

Legal Protection For Vulnerable Workers in The Labor Social Security System in Order to Increase The Participation of Social Security: A Case Study of Padang City

Khairani¹, Darnis², Ikhsan Lubis³, Surya Oktaviandra⁴, Ainul Mardiah⁵

¹Fakultas Hukum, Universitas Andalas, Padang, Indonesia, email : khairani@law.unand.ac.id

²Fakultas Hukum, Universitas Andalas, Padang, Indonesia, email : darnisajis@gmail.com

³Universitas Prima Sumatera Utara, Indonesia. email: ikhsanlubis@unprimdn.ac.id

⁴Faculty of Law, University of Hamburg, German, Email: surya.oktaviandra@studium.uni-hamburg.de

⁵Universitas Andalas, Indonesia, Email: azizhadi111@gmail.com

Abstract

Vulnerable workers, often engaged in informal sectors with low and unstable incomes, face significant barriers in accessing employment-based social security programs. In the social security system, according to Law No.40/2004 and Law No.24/2011 who are social security participants are independent participants, wage recipients and contribution recipients (poor people, while informal workers are not mentioned as participants covered by the Government. This article aims to find out how social security protection is for informal workers and who is responsible for the payment of their membership contributions as social security participants. Using an empirical legal research method, the study analyzes the implementation of social security policies at the local level, particularly initiatives to include informal workers such as fishermen, religious educators, and ride-hailing drivers. Data were collected through field observation, interviews with relevant stakeholders, and review of secondary legal documents. The study reveals that local government initiatives play a critical role in expanding enrollment, particularly through targeted identification of eligible workers and the allocation of public budget to subsidize premiums. The novelty of this research lies in its focus on subnational policy implementation and the mechanisms through which local governments operationalize inclusive social protection. The findings highlight how coordination between central and local authorities contributes to expanding access to social security and reducing socioeconomic vulnerability among informal labor groups. This study offers practical insights for policymakers seeking to close protection gaps and achieve broader coverage in employment-based social security systems.

Keywords: Enrollment, Employment-Based Social Security, Vulnerable Workers, Informal Sector, Local Policy

1. INTRODUCTION

One of the fundamental goals of the Indonesian state, as outlined in the Preamble of the 1945 Constitution, is to protect all Indonesians and the entire homeland of Indonesia. This protection includes ensuring the sustainability of workers' income when they face illness, accidents, or even death due to work-related causes. One form of such protection is through the social security system.

Social security is not merely a policy initiative; it is a constitutional right. Article 28H paragraph (3) of the 1945 Constitution states: “Every person has the right to social security that enables them to develop themselves fully as a dignified human being.” This means the government is constitutionally mandated to guarantee access to social security for all its citizens.¹Labor is crucial for enhancing both national productivity and social welfare.²Workers play a vital role in transforming the capital owned by entrepreneurs whether in financial terms or as raw materials into essential commodities and services.³

Indonesia has built its national social security system based on a funded mechanism, where contributions come from the participants themselves.⁴However, the implementation has historically favored the formal sector. The establishment of the Social Security Administering Body (BPJS) in 2014 was a significant step in fulfilling the state’s obligation to protect workers, both in the formal and informal sectors. According to Law No. 40/2004 and Law No. 24/2011, participants are people who work for employers and for the government and the poor who receive assistance. The government has gradually registered recipients of contribution assistance as participants with the Social Security Administration, which consists of the poor and the underprivileged. Furthermore, it is stated that Social Security contributions for recipient workers are paid by employers and for the poor are paid by the government. The question for participants who are not wage recipients and not in the poor category is who is responsible for paying their contributions, because factually there are many community groups in the community, such as fishermen, farmers, motorcycle taxi drivers and others who are grouped into vulnerable workers/informal workers.

