

‘Badan Penyelenggara Jaminan Sosial Ketenagakerjaan’ in the Perspective of Welfare State

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ABSTRACT

The Social Security Agency for Employment as social protection insurance for all workers in Indonesia has five main products. Each BPJS employment product has benefits and advantages for its participants. The aim of this research is that researcher wants to know and analyze how the welfare state concept is in line with BPJS employment in Indonesia, asking whether its implementation is by the principle of protection contained in the welfare state concept. This research method is qualitative, namely by describing and analyzing data that has been obtained through data collection techniques of interviews, and literature study which is then explained in the form of detailed and systematic explanations. The results of this research show that based on the country typology formulated by Titmus, following the benefits facilitation provided by BPJS employment. The first point is realized with death benefits, work accident benefits, and old age benefits which provide protection benefits to workers when they can't carry out work when sick, providing compensation and scholarships to families who have lost their source of livelihood, and several other benefits.

Keywords: The Social Security Agency for Employment, welfare state, social security

ABSTRAK

Badan Penyelenggara Jaminan Sosial (BPJS) Ketenagakerjaan sebagai asuransi perlindungan sosial seluruh pekerja di Indonesia memiliki lima produk utama. Setiap produk BPJS Ketenagakerjaan memiliki manfaat dan keuntungan bagi pesertanya. Tujuan dari penelitian ini peneliti ingin mengetahui dan menganalisis bagaimana Konsep Negara Kesejahteraan sejalan dengan BPJS Ketenagakerjaan di Indonesia, pertanyaan apakah pelaksanaannya sudah sesuai dengan prinsip perlindungan yang terdapat pada konsep Negara Kesejahteraan, meskipun Indonesia bukan penganut paham Negara Kesejahteraan. Metode Penelitian ini bersifat kualitatif yaitu dengan cara mendeskripsikan serta menganalisis data yang telah diperoleh melalui teknik pengumpulan data wawancara dan studi pustaka, selanjutnya dijabarkan dalam bentuk penjelasan secara detail dan sistematis. Hasil dari penelitian ini menunjukkan bahwa berdasarkan tipologi Negara Kesejahteraan yang di rumuskan oleh Titmus sesuai dengan fasilitasi manfaat yang di berikan oleh BPJS Ketenagakerjaan diwujudkan dengan manfaat jaminan kematian, jaminan kecelakaan kerja dan jaminan hari tua yang memberikan manfaat perlindungan kepada pekerja ketika tidak bisa menjalankan pekerjaan saat sakit, memberikan santunan dan beasiswa kepada keluarga yang kehilangan sumber mata pencahariannya dan beberapa manfaat lainnya.

Kata kunci: Badan Penyelenggara Jaminan Sosial Ketenagakerjaan, negara kesejahteraan, jaminan sosial



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INTRODUCTION

Social security has been implemented in most countries in the world. Revised from a historical perspective, a broad-based social security system was first created by the German government under Chancellor Bismarck (Ahmad Nizar Shihab, 2012) but the term “social security” itself was first officially used in a law in the United States, the Social Security Act of 1935. The law initiates programs to cover the risk of old age, death, and disability, and then also provide health insurance.

What Otto von Bismarck and the Americans introduced today has expanded all over the world, with modifications according to the needs of each country, for example Japan in 1922 and then other Asian countries, Philippines, Korea, Malaysia and others. The advantage of this system is that it allows coverage for the entire population.

Furthermore, the International Labour Organization (ILO) in its convention No. 102 of 1952 encouraged all countries in the world to provide a basic protection to each of their nationals in order to comply with the United Nations declaration on the right to social security. This convention is the only international instrument for the maintenance of social security, regulating agreements between member states on minimum standards for the organization of nine social security programmes, but each State is obliged to organize only at least three programmes.

As a Commonwealth State, the social security system in Malaysia has developed earlier and faster compared to the development of social security systems in other Southeast Asian countries. (Kartonegoro, 1998). In 1951, Malaysia launched the Employee Provident Fund (EPF) mandatory savings programme through the EPF Ordinance. All private and public officials who are not entitled to retirement are obliged to follow EPF. Government officials get pensions that are government employees' benefits. In addition, Malaysia also has an occupational accident insurance and disability pension system administered by the Social Security Organization (SOCISO), (Kartonegoro, 1998). Therefore, the Malaysian federal government is responsible for the financing and direct provision of health care for the entire population, so health care is not included in the program that is covered by the social security system in Malaysia.

