



The Role of the Employment Social Security Administrator Agency (BPJS) in Providing Certainty of Worker Protection Based on Maqashid Syariah in Bantaeng Regency

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Abstract

This study aims to analyze the role of BPJS employment in providing protection for workers in Bantaeng Regency and review it based on maqashid sharia. The method used is descriptive field research with a normative theological, phenomenological, and sociological approach. Data were collected through observation, interviews, and documentation, then analyzed qualitatively. The results of the study indicate that BPJS employment has carried out its role through four main programs: Work Accident Insurance (JKK), Death Insurance (JKM), Old Age Insurance (JHT), and Pension Insurance (JP). However, the JP program faces obstacles, especially related to the minimum membership requirement of 15 years which is considered burdensome for some workers. From the perspective of maqashid sharia, BPJS Employment reflects protection of religion (hifdzu din) through freedom of worship and the umrah program, protection of life (hifdzu nafs) with JKK, protection of reason (hifdzu aql) through scholarships for heirs, protection of descendants (hifdzu nasl) with JHT, and protection of property (hifdzu maal) with certainty of funds for workers and families. The implications of this study include increasing public awareness of the importance of sharia-based social security, formulating policies that are more in favor of workers according to the principles of maqashid sharia, and strengthening social protection that is fairer and more equitable. This study is expected to contribute to improving the welfare of workers in Bantaeng Regency.

Keywords: BPJS Employment, Maqashid Syariah, Worker Protection

Introduction

Conventional insurance is a type of insurance based on buying and selling, so it can be said that conventional insurance is different from sharia insurance. This type of insurance can be said to be insurance based on investment of funds that are free of usury using certain rules and principles. This conventional insurance develops the company's mission, namely economic and social. Each insurance company has its own policies, which concern the welfare of its customers and of course these policies must be adhered to and agreed upon together.

Conceptually, conventional insurance is formed by an agreement between two or more parties, where the insurer binds himself to the insured, by accepting insurance premiums, to provide compensation to the insured, this is different from the principle of sharia insurance. Insurance in Islam is known as takaful which means sharing the risk between people, so that one another becomes the guarantor of the other's risk. This sharing of risk is carried out on the basis of mutual assistance in goodness where each issues funds/donations/charity (tabarru') designated to bear the risk. Takaful in this sense is in accordance with QS Al-Maidah/5:2.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Translation:

And help you in (doing) righteousness and piety, and do not help you in committing sins and enmity. Fear Allah, indeed, Allah is very severe in punishment.

This verse contains a command to help each other. In the insurance business, this value is seen in the practice of the willingness of members (customers) of insurance companies to set aside their funds to be used as social funds. Social Security in the Employment Sector is part of the



National Social Security System (SJSN) which is organized using a mandatory social insurance mechanism based on Law Number 40 of 2004 concerning SJSN. Social Security in the Employment Sector aims to fulfill the basic needs of a decent life for everyone who has paid contributions if something happens that can result in loss or reduction of income due to illness, work accidents, entering old age/retirement or death. The SJSN Law is a follow-up to the mandate of Article 28H paragraph (3) and Article 34 paragraph (2) of the 1945 Constitution which is also guaranteed in the 1948 United Nations (UN) Declaration on Human Rights and reinforced by the ILO (International Labor Organization) Convention Number 102 of 1952 which encourages all countries to provide minimum social security protection to every worker.

The implementation of Social Security in the Employment Sector aims to ensure that all workers, including foreigners who have worked for at least 6 (six) months in Indonesia, who have paid contributions (Article 1 number 8 of the SJSN Law): Have work accident insurance, have old age insurance, have pension insurance and have death insurance. All workers in the territory of the Unitary State of the Republic of Indonesia are required to become participants in the Social Security in the Employment Sector program managed by the Social Security Administering Agency (BPJS) Employment, including foreigners who have worked for at least 6 (six) months in Indonesia and have paid contributions. The philosophy of social security itself is to free someone from dependence on other parties if they experience various risks in their life. For example, if they are sick, they can seek treatment without having to burden their relatives. When they reach retirement age, they do not need to depend on their children and/or relatives to support their living expenses. In concrete terms, the social security program is an effort to make someone able to continue to live independently, in any situation.