According to Haluan.com, as of 2023, only 15,414 informal workers in Padang City or approximately 5.01 % of the total 317,459 were registered in BPJS Ketenagakerjaan. In West Sumatra, the coverage share stood at 18.32 % , far below the national average of 33.28 % .⁵Based on data from BPJS Ketenagakerjaan Padang City, it shows that only 22,558 informal sector workers, including vulnerable/poor workers, have become participants in the social security program and are not wage recipients of the total informal sector workforce at BPS Padang City, namely A total of 186,562 workers. This means that only about 12 % of informal sector workers in Padang City participate in this social security program and around 88 % of workers have not received employment social security protection.⁶Even those who have become social security participants have decided not

1 Khairani, *Pengantar Hukum Perburuahan Dan Ketenagakerjaan* (Depok: Raja Grafindo, 2021).89

2 Siti Kunarti et al., “Perspective of Employment Relations and Wages in Labor Law and Islamic Law,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 386–402, <https://doi.org/10.22373/sjhk.v8i1.17045>.

3 Siti Kunarti et al., “Reformulation of Minimum Wage Policy and Its Implications Concerning Justice and Workers’ Welfare in the Context Indonesian Law,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* VIII, no. 1 (2025): 213–230, <https://doi.org/10.24090/volksgeist.v8i1.12975>.

4 Khairani and Sri Arnetti, “Protecting the Rights of Laid-off Workers during the COVID-19 Pandemic after the Enactment of Law No . 11 / 2020 on Job Creation Protecting the Rights of Laid-off Workers during the COVID-19 Pandemic after the Enactment of Law No . 11 / 2020 on Job Creati,” *Cogent Social Sciences* 9, no. 2 (2023): 1–11, <https://doi.org/10.1080/23311886.2023.2260161>.

5 Dodi Caniago, “Duh, Masih Sedikit Pekerja Informal Dapat Jamsos Di Kota Padang,” *Harian Haluan*, 2023. Accessed 05 agust 2025

6 Fakhri Ahmad, Roni Eka, and Yoserizal, “Behavior of Financial Management in Coastal Communities: A Case Study of West-South Aceh Millennials,” *Journal of Social and Policy* 3, no. 1 (2023): 1–5.

to continue their participation in BPJS Employment due to several reasons, especially economic problems. This shows that social protection for informal workers is still low.

Several studies have demonstrated structural and practical obstacles to expanding participation among informal workers. Adireja found that online ride-hailing drivers in Semarang lacked formal employment relationships, which excluded them from mandatory BPJS coverage.⁷ Madiono et al., in their study on migrant workers, also showed that despite legal protections, many informal or transnational workers remained unprotected due to weak enforcement.⁸

The same thing was conveyed by Silviya N Rajagukguk that the participation of informal workers is still relatively low due to various obstacles such as lack of understanding and distrust of the effectiveness of programs, complicated bureaucracy, and income instability.⁹ The implementation of the BPJS Employment Program is an interesting topic and there are several studies that have been carried out previously with various aspects, such as in research (Verina, 2022) which shows that the implementation of the BPJS Employment Program in Pekanbaru Panam for non-wage earners is by applicable indicators and has gone well and there are also obstacles such as people who still lack awareness the importance of social security, safety and welfare at work and still generally the public is focused on the health insurance available at BPJS Kesehatan. Similar to previous research, the carried out by¹⁰ also shows that the implementation of the BPJS Employment program in Tangerang Regency is still not widely understood by the public because many people understand this program as an old age savings program rather than as a social protection program from the risk of work accidents and deaths.

BPJS Ketenagakerjaan manages four key programs: Work Accident Insurance (JKK), Death Insurance (JKM), Old Age Insurance (JHT), and Pension Insurance (JP). Although initially designed for formal workers, the program has expanded to cover non-wage recipient workers (BPU) such as motorcycle taxi drivers, street vendors, fishermen, and religious teachers. However, access among these vulnerable workers remains low. This is done to implement Presidential Instruction No.2/2021 to optimize participation in employment social security which is further regulated by the Regional Government of West Sumtarea Province which is also implemented by the Padang City Government mandating local governments to register vulnerable workers. In response, Padang City allocated APBD (regional budgets) to cover membership dues for groups such as fishermen and religious educators. This article aims to find out how social security protection is for informal workers and who is responsible for the payment of their membership contributions as social security participants.