In Indonesia, the social security of labour has existed since the colonial period of the Dutch Indian Government in the early twentieth century. It has undergone many developments in the old order, the new order and the reformation. Subsequently, at the end of 2004, the Government issued Act No. 40 of 2004 on the National Social Security System. The law relates to the UUD 1945 Amendment amending article 34, paragraph 2, which now reads: "The State develops a system of social security for all the people and empowers the weak and incapable societies in accordance with human dignity". The benefits of such protection can give workers a sense of security so they can concentrate more on increasing motivation and productivity.

Employment as the social protection insurance of all workers in Indonesia has five main products. Each product of the employment agency has benefits and advantages for its participants. So, the participant of the BPJS Employment is not limited to the company and employees only, the individual community can sign up as long as he can pay the allowance. The following in BPJS Employment membership data in Indonesia as of January 2022.

Table 1. Indonesian BPJS Employment Data per January 2022

No	Province	Active Workforce			
		Wage Earner	Not A Wage Earner	Construction Service	Total
1	Aceh	219,388	36,479	333,885	589,752
2	Sumatera Utara	815,205	151,553	411,369	1,378,127
3	Sumatera Barat	204,140	71,394	226,039	501,573
4	Riau	532,788	92,704	234,393	859,885
5	Jambi	202,327	37,143	94,721	334,191
6	Sumatera Selatan	381,430	48,816	181,804	612,050
7	Bengkulu	65,930	9,546	37,928	113,404

8	Lampung	248,135	28,252	151,341	427,728
9	Bangka Belitung	82,521	37,309	23,385	143,215
10	Kepulauan Riau	357,949	53,680	88,441	500,070
11	DKI Jakarta	4,962,630	484,664	574,012	6,021,306
12	Jawa barat	2,894,966	458,032	497,902	3,850,900
13	Jawa Tengah	2,066,910	281,930	676,217	3,025,057
14	DI Yogyakarta	286,820	40,652	78,991	406,463
15	Jawa Timur	2,278,665	358,060	967,431	3,604,156
16	Banten	1,350,762	275,775	250,795	1,877,332
17	Bali	363,996	88,582	77,250	529,828
18	Nusa Tenggara Barat	125,108	37,255	91,980	254,343
19	Nusa Tenggara Timur	124,201	52,883	89,125	266,209
20	Kalimantan Barat	344,885	44,459	113,210	502,554
21	Kalimantan Tengah	310,805	41,573	133,488	485,866
22	Kalimantan Selatan	278,393	34,364	70,827	383,584
23	Kalimantan Timur	582,112	97,730	240,738	920,580
24	Kalimantan Utara	70,672	13,791	29,438	113,901
25	Sulawesi Utara	313,203	233,743	47,009	593,955
26	Sulawesi Tengah	200,361	31,520	74,841	306,722
27	Sulawesi Selatan	480,961	103,644	266,498	851,103
28	Sulawesi Tenggara	105,232	28,152	78,952	212,336
29	Gorontalo	75,093	54,588	46,214	175,895
30	Sulawesi Barat	73,180	25,229	41,281	139,690
31	Maluku	79,888	34,655	45,081	159,624
32	Maluku Utara	75,148	10,255	29,295	114,698
33	Papua Barat	100,803	133,027	96,875	330,705
34	Papua	143,310	62,745	118,338	324,393
Total		20,797,917	3,594,184	6,519,094	30,911,195

Source: Sata Data Ministry of Manpower (2022)

According to the above table, 30.9 million workers in Indonesia are already covered by the BPJS Employment Social Security. As is the case with the principle of a welfare state that takes precedence in safeguarding and providing security for the welfare of its citizens. In the Act No. 6 of 1974, the concept of welfare refers to the notion of social welfare, which is the condition of the material, spiritual and social needs of citizens to live a decent life and to be able to develop themselves so that they can fulfil their social functions.

The concept of the welfare state is very closely related to the social policy that in many countries includes strategies and efforts – government efforts in improving the well-being of its citizens, especially through social protection, which includes social security (both in the form of social assistance and social insurance, as well as social security networks). As one of the forms of efforts to implement the concept of the welfare state, in Indonesia this is expressed in the form of social security for workers is the BPJS Employment programme.

THE SOCIAL SECURITY AGENCY FOR EMPLOYMENT (*BPJS KETENAGAKERJAAN*)

Based on the Law No. 40 of 2004 on the National Social Security System, “The Organizing Body of Social Security (hereafter abbreviated as BPJS) is the legal body formed to organize social security programmes.” BPJS Employment is a public program that provides protection for the labour force to cope with the socio-economic risks that the labor force faces when doing work. The history of the formation of BPJS employment begins with the emergence of PT Jamsostek (Persero) which undergoes such a long process, starting from the Act No. 33 of 1947 and the Act Number 2 of 1951 on labour accidents, the Regulations of the Minister of Labour (PMP) Number 48 of 1952 and PMP Number 8 of 1956 on the establishment of aid for the maintenance of labour health enterprises, PMP No. 15 of 1957 on the creation of the Social Labour Foundation, PMPs No. 5 of 1964 on the

setting up of the Fund for Social Insurance (JS), implemented the Law Number 14 of 1969 on labour-energy.

