

Implementation of the Employment Social Security for Informal Workers or Labors with No Employment Contract in Purbalingga Regency

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Abstract— Social security is the right of every citizen protected by law. Every citizen, including informal workers, including workers outside of employment, is also entitled to the social security. In Purbalingga Regency, the participants of employment social security from informal workers are very low. This research employed a normative juridical research method, in which the data were obtained from the literature study by using secondary data. Social security has been mandated by the 1945 Constitution Article 34 paragraph (2) "The state develops a social security system for all people and empowers the weak and disadvantaged people. Article 28 H paragraph (3) of the 1945 Constitution stipulates that every person has the right to social security which enables his/her full development as a useful human being, meaning that social security is not limited to workers who work formally in the company, but also includes those outside the employment relationship or workers who work in the informal sector. Previously, the regulation of informal sector labor insurance only emerged in 2006 with the national social security system (SJSN) which was then followed by the start of the Law Number 24 of 2011 on BPJS Labor. □

Keywords— *Social Security of Employment and the Informal Sector*

I. INTRODUCTION

In national development, the role of workers in the informal sector or independent workers, namely workers who carry out work outside of work relations, is increasing with various challenges and risks they have.

The informal sector is even a sector that absorbs a greater number of workers due to limited employment opportunities in the formal domain. The informal worker, based on the Executive Agency of Social Security (BPJS) of Labors. Their number is much greater than those informal economy. This condition needs to be a concern of the government, including Purbalingga Regency, which is an investment district, because the informal sectors are dominated by women mainly working as the plasma laborers of hair product manufacturing. However, they have always been considered as "shadow workers", meaning that their work done is not valued as a real job. Their work is not deemed necessary to be economically monitored and the workers are at the brink of any legal protection. They do not get any social security as labors. □

The social security program for labor functions to cope with the risks at works. The program is basic protection for

workers and their families who provide compensation in case of a work accident, death, and retirement. □

Social security has been mandated by the Constitution in Article 34 paragraph (2) : "that is, the state develops a social security system for all people and it empowers disadvantaged people according to human dignity. At present the number of participants in employment social security from informal workers in Purbalingga is still low, even though the potential of informal workers is greater than the formal workers. The agency has difficulty in registering them, because they work in different areas. For example, in the villages there are hundreds of plasma workers scattered in almost every village in the Purbalingga Regency.

They have links with dozens of foreign companies manufacturing false eyelashes and hair companies in the regency. Based on the background, the writer is interested in discussing the implementation of social security for informal workers or the workers having no legal contract, especially female plasma workers in the plasma industry of wigs and eyelashes in the area.

II. LEGAL METHOD

This research employed a normative juridical research method, in which the data were obtained from the literature study by using secondary data. The secondary data are not obtained directly from the field but from library materials. The data collected were then descriptively analysed.

III. DISCUSSION

A. Definition and Working Relationships of Informal Workers or Workers Without Employment Relation.

The definition of labor in Article 1 number 2 of Law No. 13 of 2003 is mentioned as, "Everyone who is able to do works to produce goods or services to meet their own needs or the need of others".

The definition of workers according to Article 1 number 3 of Law No. 13 of 2003 on Employment says "every person who works by receiving wages or other forms of remuneration". The following definition of the informal sector is adopted: "The informal sector consists of small-scale, self-employed activities, with or without hired workers, typically operating with a low level of organization and technology with the primary objective of generating employment and incomes.

The definition of everyone who is able to do work to produce goods and/or services, both to meet their own needs and for the community include everyone who works by receiving wages or other forms of rewards. They include civil servants, formal employees, informal workers, and people who have not worked or unemployed.

The notion of informal workers is not explicitly mentioned in the Manpower Act. However, in the previous Manpower Law, namely Law No. 25 of 1997 concerning labor, it was expressly regulated regarding informal sector workers. Informal sector workers are the workers who work in employment relationships of informal sector by receiving wages and/or payment. The employment relation of the informal sector is a working relationship between workers and individuals or several people who do joint ventures that are not incorporated on the basis of mutual trust and agree to receive wages and/or payment or profit sharing. □

Thus informal workers or workers outside the employment relationship are included in the category of labor as well as workers/laborers as mentioned in Article 1 paragraph (2) and Article 3 paragraph (3).

While International Labor (ILO) defines informal workers as those who work as independent sector workers and the workers who do domestic works in the house. The ILO has enlisted the characteristics of informal sector works including:

- a. all activities rely on surrounding resources;
- b. the scale of the business is relatively small and is a family business;
- c. its activities are supported by appropriate and labor-intensive technology;
- d. the workforce is educated and trained in informal patterns.
- e. all of its activities are outside the government's regulated path and
- f. its activities are engaged in highly competitive markets.

