



Article History	Received: 22 -12-2024	Reviewed:27-02-2025	Accepted: 21-05-2025	Published: 01-06-2025
-----------------	-----------------------	---------------------	----------------------	-----------------------

IMPLEMENTATION OF WORKER REGISTRATION AS PARTICIPANTS OF EMPLOYMENT SOCIAL SECURITY ADMINISTRATORS IN PRIVATE COMPANIES IN PEKANBARU CITY

Tunggul Sihotang, Indra Afrita², Irawan Harahap³

¹²³ Magister Ilmu Hukum Universitas Lancang Kuning Pekanbaru
hotankt@gmail.com

ABSTRACT

This study aims to analyze the implementation of worker registration as participants of the Social Security Administering Body (BPJS) Employment as mandated in Law Number 24 of 2011 concerning BPJS Article 15 paragraph (1), which regulates the obligation of employers to register themselves and their workers as BPJS Participants. The research method used is sociological legal research with the research location at the BPJS Pekanbaru Branch Office. The results of the study show that First, the implementation of worker registration as BPJS Employment participants in private companies in Pekanbaru City has not been carried out in accordance with legal provisions in 2022 to 2024, where out of 13 companies and cooperatives there are still some workers who have not been registered by their employers as BPJS Employment participants. Second, the inhibiting factor is the factor of law enforcement officers/government, namely a lack of understanding of regulations, efforts to overcome this are to provide technical guidance; Lack of supervision and control from local agencies.

Keywords: Participants, Social Security Administering Bodies, Private Companies

ABSTRAK

Penelitian ini bertujuan untuk menganalisis implementasi pendaftaran pekerja sebagai peserta Badan Penyelenggara Jaminan Sosial (BPJS) Ketenagakerjaan sebagaimana yang diamanatkan dalam Undang-Undang Nomor 24 Tahun 2011 tentang BPJS Pasal 15 ayat (1), yang mengatur kewajiban pemberi kerja mendaftarkan dirinya dan pekerjanya sebagai Peserta BPJS. Metode penelitian yang digunakan adalah penelitian hukum sosiologis dengan lokasi penelitian di Kantor Cabang BPJS Pekanbaru. Hasil penelitian menunjukkan yang *Pertama*, Implementasi pendaftaran pekerja sebagai peserta BPJS Ketenagakerjaan pada perusahaan swasta di Kota Pekanbaru belum berjalan sesuai ketentuan hukum di tahun 2022 sampai 2024, dimana dari 13 perusahaan dan koperasi masih ada sebagian pekerja yang belum didaftarkan pemberi kerjanya sebagai peserta BPJS Ketenagakerjaan. *Kedua*, Faktor yang menghambat ialah Faktor aparat penegak hukum/pemerintah yaitu kurang memahami regulasi, upaya mengatasinya menyelenggarakan bimbingan teknis; Kurangnya pengawasan dan kontrol dari dinas setempat.

Kata Kunci: Peserta, Badan Penyelenggara Jaminan Sosial, Perusahaan Swasta

INTRODUCTION

The state upholds human rights, including the right to obtain employment, which is marked by the guarantee of protection of this right in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that: "Every citizen has the right to work and a decent living for humanity." Meanwhile, international law regarding the guarantee of protection of the right to work is contained in Article 15 of the Declaration of the Organization of Islamic Cooperation (OIC), which states that: "Work is a right guaranteed by the government and society for everyone who is ready to work. Everyone must be free to choose the most appropriate and useful job for themselves and society." Based on this narrative, we know that the right to work is protected by law in the concept of legal protection.

According to Setiono, legal protection is an act or effort to protect society against arbitrary actions by authorities that are contrary to the provisions of laws and regulations, in order to create an orderly and peaceful situation to then allow humans to enjoy their dignity.¹ Legal protection for workers is also part of development in the field of employment. Development in the field of employment is part of the development of the whole Indonesian people as mandated by Pancasila and the 1945 Constitution of the Republic of Indonesia. This development aims to improve the dignity and self-esteem of workers and to create a prosperous, just, prosperous and equitable society both materially and spiritually.

Development in the field of employment is also needed in Pekanbaru City for the prosperity of the workforce considering the many companies active in Pekanbaru City that employ a lot of workers, as the results of the author's document study that: Based on data submitted by the Head of the Pekanbaru City Social Welfare Agency, it is known that until now there are still 4009 companies with active status in Pekanbaru City with an active workforce of around 2000 workers from various business sectors.²

¹ Setiono, *Rule Of Law* (Supremasi Hukum), (Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret, 2004), hlm. 3.

² Hartini Retnaningsih, "Strategi Sistem Jaminan Sosial Nasional Bidang Ketenagakerjaan Dalam Upaya Pelindungan Pekerja di Kota Surabaya Dan Kota Pekanbaru", *Jurnal Aspirasi*, Vol. 7 No. 2 Desember 2022, hlm. 163.

Related to the ideals of realizing a prosperous society, it can be said that In essence, welfare guarantees for workers are obligations that must be in sync with needs, in order to anticipate work risks that can threaten safety while working which can come at any time, health and welfare are needed for workers/labor. The limited wages in several companies with a nominal amount that is relatively minimal can be supported by the provision of social security with the aim of ensuring that workers get a decent life when something undesirable happens to the workforce, at this stage, the Employment Social Security Agency which is positioned as a third party can accommodate the interests of employers and the needs of workers in a balanced manner. Because basically, labor law according to H Manulang has the aim of achieving social justice in the field of labor and to protect workers from unlimited power from the authorities.³

One of the legal forms of social security for workers formed by the Social Security Administering Body according to Article 5 paragraph (2) letter a of Law Number 24 of 2011 concerning the Social Security Administering Body is the Employment Social Security Administering Body. In essence, the Employment Social Security Administering Body plays a vital role in helping and protecting workers in their work, especially for those who suffer work accidents. This protection aims to provide a guarantee of the continuity of a harmonious work relationship system between workers and employers without pressure from the employer as the strong party against the workers as the weak party.⁴

According to Article 83 of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become a Law that Amends the Provisions of Article 6 paragraph (2) of Law Number 24 of 2011 concerning the Social Security Administering Body, it is stated that the Social Security Administering Body for employment organizes the following programs: Work accident insurance, Old age insurance, Pension insurance, Death insurance; and Job loss insurance.