7 Luhut Adireja, "Perlindungan Hukum Terhadap Mitra Pengemudi Grab Dalam Perspektif Jaminan Sosial Ketenagakerjaan," *Jambe Law Journal* 6, no. 2 (2024): 151–165.

8 Astrid Athina Indradewi and Yuni Priskila Ginting, "Legal Protection for Indonesian Migrant Workers in International Human Trafficking Syndicates," *UNES Law Review* 6, no. 4 (2024): 9968– 9976.

9 Silvia N Rajagukguk, "Analisis Peran BPJS Ketenagakerjaan Dalam Meningkatkan Kesejahteraan Sosial Pekerja Informal Di Padang Bulan Kota Medan," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 11 (2025): 88–91.

10 Anisa Syahidah Mujahidah, "Sentiment Analysis Related to JHT (Jaminan Hari Tua) Program in Indonesia," *Journal: Economics and Sustainability* 2, no. 1 (2024): 1–16, <https://doi.org/https://doi.org/10.58968/es.v2i1.544>.

This research employs a combination of normative and empirical legal approaches to examine the concept and implementation of legal protection for Indonesian workers, particularly informal and vulnerable groups, in accessing employment social security programs. Normatively, the study is designed as an explorative legal inquiry, aiming to analyze statutory regulations, legal doctrines, and theoretical perspectives to identify gaps and formulate an ideal framework for worker protection. Empirically, the research investigates the factual application of policies at the local level, especially in Padang City, to observe the practical efforts in expanding social security participation.

The main legal material consists of legal instruments relevant to social protection and employment, including Article 28 D (2) of the 1945 Constitution which guarantees workers' rights in employment relations and protection to citizens, Law No. 13/2003 and the participation and responsibility of payment of social security contributions according to Law No. 40/2004, Law No. 24/2011, Presidential Instruction no. 2/2021, the policies of the Governor of West Sumatra and the Padang City Government to increase social security participants from the informal worker sector. Secondary legal materials comprise academic books, journal articles, previous research, and legal commentaries that contextualize and interpret the primary sources. Tertiary materials include dictionaries and legal encyclopedias used to support conceptual clarity.¹¹Data collection includes interviews with stakeholders such as informal workers (e.g., online motorcycle taxi drivers, fishermen, mosque caretakers), officials from the Padang City BPJS Employment Office, and the Department of Manpower and Industry. Library research was also conducted to retrieve doctrinal sources from various university and national collections. Qualitative methods are employed for data analysis, involving the identification, classification, and interpretation of regulatory texts and empirical findings. The analysis is presented descriptively and systematically to explain the mechanisms, challenges, and policy implications in improving the inclusion of informal workers in the employment social security system.

2. ANALYSIS AND DISCUSSION

2.1. Employment Social Security Participation in Padang City

BPJS participants are every Indonesian citizen, including foreign citizens, who have worked in Indonesia for at least 6 months. BPJS membership is calcified into: recipient workers and non-wage workers.

