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Indonesian Labor Protection through Social Employment Security in Sustainable Development Goals (SDGs)

Perspective

Nur Hadiyati

Faculty of Law, Universitas Internasional Batam, Indonesia

E-mail: hadiyati@uib.ac.id

ABSTRACT

The goal of the Indonesian state is to improve people's welfare. This goal is further emphasized by developing a social security system for the welfare of all people. Fulfillment of socio-economic protection that is evenly distributed and does not differentiate between social groups must be carried out by the government because it contains the state ideology which states social justice for all people. To provide social security for all the people, especially workers, Indonesia has established Law Number 40 of 2004 concerning the National Social Security System. Based on this, this study aims to examine whether the existing social security system in Indonesia protects the people, especially workers, based on the perspective of Sustainable Development Goals (SDGs). The research method used in answering the problem is a normative legal research method with a statutory approach, a conceptual approach, and a historical approach. This research is expected to be able to contribute knowledge and literacy to society and academics related to labor protection. This research shows that labor social security is a form of protection provided to workers and their families against various labor market risks. From the SDGs perspective, the protection of workers through employment social security can reflect the SDGs Goal 8, namely decent work and economic growth, promoting sustainable and inclusive economic growth, employment, and decent work for all.

Keywords: Labor Protection, Social Employment Security, Sustainable Development Goals

1. INTRODUCTION

The presence of human rights norms contained in the 1945 Constitution of the Republic of Indonesia now has two positions, namely as a guiding norm or guide for positive law to achieve the ideal of protecting human rights and as a norm examining positive law or law whether it is in line with the spirit of human rights (Agustina, 2019). Social security is a human right that is guaranteed, protected and considered by the government of Indonesia in providing welfare (Permana, Suyatna, & Sarna, 2017).

In Indonesia, the aim of the state to improve people's welfare is contained in the preamble to the 1945 Constitution of the Republic of Indonesia (Taniady, Riwayanti, Anggraeni, Ananda, & Disemadi, 2020). This goal is further emphasized by developing a social security system for the welfare of all people, which is mandated by the amendment of the Fourth Constitution of the Republic of Indonesia. The national social security system is a state program that aims to provide certainty, social protection and welfare for all people as mandated in Article 28H paragraph (1), paragraph (2), and paragraph (3) and Article 34 paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia.





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Providing equal socio-economic protection and that does not differentiate between social groups must be carried out by the government (Disemadi & Prananingtyas, 2020a; R. Kurniawan, 2013), because this is stated in the noble values contained in Pancasila (Indonesian Ideology) which states "keadilan sosial bagi seluruh rakyat Indonesia" or social justice for all Indonesian people in essence the state wants to realize social justice for all people. Indonesia, this is the main idea of social justice which is based on the awareness that Indonesian people have the same rights and obligations to create social justice in people's lives (Permana et al., 2017).

Historically, social security has been implemented in some countries in the world. From a historical perspective, a broad social security system was first created by the German Government under Chancellor Bismarck. In 1883 Bismarck started a social security program by providing health insurance to certain groups of workers in accordance with the needs of industrialization at that time (Shihab, 2018). These various insurances are compulsory for workers and are financed by contributions from the workers themselves and their employers. Workers and employers work together to finance social security programs through a social insurance mechanism (Shihab, 2018).

Indonesia is a law-based country, of course in running the government, establishing state-to-community relations, and society and society, it will be based on legal rules made by the state (S. Kurniawan & Disemadi, 2020). One form of state regulation on government-public relations in terms of labor regulations (Abdullah, 2018). To provide social security for all people, especially workers, Indonesia established Law Number 40 of 2004 concerning the National Social Security System (National Social Security System Law). Based on the description above, the issue that will be raised is whether the existing social security system in Indonesia provides protection for the people, especially workers based on Sustainable Development Goals (SDGs). The SDGs are a global action plan agreed upon by world leaders, including Indonesia, to end poverty, reduce inequality, and protect the environment. The SDGs contain 17 Goals and 169 Targets that are expected to be achieved by 2030 (Tan, 2020).

