

**EMPLOYMENT LAW PERSPECTIVE ON ELIGIBILITY OF
OBTAINING SOCIAL SECURITY FOR EMPLOYMENT TOWARD
UNDERGRADUATE STUDENTS IN CONDUCTING
COMMUNITY SERVICE PROGRAM**



FORTUNA KHOIRIYATUL MUSLIMAH

19410666

INTERNATIONAL PROGRAM

FACULTY OF LAW

UNIVERSITAS ISLAM INDONESIA

YOGYAKARTA

2023

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OBTAINING SOCIAL SECURITY FOR EMPLOYMENT TOWARD
UNDERGRADUATE STUDENTS IN CONDUCTING
COMMUNITY SERVICE PROGRAM**

THESIS

Presented as Fulfillment of Requirement in

Obtaining a Bachelor's Degree of Law

Universitas Islam Indonesia

Yogyakarta

FORTUNA KHOIRIYATUL MUSLIMAH

19410666

INTERNATIONAL PROGRAM

FACULTY OF LAW

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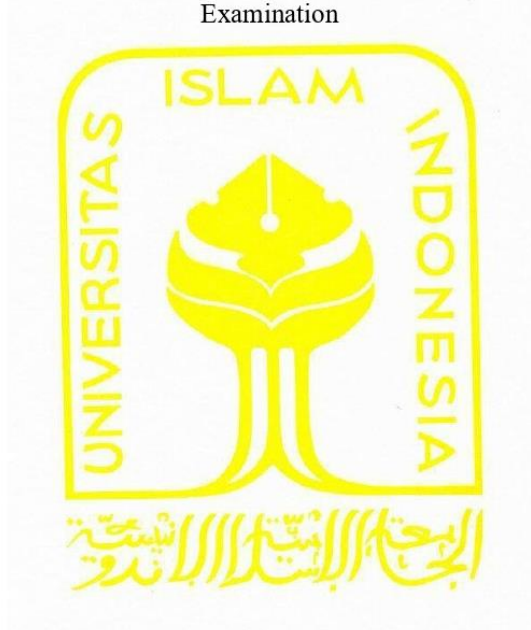
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OBTAINING SOCIAL SECURITY FOR EMPLOYMENT TOWARD
UNDERGRADUATE STUDENTS IN CONDUCTING SOCIAL COMMUNITY
PROGRAM**

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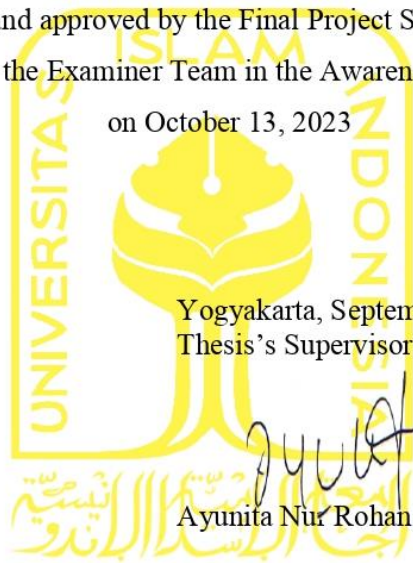
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Yang membuat pernyataan,



Khairiyah

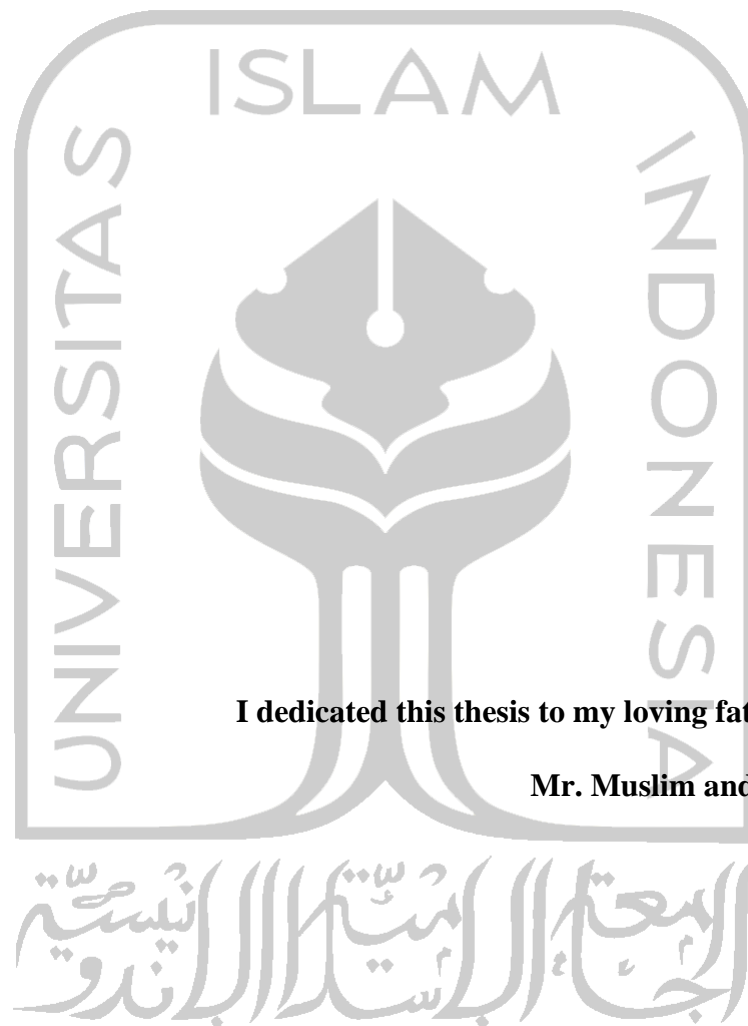
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البعثة الإسلامية الأندلسية

MOTTO

“Allah will give you something better than what was taken away from you, and He will forgive you. Allah is Most-Forgiving and Merciful”

- Mufti Taqi Utsmani’s translation of Al-Anfal (8) verse 70.



