

# THEORY AND PRACTICE

Law  
Towards Era 5.0

Sebagai negara hukum, prinsip hukum dan asas yang dianut adalah bahwa setiap orang dianggap mengetahui hukum dan peraturan pada saat diundangkan; ketidaktahuan akan hukum tidak dapat dimaafkan. Ketidaktahuan akan hukum umumnya dialami oleh kelompok masyarakat yang tidak mengenyam pendidikan tinggi atau mereka yang berada dalam kategori ekonomi rendah. Mereka memerlukan keadilan.

Tujuan dari keadilan adalah untuk memastikan bahwa hukum tidak hanya terbatas pada kelompok tertentu, karena menempuh jalur hukum, atau mencari keadilan melalui jalur hukum dapat memakan biaya yang mahal. Oleh karena itu, pemberian bantuan hukum secara cuma-cuma kepada masyarakat miskin merupakan salah satu bentuk pemerataan keadilan. Namun, dalam implementasinya, pemberian bantuan hukum untuk mencapai keadilan masih rendah.

Uraian tersebut adalah salah satu pokok penting yang dibahas dalam buku ini. Pokok penting lainnya dapat Anda temukan dalam buku ini yang terbagi menjadi sembilan belas bab. Buku ini diterbitkan sebagai bacaan positif mengenai penerapan hukum di Indonesia. Selamat membaca!

THEORY AND PRACTICE Law Towards Era 5.0

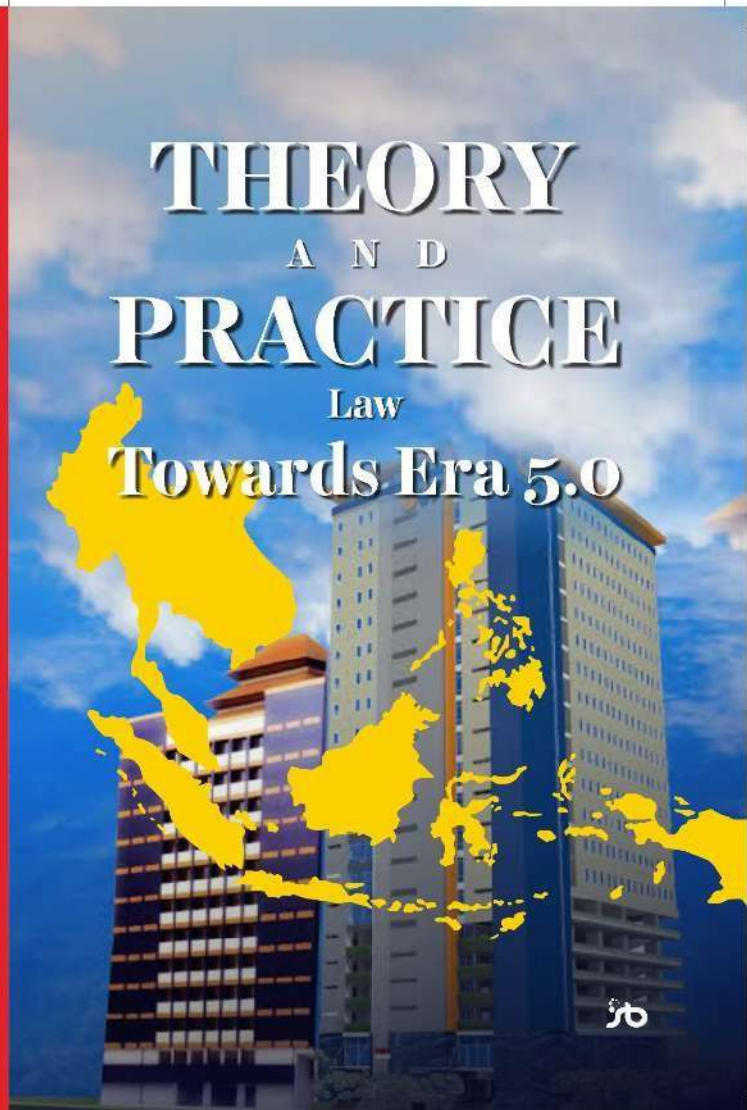
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**sb SAMUDRA BIRU** Wahana  
Pustaka, Ilmu, Teknologi, dan Inovasi



