



**Implementation of Social Security Protection for Workers at the Village Level
(Research Study at Langsa City-Aceh)**

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ABSTRACT

This research aims to analyze the implementation of social security protection for works at the village level through Social Security Administrator (BPJS) at Langsa city, Aceh. The type of this research is juridical Empirical, approach methodology that used in this research is sociological juridical which get the truth in empirical way by reviewing directly to the people about the implementation of social security protection for workers at the village level. In fact, the implementation of social security protection for workers at the village level has not ran optimally, even though the dues for the social security protection is not from the workers' salary, but funded by the government, there are 2 (two) obstacles that faced which is internally each village's headman wisdom, and the workers' incomprehension to the rights of the social security protection for workers they have, meanwhile externally is lack of socialization from the Social Security Administrator (BPJS) so that there is information misunderstanding that received by the village's headman, and the election for the new village's headman is still on process. The effort to increase the socialization and give the understanding in detail to the village's headman about the purpose and the use of social security protection for workers.

Keywords: protection, social security, village level.

I. Preliminary

Since Independence Day, the government tried to fix the employment condition so that it can correspondence with the human's dignity. This is in accordance with one of NKRI's establishing purposes which is to protect all of the people and the whole blood spilled and to promote the general welfare and according to the Unitari State of the Republic of Indonesia's constitution the year of 1945 in clause 27, verse (2) stated that everyone in this country (Indonesia) has right for a proper job for humanity. This constitution is related to clause 34 verse 2 that stated "Nation develops social security system for every people and empower weak people and not capable corresponding to human dignity". The use of the protection is, it can give safe to every worker so that they can concentrate in lifting up the motivation or the productivity.

According to Soepomo¹, labor protection is a protection that given to the labor in enough salary if the worker could not work out of their limit, worker's health security, freedom of association and organization, guarantee of getting a sense of security, health and safety.

The development from national social guarantee keeps growing until the release of Constitution number 24 the year of 2011 about Social Security Administrator (BPJS). BPJS started on January 1st 2014 PT Jamsostek will changed become Public Legal Entity. PT Jamsostek

¹Abdul Khakim, *Employment Legal Introduction*, Bandung, Citra Adtya, page 104



(Persero) which transformed become BPJS is still trusted to hold the labor's social security program, that includes Work Accident Guarantee, Life Insurance, Pension Plan by adding the Pension Assurance started on July 1st 2015.

There is interesting thing in social insurance performance in Aceh, especially in Langsa city as one of districts in Aceh, Based on Permendari number 140/8840/57 date November 27th 2017 about social insurance performance for village's headman and the village's staff and Qanun Aceh number 7 the year of 2014 about employment, and Aceh's Governor Instruction number 06/INSTR/2014 about the implementation of Employment's Social Security in Aceh Province, Langsa's Mayor through the public letter number 800/2932/2016 gives wisdom about Employment Social Security Program for Contract/Honor Employee and Gampong Government Aparatus in Langsa city.

In supporting the protection and to create the welfare for the village's headmen (Geuchik) and the employee in village level (Gampong government apparatus), Aceh's government also provide the funding for the social insurance. This program ofcourse give basic protection to fulfill the minimum needs of all of Geuchik and Gampong Government Aparatus and the whole family. But, in fact, this program did not get maximum attention from the whole Gampong Government Aparatus in Langsa city. This shown from 66 villages (gampong), 5 sub-districts in Langsa city, only 16 gampongs that participate in BPJS. Even though the funding problem can be charged from village's fund that comes from APBK.

According to description above, known that the implementation of social security protection has not run optimally, only 25% from the total of villages in Langsa city, Aceh that participate their employee in BPJS. Interested to analyze how the BPJS program ran in Langsa city-Aceh.

II. Research Method

This research used juridical empirical research in which the law research done by analyzing the people's law phenomenon or social truth by identifying the law implementation in life system.² Approach Method that used in this research is juridical sociological which get the truth in empirical way by reviewing directly to the people to the implementation of social security protection for workers in village level.

III. Theoretical Framework

The term legal protection theory comes from English "Legal Protection Theory". Protection, according to KBBI is protective place, thing, or something has done that protects.³ According to Satjipto Rahardjo, legal protection gives guardianship to human rights that harmed by others and the protection is given to the people so that everyone can feel the legal rights.