Previous research was conducted by Junaidi Abdullah in 2018 which examined forms of social security and their benefits for workers in Indonesian labor law (Abdullah, 2018); Arfan Kaimudin in 2019 has reviewed the legal protection of child labor in Indonesian legislation (Kaimudin, 2019); Ida Ayu Sadnyini and Milton Gabe L. Tobing in 2019 have reviewed employment social security for hotel daily workers in Badung-Regency (Sadnyini & Tobing, 2020); Moch Thariq Shadiqin in 2019 reviewed legal protection for foreign workers based on the principles of certainty and justice (Shadiqin, 2019). Based on these studies, there are similarities in research themes related to labor protection. However, this research has a different focus, which is to examine labor protection through the employment social security system in Indonesia based on the SDGs perspective.





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2. RESEARCH METHOD

The research method used is the normative-legal research method (*doctrinal*). This research emphasizes document study or library research because it focuses more on the use of secondary data (Zainuddin, 2019). Secondary data is the source of research data obtained through indirect or intermediary media in the form of books or archives, either unpublished or generally published. Secondary data is divided into primary legal materials such as labor-related laws and regulations, social security systems and other regulations, secondary legal materials such as books or journal articles related to labor protection studies in the SDGs perspective, and tertiary legal materials in the form of online articles. as supporting data for previous legal materials. This study uses descriptive-qualitative analysis techniques to obtain correct conclusions (Suteki & Taufani, 2018).

3. RESULTS AND DISCUSSION

Employment Social Security Policy in Indonesia

Article 1 paragraph (2) of Law Number 13 of 2003 concerning Labor (Labor Law) explains that the definition of labor is any person who is capable of doing work to produce goods and or services, both to meet their own needs and for the community. The definition of labor according to the Labor Law is in line with the definition of labor according to the concept of labor in general, that the definition of labor includes people who are already or are currently working, who are looking for work, and who do other work such as school and taking care of the household (Husni, 2014). In preventing and managing labor risks, social security is needed. Social security is a protection for the welfare of the community that is organized or fostered by the government to maintain and improve the people's standard of living (Putri & Murdi, 2019).

Social security is a basic need for society, it is the goal of the state and the responsibility of the government because it is related to human rights issues (Lestariyono, Sugiri, & Safa'at, 2019). Social security can be interpreted broadly and can also be interpreted narrowly. In a broad sense, social security includes various efforts that can be made by the community or the government. These efforts are categorized into four main business activities, namely: a). Efforts in the form of prevention and development, namely efforts in the fields of health, religion, family planning, education, legal aid, and others that can be grouped into Social Services; b). Efforts in the form of recovery and healing, such as assistance for natural disasters, elderly people, orphans, people with disabilities, and various disabilities that can be referred to as Social Assistance; c). Efforts in the form of coaching, in the form of improving nutrition, housing, transmigration, cooperatives, and others that can be categorized as Social Infra Structure; and d). Efforts in the field of labor protection specifically aimed at the workforce community who are at the core of the development



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workforce and always face socio-economic risks are classified as Social Insurance (Asyhadie, 2007).

With the enactment of Law Number 40 of 2004 concerning the National Social Security System (National Social Security System Law), Indonesia already has a Social Security system for all Indonesian people (Pakpahan & Sihombing, 2018). In definitive terms, the broad definition of social security can be found in the National Social Security System Law, in Article 1 point 1 states that "social security is a form of social protection to guarantee that all people can fulfill their basic needs for a decent life".