**I dedicated this thesis to my loving father and mother,
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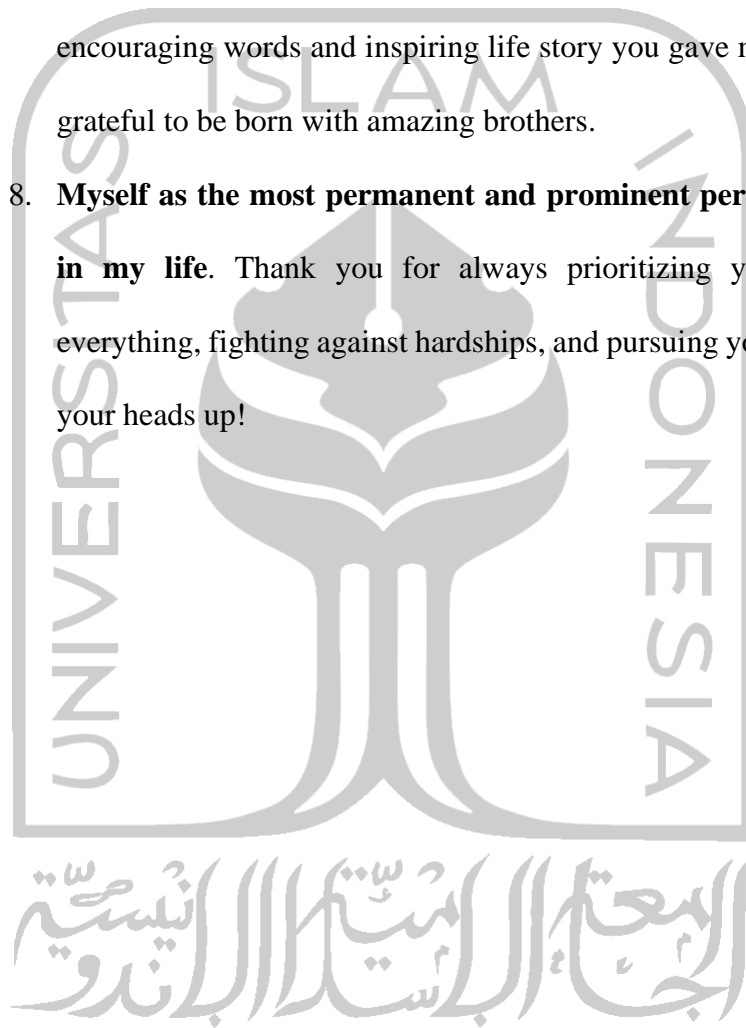


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Abstract

Social Service Program is a mandatory program for undergraduate students in Indonesia with main events deploying them to designated-usually rural areas to initiate growth and development in the surrounding community. As the nation obligates the students to participate in the program, there should be an existing social security protection for them as the uncertainty risk is at stake. Several universities have provided employment social security for students as a form of protection which raised two legal questions, the first question is whether undergraduate students are eligible to obtain social security because they are not precisely fit into the definition of workers that receive a salary, wage or other forms of remuneration as stipulated in the employment act, and the second question is related to how is the foreign countries such as Malaysia, Philippines, Singapore, China, and the Unites States of America provide protection toward their undergraduate students. The comparison is necessary to analyze the modern development of workers protection system to essentially create welfare for all types of workers. Any study related to community service and social work, or the similarity between the two systems is important to be conducted to prove the exclusivity of community service in Indonesian tertiary learning programs and find the best social security system for all types of workers. Hence, this thesis uses normative legal research by evaluating the implementation of the normative aspect of a legal stipulation, statute, and legal norms by comparing and analyzing the secondary data of journals and books related to social security. The result shows that first, undergraduate students are eligible to obtain employment social security as a non-labor force, a derivation category of manpower that is subjected to the existing manpower law. They are eligible to obtain and maintain the social security system with monthly contributions paid by the university. The result of the second problem formulation is that foreign countries do not prescribe social community within their tertiary curriculum program, but the majority of foreign countries such as Malaysia, Philippines, Singapore, China and the United States of America provide social work as a program to create social welfare.

Keywords: Employment Social Security, Kuliah Kerja Nyata, Social Security Agency.

CHAPTER I

INTRODUCTION

A. Context of Study

The annual Social Community program (*Kuliah Kerja Nyata*) is a mandatory course for undergraduate students at the Islamic University of Indonesia to maximize their on-class knowledge and real-field experience through identifying problems, evaluating and implementing solutions based on Islamic principles. Students are expected to engross social values, give contribute toward society by playing their role as an agent of change as they have the knowledge, will, and energy to bring advanced progress in the area.¹ Advanced progress can manifest its form into creative innovation that will benefit the surrounding community in various fields such as education, devoting implementation of religious values, channel the people's aspiration into a program followed by coordination from local government bodies.²

As the students are deployed into an unprogressive, rural, and underdeveloped area for one month, the possibility of contingencies might happen and it is the responsibility of the campus to provide a sense of safety to conduct the mandatory course harmlessly. Social security agency (*Badan Penyelenggara Jaminan Sosial*) abbreviated as BPJS, with several campuses including Universitas Islam Indonesia have collaborated in providing insurance to manage the uncertainty and possibility of injury,

¹ Farihdatul Jannah, Ani Sulianti. "Perspektif Mahasiswa Sebagai Agen of Change Melalui Pendidikan Kewarganegaraan", *ASANKA Journal of Social Science and Education* Vol. 2 Issue 2, (September 2021): Page 183.

² *Ibid*, 185.

or death, through the employment social security system that was originally subjected to workers.