Imam Soepomo divided 3 types of workers' protection, they are:⁴

1. Economical protection, is one of protections that related with the efforts to give the workers the enough salary to fulfill their daily needs with their family, including in case where the workers could not work because some conditions. This protection is called social guarantee.
2. Social protection, is a protection that related with community business, the purpose is to make the workers possible to develop their living as human, and also as a part of community and family; or usually called work health.
3. Technical protection, is a protection that related with the efforts to protect the workers from the accident that can caused by planes or other working tool or by the material that processed by the company. This protection is called work safety.

Labor social security program is kind of economical protection and social protection, because this program gives protection in cash for the lack of the income and protection is medical form

²Bahder Johan Nasution, *Legal Research Methodology*, Raja Mandar Maju, Bandung, 2008, page 124

³Salim Hs dan Erlies Septiana Nurbani, I, Raja Grafindo Persada, Jakarta, 2013, halaman 260.

⁴Imam Soepomo, *Employment Relations Field Labor Law*, Jakarta, Djambatan, 2001, page 42.

when the worker is in particular risk.⁵ Social guarantee fund used entirely for the program development and for the participants' importance.

Indonesia's constitution ensure the safety of the workers in Clause 27 verse (2) NKRI's constitution the year of 1945 guarantee every people's rights to get proper job, as follow-up act from the clause, government set Constitution number 13 the year of 2003 about Employment, Clause 86 stated:

- (1) Every worker has right to get protection from: a. work safety and health; b. moral and decency; and c. appropriate treatment with human's dignity and religion's value.
- (2) To protect workers' safety to realize optimal work productivity for work safety and health.
- (3) The protection as meant in verse (1) and (2) ran corresponding with the applicable constitution.

IV. Discussion (Research Result)

The Implementation of Protection for Workers in Village Level at Langsa-Aceh

As legal entity that formed in constitution to do the social guarantee, according to Mr. Muhammad Fahmi Hizrah S as Marketing Officer Employment BPJS in Langsa city stated the purpose of national social guarantee system is country's program that purposed to give protection and welfare certainty for every BPJS participants in doing the national social guarantee system based on humanity, use and justice for everyone in nation.⁶

Especially in Aceh Province as a province with speciality in doing the local wisdom in Indonesia, the workers in village level in Aceh is called by "Gampong Government Aparatus". In order to implementing BPJS for workers in village level at Langsa city-Aceh is arranged in provisions:

- 1) Constitution number 40 the year of 2004 about Natioval Social Guarantee System
- 2) Constitution number 24 the year of 2011 about Social Security Administrator
- 3) Constitution number 6 the year of 2014 about Village
- 4) Circulat Letter from Minister of Home Affairs number 140/8840/57 date November 27th 2017 about the implementation of Social Security Administrator for Village Headman and Staff
- 5) Minister of Home Affairs' regulation number 20 the year of 2018 about Village's Fund Processing
- 6) Qanun Aceh number 7 the year of 2014 about Employment
- 7) Langsa Mayor's Regulation number 5 the year of 2018 about The Guidance of Budget Allocation in Gampong Fund Source Income and Expenditure Langsa City the year of 2018.
- 8) Memorandum of Understanding of the Minister of Home Affairs concerning Facilities and Implementation of Labor Social Security Protection Programs for Village Government Aparatus

In Langsa's Mayor Regulation above clause 6 stated that Gampong fund that comes from APBK used to fund the Gampong government operational activity that included:

- a. Land acquisition assets in Gampong;
- b. Electricity bills;
- c. PDAM clean water;
- d. Maintenance costs for official vehicles;
- e. Gasoline cost;
- f. Telephone;
- g. Office tools;
- h. Tradition coaching related to Gampong's condition;
- i. Election cost;
- j. Retirement cost for Geuchink that has expired, and discussed corresponding with Gampong's fund;
- k. Gampong's PKK coaching cost;
- l. Youth coaching cost;

⁵ Abdul Khakim, *Indonesia's Employment Legal Basics*, Bandung, Citra Adtya Bakti, 2009, page 123.

⁶ Interview with Muhammad Fahmi Hizrah S as Marketing Officer Employment BPJS in Langsa City on May 23rd 2018. (processed)

- m. Gampong's simda operational cost;
- n. Operational and Care cost for Gampong's online money system network;
- o. District's internal SPPD;
- p. District's external SPPD;
- q. Health guarantee;
- r. Employment guarantee.

According to description above, it can be concluded that law base that used by BPJS in participating Gampong's government apparatus in Working Accident Guarantee (JKK) and Life Insurance (JK) is legal and bound. However, in fact, there are still many people that have not realize or obey the law the significance of the social security.