# THEORY AND PRACTICE

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sb

**Theory and Practice:**

**LAW**

**TOWARDS ERA 5.0**

**Sanksi Pelanggaran Pasal 113 Undang-Undang  
Republik Indonesia Nomor 28 Tahun 2014 Tentang Hak Cipta**

1. Hak Cipta adalah hak eksklusif pencipta yang timbul secara otomatis berdasarkan prinsip deklaratif setelah suatu ciptaan diwujudkan dalam bentuk nyata tanpa mengurangi pembatasan sesuai dengan ketentuan peraturan perundang-undangan. (Pasal 1 ayat [1]).
2. Pencipta atau Pemegang Hak Cipta sebagaimana dimaksud dalam Pasal 8 memiliki hak ekonomi untuk melakukan: a. Penerbitan ciptaan; b. Penggandaan ciptaan dalam segala bentuknya; c. Penerjemahan ciptaan; d. Pengadaptasian, pengaransemenan, atau pentransformasian ciptaan; e. pendistribusian ciptaan atau salinannya; f. Pertunjukan Ciptaan; g. Pengumuman ciptaan; h. Komunikasi ciptaan; dan i. Penyewaan ciptaan. (Pasal 9 ayat [1]).
3. Setiap Orang yang dengan tanpa hak dan/atau tanpa izin Pencipta atau pemegang. Hak Cipta melakukan pelanggaran hak ekonomi Pencipta sebagaimana dimaksud dalam Pasal 9 ayat (1) huruf a, huruf b, huruf e, dan/ atau huruf g untuk Penggunaan Secara Komersial dipidana dengan pidana penjara paling lama 4 (empat) tahun dan/atau pidana denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah). (Pasal 113 ayat [3]).
4. Setiap Orang yang memenuhi unsur sebagaimana dimaksud pada ayat (3) yang dilakukan dalam bentuk pembajakan, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau pidana denda paling banyak Rp4.000.000.000,00 (empat miliar rupiah). (Pasal 113 ayat [4]).

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# **KATA PENGANTAR**

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Indonesia, sebagaimana dinyatakan dalam Pasal 1 Ayat 3 Undang-Undang Dasar 19fi5, menjelaskan posisinya sebagai negara hukum. Dalam sebuah negara hukum, prinsip hukum, asas yang dianut adalah bahwa setiap orang dianggap mengetahui hukum dan peraturan pada saat diundangkan; ketidaktahuan akan hukum tidak dapat dimaafkan. Ketidaktahuan akan hukum umumnya dialami oleh kelompok masyarakat yang tidak mengenyam pendidikan tinggi atau mereka yang berada dalam kategori ekonomi rendah.

Mereka memerlukan keadilan. Lujuan dari keadilan adalah untuk memastikan bahwa hukum tidak hanya terbatas pada kelompok tertentu, karena menempuh jalur hukum, atau mencari mencari keadilan melalui jalur hukum dapat memakan biaya yang mahal. Oleh karena itu pemberian bantuan hukum secara cuma-cuma kepada masyarakat miskin merupakan salah satu bentuk pemerataan keadilan.

Pasal 3fi Ayat 1 Undang-Undang Dasar 19fi5 menekankan kewajiban negara untuk hadir dalam kehidupan masyarakat.

Kehadiran ini menegaskan bahwa negara harus memastikan bahwa setiap warga negara atau anggota masyarakat mendapatkan hak-haknya yang tanpa diskriminasi. Proses bantuan hukum dapat diakses secara langsung oleh masyarakat melalui interaksi dengan para bantuan hukum. Menurut Pasal 22 Ayat 1 Undang-Undang Nomor 18 Tahun 2003, advokat wajib memberikan bantuan hukum secara cuma-cuma kepada pencari keadilan yang tidak mampu. Hal ini mendorong lahirnya Peraturan Pemerintah Nomor 83 Tahun 2008 tentang Persyaratan dan Tata Cara Pemberian Bantuan Hukum Secara Cuma-Cuma.