³ H.M Manulang Sendjun, *Pokok-Pokok Hukum Ketenagakerjaan Indonesia*, (Jakarta: Rineka Cipta, 1990), hlm. 3.

⁴ Hafiz Sutrisno, "Pengaruh BPJS Ketenagakerjaan Dalam Meningkatkan Kesejahteraan Tenaga Kerja," *Jurnal Prepotif*, Vol. 4 No. 1 April 2020, hlm. 80.

In working there is a working relationship between the worker and the employer. The working relationship is the relationship between the worker and the employer, so after an agreement is made by the worker and the employer, where the worker states his ability to work with the employer by receiving wages and where the employer states his ability to employ the worker by paying wages.⁵

The legal definition of an employer is contained in Article 1 number 9 of Law Number 24 of 2011 concerning the Social Security Administering Agency, which states that: "An Employer is an individual, entrepreneur, legal entity, or other entity that employs workers or a state administrator who employs civil servants by paying salaries, wages, or other forms of compensation. The legal definition of a worker is contained in Article 1 number 8 of Law Number 24 of 2011 concerning the Social Security Administering Agency, which states that: "A worker is any person who works by receiving a salary, wages, or other forms of compensation. In general, workers can also be referred to as workers. Workers are a group of people of working age who are able to carry out work or carry out economic activities in an effort to produce goods and services to meet the needs of the community."⁶

In essence, employment law has a public nature. "The public nature of employment law should be seen from the existence of a legal relationship that will provide rights and obligations contained in the laws and regulations. One of them is the Employment Social Security Agency in Indonesia which must be implemented in all business sectors, especially companies that carry out economic activities, especially companies that have high work risks. Where the program has many advantages for workers, companies also get convenience in providing protection for their workforce. The protection provided by the company to workers can also increase their work productivity."⁷

From the narrative it can also be said that the implementation of the legal relationship between workers and employers related to the implementation of the Social Security Administering Agency for Employment program gives rise to obligations for employers. "Obligations according to

⁵ Imam Soepomo, *Pengantar Hukum Perburuhan*, (Jakarta: Djambatan, 2003), hlm. 41.

⁶ Tambunan, *Tenaga Kerja*, (Yogyakarta: BPFE, 2002), hlm. 78.

⁷ Abdul Hakim, "Problematika Pengaturan dan Penerapan Sanksi Pidana atas Pelanggaran Pasal 15 Undang-Undang Nomor 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial," *Audito Comparative Law Journal*, Vol. 2 No. 1 Tahun 2021, hlm. 44.

Notonegoro are a burden to provide something that should be provided by a certain party.”⁸ This obligation creates legal liability for the employer. “Legal liability is the obligation to carry out something in certain ways that do not deviate from applicable law.”⁹

One of the employer's obligations is as stated in Article 15 paragraph (1) of Law Number 24 of 2011 concerning the Social Security Administering Body, which states: "Employers are required to gradually register themselves and their employees as participants with the Social Security Administering Body in accordance with the social security program they participate in." The legal definition of a participant is as stated in Article 1 number 4 of Law Number 24 of 2011 concerning the Social Security Administering Body, which states: "A participant is every person, including foreigners who have worked for at least 6 (six) months in Indonesia, who have paid contributions."

Regarding sanctions for employers who do not carry out their legal responsibilities to workers, it can be said that "The public nature of employment law can be seen from the government's intervention through laws in the field of employment which regulate criminal sanctions and administrative sanctions for employers who violate these provisions."¹⁰ "Sanctions are defined as a set of rules that contain information about how legal institutions can participate in problems in order to maintain a social system, so that society can live in peace and in a way that can be calculated."¹¹

In relation to the focus of this thesis research, legal sanctions for workers who do not register their workers as Participants with the Social Security Administering Body in the employment social security program can be subject to legal sanctions in Article 17 paragraph (1) Jo. Paragraph (2) of Law Number 11 of 2011 concerning the Social Security Administering Body, with the following description of the article:

1. Article 17 paragraph (1), which states that: "Employers other than state administrators who do not implement the provisions as

⁸ Sonny sumarsono, *Ekonomi Manajemen Sumber Daya Manusia dan Ketenagakerjaan*, (Yogyakarta:Graha Ilmu, 2003), hlm. 4.

⁹ Ridwan Halim, *Pengantar Hukum dan Pengetahuan Ilmu Hukum Indonesia*, (Jakarta: Angky Pelita Studyways, 2001), hlm. 56.

¹⁰ Lalu Husni, *Pengantar Hukum Ketenagakerjaan*, Edisi Revisi, (Depok: RajaGrafindo Persada, 2020), hlm. 17.

¹¹ Achmad Ali, *Menguak Tabir Hukum*, Cetakan Ke-2, (Jakarta: Kencana, 2017), hlm. 64.

referred to in Article 15 paragraph (1) and paragraph (2), and anyone who does not implement the provisions as referred to in Article 16 shall be subject to administrative sanctions.”