In implementing BPJS membership for Gampong's government apparatus, the government has done the socialization to the Camat, Geuchik, Village secretary and Tuhapeut (headmen in village level) since 2015, although that time social security wisdom for government apparatus is still in circular letter form from Minister of Home Affairs. Even one of the Gampongs which is Gampong Kuala Langsa in sub-district West Langsa, has registered gampong government apparatus in BPJS, so that we give them reward as Social Security Village Aware.

According to Mr. Fahmi, Gampong Government Apparatus in this case are: first, it is called gampong government apparatus that consist of Geuchik, Village Secretary, Treasurer, Kaur, and Kadus. Second, Gampong government apparatus is the whole staff in gampong that work and get the salary from APBG (Income and Expenditure Budget) even including gravediggers and cadre.⁷

Further, Mr. Fahmi explained that for the contribution for the member will be allocated from APBK in total Rp. 14.590, - (fourteen thousand five hundred and eighty rupiahs) per person/month. With the significance that if there is any accident that the BPJS member experienced, the person will get Rp. 130.000.000,- (one hundred and thirty million rupiahs) and if the person passed away, there is compensation Rp. 24.000.000,- (twenty four million rupiahs). Work accident as stated means from the worker go from home to the working place, and from working place to home.⁸

**GAMPONG NAME LIST IN LANGSA CITY THAT HAVE REGISTERED BECOME
EMPLOYMENT BPJS MEMBERS (MAY 2018)**

No	Sub-district	Number	Gampong	Status	Total	KEPS
1	East Langsa	1	Buket Pulo	Register	42	11/2016
		2	Matang Setui			
		3	Matang Panyang			
		4	Simpang Wie			
		5	Buket Rata			
		6	Buket Meutuah	Register	18	12/2016
		7	Alue Merbau			
		8	Matang Cengai			
		9	Seneubok Antara			
		10	Alue Pineung			
		11	Sukarejo			
		12	Cinta Raja			
		13	Sungai Lueng			
		14	Bukit Medang Ara			
		15	Kapa			
		16	Alue Pineung Timue			
2	West Langsa	1	Seuriget			
		2	PB. Teungoh			
		3	PB. Beuromo			

⁸Interview with Muhammad Fahmi Hizrah S as Marketing Officer Employment BPJS in Langsa City on May 23rd 2018. (processed)

		4	Simpang Lhee			
		5	Lhok Banie			
		6	Matang Seulimeng			
		7	S. Pauh			
		8	Kuala Langsa	Register	47	05/2017
		9	Telaga Tujuh			
		10	S. Pauh Pusaka	Register	22	05/2018
		11	S. Pau Tanjong			
		12	S. Pauh Firdaus			
		13	Serambi Indah			
3	Langsa City	1	Alue Braweh			
		2	Gp. Blang			
		3	Gp. Teungoh			
		4	Blang Seunibong			
		5	PB. Blang Paseh			
		6	Tualang Teungoh			
		7	Peukan Langsa			
		8	Gp. Jawa			
		9	Gp. Meutia			
		10	Gp. Daulat			
4	Langsa Lama	1	Pondok Kemuning			
		2	Seulalah			
		3	Pondok Pabrik			
		4	Sidodadi			
		5	Sidorejo			
		6	Gp. Baro			
		7	Meurandeh			
		8	Asam Peutik			
		9	Gp. Baroh Langsa Lama			
		10	Meurandeh Tengah			
		11	Meurandeh Dayah			
		12	Meurandeh Aceh			
		13	Seulalah Baru			
		14	Bate Puteh			
		15	Sukajadi Kebunireng	Register	26	05/2018
5	Langsa Baro	1	Timbang Langsa	Register	40	03/2018
		2	Alue Dua	Register	11	03/2018
		3	Birem Puntong	Register	15	03/2017
		4	PB. Seulemak	Register	31	04/2018
		5	Pondok Kelapa			
		6	Karang Anyar	Register	..	
		7	PB. Tunong	Register	13	11/2016
		8	Geudubang Jawa	Register	18	05/2017
		9	Geudubang Aceh	Register	17	05/2017
		10	Lengkong	Register	27	03/2018
		11	Sukajadi Makmur	Register	21	03/2018
		12	Alue Dua Bakaran Batee	Register	33	03/2018

The data collected from BPJS in Langsa City on May 2018

From the data from 5 sub-districts in Langsa City, they are: East Langsa, West Langsa, Langsa City, Langsa Baro, and Langsa Lama that consist of 66 gampongs, there are only 16 gampong that register the gampong government apparatus in employment social security under BPJS. Even though, the fund is charged from APBK according from Perwal's message.