According to Article 1 (8) Act No. 24 Year 2011 workers are defined as any person who works and earns a salary, a wage, or other forms of remuneration. Which later followed in Article (10) the workers are entitled to salary as a form of compensation from an employer, paid pursuant to the employment contract, agreement, or legislation, including allowances for the workers and their families for work and/or service that they have performed or will perform. They are entitled to feel safe and work in a healthy environment as it is agreed by nations within the International Labor Organization (ILO) conference, reflected by the obligation for employees to register themselves and their workers as a member of BPJS in accordance with the social security programs. In that note, workers are entitled to employment injury security, old age security, pension security, and death security. A comparison between the characteristics of workers and undergraduate students is necessary to determine the eligibility to receive employment social security.

Kamus Besar Bahasa Indonesia defined an undergraduate student as someone who is currently enrolled in university, with the main obligations are studying, task submission, or other academic activities that are relevant to their major. Students don't receive any payment, salary, wage, or any other benefits from the university since they have no work contract made at the beginning of enrollment. In conducting social community programs, the students also didn't receive any reimbursement, payment, or any other benefits in return for their will that manifested into a timeline program, which consisted of activities they planned to do for the community, as an agent of change.

Specifically, students at the Islamic University of Indonesia received Rp300.000,- as an aid for their needs, but it is not categorized as a salary since it was originally collected from tuition invoices. Beyond any doubt, there is no similarity between the characteristics of workers and undergraduates to validate the eligibility of claiming social security for employment toward undergraduate students, but only deviation of definition due to the urgent and uncertain circumstances in the practical designated area. Undergraduate students also don't work in specific hours, or even bind with contracts as workers do to perform their ability, hence the rise of deviation in definition occurs.

A deviation is an approach to legal interpretation since the law is a manifestation of the human capability to process and create knowledge. As the subject of law is a human being, the purpose of law or legal interpretation shall be meant to respect human dignity by broadening its meaning (horizon) text.³ The purpose of legal interpretation to support human dignity is in line with Indonesia standing as a welfare state, which means the state and any other structural governmental bodies are imposed to create welfare for the people⁴, as a tool to set foot in the just and civilized humanity and social justice for all of the people in Indonesia as stipulated in Pancasila. The deviation is also justified by Satjipto Rahardjo's argument which stated the core of legal stipulation is the principles and values as the *ratio legis*, then followed by G.W. Paton who agreed

³ Diah Imaningrum Susanti, *Penafsiran Hukum Teori & Mode*, (Jakarta: Sinar Grafika, 2019) Page 16-17.

⁴ Ayunita Nur Rohanawati. "Jaminan Sosial Tenaga Kerja di Indonesia Sebagai Negara Kesejahteraan Ditinjau dari Perspektif Hukum Progresif", *JUSTITIA ET PAX Jurnal Ilmu Hukum*, Vol. 32 No. 1, (June, 2016). Page 21.

with the statements that law has dynamic characteristics; it will develop, grow and result in other forms of regulation that originated from the values.⁵

The capability of law to continuously develop into something new is not questionable, but the limit of the growth and to which extent the interpretation it can provide safety is a topic to discuss. Protection for manpower is an embody and effort to live the idea of a welfare state, as it is stated in the philosophy of Act No. 13 Year 2000, the protection of manpower is meant to assure the rights of them to get the same basic rights to work,⁶ but this idea is specifically designed for manpower. The eligibility of undergraduate students to be classified as manpower is seen from the definition of manpower in Act No. 13 Year 2003 concerning Manpower. Manpower is considered as every individual or person who is able to work in order to produce goods and/or services either to fulfill their own needs or to fulfill the needs of society. In order to fulfill their needs or the society's needs, manpower shall be productive and is included in the productive age (15-60 years old) reflected in the performance of their work.⁷ the younger the age the possibility of being productive is higher. Undergraduate students are included in the productive age of manpower, they have the will and power to produce goods and or services. However, the protection of manpower does not simply rely on the status quo of the age, but to obtain employment social security insurance, the manpower shall be bound into a certain work agreement, or contract, and register their identity with the system.

⁵ Satjipto Rahardjo, *Ilmu Hukum*, quoted by Amhal Kaefahmi, *Penyimpangan Asas-Asas Umum Hukum Pidana di Indonesia*, Diponegoro University Thesis, 2022. Page 23.

⁶ Ujang Charda S. "Karakteristik Undang-Undang Ketenagakerjaan dalam Perlindungan Hukum Terhadap Tenaga Kerja" in *Jurnal Wawasan Hukum*, Vol. 31, No. 1. Page 9.

⁷ Imran Ukkas. "Faktor-Faktor yang Mempengaruhi Produktivitas Tenaga Kerja Industri Kecil Kota Palopo" *Journal of Islamic Education Management*. Vol. 2, No. 2. Page 189.

As the explanation above, the eligibility of undergraduate students to obtain employment social security still has no clear legal standing, such as which justification to be used despite the urgency of protection from the campus system to provide a sense of security through employment insurance for the students. Later on in this thesis, the writer will analyze the relevance and eligibility, of whether undergraduate students can be categorized as workers by law.

B. Problem Formulation

1. To what extent the undergraduate students are eligible to obtain Employment Social Security insurance and its status as formulated in Act No. 24 of 2011 regarding the Social Security Agency?
2. How is the protection system for undergraduate students in conducting programs to create welfare for the people in foreign countries such as Malaysia, Philippines, Singapore, China, and the United States of America as an effort to provide a sense of safety from the government?

C. Research Objectives

1. To find the legal eligibility standing of undergraduate students in obtaining Employment Social Security insurance according to Act No. 24 of 2011 regarding the Social Security Agency.
2. To analyze the protection system for undergraduate students in other countries such as Malaysia, Philippines, Singapore, China, United States of America as an effort to provide a sense of safety by the government.