2. Article 17 paragraph (2), which states that: “(2) Administrative sanctions as referred to in paragraph (1) may be in the form of:
 - a. Written warning
 - b. Fines; and/or
 - c. Not receiving certain public services

Legally, the imposition of sanctions in the form of written warnings and fines can be carried out by the Social Security Administration Agency, where this is regulated in Article 17 Paragraph (3) of Law Number 11 of 2011 concerning the Social Security Administration Agency. Meanwhile, the imposition of sanctions for not receiving certain public services can be carried out by the government or regional government at the request of the Social Security Administration Agency based on a request from the local BPJS Employment office, where this is regulated in Article 17 Paragraph (4) of Law Number 11 of 2011 concerning the Social Security Administration Agency.

In its journey to realize welfare for workers/laborers, in fact the Social Security Administering Agency is faced with obstacles. "The dominant obstacle as a factor inhibiting the development of the Social Security Administering Agency for Employment in Indonesia, especially in the city of Palembang, is that there is still a minimum number of participants because there are no employers to register their employees as members of the social security agency."¹²

Based on observations made by the author in the initial research, it is known that this problem also occurred in Pekanbaru City, especially in 2022 to 2024 by legal entities in the form of Limited Liability Companies and Cooperatives, namely PT Indofood CBP Sukses Makmur Tbk Pekanbaru Branch, PT Andesva Mandiri Indonesia Indofood Pekanbaru Division, Koperasi Karya (Kopkar) Indofood Sukses Makmur Pekanbaru, PT ISS Indonesia Pekanbaru, PT Global Jaya Express, PT Distribusindo Mandiri Nusantara, PT Swastika Arya Semesta, PT Swadaya Abdi Manunggal, PT Habco Primatama, Hakaaston Unit Asphalt Mixing Plant, PT Kencholin Jaya_Arara Abadi, PT trimitra Jaya Investama, Delta Mitra Sejati. Of the 13

¹² KA. Azizi Noviansyah, “Pelaksanaan Prinsip Kepesertaan Bersifat Wajib pada Sistem Jaminan Sosial Ketenagakerjaan,” *Jurnal Solusi*, Vol. 17 No. 3 September 2019, hlm. 211.

companies and cooperatives with a total number of workers of 853 people, there are still a total of 215 workers who have not been registered by their employers with the legal entities as participants in the Employment Social Security Administration Agency.

In essence, laws and regulations have a goal to be achieved or called *ius constituendum*. What is meant by *ius constituendum* is "the rules as per the Laws that are aspired to by social life and the state".¹³ In order for the goal to be achieved, legal order is needed. Legal order can be attempted by implementing sanctions for those who do not comply with laws and regulations or do not obey the law. However, in fact, based on observations made by the author in the initial research, it was found that administrative sanctions in the form of not receiving certain public services as desired in Article 17 paragraph (1) Jo. Paragraph (2) letter c of Law Number 11 of 2011 concerning the Social Security Administration Agency had not been applied.

The legal and social facts that underlie this thesis research have shown that there is a gap between the legal facts (*Das Sollen*), namely Article 15 paragraph (1) of Law Number 11 of 2011 concerning the Social Security Administration Agency and the social facts (*Das Sein*), namely in Pekanbaru City from 2022 to 2024, out of 13 companies and cooperatives with a total number of workers of 853 people, there are still a total of 215 workers who have not been registered by their employers with the legal entity as participants in the Employment Social Security Administration Agency.

RESEARCH METHODOLOGY

This study uses sociological legal research. Sociological legal research is also often referred to as empirical research, namely: "A legal research method that functions to be able to see the law in a real sense and examine how the law works in a community environment. Because this study is studying people in social relations, the empirical legal research method can also be called sociological legal research."¹⁴ "legal facts then seek solutions to the problems that arise in these social phenomena."¹⁵ Therefore, in this type of

¹³ Sudarsono, *Pengantar Ilmu Hukum*, (Jakarta : Rineka Cipta, 2009), hlm. 194.

¹⁴ Soerjono Soekanto, *Sosiologi Suatu Pengantar*, (Jakarta: Rajawali Pers, 2012), hlm. 12.

¹⁵ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI-Pers, 1986), hlm. 43.

legal research, the requirement is that researchers basically have to know legal science and social sciences and have knowledge in social science research.

Sociological/empirical legal research prioritizes the existence of "field research" which is essentially a method for specifically finding out the reality of what is happening in society, so conducting research on several current problems/hottest issues that are currently raging and expressed in the form of symptoms or social processes."¹⁶

RESULTS AND DISCUSSION

Implementation of Worker Registration as BPJS Employment Participants in Private Companies in Pekanbaru City Based on Law No. 24 of 2011 Concerning Social Security Administering Bodies

The presence of business entities in all forms certainly provides employment opportunities for the wider community, therefore extra comprehensive regulations are needed to accommodate matters related to employment. This is intended to provide legal certainty for workers and employers. In addition, there is also a substance of the rights and obligations of each party that must be fulfilled by both, then still in this connection, business actors and workers must build a mutually beneficial relationship.¹⁷ One form of rights and obligations of each party is employment social security.

Employment social security is a form of protection for workers and their families against various risks in the world of work. Employment social security is part of a social protection system that provides extensive protection for all Indonesian people."¹⁸ "Labor as one of the steps in economic development, with a significant role in various national activities, especially the national economy related to increasing productivity and welfare."¹⁹

In this case, social security for employment is also a form of legal protection. Legal protection is "Protection of dignity and honor, and recognition of human rights owned by legal subjects based on legal provisions

¹⁶ Hadari Nawawi, *Metode Penelitian Bidang Sosial*, (Yogyakarta: Gadjah Mada University Press, 1998), hlm. 63.