Responding the data above, Mr. Fahmi explained that BPJS in Langsa city is still optimistic that 66 gampongs in Langsa city will register for employment social security that targeted in the end of the year 2018. He also stated the obstacles that faced by BPJS are:

- a. The lack of awareness of geuchik to the significance of this social security so that the geuchik do not allocate the budget to the employment BPJS every year.

- b. The expiration of tenure of the geuchik meanwhile the election is on proses⁹

According to Mrs. Dwi Nursanti as Division Leader of District Secretary in Langsa City, the Mayor's Regulation about Gampong Fund Allocation From Income and Expenditure Langsa City the year of 2018, geuchik as the power holder budget processing can allocate the BPJS budget and the fund allocation is protected legally, so that the geuchik does not need to worry if there misunderstanding in allocation the budget for BPJS.

Currently, the obstacle that faced by Employment BPJS in implementing BPJS for gampong government apparatus is only because of information misunderstanding that filtered by geuchik. The perceptions that understood are:

- a. The fund is charged to the employee, which is not true, the fund is charged to to APBK budget that given to each gampong's APBG
- b. High budget needed to allocate the employment BPJS fee, so it will disturb the gampong program that has structured through MUSDUS. Wich is not true, employment BPJS fee is only Rp. 14.580,-, if gampong government apparatus that funded are around 20 people, then, Rp. 14.580,- x 20 people = Rp. 291.600,- that have to be paid every month and the annual count is Rp. 291.600,- x 12 = Rp. 3.499.200,- per year. This fee is really low if compared to the budget that the gampong received every year, it can reach Rp 500.000.000, - (five hundred million rupiahs).

BPJS has to do a coordination effort with every geuchik that received the wrong information. We are sure that if this misunderstanding can be solved, then the implementation of Employment BPJS can be run optimally. Langsa City Government supports the social security program to gampong government apparatus, this proven with the mayor's regulation, because the Langsa city's people welfare is our responsibility and our hopes.

According to Zakaria Nasution as a Geuchik, employment BPJS registration has run since September, his staff have already coordinated directly with BPJS in Langsa city. From the coordination result, geuchik and gampong government apparatus have understand the purpose and significance of life insurance and work accident insurance, and have agreed to allocate the BPJS fee from the APBG related to the cause of the unfinished registration because of the election is still on process.¹⁰

According to Zulhadisyah as the head of sub-district in Langsa Baro-Langsa city, there are many workers that do not understand their rights in getting the social insurance, so that they do not understand the purpose and significance of BPJS as well. This is understandable because of the worker's education level in village has not distributed well, that is why, the task of the village's headman to explain in detail about the social protection rights that the workers have.¹¹

V. Conclusion and Suggestion

Employment BPJS program was created to make sure every worker in Indonesia including every gampong government apparatus' right is protected as an employee. BPJS staff has done socialization several times to some agencies. In allocating the budget in gampong as employment BPJS fee, constitution number 6 the year of 2014 about Villagre clause 75 verse (1) stated that: Geuchik is the power holder in processing the village's finance. So that gampong government's wisdom to BPJS membership for gampong government apparatus is depend on the Geuchik as the power holder. There are 2 wisdoms that found, they are: Geuchik's wisdom that allocate the BPJS budget in APBG and Geuchik's wisdom do not allocate or postpone the budget allocation in APBG. In this condition, then the implementation of employment BPJS for gampong government apparatus in Langsa city is not optimal. There are two obstacles. First, internally it is each Geuchik's wisdom and the incomprehension of the workers about the social security rights they have. Secondly, externally, it because of lack of socialization from BPJS administrator so that there is information misunderstanding that the Geuchik received, and the election for the new Gechik is still ongoing. The effort that can be done to develop the socialization and give understanding in detail to the Geuchik about the purpose and significance

⁹Interview with Dewi Nursanti as Marketing Kabag Setda in Langsa City on May 24th 2018. (processed)

¹⁰Interview eith Zakaria Nasution as Geuchik Gampong Alue Merbau on May 25th 2018. processed

¹¹Interview with Zulhadisyah as headmen of sub-district Langsa Baro-Kota Langsa on May 28th 2018. (processed)

of employment's social security for employee. The suggestion for BPJS staff in Langsa city is to do the socialization directly to gampongs to avoid the misunderstanding about social security for gampong government apparatus. Meanwhile, the suggestion for the Geuchik as the village's headman is to allocate social security for the employee through budget allocating for employee BPJS in APBG.

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