1.1.1 Recipient workers Participants

1) Types of Recipients workers

According to Article 1 number 11 of the SJSN Law and Article 1 Number 8 of the BPJS Law, a worker is every person who works by receiving salary, wages, or other forms of compensation. According to Article 2 paragraph (1) of the Regulation of the Minister of Manpower Number 5 of 2021 concerning the Implementation of

11 Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Depok: Rajawali, 2019).p.67

the Work Accident Insurance Program, Death Insurance, and Old Age Insurance (Permenaker 5/2021), wage recipients include:

- a) Workers who work for state-owned employers, including:
 - non-civil servant government employees;
 - state officials who are not state civil servants; and
 - non-state civil servants in high state institutions or state institutions.
- b) Workers who work for employers other than state administrators, including:
 - workers on probation;
 - commissioners and directors who receive wages; and
 - Supervisors and Administrators Who Receive Wages

Wage Recipient is a membership of BPJS Employment which is intended for participants who receive wages, salaries, and other forms of compensation from employers. Wages are very important in determining the amount of social security contributions, therefore in ensuring government protection, we must pay attention to wage elements that can meet the decent life of workers. In setting wages, an entrepreneur is not justified in acting cruelly toward groups of workers by depriving them of the right entirely from their part of themselves. Wages are set most appropriately without having to oppress any party. Wages or the provision of wages is one of the issues that various parties have never debated, both private and Government. Not few amounts of wages also always trigger conflicts between employers and employed people Liability and Financing.¹²

The government has a guarantee program to protect and prosper workers. The obligation to register workers/laborers into the membership of BPJS Ketenagakerjaan aims to prosper workers/laborers who in this case are weak parties under the power of the company. Article 15 of the BPJS Law states that: "Employers are gradually obliged to register themselves and their Workers as Participants to BPJS in accordance with the Social Security program followed". If the employer does not heed the regulation, it will be subject to sanctions regulated in Government Regulation Number 86 of 2013 concerning Procedures for the Imposition of Administrative Sanctions to Employers Other than State Administrators and Every Person, Other than Employers, Workers, and Recipients of Contribution Assistance in the Implementation of Social Security. Article 17 of the BPJS Law stipulates that there are administrative sanctions for employers who do not register workers as BPJS participants, namely in the form of: written warnings, fines, and not getting certain public services.

To realize this, the government through the Minister of Manpower issued Permenaker 5/2021. In Article 3 paragraph 1 of Permenaker 5/2021 that Every Employer is required to register Workers as Participants in the JKK program, JKM program, and JHT program at BPJS Employment in accordance with the provisions of laws and regulations by filling out the following form:

- a) Employer registration;

¹² Siti Kunarti et al., "The Legal Politics of Outsourcing and Its Implication for the Protection of Workers in Indonesia," *Sriwijaya Law Review* 8, no. 1 (2024): 1–19, <https://doi.org/10.28946/slrev.Vol8.Iss1>.

- b) worker registration; and
- c) Worker litem details

Regarding the obligation to pay contributions, it is stated in Article 6 of Permenaker 5/2021 which states that workers who work for several Employers must be included in the JKK program, JKM program, and JHT program and be paid their contributions by each Employer in accordance with the provisions of laws and regulations.

Several Government regulations and policies that require everyone who works to be a BPJS participant, it shows the presence of the state (government) to protect if at any time they experience conditions that cause a reduction or disconnection of sources of income. One of the goals of the state is to ensure the protection of citizens which is realized by basic policies that determine the direction, form, and substance of the law referring to the legal politics.¹³ Satjipto Rahardjo defines legal politics as an activity to choose certain social goals. Politics is a field in which social and legal goals fulfill the obligation to decide what methods to use when laws and regulations need to be changed to achieve social goals.¹⁴

2) BPJS Employment Programs Followed

The BPJS Ketenagkerjaan program that can be followed is:

a) Work accident insurance (JKK)

In Article 34 of the SJSN Law, the amount of work accident insurance contributions is a certain percentage of wages or income borne entirely by the employer.

b) Death insurance (JKM)

In Article 46 paragraphs (1) and (2) it is stated that death insurance contributions are borne by the employer. The amount of death insurance contributions for wage recipients is determined based on a certain percentage of wages or income.

c) Old age insurance (JHT)

In Article 38 paragraph (1) of the SJSN Law, the amount of old-age security contributions for wage recipients is determined based on a certain percentage of wages or certain income borne jointly by employers and workers.

d) Pension Security (JP)

In Article 42 paragraph (1) of the SJSN Law, the amount of pension security contributions for wage recipient participants is determined based on a certain percentage of wages or income or a certain nominal amount borne jointly between the employer and the worker.