¹⁷ Fahrul Ramdan Suwandi dan Dodi Jaya Wardan, "Aspek Hukum Keberlakuan BPJS Ketenagakerjaan Terhadap Perlindungan Dan Keamanan Kerja," *Sibatik Journal*, Vol. 2 No. 1 Desember 2022, hlm. 251.

from arbitrariness/ is a collection of regulations or rules that will be able to protect one thing from another.²⁰ Where fundamentally protection in the field of employment is protected by law in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that: "Every citizen has the right to work and a decent living for humanity."

In order to realize these rights for the community through employment social security, the government has appointed the Employment Social Security Administration Agency as the organizer of employment social security for the Indonesian people based on Article 5 paragraph (2) letter a of Law Number 24 of 2011 concerning the Social Security Administration Agency, which states that "based on this law, the Employment Social Security Administration Agency is established."

The above legal facts are supported by the results of a literature/document study obtained by the author from a journal which states that: "Based on Law Number 24 of 2011 concerning social security administering bodies, the position of the Social Security Administering Body as a legal entity formed in the implementation of social security programs as a form of social protection to ensure that all people can meet their basic needs for a decent life is emphasized."²¹

Based on observations made by the author, it is known that in Pekanbaru City, one of the organizers of BPJS employment is the Pekanbaru BPJS Branch Office, as reinforced by the results of interviews conducted by the author with the Head of the Riau Province Manpower and Transmigration Service, in this case represented by the Head of the Work Norms Supervision Section, Social Security, Women and Children, who stated that: "The Pekanbaru BPJS Branch Office is one of the institutions appointed to implement social security for employment in Pekanbaru City."²²

This is reinforced by the statement regarding the duties and authorities of BPJS Employment, where based on the results of the author's interview

²¹ Rahmawati Kusuma, AD. Basniwati, Lalu Guna Nugraha dan Sri Hariati, "Hak Peserta Badan Penyelenggara Jaminan Sosial Ketenagakerjaan", *Pakuan Law Review*, Vol. 07 No. 02 Juli-Desember 2021, hlm. 194.

²² Author's Interview with the Head of the Riau Province Manpower and Transmigration Service, in this case represented by Mr. Agus Ardiansyah, ST., MM as Head of the Section for Supervision of Work Norms, Social Security, Women and Children on Monday, September 16, 2024, at 09.15 WIB, at the Riau Province Manpower and Transmigration Service Office.

with the Head of the Pekanbaru BPJS Employment Branch Office, it is known that the duties and authorities of the Pekanbaru BPJS Employment Branch Office, as he explained in the interview, include:²³

1. Carrying out the BPJS Employment membership registration process submitted by business actors in groups or individuals (workers/business actors);
2. Collecting and collecting BPJS Employment contributions from participants and employers;
3. Receiving BPJS Employment membership contribution assistance from the Government;
4. Paying benefits in accordance with the provisions of the social security program;
5. Imposing administrative sanctions on Participants or Employers who do not fulfill their obligations in the form of written warnings and imposing fines;
6. Providing information regarding the implementation of the social security program to participants and the community;
7. Reporting Employers to the authorized agency regarding their non-compliance in paying Contributions or in fulfilling other obligations in accordance with the provisions of laws and regulations;
8. Carrying out cooperation with certain business entities and agencies in the implementation of BPJS Employment.

Based on the results of observations conducted by the author, it is known that the role of the regional government in the field of employment in matters of social security participation in employment is also held by the Riau Province Manpower and Transmigration Service. This is reinforced by the results of the author's interview with the Head of the Riau Province Manpower and Transmigration Service in this case represented by the Head of the Section for Supervision of Work Norms, Social Security, Women and Children, according to him the role in question is as follows:²⁴

²³ Wawancara penulis dengan Bapak Imam Santoso Achwan Selaku Kepala Kantor Cabang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Pekanbaru, Pada Hari Senin Tanggal 16 September 2024, Pukul 11. 05 WIB, di Kantor Cabang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Pekanbaru.

²⁴ Author's Interview with the Head of the Riau Province Manpower and Transmigration Service, in this case represented by Mr. Agus Ardiansyah, ST., MM as Head of the Section for Supervision of Work Norms, Social Security, Women and Children on Monday, September 16, 2024, at 09.15 WIB, at the Riau Province Manpower and Transmigration Service Office.

1. Pengawasan Supervision and Inspection, Routine Inspection is carried out by this agency to companies to check whether they have registered their employees in accordance with applicable regulations, such as social security, health insurance, and employment.
2. Reporting Violations where Workers or other parties who know of violations can report them to this agency.
3. Notification and warning by issuing a warning letter if it is found that a company has not carried out its obligations, this agency will issue an official warning letter. This letter notifies the company of the violations that have occurred and provides a certain time limit to fix them.
4. Consultation and Assistance, in this case this agency can also provide consultation and assistance to companies to help them understand and fulfill their obligations, especially in social security participation in employment.

Regarding the duties and authorities of the Pekanbaru BPJS Employment Branch Office in terms of serving and implementing the participant registration process above, the implementation is based on the obligation for employers to register themselves and their employees as BPJS Employment participants. This is legally regulated in Article 15 paragraph (1) of Law Number 24 of 2011 concerning the Social Security Administering Body, which states: "Employers are required to gradually register themselves and their employees as Participants with the Social Security Administering Body in accordance with the Social Security program followed." Where related to BPJS Employment Pekanbaru as a legal form stipulated in social security is contained in Article 5 paragraph (2) letter a of Law Number 24 of 2011 concerning the Social Security Administering Body.