D. Literature Review

Later on this thesis, there are 4 (four) terminologies and theories to be defined in order to analyze the eligibility of obtaining employment social security toward undergraduate students, it consist of:

1. Social security

As stipulated in the consideration of Act No. 24 Year 2011 regarding social security agency, the purpose of the national security system is to aim for protection and social welfare for all of the people as the manifestation concept of the welfare state adopted by Indonesia. The dedication to aim for protection and social welfare for all people of Indonesia have been formulated since the issuance of Undang-Undang Dasar 1945 in the preamble constitute: “...to form a government of the state of Indonesia which shall protect the whole Indonesian nation and the entire native land of Indonesia and to advance the public welfare, to educate the life of the nation, and to participate in the execution of world order which is by virtue of freedom, perpetual peace and social justice...” as not only a symbolic goal of the state but also become a legal stipulation that contains constitutional identity⁸ and enactment of the object sought to be accomplished.⁹ Since the idea and visions already described in the preamble, it reflects the obligations of the state to play its role as the motor to fulfill basic human rights, followed by possession of natural resources in Article 33 (3) of Undang-Undang Dasar 1945 “the land and waters and the natural wealth contained in it shall be controlled by

⁸ Liav Orgad. 2010. “The Preamble in Constitutional Interpretation”. *International Journal of Constitutional Law*. Vol. 8 No. 4, Page 738. Quoted by Mei Susanto. “Kedudukan dan Fungsi Pembukaan Undang-Undang Dasar 1945: Pembelajaran dari Tren Global.” *Jurnal LEGISLASI INDONESIA* Vol. 18 No. 2 Page 185. <https://doi.org/10.54629/jli.v18i2.739>

⁹ *Ibid*, Page 186.

the state and utilized for the optimal welfare of the people” which indicates the welfare of the people is the ultimate goal above all.

The following stipulations of the idea of a welfare state are also reflected in the Article 28H verse 1-3 of Undang-Undang Dasar 1945:

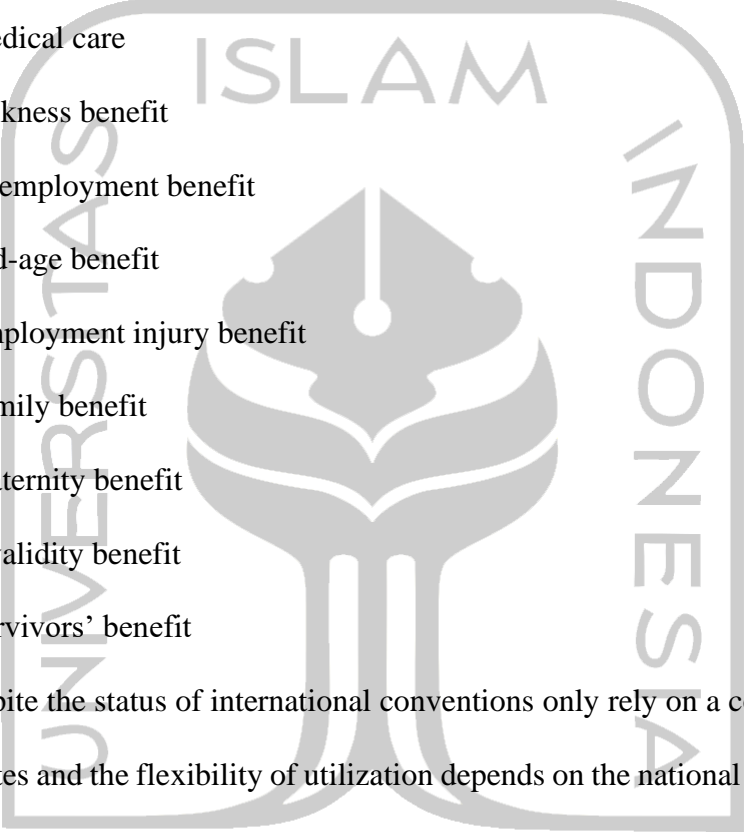
- (1) Every person is entitled to live prosperous physically and spiritually, to have a place to reside, and to acquire a good and healthy living environment as well as be entitled to obtain health care;
- (2) Every person is entitled to receive ease and special treatment in order to obtain the same opportunity and benefit in order to achieve equality and justice;
- (3) Every person is entitled to social security that enables their integral self-development as a dignified human being.

The third verse emphasizes the status of social security guaranteed by the state as a basic human right that later is followed up in Article 34 verses 2 and 3 of Undang-Undang Dasar 1945:

- (2) The state shall develop a social security system for all the people and empower the poor and incapable society in accordance with human dignity;
- (3) The state shall be responsible for the provision of decent health care facilities and public service facilities.

Not only limited on the national scale, Indonesia as one of the Member states who ratified the Universal Declaration of Human Rights, abbreviated as UDHR, agreed to dedicate the state visions to fulfill basic rights of a human. Article 22 of UDHR

highlights the rights to social security through national effort and international cooperation. International Labor Organization (ILO) also introduced the concept of social security precisely for workers within the Social Security (Minimum Standards) Convention, 1952, there are nine categories of social security that introduces minimum facilities toward workers : ¹⁰

- 
- a. Medical care
 - b. Sickness benefit
 - c. Unemployment benefit
 - d. Old-age benefit
 - e. Employment injury benefit
 - f. Family benefit
 - g. Maternity benefit
 - h. Invalidity benefit
 - i. Survivors' benefit

Despite the status of international conventions only rely on a commitment from member states and the flexibility of utilization depends on the national situation, but the existence of the convention recognizes basic rights for workers on a worldwide scale. ¹¹ International commitment and the nation's visions to create a welfare state obligates the Indonesian government to create a system dedicated to protect and support the social security, that's why the issuance of the first regulation related with National Social Security System Act No. 40 Year 2004 was monumental, originated from the event of

¹⁰ Eibe H. Riedel. *Social Security as Human Right: Drafting a General Comment on Article 9 ICESCR - Some Challenges*. Springer Science & Business Media. Page 92.