1.1.2 Non-wage workers

Non-Wage Recipient Participants are any workers who carry out economic activities or businesses independently to earn income from their activities or businesses.

1) Category of Non-Wage Recipient Participants

In Article 31 paragraph (1) of Permenaker 5/2021, it is stated that participants who are not wage recipients consist of:

¹³ Siti Kunarti et al.

¹⁴ Satjipto Rahardjo, *Ilmu Hukum. Cetakan Keenam* (Bandung: Citra Aditya Bakti, 2006).p.56

- a) Employers, including:
 - shareholders or owners of capital; and
 - a natural person who employs a worker and does not receive a wage
 - b) Workers outside the employment relationship or Independent workers, including Workers with partnership relationships.
 - c) Workers who do not include letters (b who do not receive
- 2) Registration and Financing Obligations

Non-Wage Recipient Participants are required to register themselves with BPJS Employment according to the membership staging, with the following requirements:

- a) Have a population identification number or identity card;
- b) have not reached the age of 65 (sixty-five) years; and
- c) have a business or job.

Registration can be done independently or through a forum or certain groups formed by Non-Wage Recipient Participants. Registration independently or through certain forums or groups is carried out through BPJS Ketenagakerjaan branch offices or BPJS Ketenagakerjaan Service Channels. For BPJS Employment membership for Workers with a partnership relationship, it must be ensured by the service provider through a partnership. For the payment of membership contributions, Non-Wage Recipient Participants are required to pay JKK and JKM contributions to BPJS Employment which can be done individually or through Certain Containers or Groups.

3) BPJS Programs Participated in

- a) Employers are required to participate in 3 (three) employment social security programs:
 - Work Accident Insurance (JKK) program
 - Death Insurance (JKM) program
 - Old Age Insurance (JHT) program
- b).For Workers outside the employment relationship or independent workers, including workers with partnership relationships, and workers who are not included in the workers outside the employment relationship or independent workers who do not receive wages, they are required to participate in 2 (two) employment social security programs:
 - a. Work Accident Insurance (JKK) program
 - b. the Death Insurance (JKM) program, and can participate in the JHT program voluntarily

Based on an interview with the Head of Membership of BPJS Ketenagakerjaan Padang City, Mr. Yuri Pratama, said that in general BPJS Ketenagakerjaan has 4 types of BPJS Ketenagakerjaan membership, namely:¹⁵

- 1) Wage Recipient (PU)

15 "Yuri Pratama, Interview, Head of Membership of BPJS Ketenagakerjaan Padang City, 2025.

According to Article 1 number 11 of the SJSN Law and Article 1 Number 8 of the BPJS Law, a worker is every person who works by receiving salary, wages, or other forms of compensation.

2) Non-Wage Recipient (BPU)

Non-Wage Recipient Participant is any worker who carries out economic activities or businesses independently to earn income from his activities or businesses.

3) Construction Services (Jakon)

Law Number 18 of 1999 concerning Construction Services defines construction services as construction work planning consulting services, construction work implementation services, and construction work supervision consulting services. This means that construction service workers are people who work in all of these business fields.