Chronologically, the birth process of labour social insurance is becoming more and more transparent. After progress and development, both with regard to the legal basis, forms of protection and methods of maintenance, in 1977 an important historical milestone was achieved with the issuance of Government Regulation (PP) No. 33 of 1977 on the implementation of the social insurance program of labour force (ASTEK), which obliges every employer/private entrepreneur and BUMN to follow the program of ASTEK. Then in 1992 with the enactment of the Law No. 3 of 1992 on Social Security of Labour Power (JAMSOSTEK), as well as through the PP No. 36 of 1995 established PT Jamsostek as the organizing body of Social Security for Labour Force. The program provides basic protection to meet the minimum needs of the labour force and his family, by providing certainty of the continued flow of receiving family income as a substitute for part or all of the lost income, due to social risk.

PT Jamsostek (Persero) which advances the interests and normative rights of Labour Force in Indonesia by providing protection 4 (four) program, which includes the Occupational Accident Insurance Program (JKK), Death Insurance (JKM), Ancient Wage Guarantee (JHT) and Health Insurance for the entire workforce and family continues until the entry into force of the Act No. 24 of 2011 on the Organizers of Social Insurance. In accordance with the mandate of the law, on January 1, 2014 PT Jamsostek will be transformed into a Public Legal Body.

RESEARCH METHOD

This research method is qualitative, by means of describing and analyzing the data that has been obtained through data collection techniques of interviews, observations, documentation and literature studies and then described in the form of detailed and systematic explanations. By using qualitative research methods and appropriate data collection techniques, it is hoped that this research can produce an in-depth understanding of the The Social Security Agency for Employment (BPJS Ketenagakerjaan) in the perspective of the Welfare State.

BPJS KETENAGAKERJAANIN THE PERSPECTIVE OF THE WELFARE STATE

The welfare state does not mean just one standardized idea. The scope and variety of social policies implemented by the state vary from one welfare state to another (Bahagijo and Triwibowo, 2007). Titmuss (1958) identified two typologies of welfare states, namely the residual welfare state and the institutional welfare state. First, the residual welfare state assumes that the state's responsibility as a welfare provider applies if and only if the family and the market fail to perform their functions and is centered on certain groups in society, such as marginalized groups and citizens who deserve welfare allocations from the state. Second, the institutional welfare state is universal, covers all citizen populations, and is institutionalized in a broad social policy base that is vital to the welfare of society (Bahagijo and Triwibowo, 2007).

Based on the typology of the State above, in accordance with the facilitation of the benefits provided by BPJS Ketenagakerjaan, the first point is manifested by the benefits of death insurance, work accident insurance and old age insurance. The following benefits are obtained in the participation of the Social Security Program for Non-Recipient Workers as stated in the Minister of Manpower Regulation Number 5 of 2021 concerning Procedures for Implementing the Work Accident Insurance Program, Death Insurance, and Old Age Insurance for Non-Recipient Participants.

Article 83 JKK benefits as referred to in paragraph (1) include health services according to medical needs, including:

1. Basic and supporting examinations;
2. First and advanced level of care;

3. Class I hospitalization in government hospitals, regional government hospitals, or equivalent private hospitals;
4. Intensive care;
5. Diagnostic support;
6. Treatment;
7. Specialized services;
8. Medical devices and implants;
9. Doctor/medical services;
10. Surgery;
11. Blood transfusion; and/or;
12. Medical rehabilitation.

Those JKK benefits also included the compensation in the form of money which consist of:

1. Reimbursement of the cost of transporting Participants who experience Work Accidents or Occupational Diseases, to the hospital and / or to their homes, including the cost of first aid at the accident;
2. Compensation for temporary incapacity to work;
3. Compensation for partial anatomical disability, partial functional disability, and permanent total disability;
4. Death benefits and funeral expenses;
5. Periodic benefits paid in a lump sum if the Participant dies or is permanently and totally disabled as a result of a Work Accident or Occupational Disease;
6. Rehabilitation costs in the form of replacement of assistive devices (orthoses) and/or replacement devices (protheses);
7. Reimbursement of the cost of artificial teeth; and/or
8. Scholarships for children's education for Participants who die or Permanent Total Disability due to Work Accidents.