Every participant who has registered with the Social Security Administering Agency (BPJS) for Employment has the right to obtain a participant identity. The Social Security Administering Agency (BPJS) is obliged to provide a single identity number to participants (Article 13 of Law No. 24 of 2011). The use of a unique NIK (Population Identification Number) can be used as a participant number for the Social Security Administering Agency (BPJS) to avoid participants having multiple participant numbers as is currently the case. In the event of a change in family members, participants are required to report to their employer and the Social Security Administering Agency (BPJS) for changes in the composition of family members. as long as they fulfill their obligation to pay contributions. Participants who change jobs are required to report changes in their participant status and the identity of their new employer to the Social Security Administering Body (BPJS) Employment by showing the participant's identity.

The Social Security Administering Agency (BPJS) Employment sharia service has actually been planned since 2021, but so far it has only been implemented in Aceh Province. In the future, the service will be implemented nationally so that it can be enjoyed by people throughout Indonesia. The implementation of this sharia service is a form of support for the direction of President Joko Widodo (Jokowi) and Vice President Ma'ruf Amin as Chairman and Deputy Chairman of KNEKS, that Indonesia as one of the countries with the largest Muslim population in the world must be able to become the axis of the sharia economy. This target is none other than to improve the national economy in accordance with the provisions of Islamic law. The Social Security Administering Agency (BPJS) Employment sharia service is inclusive and universal, meaning that it is not only intended for Muslim participants, but is open to anyone who wants this service regardless of religious background

Research Methodology

In implementing this research, researchers went to the field to observe a phenomenon in a natural state. Meanwhile, this research approach uses qualitative. Qualitative research is research that intends to understand the phenomenon of what is experienced by the research



subject. Holistically, and by means of description in the form of words and language, in a specific natural context and by utilizing various natural methods (Lexy J. Moleong, 2019). The approach used in this study is a multidisciplinary approach, namely: 1) Normative theological approach (sharia). This approach is used to analyze the provisions of fiqh sourced from the Qur'an and hadith regarding the role of BPJS employment in providing certainty of protection for workers based on Maqashid Syariah in Bantaeng Regency; 2) The phenomenological approach focuses on various aspects of human behavior which then researchers try to understand the meaning of the phenomenon; and 3) Sociological approach. The sociological approach is used to examine the perception and views of the community regarding the role of BPJS employment in providing certainty of protection for workers based on maqashid sharia in Bantaeng Regency. The data collection technique used by researchers in this study, namely researchers directly by observing and observing the actual objective conditions regarding the causes of children dropping out of school and policies for handling them. First, observation, namely data collection through observation of a condition objectively which is studied both directly and indirectly to obtain data that must be collected related to the role of BPJS employment in providing certainty of protection for workers in Bantaeng Regency using visual or audiovisual media, for example mobile phones, handycams, and others. Second, interviews are one of the techniques that can be used to collect research data. In simple terms, it can be said that an interview is an event or a process of interaction between the interviewer (interview) through direct communication. It can also be said that an interview is a face-to-face conversation between the interviewer and the source of information, where the interviewer asks directly about an object being studied and has been previously designed. This interview data is used to complement the observation data obtained directly by the researcher. Third, documentation, namely data in the form of notes about something that has passed. Documents about people or groups of people, events, or incidents in social situations that are appropriate and related to the focus of the research are useful sources of information in qualitative research. The document can be in the form of written text, images, and photos. Written documents can also be in the form of life histories, biographies, written works, and stories. In addition, there are also cultural materials, or works of art that are sources of information in qualitative research.

Analysis and Result

BPJS Employment Provides Certainty of Protection for Workers in Bantaeng Regency Based on Maqashid Syariah. There are five points that researchers get, related to the role of BPJS in contributing to Maqashid Syariah for workers in Bantaeng Regency, as follows:

Maintaining Religion (Hifd ad-Din)

Everyone wants to maintain their religion because without it there is no point in living in this world. In Islam, religion is a guideline for everyone's life, so maintaining religion is everyone's obligation to increase their dignity as human beings and gain His pleasure. Every Muslim is required to carry out the pillars of Islam, namely the shahada, prayer, fasting, zakat, and the pilgrimage, for those who are able to do so. A sense of security and the opportunity to carry out the commands of Allah SWT. in a manner that is in accordance with sharia are two indicators that can be used to measure the benefits of religion.

In relation to Hifd ad Din, BPJS employment participants must receive BPJS employment insurance with high priority because this is an obligation that must be fulfilled. Researchers found that this is in line with the concept of Hifd ad Din because participants do not experience problems, especially in terms of health services, so they are satisfied with the services they have received so far. The government, both at the central and regional levels, has made various efforts to improve patient access to health services, considering the basic health rights of every person and the level of urgency of health services.



