will not be detrimental to both organizers and service recipients. Social security is not a waste of public expenditure, but rather a long-term profitable form of social investment based on two main pillars, namely the redistribution of income and social solidarity [11].

While the informal workers themselves are still less aware of the risks that arise in their work so that informal workers are increasingly far away to get labor social security protection, especially when experiencing an accident.

2. Factors Causing the Low Participation of Informal Workers to Participate in Labor Social Security in the Province of Central Java

The implementation of social security programs for informal workers is a priority because they dominate the workforce in Indonesia. However, this program is still low in the level of participation from informal workers. This is caused by:

- a) **Lack of Socialization, Information and Education**

From the results of the distribution of questionnaires, it shows that informal workers get socialization, information and education about labor social security not from BPJS Employment, this shows the lack of the

role of BPJS Employment. The results of the distribution of questionnaires are as follows:

- (1) **Obtained Socialization, Information, and Education about Labor Social Security**
Respondents know BPJS Employment information from various sources, as can be seen in Table 1.

TABLE 1. OBTAINED SOCIALIZATION, INFORMATION, AND EDUCATION SOURCE ABOUT LABOR SOCIAL SECURITY

No	Sosialization & Information Sources	Frequency	Persentase
1	Electronic media (TV, Radio, Internet)	9	27.3
2	Print media (Newspapers, Magazines, Brochures)	3	9.1
3	Brothers / friends / neighbors	4	12.1
4	Government (BPJS)	10	30.3
5	Answer a, b and d	2	6.1
6	Answer a and b	1	3.0
7	Answer b and d	2	6.1
8	Answer a and d	1	3.0
9	Other	1	3.0
Total		33	100.0

Source: Primary data processed in 2019

For informal workers to be willing to participate in the Labor Social Security, there are several answers chosen by respondents, which can be seen in table 2.

TABLE 2 SO THAT INFORMAL WORKERS WILL BE A PARTICIPANT IN LABOR SOCIAL SECURITY

No.	Willing to become participant in labor social security	Frequency	Persentase
1	There needs to be socialization from the BPJS	83	70.3
2	Fund management must be good and transparent	8	6.8
3	Ease of handling when experiencing work risks / claims	16	13.6
4	Cheap/affordable fees	10	8.5
5	Other (Don't Know)	1	.8
Total		118	100.0
Total (%)		100	100,0

Source: Primary data processed in 2015

Data in Table 2 showed the most answers from respondents (70.3%) stated the need for socialization from BPJS Employment, this is in accordance with the results of the identification of JAMSOS INDONESIA.com, informal workers have low participation rates as social security participants due to lack of socialization. Socialization has an important

contribution to achieve the target of achieving social security participation.

With a massive, intensive and interactive outreach about the benefits of being a social security participant, they will know, understand the importance of having social security and raise awareness to become a labor social security participant.

b) The Difficulty of Contacting and Tracking the Existence of Informal Workers

The number of informal workers is quite large in Central Java, BPS data in February 2019 amounted to 74.08 million people (57.27 percent), the number is greater than the workers in the formal sector, the presence of informal workers is widespread, making it difficult to reach to communicate, which automatically has an effect on employment social security membership.

In terms of informal workers, the factors causing the low participation to participate in the Labor Social Security are as follows:

- (1) Low level of informal worker education. Low level of informal worker education, see Table 3.

TABLE 3 RESPONDENT EDUCATION LEVEL

No.	Education	Frequency	Percentage
1	Never attended school	3	1.5
2	Did not graduate elementary school	12	6.0
3	Elementary school	30	15.1
4	Junior high school	42	21.1
5	Senior high school	92	46.2
6	Diploma or bachelor	20	10.1
Total		199	100.0

Source: Primary data processed in 2019

Table 3 shows that most respondents who graduated from high school / high school / vocational school were 46.2%, graduated from junior high school / junior high school 21.1% and as a comparison data from BPS were presented on the education of workers in Central Java. The population that worked in February 2018 was dominated by those with junior high school education and below as many as 12.08 million people (69.18%), high school education equivalent of 3.98 million people, Diploma education of 0.34 million people and S1

education and above as many as 1.06 million people [12].

- (2) Low and uncertain income. Respondent's income is quite low, see table 4.

TABLE 4 RESPONDENT'S INCOME

No	Income	Frequency	Percentage
1	Less than Rp 1.000.000	52	26.1
2	Rp 1.000.000 ≤ Rp 2.000.000	88	44.2
3	Rp 2.000.000 ≤ Rp 5.000.000	56	28.1
4	Rp 5.000.000 or more	3	1.5
Total		199	100.0

Source: Primary data processed in 2019

The number of low-income informal workers (between Rp 1,000,000 - <Rp 2,000,000 as many as 88 people (44.2%), causing them to have difficulty paying premiums/dues which means more workers do not have access to the social security system [13].

The data is in accordance with the results of identification conducted by jamsosindonesia.com, namely the uncertain monthly income of informal workers so that they prioritize income for basic needs rather than for social security contributions that must be paid every month [14].

- (3) Objection to Pay Contributions. Reasons for objection to paying labor social security contributions from respondents can be seen in table 5.

TABLE 5 REASONS FOR OBJECTION TO PAYING LABOR SOCIAL SECURITY CONTRIBUTIONS FROM RESPONDENTS

No.	Reasons for Objection	Frequency	Percentage
1	Mediocre income	57	48.3
2	Still lacking for business capital	17	14.4
3	Social security is not necessary	1	.8
4	No objection	43	36.4
Total		118	100.0
Total (%)		100	100.0

Source: Primary data processed in 2015

From Table 3.5 the reason for objection to paying labor social security contributions is because the respondent's mediocre income is 57 people (48.3%). This shows the need for assistance on good business

financial management from BPJS Employment so that informal workers are able to manage finances appropriately.

This is in accordance with the news in Media Indonesia that the BPJS Employment records that only 27 million workers out of 86 million formal and informal workers are compliant in paying contributions, outside the group of civil servants, the TNI / Polri [15]. Likewise, the results of the identification of *jamsos indonesia.com* stated the lack of compliance of informal workers in paying social security contributions. Compliance with paying contributions is an important component for maintaining social security [16].

(4) Another factor is the absence of sanctions if informal workers do not participate in labor social security, while the government has not allocated a budget to provide Labor Social Security protection for informal workers who are weak and unable.

IV. CONCLUSION

Factors causing the low participation of informal workers to participate in Social Security Employment in Central Java Province are the lack of socialization, information and education, the difficulty of contacting and tracking the whereabouts of informal workers, while in terms of informal workers namely low levels of education, low income and not certainly, and objections and lack of compliance pays dues. Another factor is the absence of sanctions if informal workers do not participate in labor social security, while the government has also not allocated a budget to provide labor social security protection for informal workers who are weak and unable.

The results of the study imply that the Government needs to encourage informal workers to register as participants in Labor Social Security. Because there are many benefits and benefits that can be obtained, namely getting work accident insurance, old-age insurance, pension insurance, and life insurance.

The Government, through the BPJS of Employment, needs to improve the implementation of information dissemination, information, and education on the importance of labor social security to the community, especially informal workers so that knowledge, understanding of Labor Social Security and awareness of informal workers can be raised and become Labor Social Security participants.

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