The existing benefits also include child education scholarships, from kindergarten to university for each Participant who has children in accordance with statutory provisions. According to Paragraph (2), JKM benefits are paid to the participant's heirs, if the participant dies during the active period, consisting of:

1. Lump sum compensation of Rp 48 times wage
2. Death benefit of Rp 20,000,000
3. Periodic compensation of $24 \times \text{Rp } 500,000.00 = \text{Rp } 12,000,000$
4. Funeral expenses of Rp 10,000,000.00 (ten million rupiah); and
5. Child education scholarship of Rp 1,500,000 per year for kindergarten / elementary school level, Rp 2,000,000 per year for junior high school level, Rp 3,000,000 for high school level, and Rp 12,000,000 for college level, for a maximum of 5 years is given to each Participant who dies not as a result of a Work Accident or Occupational Disease and has had a minimum period of 5 (five) years in accordance with statutory provisions.

Furthermore, JHT benefits must be paid to participants if the participant reaches retirement age, the participant experiences permanent total disability, or the participant dies.

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The Preamble of the 1945 Constitution has declared Indonesia as a welfare state. The founding fathers used the terms "just and prosperous" as contained in the second paragraph, and the terms "general welfare" and "social justice" as contained in the fourth paragraph of the Preamble of the 1945 Constitution and in Article 33 of the 1945 Constitution (Suardin, 2007). The formulation of the constitution by the founding fathers shows that the characteristics of a welfare state are: First, the Indonesian welfare state is intended as an antithesis to the concept of a liberal, individualist state. Indonesia sees the relationship between the state and its people as an integral extended family.

Secondly, as a newly formed country, Indonesia has the primary duty to prosper its people. The welfare of the people is the responsibility of the state. Third, efforts to realize the welfare of the people are carried out with state control over the earth, water, space, and natural resources within, control that gives a large role to the state. Fourth, the great role and responsibility of the state does not necessarily make Indonesia a state of power. The state is not allowed to be an oppressor, the state must still guarantee the rights of its citizens. The state rejects individualism but does not kill individual rights. Fifth, the welfare arrangements in the Indonesian constitution make the Indonesian constitution characterized by an economic constitution (Adib Zain, 2014).

The desired state building based on the 1945 Constitution of the Republic of Indonesia is a welfare state. In this concept, the state is not only in charge of maintaining order, but the state also plays an active role in efforts to improve the welfare of the people. Consequently, the state is not only in the political realm, but also in the economic and social realms. In terms of human rights, the state is not only obliged to respect and protect but must also make efforts to fulfill and promote human rights (Asshiddiqie, 2007).

The concept of the Welfare State is closely related to social policy, which in many countries includes strategies and government efforts to improve the welfare of its citizens, especially through social protection, which includes social security (both in the form of social assistance and social insurance, as well as social safety nets). As one form of effort from the application of the Welfare State concept in Indonesia is expressed in the form of social security for workers, namely the Employment BPJS program.

The government of a country that adheres to the welfare state is required to play a broader and more active role, because the scope of welfare is expanding and includes various aspects of life. William Lodewijk Gerard Lemaire (1970) in Fadli (2012) calls such a government task *bestuurszorg*

which is also known as public service, or the implementation of public welfare carried out by the government.

The issue of people's welfare is closely related to the regulation of the national economy and people's welfare. This is because it is economic activity that ultimately determines how the model of social welfare guarantees will be provided by the state, whether the state plays a total role, a limited role, or has no role at all and is completely left to market mechanisms. That is why the provisions on the economy and people's welfare are regulated in the constitution.

The provisions of the Constitution, which embrace economic democracy and market economy, must underlie the formulation of various provisions regarding the economy and social welfare in Indonesia. The implementation of constitutional provisions in the economic field will always be in contact with the development trends of society. At present, the implementation of the Welfare State that provides conceptual justification for the tendency of state market intervention should be limited in favor of the development of a healthy business world (Asshiddiqie, 2010).

Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is the basis of economic democracy that distinguishes the national economic system from liberal capitalism and the system of etatism. In liberal capitalism, the basis of the economy is not collective and family business, but individual freedom to do business. Whereas in the system of ethatism, it is the state that dominates the economy, not citizens either as individuals or together with other citizens.

The state must make control of the branches of production it controls to fulfill three things that are in the interests of society, namely: (1) sufficient availability, (2) equitable distribution, (3) affordable prices for many people. The relationship between state control over branches of production that are important to the state and the livelihood of many people, as well as the mission contained in state control is the integrity of the paradigm adopted by the 1945 Constitution of the Republic of Indonesia and can even be said to be the legal ideal (*rechtsidee*) of the 1945 Constitution of the Republic of Indonesia.