Berkaitan dengan hal tersebut, buku berjudul *Theory And Practice: Law Towards Era 5.0* ini hadir sebagai bacaan positif mengenai penerapan hukum di Indonesia. Pembahasan buku ini terbagi ke dalam 19 bab. Adapun bab pertama membahas tentang "Obstacles In Implementing Passport Issuance Services In The State Of The Covid-19 Pandemic And Its Solutions (Case Study In Class 1 Immigration Office Non-Lpi Langerang)" ditulis oleh Novita Romauli Batubara, Iri Cahya Indra Permana, Gamal Abdur Nasir.

Bab kedua berjudul "Keabsahan Dokumen Elektronik Sebagai Alat Bukti Yang Sah Ditinjau Dalam Hukum Acara Perdata" yang ditulis oleh Perdi Kustiana, Syafrizal, Agus Darmawan. Bab ketiga "The Role Of The Langerang District Government In Implementing A Social Protection Program For Vulnerable Workers Based On Law Number 24 Of 2011 Concerning Social Security Implementing Agency" ditulis oleh Raddani, Ahmad, dan Upik Mutiara. Masih ada enam belas bab lainnya yang perlu Anda baca mengenai penerapan hukum di Indonesia. Selamat membaca!

Langerang, November 2023

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# **THE ROLE OF THE TANGERANG DISTRICT GOVERNMENT IN IMPLEMENTING A SOCIAL PROTECTION PROGRAM FOR VULNERABLE WORKERS BASED ON LAW NUMBER 24 OF 2011 CONCERNING SOCIAL SECURITY IMPLEMENTING AGENCY**

*Raddani, Ahmad, Upik Mutiara*

Magister of Law

## **Introduction**

Social security is a form of social protection organized by the state to guarantee its citizens to meet basic decent living needs, as stated in the 1948 UN Declaration on Human Rights and ILO Convention No. 102 of 1952. The priority discussion is an area of social welfare, which pays attention to social protection, including poverty, old age, disability, unemployment, family and children, and others, the National Social Security System is a social security system established in Indonesia. one of the forms of social protection organized by the Republic of Indonesia to guarantee its citizens to meet basic decent living needs.

There are several regulations related to social protection that have been established and established as legal umbrellas in the Republic of Indonesia, namely:

### **Law of the Republic of Indonesia number 24 of 2011 concerning social security administering bodies**

1. In Article 5 paragraph 1 Law number 24 of 2011 explains that BPJS is divided into:

a. Problem Formulation

Based on the background above, it can be identified as a problem, and the authors propose the following problem formulation:

- 1) How is the Langerang District Government Policy in implementing the Social Security Protection program for vulnerable workers related to Law No. 24 of 2011
- 2) What are the legal remedies for vulnerable workers who do not get Social Security protection related to Law No. 24 of 2011

b. Research Objectives

- 1) To find out the efforts made by the Langerang District Government in implementing the Social Security Protection program for vulnerable/informal workers.
- 2) To find out the policies taken by the Langerang Regency Government if vulnerable/informal workers experience work accidents while not having a Social Security Protection program.

BPJS Health has the task of administering the health insurance program

2. BPJS Ketenagakerjaan is tasked with administering a workforce guarantee program which includes:
  - a. work accident insurance;
  - b. old age security;
  - c. pension guarantee;
  - d. life insurance.

Based on this Law, BPJS is directly responsible to the President. Article 15 paragraph 1 explains that employers are gradually required to register themselves and their workers as participants with BPJS in accordance with the Social Security program they are participating in. Article 17 paragraph 1 Employers other than state officials who do not implement the provisions referred to in Article 15 paragraph (1) and paragraph (2), and anyone who does not implement the provisions referred to in Article 16 are subject to administrative sanctions.

Administrative sanctions as referred to in paragraph (1) can be in the form of: written warning; fine; and/or do not receive certain public services.

The imposition of sanctions as referred to in paragraph (2) letters a and b shall be carried out by BPJS. Further provisions regarding the procedures for imposing administrative sanctions shall be regulated by a Government Regulation.