4) Indonesian Migrant Workers (PMI)

In Article 1 number 2 of Law Number 18 of 2017 concerning Indonesian Migrant Workers, Indonesian migrant workers are any Indonesian citizens who will, are, or have done work by receiving wages outside the territory of the Republic of Indonesia

Tabel 1. BPJS Employment Participation Data

Year	PU	BPU	JAKON	PMI	Total
2022	111,445	30,336	81,258	881	223,920
2023	98,335	58,697	43,080	1,745	201,857
2024 to September	94,811	96,992	23,877	1,793	217,473

Data Source: BPJS Employment Padang City October 14, 2024

To become a participant in employment social security, there are program specifications that must be followed, such as Wage Recipients (PU) workers are required to register for at least 3 programs, namely the Work Accident Insurance (JKK), Death Insurance (JKM) and Old Age Insurance (JHT) programs. Meanwhile, for the type of participation of Non-Wage Earners (BPU) and Indonesian Migrant Workers (PMI) workers, they are required to register for at least 2 programs, namely the Work Accident Insurance (JKK) and Death Insurance (JKM) programs and for the type of construction services labor participation (JAKON) are only required to register in 2 programs, namely work accident insurance (JKK) and Death Insurance (JKM) and for 3 other programs, namely Old Age Insurance (JHT), Pension Insurance (JP) and Job Loss Insurance (JKP) are options for workers to be able to follow which depends on the type and scale of labor work. Of the three types of social security participants, informal workers are not explicitly mentioned in the SJSN Law and the BPJS Law who are given social protection because they are implicitly included in the category of non-wage earners/independent participants who must be responsible for the payment of social security contributions that are included, while in terms of economic ability they

are not able to pay their social security contributions. So that normatively informal workers cannot get preventive protection as mentioned by Philip Hadjon and social protection as expected in the philosophy of Pancasila.

Vulnerable workers are non-wage earners who work independently/informally who receive low wages and incomes with substandard working conditions, have unstable jobs, low job security and have low levels of welfare. The category of vulnerable workers is more sensitive to risks, both occupational health and safety risks compared to workers in general. According to the Coordinating Ministry for Human Development and Culture, vulnerable workers are everyone who works with wages and income with substandard working conditions, has an unstable job, and has a low level of welfare. In Article 1 number 14 of Padang Mayor Regulation Number 13 of 2022, it is stated that vulnerable workers are workers whose working conditions are far from standard values and have high risks and have very minimal income, including farmers, fishermen, street vendors, mosque imams, TPA/TPQ, MDTA/MDTQ teachers, gharin, and other non-wage earners who are vulnerable to economic turmoil and below-average welfare levels.

With these limitations, the President of the Republic of Indonesia through Presidential Instruction Number 2 of 2021 concerning Optimizing the Implementation of the Employment Social Security Program (hereinafter abbreviated as Presidential Instruction Number 2 of 2021) instructed in the second part to 24 ministries and regional heads, both Governors and Regents/Mayors, to prepare and establish regulations and allocate budgets to support the implementation of the Employment Social Security Program in their regions. Funding for optimizing the implementation of the Employment Social Security Program is charged to the State Budget, Regional Budget, and other legal and non-binding sources in accordance with the provisions of laws and regulations.

To follow up on Presidential Instruction Number 2 of 2021, the Ministry of Home Affairs issued Regulation of the Minister of Home Affairs Number 81 of 2022 concerning Guidelines for the Preparation of the 2023 RKPD (hereinafter abbreviated as Permendagri Number 81 of 2022) which states that in other special cases, number 12 point c that in order to follow up on Presidential Instruction Number 2 of 2021, the attention of the governor and regents/mayors is requested to ensure that all workers, including local government employees with non-State Civil Apparatus (ASN) to become an active participant in the employment social security program in order to provide protection and improve welfare for all workers and their families through the Employment Social Security Organizing Agency. Then the Governor's Instruction Number: 5/INST-2021 concerning Increasing Participation in the Employment Social Security Program in West Sumatra Province (hereinafter abbreviated as Governor's Instruction Number: 5/INST-2021) was also issued as a follow-up to Presidential Instruction No. 2 of 2021. The Instruction of the Governor of West Sumatra Number: 5/INST-2021 is a guideline and is followed up by all social security stakeholders to accelerate *universal health coverage* of the social security program for workers in West Sumatra Province. In Padang City, regulations related to social security protection for

vulnerable workers are regulated in Padang Mayor Regulation Number 13 of 2022 concerning the Implementation of Employment Social Security. In Perwako Number 13 of 2022, it is stated that the Regional Government is gradually implementing the Employment Social Security protection program for vulnerable workers who live and work in the region by participating in the participation of BPU Participants in BPJS Ketenagakerjaan.