¹¹ *Ibid.*

The People's Consultative Assembly instructed The President through circular letter No. X/MPR/2001 to create a system to protect the social security rights of the people,¹² hence the social security agency was established, but it was originally consist of:

- a. State-Owned Limited Liability Company Jaminan Sosial Tenaga Kerja (JAMSOSTEK)
- b. State-Owned Limited Liability Company Dana Tabungan dan Asuransi Pegawai Negeri (TASPEN)
- c. State-Owned Limited Liability Company Asuransi Sosial Angkatan Bersenjata Republik Indonesia (ASABRI)
- d. State-Owned Limited Liability Company Asuransi Kesehatan Indonesia (ASKES)

In the following years, the four form of social agencies was amended through Article 5 (2) Act No. 24 Year 2011 into Health and Employment Social Security (BPJS for Health and BPJS for Employment) as an assurance for the people of Indonesia to fulfill their material, spiritual, and social needs as stipulated in Act No. 11 Year 2009 about Social Welfare.

In fulfilling their needs, the health social security system administers a health security program that will be paid by the government based on agreement between the local hospitals through hospital association in Indonesia (PERSI) with two basic

¹² Rudy Hendra Pakpahan, Eka N.A.M Sihombing. "Tanggung Jawab Negara Dalam Pelaksanaan Jaminan Sosial (Responsibility State in The Implementation of Social Security)" *Jurnal LEGISLASI INDONESIA*. Vol. 9 No. 2 July 2012. Page 164.

principles; win-win solution and fairness.¹³ On the other hand, the employment social security administers four types of programs:

- a. Employment injury security
- b. Old-age security
- c. Pension security
- d. Death security

Both social security for health and employment have encompassed the scope of ILO's commitment in providing minimum social security for the people.

2. Employment Social Security

Established on the idea of welfare state, employment social security focuses on providing protection toward workers from the uncertain possibility as an insurance. In relation toward their work nature, workers are bind to agreement or contract, made in the first stage before the duties with the employer. As defined in Act No. 24 Year 2011, workers means any person who works and earns a salary, a wage, or other forms of remuneration. While employer means an individual, entrepreneur, legal entity, or other entities employing workers or state administrators employing civil servants by paying them salary, wage, or other forms of remuneration. Suratin stated the purpose of workers protection is not only to guarantee the rights of the workers, but also to guarantee they obtain the same equality rights in a non-discrimination work environment to envision prosperity for the workers and their family.

¹³ Ronnie Rivany. "Quo Vadis Undang-Undang Sistem Jaminan Sosial Nasional?" *Jurnal Manajemen Pelayanan Kesehatan*. Vol. 13 No. 3 Page 110. <https://jurnal.ugm.ac.id/jmpk/article/view/2628>.

In addition to that, workers protection shall be constructed and designed in the most beneficial way toward the workers, to create a conducive economic system between three dimensions; employer, government and workers, with comprehensive regulations that will encompass them.¹⁴ Workers that have high performance will strengthen the living conditions inside the company or an organization, reflected by their loyalty and work spirit.¹⁵ Their work spirit in doing the company task should be based on the agreement or relevant contract, introduced in Act No. 13 of 2003 governing the employment system. The employment contract is divided into two types:

- a. Employment contract for a limited period;
- b. Employment contract for an unlimited period;

Both employment contracts for the workers are equally deserve to provide social security for employment, it should be equally estimated for the formal and informal work sectors since all people of Indonesia deserve to obtain an employment social security system.

There are nine duties of the BPJS social security agency as stipulated in Article 10 of Law No. 24 Year 2011:

- a. Conduct and/or receive Member registration;
- b. Raise and collect contributions from the Members and Employers;
- c. Receive contribution aid from the government;
- d. Manage the social security funds for the interest of members;
- e. Collect and manage members data of the social security program;

¹⁴ Sri Hidayani, Riswan Munthe. "Aspek Hukum Terhadap Pemutusan Hubungan Kerja yang Dilakukan oleh Pengusaha." *MERCATORIA Jurnal Magister Hukum UMA*. Vol. 11 No. 2. 2018. Page 129. [10.31289/mercatoria.v11i2.2017](https://doi.org/10.31289/mercatoria.v11i2.2017)

¹⁵ *Ibid.*

- f. Pay benefits and/or finance the health services in accordance with the provisions of the social security program; and
- g. Provide information on the administration of the social security programs to the members and public.

The duties and responsibilities are done to vision the welfare state idea through the political will of the organization. The welfare state ideas are supported by employment social security that is meant for all categories of workers; with or without the work relation contract. Workers outside the work relation are bound through Act No. 3 Year 1992 regarding Jaminan Sosial Tenaga Kerja (JAMSOSTEK) described the importance of giving protection toward workers outside the work relation in order to protect the manpower in general, inclusive for the people that consist of the formal and informal sector.

Furthermore, in the formal sector, workers that are bound with contract or if there is an existing work relation with the employers they will be registered by their employers in line with Article 15 Law No. 24 Year 2011, which later on Article 19 (1) further explain that employers are obligated to collect contributions from their workers and pay them to BPJS. In contrast, workers in the informal sector who work outside the work relation, or BPJS members who are not workers and not a contribution aid recipients abbreviated as PBPU, are compulsory to pay contributions to BPJS in line with the Article 19 (3) that further will be regulated through Government Regulation No. 84 Year 2013 regarding administration of employment social security. The contributions that will be paid are dependent on their ability to pay, contrast with the

main priority of income for daily necessities.¹⁶ Workers outside the work relation have no permanent, or constant income per month, external factors such as the weather and season may influence their earnings. The informal workers are more prone toward the possibility of contingencies that cannot be predicted. The current social security system benefits the formal workers rather than being inclusive toward all categories, it can be reflected from the main purpose of insurance is to protect workers from government misconduct and employers or other hierarchical supreme acts.¹⁷ From the definition, it can be inferred that informal workers such as online drivers, sellers, pedicab drivers are all vulnerable to the challenges as they have no standard which misconduct, or act to make them eligible for insurance, and it is the government obligation to minimize those challenges to adapt and benefit them from the vision of the welfare state of the people. Professional workers outside the work relation such as doctors, lawyers and artists need protection from social security too because the uncertain clause still occurs. It is important to extend the protection system to address the challenges, hence the Indonesian government established the Ministerial Regulation of Labor and Transmigration No. PER-24/MEN/VI/2006 regarding social security subjected to workers without work relation, specifically to those:

