

# *The Social Security Models for State Civil Apparatus in the Concept of the State of Welfare*

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**Abstract-** Law Number 5 of 2014 concerning State Civil Apparatus mandates the Government to provide social security protection for State Civil Servants. This protection aims to provide protection for Participants in carrying out their duties and functions in carrying out public To support the implementation of the performance of the State Civil Apparatus and ensure harmony in carrying out their duties, the State provides Social Security for the State Civil Apparatus and their families. Social Security Arrangements for the State Civil Apparatus include work accident insurance, old age insurance, pension and life insurance and legal assistance regulated by law.

**Keywords:** Social Security of the State Civil Service, the concept of state welfare

## I. INTRODUCTION

The implementation of social security as mandated in Article 34 of the 1945 Constitution as a result of the fourth amendment passed on August 10, 2000, specifically paragraph (2) which states "The state develops a social security system for all people and empowers people who are weak and unable to fulfill human dignity" is a legal basis that requires countries to develop and realize a National Social Security System for everyone. One form of socio-economic development that has become its own dynamic in the national development of the Indonesian nation, is Social Security.[1]

The Indonesian government is currently facing challenges in reforming the social security system in line with the increasingly diverse demands of the community in realizing their welfare. One form of public demand is the application of social security for all Indonesian people as mandated in Article 28 H paragraph (1), and Article 34 paragraph (2) of the 1945 Constitution that every person has the right to social security.

The dynamics of the development of the Indonesian nation will continue to grow following the globalization of the industry that is running.[2] The conditions for economic growth and political stability as well the rule of law is increasingly maintained, so challenges and demands for dealing with various problems need to be addressed immediately. The Indonesian government is currently facing challenges in reforming the social security system in line with the increasingly diverse demands of the community in realizing their welfare. One

form of public demand is the application of social security for all Indonesian people as mandated in Article 28 H paragraph (3) and Article 34 paragraph (2) of the 1945 Constitution that every person has the right to social security.

## II. FINDINGS AND DISCUSSION

The term Welfare State in the Black Legal Dictionary is referred to as the Welfare State:[3] "The state of health of the government carries out various social insurance programs, such as unemployment compensation, old-age pensions, family benefits, food stamps, and assistance with purchases or agreements - also called state regulations."

In this sense it means that basically a country that embraces the welfare state has the characteristics that the state has the authority and responsibility for its citizens. The concept of the welfare state when viewed from a legal perspective will have a different interpretation from political studies or from economic studies. According to Ramesh Mishra, the welfare state emphasizes the state's responsibility for the welfare of its citizens in meeting basic needs, social services. The state is fully responsible for various aspects both from economic, political and legal aspects, especially from the aspect of Indonesia's social welfare, including service institutions or policies for citizens in serving citizens in improving their social welfare.

The view that is in harmony with Ramesh Mishra is the opinion of Jan M. Boekman who states that:[4] "The welfare state generally understands the integration of economic facts and general ideas about justice. It also includes extensive procedures and functions of law in various aspects of social life. Thus it is clear that law is intertwined with the welfare state."

Jan M. Boekman gave the view that State Welfare is the integration of economic facts and ideas for justice. In it explained the existence of legal functions in various aspects of life. Thus there is a relationship between law and the welfare state and justice is the final goal that must be achieved by a country. Justice in general principles

includes the fulfillment of rights and obligations that are fundamental to the social conditions that exist in society.[5]

Jimly Asshidiqie considers that the state is required to be responsible for the socio-economic problems faced by its citizens. State responsibility also includes a variety of social issues which are the responsibility of the Constitution. Social security, Health and Social Welfare, Education and Housing must be expanded.[6] Moh. Mahfud, MD has a similar view about the concept of the welfare state. Basically the concept of a welfare state is an alternative to constitutional democracy which is a reaction or the result of excessive excess of the idea of constitutionalism of pluralism liberalism of the 19 th century.[7] Basically the welfare state is very closely related to the state's obligation to improve the welfare of its citizens in meeting very basic needs. These basic obligations include social protection which includes social security.

#### *1. Organizers of the Social Aparature of the State Civil Society*

The current National Civil Apparatus Social Security Operator is currently carried out by PT TASPEN (PERSERO). This State-Owned Enterprise has held a Social Security Program for Civil Servants since July 1, 1961. The objective of establishing this business entity was to improve the welfare of Civil Servants when they retired. At the time of the birth of this business entity, it began with the Civil Servant Welfare Conference held on July 25-26, 1960. At the beginning of the establishment of a State Enterprise in accordance with Government Regulation Number 15 of 1963, it later became the Taspem Public Corporation based on Law Number 9 of 1969, eventually based on Government Regulation No. 26 of 1981 became a Company Company, and organized the Old Age Savings and Pension Payments Program.

Along with the birth of Law Number 5 of 2014, PT TASPEN (PERSERO) was given the task by the government to organize Work Accident Assurance (JKK) and Death Assurance (JKm) for Apaartur Sipil Negara through Government Regulation Number 70 of 2015 as amended by Government Regulation Number 66 of 2017. Social security protection for the State Civil Apparatus has been carried out by the State in the framework of ensuring the continuity of the minimum living conditions for its employees properly and fully directed towards the welfare state.