Based on a study of documents/literature in the form of laws and regulations, the author knows that based on Article 83 of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become a Law which amends the provisions of Article 6 paragraph (2) of Law Number 24 of 2011 concerning the Social Security Administering Agency, it is stated that the Social Security Administering Agency for employment organizes the following programs.: Work accident insurance, old age insurance, pension insurance, death

insurance; and unemployment insurance.” This is reinforced by the results of the author's interview with the Head of the Pekanbaru BPJS Employment Branch Office, who stated that: Employment social security is organized by the Pekanbaru BPJS Employment Branch Office in several BPJS Employment programs, including the following:²⁵

1. Work accident insurance
2. Old age insurance
3. Pension insurance
4. Death insurance
5. Job loss insurance

The form of social security in question is provided by the employer to workers in accordance with the capacity of the business entity as determined by the Regulation of the Minister of Manpower Number 7 of 2021 concerning Procedures for Participant Registration and Implementation of Contribution Recomposition in the Job Loss Guarantee Program.

Based on observations made by the author, it is known that worker registration by employers is carried out with certain procedures. The description of the worker registration procedure by employers in BPJS Employment membership, above is based on the results of the author's interview with the Head of the Pekanbaru BPJS Employment Branch Office, he explained as follows:²⁶

1. Employers who register their workers either online or offline as participants in BPJS Ketenagakerjaan are required to fill out a registration form, which contains: Company name, Worker/Laborer name, population registration number, Worker/Laborer date of birth; and the number and/or start and end dates of the employment agreement, for Workers/Laborers with an employment relationship based on a fixed-term employment agreement, or the number and/or start date of the

²⁵ Wawancara penulis dengan Bapak Imam Santoso Achwan Selaku Kepala Kantor Cabang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Pekanbaru, Pada Hari Senin Tanggal 16 September 2024, Pukul 11. 05 WIB, di Kantor Cabang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Pekanbaru.

²⁶ Wawancara penulis dengan Bapak Imam Santoso Achwan Selaku Kepala Kantor Cabang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Pekanbaru, Pada Hari Senin Tanggal 16 September 2024, Pukul 11. 05 WIB, di Kantor Cabang Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Pekanbaru.

employment agreement or letter of appointment for Workers/Laborers with an employment relationship based on an indefinite-term employment agreement;

2. The registration form that has been filled out completely and correctly must be submitted by the employer to BPJS Ketenagakerjaan no later than 30 (thirty) days since the Worker started working;
3. Workers registered in the Job Loss Guarantee program must meet the following requirements: Indonesian citizens, under 54 (fifty-four) years of age at the time of registration; and have an employment relationship with the Employer. Workers are registered in several types of employment social security programs with the following provisions:
 - a. Workers who work in large and medium businesses are included in the JKK, old age security, pension security, and JKM programs;
 - b. Workers who work in micro and small businesses are included at least in the JKK, old age security, and JKM programs.
4. Employers provide employment relationship data to BPJS Ketenagakerjaan, in the form of: number and/or start and end dates of the employment agreement, for Workers with an employment relationship based on a fixed-term employment agreement; or number and/or start date of the employment agreement or letter of appointment for Workers with an employment relationship based on an indefinite-term employment agreement;
5. BPJS Ketenagakerjaan verifies and validates the requirements and participation of Workers in the social security program;
6. Based on the results of the verification and validation, Workers who meet these requirements are directly registered as Participants in BPJS Ketenagakerjaan. The verification and validation process as referred to is carried out online

The essence of compliance is "a result of an internalization procedure from within a human being which is formed by the existence of social influence where it has implications for human knowledge, contains behavior and actions which lead to things that are desired/in accordance with what is

expected.”²⁷ So in legal studies, legal compliance can be interpreted as an attitude that is in accordance with applicable laws/regulations.

Although various efforts through coordination and cooperation have been carried out by the Pekanbaru BPJS Employment Branch Office as mentioned above, based on observations made by the author, it is known that there are still employers in Pekanbaru City with a fairly low level of legal compliance regarding their obligation to register their workers as BPJS Employment participants as regulated in Article 15 paragraph (1) of Law Number 24 of 2011 concerning the Social Security Administering Body.

The results of the author's observations above are strengthened by the results of a document/literature study conducted by the author through a journal, as stated in the journal article that: "The level of compliance of online transportation business actors in Pekanbaru City with the obligation to register their online motorcycle taxis is quite low. Based on data from the Pekanbaru Panam BPJS Employment Branch, it is known that the number of ojol driver participants in BPJS Employment membership is still very low.”²⁸

In line with this, based on the results of the author's interview with the Head of the Riau Province Manpower and Transmigration Service, in this case represented by the Head of the Section for Supervision of Work Norms, Social Security, Women and Children, who stated that: "The legal awareness of business leaders in Pekanbaru City has a significant influence on their legal compliance, where it was found that there are still many business leaders in Pekanbaru City who have not registered their workers as BPJS Employment participants.”²⁹

Based on the results of the author's interview with the Head of the Pekanbaru BPJS Branch Office, it was even discovered that "private business actors who have a low level of legal compliance in terms of the obligation to register their workers as BPJS Ketenagakerjaan participants are not only private business actors in the transportation sector, but also 13 business

²⁷ Amran Suadi, *Sosiologi Hukum*, (Jakarta: Prenadamedia Group, 2018), hlm. 196.

²⁸ Monica Oktriani Gurusinga dan Sujianto, "Implementasi Program Jaminan Sosial Ketenagakerjaan Pada Pengemudi Ojek Online di Kota Pekanbaru", *Cross Border Journal*, Vol. 6 No. 1 Januari-Juni 2023, hlm. 306.