- a. Microenterprise with limited capital;
- b. Utilize noncomplex technology to produce goods and services in their business;
- c. Nonpermanent or transient business;

¹⁶ Nurbaeti. Andi Surahman Batara. “Kemampuan Membayar Iuran BPJS Bagi Masyarakat Pekerja Sektor Informal (Studi Pada Tukang Ojek dan Becak/Bentor)” *PROMOTIF: Jurnal Kesehatan Masyarakat*. Vol. 8 No. 1. Page 167. <https://doi.org/10.56338/pjkm.v8i2.499>

¹⁷ Ashabul Kahfi. “Perlindungan Hukum Terhadap Tenaga Kerja” *Jurnal Jurisprudentie*. Vol. 3 No. 2. Page 64. <https://doi.org/10.24252/jurisprudentie.v3i2.2665>.

- d. Requires high mobility in conducting business;
- e. Entrepreneurs with uncertain income and work hours;

3. Manpower

Manpower outside work relations recognized its entitlement to claim employment social security through Law No. 3 Year 1992 regarding JAMSOSTEK (*Jaminan Sosial Tenaga Kerja*). As defined in the Article 1 manpower is every person who is able to perform work, bind with or without work relation, or contract to produce certain goods and or services. Followed by ILO ratification on Law No. 39 Year 1999 concerning Human Rights related to the minimum age for someone to work as stipulated in Article 3 (1) is prohibited to be younger than 15 years old in any circumstances. According to Mulyadi manpower is a civilian who is included in the working age, 15-24 years old, and able to produce goods and or services. In Addition, according to the Central Agency on Statistics, later on will be abbreviated as BPS, those who are of working age are also included in the workforce category. The workforce is civilians up to 15-24 years old, capable of working, but for the moment they are unemployed.¹⁸ Undergraduate students are subsumed under the working age and workforce category, as they are capable of working as a student, in the age of productive manpower.

Productive manpower in their peak working age with comprehensive knowledge are able to work under pressure and an intense environment rather than the static manpower who are already in their 40-60 years old as it is not the productive age for the

¹⁸ <https://www.bps.go.id/subject/6/tenaga-kerja.html> Accessed on October 17, 2022 10:20 pm.

elderly.¹⁹ A company will always try to maximize workers' potential and performance by providing facilities such as insurance, job promotion, and incentives. Providing insurance has been proven to evidently accelerate workers' performance and increase other people's interest in joining the company.²⁰ Insurance is proposed to protect the workers from the possibility of contingencies that cannot be predicted,²¹ informal workers' contingencies are unpredictable to be proposed hence they are very prone to upcoming challenges and it is the government's obligation to address the challenges.

4. Social Community Program

Kuliah Kerja Nyata or the work-study program started in 1973²² is an implementation of undergraduate students' function as an agent of change, agents of development, and agents of empowerment. Established on three sociological operation purposes:²³

- a. As an educational institution to provide professional lectures on three dimensions of undergraduate, master graduate, and postgraduate;
- b. As an educational institution to extend deeper comprehension of knowledge in specific area that the students may take part in selecting the major;

¹⁹ Windi Suarni, Annisa Nurul Audri. "Hubungan Antara Pendidikan, Jam Kerja dan Usia Terhadap Hukum Tenaga Kerja" *JIMT Jurnal Ilmu Manajemen Terapan*. Vol. 2 No. 2. Page 729. <https://doi.org/10.31933/jimt.v2i6>

²⁰ Muhammad Hasan Zulmi As Syafiq. "Pengaruh Insentif Kerja dan Asuransi Kerja Terhadap Kinerja Karyawan Outsourcing PT PERSONA PRIMA UTAMA Perwakilan Yogyakarta" *Jurnal Perilaku dan Strategi*. Vol. 7 No. 1. Page 51-63.

²¹ *Ibid.* Page 55.

²² Ward Heneveld. "INDONESIAN EDUCATION IN THE SEVENTIES: Problems of Growth" *Southeast Asian Affairs* (1979) Page 142-154. <https://www.jstor.org/stable/27908373>

²³ Alim Harun Pamungkas. "Pengembangan Program Kuliah Kerja Nyata Untuk Pemberdayaan Masyarakat Desa" in National Seminar PENDIDIKAN LUAR SEKOLAH, Fakultas Pendidikan Luar Sekolah Universitas Negeri Padang. Padang, 6 October 2016. Page 52. Accessed on October 20, 2022.

c. An educational institution participates in sustaining and creating the welfare of the people, as how the educational institution is able to give feedback to the whole community. In order to give feedback to the community, educational institutions shall take part in observing the condition of the local community, hence the undergraduate students are deployed as a derivation of this function.