The concept of the welfare state in the aspect of social security in Indonesia has been regulated in the Constitution, namely Article 34 paragraph (2) of the 1945 Constitution against the fourth Amendment which states: "The state develops a national social security system for everyone and empowers people who are weak and unable to match human dignity".

Starting from the substance, the government has the political will to establish a social welfare program for the entire population, especially those that have not been included in the existing social security programs. Social security is the obligation of governments, entrepreneurs and individuals. The government's responsibility in the universal coverage program is a social protection mechanism to ensure that all people meet their basic needs properly.[8]

The social security system is regulated based on humanitarian principles, the principle of benefits, and the principle of social justice for all Indonesian people. The National Social Security System (SJSN) is a system for managing government and community programs that aim to provide social security so that every citizen can meet the minimum living needs towards the realization of social welfare. Social security is needed when things happen that are not desirable, which can result in loss or reduction of income, both health problems, disaof work or due to retire. In early 2011 Law No. 24 of 2011 was approved by the Social Security Organizing Agency. [9]

The presence of this law is a consequence that must be carried out and becomes a heavy burden for the APBN, because it is related to the ministry of financial management.[10] The program in the National Social Security System Act will greatly affect the welfare of all Indonesians. In addition, the National Social Security System program will also greatly affect the performance of relevant agencies and Ministries, both regional and national social security program institutions. But the National Social Security System (SJSN) project will not succeed without the support of non-governmental organizations and central government policies.

The Law on State Civil Apparatuses (ASN) has major implications for the implementation of social security for the State Civil Apparatus and their families. Civil Servants, hereinafter referred to as ASN Employees, are civil servants and government employees with work agreements adopted by civil servants and entrusted with duties in government positions or entrusted with the duties of other countries and are paid according to laws and regulations.[11] Civil Servants are made up of Civil Servants, here in after referred to as PNS and PPPK.[12] Civil servants are Indonesian citizens who meet certain requirements, are appointed as regular ASN employees by staff officials to hold government positions.[13]

Government employees with work agreements, hereinafter abbreviated P3K, are Indonesian citizens who meet certain requirements, who are appointed based on work agreements for a certain period of time in the context of carrying out non-mandatory governmental duties or basic needs for public services.[14] Regulations related to Government Employees with Work Agreements (PPPK) are not regulated in the Manpower Act but are regulated in the State Civil Apparatus (ASN) and implementing regulations will burden the State Budget (APBN). Because this involves industrial relations that is not simple, the Government Regulation mandated in

Article 107 must be a comprehensive Government Regulation so as not to cause legal problems in the future.

Comprehensive knowledge about the field of industrial relations, must be put forward because it will cause legal problems, if law. Administration in the aspect of Government Employees with Cooperation Agreement (PPPK) is not carried out progressively. Legal certainty in the implementation of protection for citizens must be carried out by the State, this condition is needed so that the elements of the State Civil Apparatus can live in an orderly, safe and state instruments can focus their attention on efforts to increase the prosperity, welfare and happiness of the nation and society, because they are not disturbed by conflicts between residents.[15]

## 2. Role Industrial Revolution 4.0 for Country Civil Apparatures

The occurrence of disruption of information technology is increasingly in charge of the performance of various aspects, both financial, service and social security aspects for all communities, including the State Civil Apparatus. Industry 4.0 Revolution made the consequences of the phenomenon of the use of the Internet of Thing (IoT), big data and automation to Artificial Intelligence.

Development through digitalization has led to the delivery of human life towards ever higher levels of prosperity. Progress due to disruption of the Industrial Revolution 4.0 also affected the level of welfare of the State Civil Apparatus in receiving social security rights from PT TASPEN (PERSERO). This condition makes PT TASPEN (PERSERO) both a challenge and an opportunity to serve the State Civil Service by relying on technology based on internet usage, robotic and intellectual engineering in developing products to serve these government employees. The information governance policy that has been carried out by PT TASPEN (PERSERO) is a manifestation of the transformation of the Industrial Revolution 4.0 as a business partner strategy in providing business services for other stakeholders. Steps taken by the manager of social security for the State Civil Apparatus are as follows: 1. Smart Card, 2. Automatic Climate Service, 3. Taspen Cars, 4. Authentication, 5. Services through the call center. and 6. Communication through social media.

The use of this sophisticated infrastructure will increasingly demonstrate the existence of PT TASPEN (PERSERO) as the organizer of Social Security for the State Civil Apparatus, so that the service, improvement and administration of this government program can run smoothly, well and continuously in carrying out community welfare in accordance with the concept of the welfare state.

### III. CONCLUSIONS

The conclusions in this study were: (i) to make adjustments to legal norms in the management of social

security for the State Civil Apparatus, so that there is no legal confusion in the application of management. (ii) to strengthen the law in managing the Social Security Program for Civil Apparatus in accordance with the concept of a Prosperous state in accordance with the Constitution in force in the State of Indonesia.

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