²⁹ Author's Interview with the Head of the Riau Province Manpower and Transmigration Service, in this case represented by Mr. Agus Ardiansyah, ST., MM as Head of the Section for Supervision of Work Norms, Social Security, Women and Children on Monday, September 16, 2024, at 09.15 WIB, at the Riau Province Manpower and Transmigration Service Office.

actors/employers in the form of legal entities of companies and other private cooperatives, especially in 2022 to 2024.”³⁰

Comparison of the Number of Workers in Private Companies and Cooperatives in Pekanbaru City in BPJS Employment Membership 2022 to 2024, above based on the results of the author's interview with the Head of the Pekanbaru BPJS Branch Office, it can be explained:³¹

1. In 2022 to 2024, there are 853 workers in 13 companies and cooperatives in Pekanbaru City, where related to worker participation in BPJS Employment it is known:
 - a. There is a total of 215 workers who have not been registered by their employers as BPJS Employment participants;
 - b. There is a total of 638 workers who have been registered by their employers as BPJS Employment participants
2. The comparison of worker participation that has and has not been registered by employers in 13 companies and cooperatives in Pekanbaru City in the period 2022 to 2024 per year is:
 - a. In 2022, there were 341 workers who had been registered for participation, 54 other workers had not been registered;
 - b. In 2023, there were 174 workers who had been registered for participation, 101 other workers had not been registered;
 - c. In 2024, there were 123 workers who had registered for participation, 60 other workers had not yet registered.

Based on the results of the author's interview with the Head of the Pekanbaru BPJS Branch Office, the names of the private companies and cooperatives in question were also obtained, as the author presents in the table below:

³⁰ The author's interview with Mr. Imam Santoso Achwan as Head of the Pekanbaru Employment Social Security Administration Branch Office, on Monday, September 16, 2024, at 11.05 WIB, at the Pekanbaru Employment Social Security Administration Branch Office.

³¹ The author's interview with Mr. Imam Santoso Achwan as Head of the Pekanbaru Employment Social Security Administration Branch Office, on Monday, September 16, 2024, at 11.05 WIB, at the Pekanbaru Employment Social Security Administration Branch Office.

Table 1
Data on Private Companies and Cooperatives in Pekanbaru City that Have Not Registered All Their Workers in BPJS Employment Membership for 2022 to 2024

No.	Company/Cooperative Name	Year	Number of Workers Not Yet Registered in BPJS Employment Membership (People)
1.	PT Indofood CBP Sukses Makmur Tbk Cabang Pekanbaru	2024	17
2.	PT Andesva Mandiri Indonesia Devisi Indofood Pekanbaru	2023	14
3.	Koperasi Karya (Kopkar) Indofood Sukses Makmur Pekanbaru	2022	4
4.	PT ISS Indonesia Pekanbaru,	2024	15
5.	PT Global Jaya Express	2024	12
6.	PT Distribusindo Mandiri Nusantara	2023	15
7.	PT Swastika Arya Semesta	2022	23
8.	PT Swadaya Abdi Manunggal	2023	37
9.	PT Habco Primatama	2023	27
10.	Hakaaston Unit <i>Asphalt Mixing Plant</i>	2022	8
11.	PT Kencholin Jaya_Arara Abadi	2024	16
12.	PT trimitra Jaya Investama	2022	19
13.	Delta Mitra Sejati	2023	8
Total Keseluruhan			215

Source: Pekanbaru BPJS Employment Branch Office, processed in 2024

Inhibiting Factors and Efforts to Overcome Obstacles in the Implementation of Worker Registration as BPJS Employment Participants in Private Companies in Pekanbaru City Based on Law Number 11 of 2011 concerning the Social Security Administering Body

Based on the results of the author's interview with the Head of the Pekanbaru Employment Social Security Administration Branch Office, it is known that the factors that hinder the implementation of worker registration as BPJS Employment participants in private companies in Pekanbaru City

based on Law Number 11 of 2011 concerning the Social Security Administration Agency, are as follows:³²

1. Legislative factors, namely: Long and quite complicated legal process arrangements to follow up on violations of BPJS Employment membership, so that law enforcers and local Manpower Offices are lacking in implementing sanctions against violators which results in minimal deterrent effects for violators. Efforts to overcome these inhibiting factors are that the Riau Provincial DPRD should provide recommendations to the DPRD RI to implement a revision of the BPJS Employment regulations so that the law enforcement process becomes simple and fast;
2. Law enforcement/government apparatus factors, namely:
 - a. Limited knowledge of some law enforcers or government apparatus may not understand the details of the regulations regarding BPJS Employment, so they cannot provide proper guidance to employers and workers. Efforts to overcome this obstacle are by organizing technical guidance among law enforcement agencies and local governments;
 - b. The low level of awareness of the importance of participation in BPJS Employment is still low among government apparatus, which can lead to a lack of encouragement to ensure legal compliance of employers. Efforts to overcome these obstacles are to provide education to law enforcement officers and local governments regarding the importance of BPJS Employment and related regulations;
 - c. Ineffective supervision and weak and unsystematic implementation of supervision result in many violations that are not detected or not followed up seriously. Efforts to overcome these obstacles are to improve coordination between BPJS Employment, the Riau Province Manpower and Transmigration Office and the Riau Police so that supervision increases and violations are handled quickly and effectively;
 - d. Lack of Strict Sanctions from the local Manpower Office, the Pekanbaru BPJSK Branch Office and the Pekanbaru City DPMPSTP shows a lack of seriousness in implementing sanctions for not

³² The author's interview with Mr. Imam Santoso Achwan as Head of the Pekanbaru Employment Social Security Administration Branch Office, on Monday, September 16, 2024, at 11.05 WIB, at the Pekanbaru Employment Social Security Administration Branch Office.

receiving certain public services for employers who violate, thereby reducing the effectiveness of law enforcement and compliance with employers who do not register their workers with BPJS Employment. Efforts to overcome these obstacles are to implement strict sanctions against non-compliant employers in the form of not receiving certain public services to provide a deterrent effect

3. Community factors, namely: low awareness of some employers and even the community regarding the importance of the employment social security protection program, so that they ignore the order to register themselves and their workers. Efforts to overcome these obstacles are by implementing intensive legal socialization to increase public awareness regarding the benefits of BPJS Employment, the obligations of employers, workers' rights and the importance of BPJS Employment membership