There are three common systems of Community Service that are widely implemented by the universities: 1) community education, 2) community service, and 3) community development. Despite the common system being used, interpersonal communication with the local community is important to institute changes as it is a medium of how we interact and adapt ourselves with the surrounding community, including members of the team.²⁴ Adapting with the local culture and local activities are meant for the students to learn cultural values that are impossible to obtain in class or other moral values that can be adapted to our daily life. The obligation for universities to deploy students into certain areas, especially the unprogressive area where developments are static in motion, are stated in Undang-Undang No. 12 Year 2012 related to Higher Education. It is specifically stated in Article 1 (9) Tridharma Perguruan Tinggi are obligated values for university to conduct educational, research and devotional activities for the local community, which later explained in verse 11 that devotional activities shall utilize technology to accelerate welfare. As it is the national

²⁴ Mic Finanto Ario Bangun, Ferdy Muzzamil dan Andreas Corsini Widya Nugraha. "Efek Komunikasi Interpersonal Penyesuaian Diri Pada Mahasiswa Universitas Bhayangkara Jakarta Raya Yang Menjalani Kuliah Kerja Nyata" *Jurnal Syntax Administration* Vol. 2 No. 2. Page 286. <https://doi.org/10.46799/jsa.v2i2.174>

obligation to conduct Community Service programs, the government shall create a system to protect the welfare of the students through a form of insurance since the possibility of occurrence areas are at high risk. Possibility of accident or injury in accessing the unprogressive area or injury in utilizing certain local tools are doable high risk and providing insurance such as employment social security are necessary for a sense of protection.

C. Research Method

The method of writing used in this research as follows:

1. Legal Material

a. Research Approach

This is a normative legal research that will be based on evaluating the implementation of the normative aspect of a legal stipulation, statute, and legal norms supported by a scholar's opinion regarding the act. In addition, later on, this writing will use the comparative approach of the foreign social security system with the Indonesian social security system.

b. Object

There are two objects of writing:

- 1) The regulatory framework of the Indonesian social security system and its effectiveness to provide a sense of security for the people;
- 2) Comparison in the implementation of the social security system between Indonesia and Malaysia.

c. Sources of Data

There will be three classifications of data sources in this research:

1) Primary Legal Material

- a) Act No.3 Year 1992 regarding Jaminan Sosial Tenaga Kerja (JAMSOSTEK)
- b) Act No. 39 Year 1999 concerning Human Rights.
- c) Act No. 13 Year 2003 regarding Manpower.
- d) Act No. 24 Year 2011 regarding Social Security Agency.
- e) Ministerial Regulation of Labor and Transmigration No. PER-24/MEN/VI/2006.

2) Secondary Legal Material

- a) Books related to the material concerning the social security system with its implementation in Indonesia and other countries.
- b) Journals related to the material concerning the social security system with its implementation in Indonesia and other countries.
- c) Law expert's opinions regarding the social security system in Indonesia and its efficacy in implementation.
- d) Articles related to the Indonesian social security system.

2. Method of Data Collection

The method of data collection will be based on literature research, examine books, related literature, journal articles and law related to the social security system.

3. Method of Legal Materials

The legal materials that were previously collected are analyzed by a normative descriptive qualitative approach, then the data are presented descriptively to determine the legal framework in imposing employment social security for undergraduate students.

E. Proposed Systematic Content

There will be 4 (four) chapters in this thesis, which includes:

Chapter I : INTRODUCTION.

The discussion of this chapter will emphasize the context of study, problem formulation, research objectives and literature review.

Chapter II : GENERAL OVERVIEW OF THE ELIGIBILITY OF PROVIDING SOCIAL SECURITY SYSTEM TOWARD UNDERGRADUATE STUDENTS IN COMMUNITY SERVICE PROGRAM.

This chapter will cover a comprehensive related to social security, manpower, and Community Service program.

Chapter III : THE LEGAL STATUS OF PROVIDING

EMPLOYMENT SOCIAL SECURITY
TOWARD UNDERGRADUATE STUDENTS IN
COMMUNITY SERVICE PROGRAM.

This chapter will analyze the eligibility of
providing the employment social security for
undergraduate students in Community Service
program as a mandatory university course.

Additional comparison between Community Service
in Indonesia and Social Work in foreign countries
such as Malaysia, Philippines, Singapore, China,
and the United States of America are provided.

Chapter IV : CONCLUSION

This chapter will enlighten the problem statement.



CHAPTER II

GENERAL OVERVIEW OF THE ELIGIBILITY OF PROVIDING SOCIAL

SECURITY SYSTEM TOWARD UNDERGRADUATE STUDENTS IN COMMUNITY SERVICE PROGRAM

A. Social Security

Social security system was created to protect someone against a manageable risk resulting from a crucial transition in someone's life, and ought to be recognized from the state's vision.²⁵ Indonesia reflected its vision of a social security program through the concept of a welfare state, which means any institution or government body that was created under Indonesian law is imposed to create a welfare and protection system for the people in various fields; politics, social-cultural and economic sectors. In order to escalate the welfare of the people, performing the government's function as a public service role is essential to evaluate their performance in serving the people²⁶ manifest into the formulation of the social security system. According to Iman Soepomo, social security is payment received by the workers in accordance with their work but is apart from their work obligations or mistakes done at work, with the aim to provide income security in case the workers lose their job outside their consent and will.²⁷ Emphasized by Sentanoe Kertonegoro, the implementation of social security is divided into a general and narrow scope. The general scope of social security is meant to improve people's standard of living through Community Service programs in health, education, law

²⁵ Dinna Wisnu. *Politik Sistem Jaminan Sosial*. 1st ed. Gramedia Pustaka Utama. Jakarta. Page 25.

²⁶ Solechan. "Badan Penyelenggara Jaminan Sosial (BPJS) Kesehatan Sebagai Pelayanan Publik" *Administrative Law & Governance Journal*. Vol. 2 No. 4. 2019. Page 687.

²⁷ Jum Anggraini. *Kaji Ulang Pelaksanaan Jaminan Sosial Tenaga Kerja Menurut UU No. 3 Tahun 1992*. 1st ed. Universitas Tama Jagakarsa. Jakarta. 2016. Page 36.

assistance, religion, and social organization. It can also be sustained from various programs:

- a) Social assistance as an effort to voluntarily help the people such as the elderly, victims of disaster, people with disability, and orphans.
- b) Social infrastructure to improve the living facilities of the people such as providing clean water, health and nutrition improvement programs, and housing facilities.
- c) Social insurance as an effort to protect manpower, specifically designed for the workers to face the possibility of socio-economic risks.