The basis for the formation of the National Social Security System Law for the administration of social security are (Tim Koordinasi Komunikasi Publik Terintegrasi Jaminan Sosial Bidang Ketenagakerjaan, 2016): 1). The implementation of a national social security system is based on human rights and the constitutional rights of every citizen. Article 28H paragraph (3) of the Constitution of Indonesia stipulates, "Every person has the right to social security which enables his complete development as a beneficial human being"; 2). The implementation of the national social security system is a manifestation of the State's responsibility in developing the national economy and social welfare. Article 34 paragraph (2) of the Constitution of Indonesia stipulates, "The state develops a social security system for all people and empowers people who are weak and underprivileged according to human dignity"; 3). The social security program is aimed at enabling everyone to develop himself completely as a useful human being; 4). The implementation of a national social security system is based on humanitarian principles and is related to respect for human dignity. Article 2 of the National Social Security System Law stipulates, "The National Social Security System shall be implemented based on the humanitarian principle, the principle of benefit, the principle of social justice for all Indonesian people". Elucidation of Article 2 of the National Social Security System Law explains that the principle of humanity is related to respect for human dignity; and 5). The national social security system aims to meet the basic needs of a decent life for each participant and/or family member. Article 3 of the National Social Security System Law stipulates "The National Social Security System aims to guarantee the fulfillment of the basic needs of a decent life for every participant and/or family member".

Realizing the objectives of the national social security system, it is necessary to establish an administrative body in the form of a public legal entity based on the principles of mutual cooperation, non-profit, openness, prudence, accountability, portability, mandatory membership, trust funds, and the results of the management of social security funds to be used entirely for program development and to the greatest extent. interests of Participants (Adillah & Anik, 2015). For this reason, Law Number 24 of 2011 concerning Social Security Administering Bodies (Social Security Administering Bodies Law) was formed, which is the implementation of the National





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Social Security System Law. The Social Security Administering Bodies Law exists as an implementation of Article 5 paragraph (1) and Article 52 of the National Social Security System Law which mandates the formation of the Social Security Administering Body and the institutional transformation of PT Askes (Persero), PT Jamsostek (Persero), PT TASPEN (Persero), and PT. ASABRI (Persero) became the Social Security Administering Body. This transformation was followed by the transfer of participants, programs, assets and liabilities, employees, and rights and obligations.

The Social Security Administering Bodies Law is the mandate of Article 5 paragraph (1) and Article 52 of the National Social Security System Law, to establish a Social Security Administering Body. Because the Guarantee Agency must be made by law. Social Security Administering Bodies are the transformation of the four State-Owned Enterprises to implement the National Social Security System.

The Social Security Administering Bodies Law forms 2 (two) Social Security Administering Bodies, namely the Health Social Security Administering Body and the Employment Social Security Administering Body. Health Social Security Administering Body organizes a health insurance program (Mariyam, 2018), and the Labor Social Security Administering Body provides a work accident, pension, and death security program (Muthoharoh & Ari, 2020). With the two Social Security Administering Bodies, the coverage of the social security program will be expanded gradually. The Social Security Administering Bodies Act was passed on 25 November 2011.

With regard to work relations, social security for workers is defined narrowly, namely social security is the payment received by the worker in the event that the worker, apart from his mistakes, does not do his job, thus guarantees income security in the event that the worker loses his wages for reasons beyond his will (Permana et al., 2017). Therefore, employment social security is protection for workers in the form of compensation in the form of money as a replacement for part of the income lost or reduced in services as a result of events experienced by workers. Then it can also be called a policy effort aimed at workers, especially those in the company environment in terms of implementation, protection with work interactions that are mutually beneficial to both parties, in this case, are workers and entrepreneurs (Anggra, Seputra, & Suryani, 2020).

In essence, social security is intended to provide certainty for the flow of family income as a replacement for part or all of the lost income. In addition, labor social security has several aspects, including a) Providing basic protection to meet the minimum living needs for workers and their families; b). It is an appreciation for workers who have contributed their energy and thoughts to the company where they work; and c). Creating peace of work that ultimately supports human independence and self-esteem in facing socio-economic risks.