Based on the results of the author's interview with the Head of the Riau Province Manpower and Transmigration Service, represented by the Head of the Section for Supervision of Work Norms, Social Security, Women and Children, it is known that the factors that hinder the implementation of worker registration as BPJS Employment participants in private companies in Pekanbaru City based on Law Number 11 of 2011 concerning the Social Security Administering Body, are from the following community factors:³³

1. Low legal awareness of employers so that they neglect their obligations. Efforts to overcome this are to implement so that the Head of the Pekanbaru City BPJS Employment Office asks and recommends them to the Pekanbaru DPMPTS to apply administrative sanctions in the form of not receiving certain public services to the employer in order to provide a deterrent effect;
2. Low legal knowledge of workers so that some of them do not understand their rights to be registered by the company as part of the BPJS Employment. Efforts to overcome this inhibiting factor are by implementing legal socialization among workers regarding Law Number 24 of 2011 concerning the Social Security Administering Body
3. Low knowledge of employers and workers regarding the importance of the benefits of the BPJS Employment. Efforts to overcome this obstacle

³³ Author's Interview with the Head of the Riau Province Manpower and Transmigration Office, in this case represented by Mr. Agus Ardiansyah, ST., MM as Head of the Section for Supervision of Work Norms, Social Security, Women and Children on Monday, September 16, 2024, at 09.15 WIB, at the Riau Province Manpower and Transmigration Office.

are that the Pekanbaru City BPJS Employment Office together with the Riau Provincial Manpower Office hold Technical Guidance for employers and worker representatives regarding rights and obligations in the employment sector, especially social security

Referring to the overall results of observations and interviews conducted by the author above, the author analyzes that the factors that hinder the implementation of worker registration as BPJS Ketenagakerjaan participants in private companies in Pekanbaru City based on Law Number 11 of 2011 concerning the Social Security Administering Body, are as follows:

1. Law enforcement/government apparatus factors, namely:
 - a. Limited knowledge of some law enforcers or government apparatus may not understand the details of the regulations regarding BPJS Employment, so they cannot provide proper guidance to employers and workers. Efforts to overcome this obstacle are by organizing technical guidance among law enforcement agencies and local governments;
 - b. Lack of supervision and control from the Riau Province Manpower and Transmigration Office. Efforts to overcome this obstacle are for the Riau Province Manpower and Transmigration Office to improve coordination and cooperation with the Pekanbaru BPJS Branch Office in order to improve supervision and control over business owners;
 - c. Lack of law enforcement from the local government to business leaders who have not registered their workers for BPJS Employment membership. Efforts to overcome these obstacles are for the Riau Province Manpower and Transmigration Office to coordinate with the Pekanbaru BPJS Branch Office and the Pekanbaru City DPMPTSP regarding data on business entities whose leaders have not registered their workers for BPJS Employment membership, so that sanctions can be imposed on business entity leaders in the form of not receiving certain public services
2. Facilities/facilities factors, namely limitations in information technology infrastructure in small business actors or in certain areas can be an obstacle in the online registration process. Efforts to overcome these obstacles are to establish an information and assistance service center in a strategic location that is easily accessible to workers and companies such as the Pekanbaru City Public Service Mall;
3. Community factors, namely

- a. Companies in the department lack human resources who are able to handle BPJS registration and administration and limited personnel in the company who know the procedures for registering BPJS Employment membership through the application/online which is also not supported by the ability to operate the application. Efforts to overcome this inhibiting factor are for companies to place their workers with the principle of right man in the right place;
- b. There is a negative perception of the employment social security program or the belief that the program does not provide benefits commensurate with its costs. Efforts to overcome this obstacle are that the Pekanbaru City BPJS Employment together with the local government involve the participation of community leaders, local leaders, and religious leaders to disseminate information about BPJS Employment;
- c. Companies do not see workers as part of the permanent workforce where many workers are in the informal sector or contract workers which gives rise to the assumption that they do not need to be registered as BPJS Employment participants. Efforts to overcome this obstacle are that the Pekanbaru City BPJS Employment Branch Office together with the local government, especially the Riau Province Manpower and Transmigration Office, can implement a training program for the company's management and human resources department about the importance of BPJS Employment and its registration procedures;
- d. Companies face internal bureaucratic obstacles, such as lack of coordination between departments or poor planning in workforce administration. Efforts to overcome this obstacle are that companies can improve coordination and cooperation within their companies;
- e. There are still many business leaders who do not know their obligations and are not yet aware of registering their workers for BPJS Employment membership. Efforts to overcome this obstacle are the Pekanbaru BPJS Employment Branch Office together with the Riau Province Manpower and Transmigration Office to carry

out massive socialization of Law Number 24 of 2011 concerning the Social Security Administering Body to employers and workers;

- f. There are still workers who do not know their rights to be registered as BPJS Employment participants by business owners. Efforts to overcome this obstacle are the Pekanbaru BPJS Employment Branch Office can utilize social media to provide education regarding the rights and obligations of employers and workers in terms of registering workers as BPJS Employment participants and the benefits of BPJS Employment;
- g. Workers object if their salaries are deducted by business leaders to pay BPJS Employment membership contributions. Efforts to overcome this obstacle are for employers to help pay part of their workers' BPJS Employment membership contributions or increase their workers' wages.^a