Article 55 Criminal Sanctions as referred to in the employer who violates the provisions referred to in Article 19 paragraph (1) or paragraph (2) shall be subject to imprisonment for a maximum of 8 (eight) years or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

Article 19 reads:

1. Employers are required to collect contributions that are borne by participants from their workers and deposit them with BPJS.
2. Employers are required to pay and deposit dues which are their responsibility to BPJS.
3. Participants who are not workers and are not recipients of contribution assistance are required to pay and deposit contributions which are their responsibility to BPJS.

### **Regulation of the President of the Republic of Indonesia number 109 of 2013 concerning the phasing of social security program participation**

That in order to implement the provisions of Article 13 paragraph (2) of Law Number 10 of 2004 concerning the National Social Security System and Article 15 paragraph (3) of Law Number 2 of 2011 concerning Social Security Administering Bodies, it is necessary to stipulate a Presidential Regulation concerning Stages of Program Participation Social Security legal basis:

1. Article 19 paragraph (1) of the 1945 Constitution of the Republic of Indonesia
2. Law Number 10 of 2004 concerning the National Social Security System
3. Law Number 2 of 2011 concerning Social Security Administering Bodies

## **Conclusion**

### *General Description Of The Research Location*

According to Hamid Darmadi (2011: 52) the research location is the place where the study process used to obtain research

problem solving takes place.

According to Wiratna Sujarweni (2019: 73) The research location is the place where the research is conducted. The research location is also the place where the researcher conducts research, especially in capturing phenomena or research that actually occurs from the object under study in order to obtain accurate research data. The determination of the research location was done deliberately.

The origin of the name Langerang according to a local legend that has become the knowledge of the people of Langerang, the name of the area of Langerang comes from two local vocabularies or languages, or a location in the form of a monument made of bamboo wood or a wall. War means war, war, battle. So Langerang means a monument, the boundary of battle, this monument is usually called by the people a fort or regional boundary, an area controlled by the Sultanate of Banten next to the river. Territory controlled by the Dutch Company east of the Cisadane River. In fact, residents of Langerang and Jakarta used to know Langerang as Benteng rather than the term Langerang for the current name of the Langerang area, even though it was to launch an employment social security protection program for vulnerable workers, namely "1 village 100 vulnerable workers." and immediately formulate and stipulate regulations, as well as allocate budgets to support the implementation of employment social security programs for non-ASN workers in the village government or for other workers in their area each," the Ministry of Home Affairs appreciates local governments that have budgeted for and registered all non-ASN employees, honorary teachers, village government officials, RW, election organizers and vulnerable workers.

Based on the Circular of the Minister of Home Affairs Number 8/2021/SJ dated 23 September 2021 concerning the



Implementation of the Employment Social Security Program in Regional Governments, the Langerang Regency Government has taken steps to address vulnerable workers who have not received the Employment Social Security Program, including:

1. Make a circular letter Number: 560/9fi8-DISNAKER/III/2023 concerning IMPLEMENTATION OF EMPLOYMENT SOCIAL PROTECTION FOR VULNERABLE WORKERS AND EXTREME POOR WORK IN COMPANY ENVIRONMENTS, the contents of which are as follows:
  - a. So that each company can contribute to helping vulnerable workers and the extreme poor in the environment around the company through the use of Corporate Social Responsibility (CSR) funds in the form of Employment Social Security protection by registering a minimum of 50 (fifty) vulnerable workers or extreme poor people in the BPJS Ketenagakerjaan program to Work Accident and Death Benefits with contributions of 16,800 / person / month at the Langerang District Employment BPJS on an ongoing basis.
  - b. To the Head of the Manpower Office to be able to monitor the implementation of the accelerated elimination of Extreme poverty through the use of company CSR funds for vulnerable workers of the Extreme Poor Community in the Langerang Regency area.
2. Make Langerang Regent Regulation Number 38 of 2023 concerning the implementation of the Employment Social Security Program in the framework of realizing community welfare and as an effort to alleviate extreme poverty through the Employment Social Security Program