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Labor Protection through Employment Social Security in SDGs Perspective

Work has a very important meaning in human life so that everyone needs a work/job. Work can be interpreted as a source of income for a person to meet the necessities of life for himself and his family. It can also be interpreted as a means of self-actualization so that a person feels that his life becomes more valuable for himself, his family, and his environment. Therefore, the right to work is a basic right inherent in a person that must be upheld and respected (Muin, 2015).

In labor law, the form of legal protection provided to workers is in the form of legal protection in the field of work security wherein a relatively short or long time it will be safe and there is a guarantee of safety for workers. With the existence of legal protection for workers, the state obliges employers to provide job security tools for workers (Purnomo, Markeling, & Darmadha, 2013). Legal protection is defined as a form of government legal action or action given to legal subjects under their rights and obligations which are carried out based on positive law in Indonesia (Disemadi & Prananingtyas, 2019; Yusro, Shaleh, & Disemadi, 2020). Legal protection arises because of a legal relationship. Legal relations are interactions between legal subjects that have legal relevance or have legal consequences (the emergence of rights and obligations) (Disemadi, 2020).

Protection of workers can be carried out, either by providing guidance or by increasing recognition of human rights, physical and technical as well as social and economic protection through the prevailing norms in the work environment. Thus, this work protection will cover (Purnomo et al., 2013): 1). Work safety norms covering work safety, workplace conditions, and the environment as well as ways of doing work; 2). Occupational health norms and company health hygiene which include maintaining and enhancing the health status of workers care for sick workers; and 3). Work norms which include the protection of workers related to working time, wage system, rest, leave.

In Indonesia, the National Social Security System is the state's effort to provide certainty for social protection and welfare mandated by Article 28 H paragraph (2) and Article 34 of the Constitution of Indonesia. The constitutional mandate is then implemented by the Social Security Administering Body Law, which establishes an Administrative Body. Manpower Social Security and fundamentally changing the implementation of social security programs in Indonesia, namely:

1) From efforts to respond to problems and needs of employers for workers who have high expertise and productivity to fulfill the rights of citizens; 2) From the regulation by various laws and regulations on social security laws that provide basic protection and guarantee equal rights and obligations for all citizens; and 3) From operation by a pro-profit business entity to operation by a non-profit public legal entity (Tim Koordinasi Komunikasi Publik Terintegrasi Jaminan Sosial Bidang Ketenagakerjaan, 2016).





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Employment Social Security aims to meet the basic needs of a decent life for every person who has paid contributions in the event of things that may result in loss or reduction of income due to illness, having a work accident, entering old age/retirement, or passing away (Muin, 2015). Social Security in the Labor Sector is part of the social security system which is administered using a social insurance mechanism which is mandatory under the National Social Security System Law. Insurance in terminology has the meaning of coverage or protection for an object from the threat of harm that causes loss (Disemadi & Prananingtyas, 2020b). This shows that insurance is an effort to provide protection provided by one party to another party (Sarwo, 2012). Generally, insurance is divided into 2 parts, namely social security and voluntary insurance. Social security is a form of compulsory insurance implemented by the government so that every citizen must be registered as social insurance. Involuntary insurance, it is essentially commercial insurance and government insurance. Commercial insurance is insurance that is managed by the private sector and government insurance is managed by the government through State-Owned Enterprises (Muin, 2015).

Therefore, the purpose of employment social security through compulsory insurance is to protect workers and their families from various risks, such as the risk of losing their job, lowering wages, work accidents, illness, disability, old age, death, and others. It is hoped that workers' social security will be able to provide peace of work to workers, and in return, it is hoped that workers will increase their discipline and work productivity.

From the SDGs perspective, the Government of Indonesia has played an important role in developing the SDGs and has been a leader among middle-income countries in the negotiations taking place at the United Nations in New York over the past few years. At the international level, Indonesia has also made a very strong commitment to realizing decent work and has played an important role in ensuring that labor and employment issues are included in the SDGs. Indonesia has also been active at the country level in supporting the SDGs negotiations. The SDGs or Sustainable Development Goals are a global action plan agreed upon by world leaders, including Indonesia, to end poverty, reduce inequality, and protect the environment. The SDGs contain 17 Goals and 169 Targets that are expected to be achieved by 2030 (Christmas, Muhajir, & Wicaksono, 2020).