B. The Rights of Informal Workers

Informal employment is classified into two, namely informal self-employment and informal work employed in formal or informal businesses that include employees without formal contracts, without any social security of employment or social protection.

Although the Manpower Law mentions clearly the rights of workers, there are workers who are unlikely to demand the same rights as the workers, namely the informal sector workers.

Normatively the 1945 Constitution guarantees the right of every citizen to obtain a job (Article 27 paragraph 2). This is reaffirmed in the 1945 amendment resulting from the second amendment, Article 28D (1) which reads: "Everyone has the right to recognition, guarantee, protection, and fair legal certainty".

The guarantee of protection provided by Law No. 13 of 2003 concerning Labor, among others, is that every worker has the right to obtain: equal opportunity to get a job, equal treatment without discrimination by employers, protection or occupational safety and health, morals and decency income that meets a decent living for humanity, and social security of workers and their families.

C. Female Informal Workers in Purbalingga Regency

The industries of false eyelashes and wigs in Purbalingga greatly impact to the growth of hundreds of plasmas. Hair plasma is part of the false eyelash industry that does some of the stages of the industrial process to produce false hair and eyelashes with high quality. A plasma worker does not need to be a junior high school graduate. They are employed as informal labors but are bound with strict regulations. The established coordination is a vertical partnership without involving the government. □

If the plasma model in the regency is analyzed, it can be seen that the nature of work is a homework practice known as "putting out system". The workers do the works as part of the whole process of producing goods or services. It is usually carried out in their homes so that they are referred to as homeworkers. □

Plasma workers making fake eyelashes and wigs are mostly women. The income of workers / plasma workers is based on the number of fake eyelashes embroidered every day. The factors causing the plasma workers (homeworkers) identical to women include: 1) the dual role of women who have to work and to take care of the household; 2) existing stereotypes that female workers are portrayed as ideal workers who are skilled, diligent, resilient, meticulous, obedient and inexpensive. Women workers are also considered to be obedient, and are easily managed. They are often used by those who have an interest in accumulating capital, i.e. capitalists. □

The Manpower Act has so far been effective for the protection of formal sector workers, but not for the informal sector such as female plasma workers. This condition causes no security of legal and economic protection which includes wages, social security, working hours, health and safety. □

D. Implementation of Social Security for Informal Workers or Non-Legal Relations Workers in Purbalingga Regency

The implementation of social security programs for informal sector workers is a priority because they dominate the workforce in the regency.

Informal sector workers have not received good attention both from men, supporting institutions and the state. They do not have any clear working rules. They get no proportionate payroll system, no social security and health. □

The 1952 International Labor Convention (ILO) defines:

"Social security is a protection provided by the community to members through a set of public instruments against economic or social difficulties that cause cessation or decline in income"

Legal Basis for implementing social security for those working in no labor relationship, namely:

- a. Law No. 24 of 2011 concerning BPJS which aims to: "provide certainty of protection and social welfare for all people and function to organize work accident insurance programs, life insurance programs, pension insurance programs, and pension plans.
- b. Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: PER24 / MEN / VI / 2006 concerning

Guidelines for Workers' Social Security Programs Conducting Employment Outside Employment Relations Workers who carry out work outside of work relations, may experience accidents, illness, pregnancy, maternity, and died so that they need to get protection through the social security program.

The goal of organizing social security for Workers Outside Employment Relations is:

- a. Providing social security protection for workers who carry out work outside the employment relationship when the workforce loses part or all of his income as a result of risks including workplace accidents, old age and death.
- b. Extending the scope of membership of the BPJS Employment program.

Thus the Workers Outside Employment Relations can take part in the entire workforce insurance program which includes the Death Insurance, Old Age Insurance, and Work Accident Insurance. They can also participate in the Social Security program in stages by selecting programs according to the abilities and needs of participants. the Workers Outside Employment Relations can register directly to BPJS of Employment or they can do via the groups having a partnership with the agency. □

IV. CONCLUSIONS

The regulations related to legal protection of the rights of informal sector workers have not yet had legal certainty, because Law No. 13 of 2003 concerning Manpower does not clearly distinguish workers in the formal and informal sectors. Social security is the rights of workers, including the informal workers and every citizen is protected by law ". However, in reality not all citizens have access to the national social security. In fact, the regulations to provide protection for informal workers related to social security is quite adequate because it is supported by BPJS and the Republic of Indonesia Minister of Manpower and Transmigration Regulation Number: PER24 / MEN / VI / 2006 concerning Guidelines for Workers' Social Security

Programs Doing Work Outside Employment Relations. However, any regulations and programs will not be effective if they are not implemented. Thus, legal awareness is needed from employers and the workers to ensure that the rules and programs applied effectively.

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