3. Based on the results of the submission from Langerang Regent Ahmed Zaki Iskandar when attending the symbolic event for the delivery of BPJS Employment death benefits at the GSG Puspem Langerang Regency, Tuesday (20/6/23), it was revealed that as many as 86,000 vulnerable workers in Langerang Regency had been covered by Employment BPJS. "In 2023 there will be an addition so that the total covered is 86,000 vulnerable workers in Langerang Regency. The number of vulnerable workers in Langerang Regency will be

based on an inauthentic source. While the term Langerang as the name of the area increase. It is targeted that in ABL 2023 this can reach 100,000 BPJS membership for vulnerable workers. The Regent hopes that the synergy with Employment BPJS can continue to be optimized in order to provide welfare for the people of Langerang Regency, especially in providing optimal service for workers participating in Social Security for Employment when experiencing social risks. "In Langerang Regency there is an increase in the number, from 2022 which is 50 thousand, to 2023 with 86 thousand BPJS Employment participants with workers vulnerable to extreme poverty. Langerang Regent Ahmed Zaki Iskandar said, this number is trying to increase in 2023 with the budget covered by the Langerang Regency APBD The provision of this facility is one form of the Langerang Regency Government's concern in providing protection for workers who are at risk of experiencing health, social, and economic problems. The Langerang Regency Manpower Office (Disnaker) expanded the scope of participation in the Employment Social Security Program for vulnerable workers in Langerang Regency. All vulnerable workers are expected to have received social security protection." Proof of membership for the submission of employment social security

protection for vulnerable workers was given to 86,000 people. This is a real program that is useful from the Langerang Regency Government for vulnerable workers so that vulnerable workers feel safe and calm while working

with the slogan of working hard and being worry-free,” said the Head of the Manpower Office Rudi Hartono at the Handover of Evidence of Participation and Submission of Compensation for the Protection Program Employment Social Security for Vulnerable Workers in 2023, at the Langerang Regency Multipurpose Building, Luesday (20/6/23). Rudi Hartono stated that BPJS Ketenagakerjaan had covered 2fi deaths and two work accidents. Symbolically these had been handed over to 10 recipients death insurance represented by the heirs. In accordance with the 19fi5 Constitution Article 28H paragraph (3), it reads “everyone has the right to Social Security which allows for the full development of himself as a dignified human being”.

The type of research used by researchers is descriptive qualitative research. namely a formulation of the problem that guides research to explore or photograph social situations that will be thoroughly, broadly and in-depth researched. This type of qualitative descriptive research is to describe existing phenomena or facts, both natural and human-made. This study pays more attention to the quality, characteristics, and interrelationships between activities. The purpose of the qualitative descriptive analysis is to describe in full and in depth the occurrence of the various phenomena studied. We focused on construction workers and this research was carried out in 3 (three) sub-districts, namely Ligaraksa, Cisoka and Solear, in each sub-district we took a sample of between 20 and 30 builders and the result was that masons who worked on private houses as a whole were not registered as participants. BPJS Employment BPU.

Integrated social security activities are expected to guarantee the creation of an effective and efficient mechanism that can touch all levels of society. Universally, the implementation of the social security system is in principle the responsibility of both the Central and Regional Governments with the argument that it is an administration for one country because social security is a supra system for binding the establishment of a country, so that the researcher concludes that even though there have been many regulations made by the government regarding the Implementation of Social Security. However, if Law No. 2 of 2011 has not been implemented optimally, it is difficult to materialize, as in Article 55 it states: "employers who violate the provisions referred to in Article 19 paragraph (1) or paragraph (2) shall be punished with imprisonment for a maximum of 8 (eight) ) years or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)." Even though it is clear in the article along with the sanctions, but has the government implemented it, the answer is not yet.

### *Suggestion*

1. For those who are going to employ a handyman for repairing house renovations or the like, it is obligatory to register in advance to become a participant in BPJS for Non-Paid Workers, if someday things happen that we don't want, such as a work accident or death, then by becoming BPJS Employment participants, the party that uses the handyman's services will be free from liability for the disaster because everything will be covered by the government, but vice versa if it is not registered, the party that uses the handyman's services will be held responsible for the disaster that occurs.

2. We hope that the government can properly implement Law No. 2fi of 2011 for the sake of upholding justice in a wabil society, especially for vulnerable workers. The law already exists, it only remains for the government to implement it.

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