CONCLUSION

1. The implementation of worker registration as BPJS Ketenagakerjaan participants in private companies in Pekanbaru City has not been running well in accordance with the provisions of Article 15 paragraph (1) of Law Number 24 of 2011 concerning BPJS, especially from 2022 to 2024 by Limited Liability Companies and Cooperatives, where out of 13 companies and cooperatives, there are still some workers who have not been registered by their employers as BPJS Ketenagakerjaan participants.;
2. Factors that hinder implementation are law enforcement/government factors, namely they do not understand BPJS Ketenagakerjaan regulations, efforts to overcome this are to organize technical guidance; Lack of supervision and control from the Riau Province Manpower and Transmigration Office, efforts to overcome this are for the office to improve coordination and cooperation with the local BPJS Office; Lack of law enforcement from the government, efforts to overcome this are for the Riau Province Manpower and Transmigration Office to coordinate with the local BPJS Office and the Pekanbaru City DPMPSTSP agency, then impose sanctions in the form of not providing public services. Facilities/facilities factors, namely the limited ITE infrastructure of small business actors or in certain areas, especially online registration, efforts to overcome this are establishing an information and assistance service center at the Pekanbaru City Public Service Mall. Community factors, namely the company lacks human resources capable of handling BPJS

registration and administration through applications/online, efforts to overcome this are that the company places workers with the principle of right man in the right place; the perception that the program does not provide benefits commensurate with contributions, efforts to overcome this are that the local BPJS together with the local government involve the participation of community leaders to disseminate information; contract workers who assume that they do not need to be registered as participants, efforts to overcome this are that the local BPJS Employment Office together with the Riau Province Manpower and Transmigration Office implement a company HR training program; lack of coordination between departments or poor planning in administration at the company, efforts to overcome this are that the company improves internal coordination and cooperation; business leaders do not yet know their obligations and do not yet have the awareness to register their workers for membership, efforts to overcome this are to carry out massive socialization of Law Number 24 of 2011; There are still workers who do not know their rights, the effort to overcome this is that the Pekanbaru BPJS Employment Branch Office utilizes social media to provide education regarding these workers' rights; Workers object if their salaries are deducted to pay membership fees, the effort to overcome this is for employers to help pay part of the fees or increase workers' wages.

REFERENCES

1. Book:

- Achmad Ali, *Menguak Tabir Hukum*, Cetakan Ke-2, (Jakarta: Kencana, 2017).
- Amran Suadi, *Sosiologi Hukum*, (Jakarta: Prenadamedia Group, 2018).
- H.M Manulang Sendjun, *Pokok-Pokok Hukum Ketenagakerjaan Indonesia*, (Jakarta: Rineka Cipta, 1990).
- Hadari Nawawi, *Metode Penelitian Bidang Sosial*, (Yogyakarta: Gadjah Mada University Press, 1998).
- Imam Soepomo, *Pengantar Hukum Perburuhan*, (Jakarta: Djambatan, 2003).
- Lalu Husni, *Pengantar Hukum Ketenagakerjaan*, Edisi Revisi, (Depok: Raja Grafindo Persada, 2020).
- Ridwan Halim, *Pengantar Hukum dan Pengetahuan Ilmu Hukum Indonesia*, (Jakarta: Angky Pelita Studyways, 2001).

Setiono, Rule Of Law (Supremasi Hukum), (Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret, 2004).

Soerjono Soekanto, Pengantar Penelitian Hukum, (Jakarta: UI-Pers, 1986).

Soerjono Soekanto, Sosiologi Suatu Pengantar, (Jakarta: Rajawali Pers, 2012)

Sonny sumarsono, Ekonomi Manajemen Sumber Daya Manusia dan Ketenagakerjaan, (Yogyakarta: Graha Ilmu, 2003).

Sударsono, Pengantar Ilmu Hukum, (Jakarta : Rineka Cipta, 2009)

Suratman, *Pengantar Hukum Ketenagakerjaan Indonesia*, Cetakan 1, (Depok: Raja Grafindo Persada, 2019).

Tambunan, Tenaga Kerja, (Yogyakarta: BPFE, 2002).

2. Journal:

Abdul Hakim, "Problematika Pengaturan dan Penerapan Sanksi Pidana atas Pelanggaran Pasal 15 Undang-Undang Nomor 24 Tahun 2011 tentang Badan Penyelenggara Jaminan Sosial, " *Audito Comparative Law Journal*, Vol. 2 No. 1 Tahun 2021

Fahrul Ramdan Suwandi dan Dodi Jaya Wardan, "Aspek Hukum Keberlakuan BPJS Ketenagakerjaan Terhadap Perlindungan Dan Keamanan Kerja," *Sibatik Journal*, Vol. 2 No. 1 Desember 2022.

Hafiz Sutrisno, "Pengaruh BPJS Ketenagakerjaan Dalam Meningkatkan Kesejahteraan Tenaga Kerja," *Jurnal Prepotif*, Vol. 4 No. 1 April 2020

Hartini Retnaningsih, "Strategi Sistem Jaminan Sosial Nasional Bidang Ketenagakerjaan Dalam Upaya Pelindungan Pekerja di Kota Surabaya Dan Kota Pekanbaru , *Jurnal Aspirasi*, Vol. 7 No. 2 Desember 2022

KA. Azizi Noviansyah, "Pelaksanaan Prinsip Kepesertaan Bersifat Wajib pada Sistem Jaminan Sosial Ketenagakerjaan," *Jurnal Solusi*, Vol. 17 No. 3 September 2019,.

Monica Oktriani Gurusinga dan Sujianto, "Implementasi Program Jaminan Sosial Ketenagakerjaan Pada Pengemudi Ojek Online di Kota Pekanbaru", *Cross Border Journal*, Vol. 6 No. 1 Januari-Juni 2023

Rahmawati Kusuma, AD. Basniwati, Lalu Guna Nugraha dan Sri Hariati, "Hak Peserta Badan Penyelenggara Jaminan Sosial Ketenagakerjaan", *Pakuan Law Review*, Vol. 07 No. 02 Juli-Desember 2021.