The notion of being controlled by the state in Article 33 of the 1945 Constitution of the NRI contains a higher or broader meaning than ownership in the conception of civil law. The conception of control by the state is a conception of public law related to the principle of popular sovereignty adopted in the 1945 Constitution, both in the political (political democracy) and economic (economic democracy) fields. In the understanding of popular sovereignty, it is the people who are recognized as the source, owner, and at the same time the highest holder of power, including the notion of public ownership by the people collectively.

Most state enterprises were established to implement Article 33 paragraph (2) of the 1945 Constitution. However, it must be noted that establishing state enterprises (business or non-business) is not for trading or trading, on the contrary, it is to secure the interests of the state and the basic needs of many people. The interpretation that being controlled by the state does not necessarily mean that it is owned by the state (meaning that it can be owned by private or foreign businesses) can only be accepted in the context of the spirit of Article 33 of the 1945 Constitution, that the government is truly in control so that the article is implemented. After all, in the neo-liberalistic global rule of the game, there is a provision that control of shares determines control of decision-making power (Swasono, 2009).

The implementation of the article is the implementation of the worker's social insurance program (ASTEK), which requires every private and state-owned employer to participate in the ASTEK program. Government Regulation No.34/1977 was also issued on the establishment of the ASTEK organizing body, Perum Astek. The next important milestone was the issuance of Law No.3/1992 on Workers' Social Security (JAMSOSTEK) and through Government Regulation No.36/1995, PT Jamsostek was established as the organizing body for Workers' Social Security.

The Jamsostek program provides basic protection to meet the minimum needs of workers and their families, by providing certainty that the flow of family income will continue to replace part or all of the income lost due to social risks. Furthermore, at the end of 2004, the Government also

issued Law No. 40/2004 on the National Social Security System. The law is related to the 1945 Constitutional Amendment on the amendment of Article 34 paragraph 2, which now reads: "The state develops a social security system for all people and empowers the weak and incapable in accordance with human dignity".

The benefits of such protection can provide a sense of security to workers so that they can concentrate more on increasing motivation and work productivity. In 2011, Law No. 24/2011 on the Social Security Organizing Agency was enacted. PT Jamsostek was transformed into a Public Legal Entity. PT Jamsostek (Persero), which transformed into BPJS (Social Security Organizing Agency) Employment, is still trusted to organize labor social security programs, which include JKK (Work Accident Insurance), JKM (Death Insurance), and JHT (Old Age Security). BPJS Ketenagakerjaan conducts mutual cooperation regarding the acquisition of financing and benefits so that it can run optimally. This is done in a way that the young help the old, the healthy help the sick and the high-income ones help the low-income ones.

It becomes clear that the concept of the welfare state carried by the Indonesian state based on Pancasila is in order to realize social justice for all Indonesian people with a family spirit, namely unity in diversity, differences in unity, and mutual cooperation.

CONCLUSION

The concept of Welfare State is closely related to social policy, which in many countries includes strategies and government efforts to improve the welfare of its citizens, especially through social protection, which includes social security (both in the form of social assistance and social insurance, as well as social safety nets). As one form of effort from the application of the Welfare State concept in Indonesia is expressed in the form of social security for workers, namely the Employment BPJS program.

The Social Security Agency (BPJS) Employment as social protection insurance for all workers in Indonesia has five main products. Each BPJS Employment product has benefits and advantages for its participants. BPJS Employment participants themselves are employers, workers who are bound by employment relationships and individual workers. So, BPJS Employment participants are not limited to companies and employees, individual people can also register as long as they are able to pay contributions.

BPJS Employment was originally named Jamsostek then changed to BPJS Employment on January 1, 2014 as a public legal entity directly responsible to the president, has five programs namely; Work Accident Insurance, Death Insurance, Old Age Insurance, Pension Insurance and job loss insurance.

Based on the typology of the Welfare State formulated by Titmus 1958 in accordance with the facilitation of benefits provided by BPJS Employment. This is realized by the benefits of death insurance, work accident insurance and old age insurance which provide protection benefits to workers when they cannot carry out work when they are sick, provide compensation and scholarships to families who lose their livelihoods and several other benefits.

BPJS Ketenagakerjaan conducts mutual cooperation regarding the acquisition of financing and benefits so that it can run optimally. This is done by means of the young helping the old, the healthy helping the sick and the high income helping the low income, with the concept of gotong royong the state can realize social justice for all Indonesian people with a family spirit, namely unity in diversity, differences in unity, and gotong royong.

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