This sustainable development agenda was created to answer the demands of world leadership in overcoming poverty, inequality, and climate change in the form of real action. The concept of the SDGs was born at the UN Conference on Sustainable Development, by setting a set of targets that can be universally applicable and measurable in balancing three dimensions of sustainable development: 1). Environment, 2). Social, and 3). Economy (Asmalia, Awaliah Kasri, & Ahsan, 2018).





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The 17 SDGs Goals are: Goal 1 is "no poverty", eradicating all forms of poverty in all places; Goal 2 is "zero hunger", end hunger, achieve food security and improved nutrition, and promote sustainable agriculture; Goal 3 is "good health and wellbeing", promote healthy living and support welfare for all ages; Goal 4 "quality education", ensuring appropriate and inclusive quality education and promoting lifelong learning opportunities for all; Goal 5 is "gender equality", achieve gender equality and empower all women; Goal 6 is "clean water and sanitation", ensuring access to water and sanitation for all; Goal 7 is "affordable and clean energy", ensuring access to affordable, reliable, sustainable and modern energy for all; Goal 8 is "decent work and economic growth", promoting sustainable and inclusive economic growth, employment and decent work for all; Goal 9 is "industry, innovation and infrastructure", building strong infrastructure, promoting sustainable industrialization and encouraging innovation; goal 10 is "reduced inequalties", reducing inequality within and between countries; Goal 11 is "sustainable cities and communities", making cities inclusive, safe, strong and sustainable; Goal 12 is "responsible consumption and production", ensuring sustainable consumption and production patterns; Goal 13 is "climate action", taking important steps to fight climate change and its impacts; Goal 14 is "life below water", protection and use of oceans, seas and marine resources in a sustainable manner; Goal 15 is "life on land", managing forests sustainably, fighting land conversion into deserts, stopping and rehabilitating land degradation, stopping the extinction of biodiversity; Goal 16 is "peace, justice and strong institutions", encouraging a just, peaceful and inclusive society; Goal 17 is "partnerships for the goals", revive global partnerships for sustainable development (United Nations, 2015).

The right to work, not only serves as the basis for legal recognition of the right to work as a human right, but also provides a broad concept for the right to work itself, which contains not only the obligation for the state to guarantee access to employment for all but also details the right of everyone to fair and favorable working conditions as follows: 1) Fair wages and equal remuneration for work of equal value without discrimination of any kind; 2) Decent living for workers and their families; 3) Safe and healthy working conditions; 4) Equal opportunities for promotion based on seniority and competence; and 5) Rest periods, recreation and restrictions on reasonable working hours as well as paid regular holidays, as well as remuneration for public holidays. Based on the SDGs goals mentioned earlier, protection of labor through employment social security can reflect the goal of Goal 8 which is decent work and economic growth, promoting sustainable and inclusive economic growth, employment, and decent work for all.

4. CONCLUSION

Labor social security is a form of protection provided to workers and their families against various labor market risks. Labor social security is part of the social protection system. The





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implementation of integrated social security is expected to guarantee the creation of an effective and efficient mechanism so that it can reach all levels of society. Universally, the implementation of the social security system is in principle the responsibility of the Central Government by arguing that it is an implementation for one country because social security is a supra system to bind the establishment of a country. It is expected that the labor social security system developed in a country must be adapted to the economic conditions, particularly the conditions of employment, in the country concerned.

The right to work, not only forms the basis for legal recognition of the right to work as a human right, but also provides a broad concept for the right to work itself, which contains not only the obligation for the state to guarantee access to employment for all but also details the right of everyone to just and favorable conditions of work. Based on the SDGs goals mentioned earlier, protection of labor through employment social security can reflect Goal 8 which is decent work and economic growth, promoting sustainable and inclusive economic growth, employment, and decent work for all.

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