Apart from that, Islam also orders humans to work according to their abilities. Allah SWT. has promised to open the door of sustenance for his servants who are willing to work and try. God's Word in QS Al-Jumu'ah/62:10.

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ وَاذْكُرُوا اللَّهَ كَثِيرًا لَّعَلَّكُمْ تُفْلِحُونَ ١٠

Translation:

When the (Friday) prayer has been performed, scatter yourselves on the earth, seek Allah's grace, and remember Allah as much as possible so that you may be successful.

The results of the study show that BPJS Bantaeng Regency has implemented hifdzun din, but not completely. It is tolerance of worship, which means that Muslims are given time to perform worship according to their beliefs. With this tolerance, Muslims can perform prayers, especially obligatory prayers. In addition, the company provides sufficient places for worship to support the implementation of hifdzu din. This is in accordance with the statement of Mr. F that:

"As Muslims, we can pray comfortably in the prayer room provided by the company where I work. The company has an annual program for workers by giving us the opportunity to perform umrah"

Workers can perform prayers calmly because the facilities are complete and comfortable. In addition, there is an umrah program. This shows that employees do more things in their workplace. Although the BPJS Employment program does not yet cover all hifdzun din, BPJS Employment Bantaeng has tried to realize religious benefits for all its employees. To achieve this goal, BPJS employment Bantaeng has provided a form of hifdzun din (maintaining religion) by giving them sufficient time and freedom to worship according to their beliefs.

Nurturing the Soul (Hifdzun Nafs)

Maintaining the Soul is an effort to keep the soul from being affected by disturbances that befall humans. Soul safety is the obligation of everyone, including companies. Soul protection at the dharuriyyah level, namely the existence of a sense of security in the soul if one day, such as a work accident, causes illness. Illness makes you unable to meet your living needs because you cannot work. In addition, illness requires treatment that may be expensive. Some people may not have sufficient savings in this regard. With the existence of social security, BPJS Employment is expected to provide protection to employees and give them a sense of security. They believe that BPJS Employment Bantaeng will cover the risk of labor if something undesirable happens.

Similarly, with the welfare of the soul, when Hifdzu nafs is associated with the implementation of the current BPJS Employment guarantee, it is not yet appropriate because the protection of human life is still neglected. BPJS Employment participants believe that when they are sick with a serious illness, they get medical personnel who are not in accordance with their illness, and the welfare of the soul as a positive aspect has not received the appropriate rights. The location of the welfare of the soul is when the soul feels safe, not affected by things that damage the body or feel sick so that it cannot do daily activities. Quality of service is very important to maintain the soul.

One part of the BPJS Employment program, which is an implementation of hifdzu nafs (protecting the soul), is JKK (Work Accident Insurance). This work accident insurance guarantees the safety of employees' souls when they work in a work accident situation. To protect the welfare of employees' souls, BPJS Employment focuses on things that can save employees from injuries caused by work accidents. In addition, until the employee is declared completely cured, the role of BPJS Employment will cover all medical costs related to work



accidents.

This is in accordance with the results of the study presented by Mr. S who stated that

"When working, I feel calm because I already have BPJS, if anything happens, I'm safe, I've been helped by BPJS. With BPJS, it has been very guaranteed, especially when I broke my leg, all the costs were covered by BPJS even though there were a lot, I didn't pay a penny, from the beginning to the monthly check-ups, I didn't pay, let alone the expensive medicines"

With BPJS Employment, employees feel calm and safe while working and are greatly assisted by social security. With BPJS Employment, employees feel calm, safe, and protected while working, so that employees no longer feel worried about possible dangers. The results of the study above show that BPJS Employment ensures that employees in Bantaeng Regency are protected from work accidents. This makes employees feel calm, safe, and protected while working, making them no longer worry about possible dangers.

Guarding Wealth (Hifzun Maal)

Wealth is an important component in human life because it allows them to live a decent life. However, wealth is not the main goal in human life and is used as a standard for their status, but is used to meet basic human needs. Something valuable, sharia law must protect wealth. Muammalah is usually used to discuss everything related to wealth. The word of Allah SWT., in QS Al-Baqarah/2:275.