The BPJS Employment membership registration procedure for vulnerable workers begins with a proposal. In Mayor Regulation Number 13 of 2022 concerning the Implementation of Employment Social Security related to registration for vulnerable workers, this is carried out by the Social Service. The membership comes from submissions made by the lowest government, and verified by the Social Service. The requirement for vulnerable workers who become participants is recorded in the DTKS. After verification, the Social Service conducted a survey in the field to determine the eligibility for BPJS Employment membership for these vulnerable workers. Then the results of the verification and survey were submitted to BPJS Employment for further verification in accordance with BPJS Employment rules. Then the data verified by BPJS Ketenagakerjaan, was submitted back to the social service. Then, the social service is authorized to identify participants who pass verification and receive BPJS Employment membership contribution assistance. For vulnerable workers who pass verification, are registered, and are paid their membership dues by the Social Service to BPJS Ketenagakerjaan, the vulnerable workers will get proof in the form of a BPJS Ketenagakerjaan card.

2.2. Government's Efforts to Include Vulnerable Workers in the Employment Social Security Program in Padang City

The Padang City Government in supporting social security for workers who are not wage earners or informal workers continues to urge the public to activate their registration as BPJS Employment participants. The government continues to move and encourage the activation of the participation of non-wage earners as participants in BPJS Ketenagakerjaan. Non-wage earners are individuals who carry out activities independently to earn income, while vulnerable workers are non-wage earners or informal sector workers whose working conditions are far from standard values, high risk and have very minimal income.

The President of the Republic of Indonesia through Presidential Instruction Number 2 of 2021 concerning Optimizing the Implementation of the Employment Social Security Program (hereinafter abbreviated as Presidential Instruction Number 2 of 2021) instructed in the second part to 24 ministries and regional heads, both Governors and Regents/Mayors, to prepare and establish regulations and allocate budgets to support the implementation of the Employment Social Security Program in their regions. Funding for optimizing the implementation of the Employment Social Security Program is charged to the State Budget, Regional Budget, and other legal and non-binding sources in accordance with the provisions of laws and regulations. In West Sumatra itself, West Sumatra Provincial Regulation Number 7 of 2019 was issued regarding employment.

This Regional Regulation discusses BPJS in general, both BPJS Kesehatan and BPJS Ketenagakerjaan. Then there is also the Governor of West Sumatra Regulation No. 24 of 2018 concerning the Implementation of Employment Social Security for Workers. And also issued Governor's Instruction No. 5 of 2021 concerning Increasing Participation in the Employment Social Security Program in West Sumatra Province. These regulations discuss social security in general. Only in the Mayor's Regulation Number 13 of 2022 concerning the Implementation of Employment Social Security, one of which regulates employment social security for vulnerable workers.

The urgency of participating vulnerable workers as participants in BPJS Employment does not only protect vulnerable workers themselves. From an economic point of view, vulnerable workers are indeed unable to pay membership contributions, but vulnerable workers must still be registered as BPJS Employment participants, this is to prevent extreme poverty. As stipulated in Presidential Instruction Number 4 of 2022 concerning the acceleration of the elimination of extreme poverty, one of which is through the employment social security program. This social security program is a social cushion. So, when there is a work risk for vulnerable workers, it will not cause new poverty and still be able to continue to make a decent living.

The BPJS Employment Social Security Program consists of 5 (five) programs, namely Work Accident Insurance (JKK), Death Insurance (JKM), Old Age Insurance (JHT), Pension Insurance (JP), and Job Loss Insurance (JKP). For the employment social security program that can be participated by vulnerable workers, there are 2 (two), namely Work Accident Insurance (JKK), and Death Insurance (JKM). The amount of payment paid for the 2 programs is IDR 16,800, -/month. This indicates that the factors used to evaluate or measure compensable positions (compensable factors) in developing wage structures and scales include the training, expertise, and experience necessary for the job.¹⁶

To increase the scope of participation in the Employment Social Security (Jamsostek) program for vulnerable workers in Padang City, BPJS Employment can collaborate and synergize with various parties, including local governments, business entities, and stakeholders. In terms of efforts to increase BPJS Employment participation for vulnerable workers, there are *Universal Coverage* Social Security which aims to expand the scope of BPJS Employment membership for both formal and informal workers. Deep *Universal Coverage* Social Security will be seen by the number of workers who have been registered with BPJS Employment compared to the workforce that is already working. As explained, vulnerable workers who receive contribution assistance are vulnerable workers who are recorded in the Integrated Social Welfare Data (DTKS) and pass verification, both by the Social Service and BPJS Ketenagakerjaan. The increasing poverty rate has resulted in not all vulnerable workers being recorded in the DTKS. For this reason, the lowest government such as urban villages can increase community data collection efforts, so that many vulnerable workers will be recorded in the DTKS. The

16 Any Suryani, "Strengthening The Relationality Of Heteronomous And Autonomous Legal Rules In Workers' Decent Wage Law Policies (An Attempt To Create A Dignified Tripartid Ecosystem)," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (2023): 302–13, <https://doi.org/DOI: http://dx.doi.org/10.29303/ius.v11i2.1241>.

lowest government can conduct an exploration of people who are classified as vulnerable workers, so that the assistance provided is right on target.

In addition, to increase BPJS Employment participation for vulnerable workers in Padang City, it can be done by issuing government policies in the form of laws and regulations related to the protection of employment social security, especially for vulnerable workers, and increasing socialization related to programs and benefits obtained from BPJS Employment with very affordable contributions. In terms of financing social security contributions for vulnerable workers in Padang City, the Regional Government collaborates with Bank Nagari as a regionally owned business entity.

The existence of a policy determined by the Government and the Padang City Regional Government to record and register informal workers as social security participants is an effort to provide legal protection and social protection to achieve one of the legal objectives mentioned by Gustav Radbruch that the purpose of the law is to achieve justice, legal certainty and benefits that are ultimately fulfilled by economic rights, as referred to in ILO Convention 202.

3. CONCLUSION

To increase BPJS Employment participation for vulnerable workers, there is a Universal Social Security which aims to expand the scope of BPJS Employment participation for both formal and informal workers, the Padang City Government issued policies in the form of laws and regulations on the protection of employment social security through data collection and grouping of vulnerable pejera groups, namely fishermen, TPA teachers, and on-line motorcycle taxi drivers. Employment social security programs that can be followed are Work Accident Insurance (JKK), and Death Insurance (JKM) which aim to protect and prevent poverty for vulnerable workers. The government registers vulnerable workers/laborers to become members of BPJS Ketenagakerjaan and is also responsible for the payment of contributions for each type of program that is included. Funding for optimizing the implementation of the Employment Social Security Program is charged to the State Budget, Regional Budget, and other non-binding funding sources in accordance with the provisions of laws and regulations. Another effort is to increase socialization related to programs and benefits obtained from BPJS Employment with very affordable contributions so that the public understands how important it is to be a social security participant.

It is recommended to immediately draft and establish special regulations that regulate employment social security protection for vulnerable workers in a clear and detailed manner and add the type of social security program and funding for the payment of contributions for vulnerable workers, so that the protection provided is not only limited to the JKK (Work Accident Insurance) and JKM (Death Insurance) programs, but includes more comprehensive protection. Detailed regulation and active oversight will provide maximum legal protection for vulnerable workers, in accordance with the principles of justice, utility, and legal certainty.

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