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ
مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ
وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ٢٧٥

Translation:

Those who consume usury will not be able to stand except as one who staggers because of a devil who has possessed him. That is because they say that buying and selling is the same as usury. Whereas Allah has permitted buying and selling and forbidden usury. Whoever is reminded by his Lord (regarding usury), then he stops until what he has acquired becomes his and his affair is with Allah. Whoever repeats (usury transactions), those are the people of the Fire. They will abide therein forever.

In relation to BPJS employment social security, asset protection is related to fund management. Workers who have registered as BPJS employment participants indirectly show that they are maintaining and managing their assets well. Because if he becomes a BPJS employment participant, some of his assets will be used to protect himself from risks that occur, and some will be used to ensure survival.

The value of asset welfare (Hifdzu Maal) in Islam lies in the security of assets from damage, extinction, and fraud by others. In terms of the quality of BPJS employment services, this is not appropriate or in harmony. This is because the loss lies if the participant routinely pays premiums every month according to the class he occupies. In other words, if someone makes monthly payments but does not receive the right to health care according to the costs he pays, they will experience a loss. This is not in accordance with Maqashid Syariah because it prioritizes goodness over asset welfare. Therefore, the aspect that addresses this problem is the loss of asset participants because they do not get the quality of service needed to offset the risk of loss.

Workers can allocate their assets to four social security programs of BPJS employment: JKK (Work Accident Insurance), JHT (Old Age Insurance), JKM (Death Insurance), and JP (Pension



Insurance). With the help of BPJS employment, they can do this. To meet the needs of their families, the Workers' Pension Insurance program is very helpful. The results of the study showed that employees in Bantaeng Regency feel safe because they have paid social security contributions to guarantee their lives and their families in the future. Thus, BPJS employment guarantees that employees do not need to spend their personal funds if they experience difficulties.

Caring for Offspring (Hifdzun Nasb)

Part of maqashid dharuriyah that must be maintained is caring for offspring. To maintain the continuity of future generations, it is very important to look after offspring. Allah has commanded His people not to leave offspring poor and hungry in Q.S An-Nisa'/4:9.

وَالْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَةً ضِعَفًا يَخَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ۙ

Translation:

Let those who, if they die, leave behind them weak offspring, fear them. So fear Allah and speak with words that are right (in safeguarding the rights of their descendants).

Protecting workers and their families in the future, the BPJS Employment program offers old age security to protect descendants. Maintaining descendants (Hifdzu Nasl), or the issue of descendants in Islam, is highly considered, including in the Maqashid Syariah section, where this issue is regulated in the context of marriage as a positive aspect of marriage and forbidding adultery. If this is related to the implementation of BPJS Employment insurance for participants, according to one BPJS Employment participant, we as patients will experience the impact of poor health services. It is very difficult to cure the disease suffered, but one thing that can be done is to join a health insurance program.

If health services are not provided properly, lives will be threatened, if parents die while the family, children, wife, and children are still small will be victims. Researchers found that employees in Bantaemg Regency are happy to have old age security through the BPJS Employment program. They don't need to worry if they can't work anymore or are unable to work because they have old age security funds that can be disbursed to meet their living needs.

Findings and Conclusion

BPJS employment has played its role well in providing certainty of protection to workers who are participants through four types of protection programs as mandated in Law Number 24 of 2011 concerning the Social Security Administering Agency (BPJS), namely: Work Accident Insurance (JKK), Death Insurance (JKM), Old Age Insurance (JHT), Pension Insurance (JP). Especially for Pension Insurance, there are still obstacles in its implementation because many participants still feel unfair because the minimum requirement for participation for 15 years is too long, thus inhibiting access for many participants to obtain sustainable pension benefits and in the end the amount of benefit funds provided is often insufficient to meet living needs. The role of BPJS employment in providing certainty of protection to workers based on the principle of maqashid sharia can be seen through four social security programs, namely JKK, JHT, JKM, and JP, which are analyzed from the following aspects; a) Hifdzu din (maintaining religion), BPJS employment applies this principle by providing freedom to worship, as well as providing an umrah program for workers every year; b) Hifdzu Nafs (maintaining the soul), through work accident insurance, BPJS helps reduce the mental burden and anxiety of workers because they feel safer and more protected from the risk of accidents that can endanger their lives; c) Hifdzu Nisab (protecting descendants), the JHT program functions to provide a guarantee of a decent life for workers and their families. With the existence of old age security funds that can be disbursed after workers are no longer working, they do not need to worry about the financial



future of the family; d) Hifdzu Maal (protecting assets), BPJS employment provides protection for assets by ensuring that workers and their families continue to have a source of funds that can help meet their living needs.

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