While in the narrow scope, social security only consists of two forms of protection:

- a) Social insurance as a social guarantee based on related regulations.
- b) Social assistance as a guarantee in the implementation of a company or other parties-related decisions.

1. Historical development of Social Security in Indonesia

Indonesia gives a mandate to the state to develop a social security system that was initially imposed through Act No. 3 Year 1992 regarding Jaminan Sosial Tenaga Kerja but it was inadequate to encompass all scope of workers, the content was only limited to those who work under formal cooperation, with existing work agreement between employers and workers, with stable and regular income every month. They are

the most subjected person in the law guaranteed of social security protection.²⁸ Later on, Act No. 3 Year 1992 regarding Jaminan Sosial Tenaga Kerja was amended through Act No. 40 Year 2004 with wider in scope of participant member, stipulated within the Article 3, that encompass providing protection of a decent life of members and their family members, rather than previous regulation that is only limited to the workers. Despite its lengthened scope in the execution, Act No. 40 Year 2004 remains invalid because of the contradictory meaning with the 1945 Constitution after Supreme Court Decision No. 007/PUU-II/2005²⁹ it was agreed that the aforementioned act Article 5 verse 2,3 and 4 is contradictory with the local government rights and title, for example, Article 5 (4) is regarded as contradictory with the local autonomy emphasized in Article 18 (5) of Undang-Undang 1945, as also stipulated in Article 22h Act No. 32 Year 2004 regarding Regional Administration, obligating the regional government to develop a social security system based on their autonomy. After the supreme court decision letter was released, the House of Representatives issued Act No. 24 Year 2011 regarding the Social Security Agency that has been implemented until now. The newest act transformed the four previous agencies (JAMSOSTEK, TASPEN, ASABRI, ASKES) into two social security agencies, BPJS for Health and BPJS for Employment.

2. Principles of Social Security Agency

²⁸ H. Bambang Purwoko. "Penyelenggaraan Sistem Jaminan Sosial (SJS) di Indonesia dalam Perspektif Internasional". *E-Journal WIDYA Ekonomika*, Vol. 1 No. 1, 2016, Page 75-85.

²⁹ Muhammad Habibi. "Legal Protection of Employees of PT Askes Which Was Transferred by Legal Relationship Becoming Health BPJS Employees". *Jurnal Wacana Hukum dan Sains Universitas Merdeka Surabaya*. Vol. 12 No.1, 2018. Page 2.

The establishment of the social security agency was meant to actualize the provision of social security assurance in order to fulfill the basic needs of a decent life for the members and their families, BPJS operates under nine principles of:

- a. Mutual cooperation
- b. Non-profit
- c. Transparency
- d. Prudence
- e. Accountability
- f. Portability
- g. Mandatory participation
- h. Trust fund
- i. Investment yields of Social Security Fund to be entirely used for program development and in the best interests of the Members.

3. Product and Services of Social Security Agency

Aiming to actualize the guarantees of fulfilling the basic needs of a decent life for any members and their family members, BPJS has two products which are BPJS for health and BPJS for Employment. As stipulated in Article 6 (1) and (2) Act No. 24 Year 2011, BPJS for Health administers the health security program, while BPJS for employment administers four programs;

- a. employment injury security.
- b. old age security.
- c. pension security.

d. death security.

Both services can be obtained by any person, including foreigners who work at least six months in Indonesia as they become obligated to become members of the social security program during their time in Indonesia, while for employers in the formal sector, as stipulated in the Article 15 (1) employers are obligated to register themselves and their workers as a member of BPJS. As for now, the social security system is centered on the formal work sector that has continual and stable income rather than the informal work³⁰ with around 77,91% of people working in the informal work sector³¹ It indicates the urgency to establish an inclusive system for various types of workers. As the role of informal workers held its importance on national productivity, it needs a system to protect, maintain and develop to face possible risks in the future.³²

As stipulated in the first article of Act No. 24 Year 2011 members are obligated to pay contributions. Employers are obligated to pay their portion of compulsory contribution to BPJS, and individuals, especially the informal workers also pay accordingly, which may vary depending on the category of people, the job relation they engage with, and the facility they want to obtain.

The newest regulation that stipulates contributions BPJS for healthcare is Presidential Regulation No. 64 Year 2020 as an amendment of Presidential Regulation No. 82 Year 2018 related to Jaminan Kesehatan, with details:

³⁰ Made Danang Mahendra Gama, et al. "Pengaturan Jaminan Sosial Ketenagakerjaan Bagi Pekerja Informal Pada Masa Pandemi Covid 19". *Jurnal Interpretasi Hukum*. Vol. 3 No. 2. 2012. Page 240.

³¹ M Ivan Mahdi. *Pekerja Informal Indonesia Capai 77,91 Juta pada 2021*. Available in <https://dataindonesia.id/sektor-riil/detail/pekerja-informal-indonesia-capai-7791-juta-pada-2021> Accessed on November 27, 2022 7:56 pm.

³² Made Danang Mahendra Gama, et al, *Loc. Cit.*

a. Members of healthcare social security are contributory aids participants (PBI) and people who are outside the category of non-contributory health insurance which consists of:³³

1) Wage recipient workers (PPU) covered civil servants non-civil servant government employees, police, soldiers, state officials (president, members of the parliament, members of judicial bodies, etc.)

2) Non-wage recipient workers (PBPU) covered workers outside work relations or independent workers with micro-scale business and limited capital that utilize simple technology in their business, producing goods and or services of relatively low quality, non-permanent business place, high labor mobility, unsecured business continuity, irregular working hours, high level of productivity, and unfixed income, did not have a work agreement or contract with employers. It also covered workers who are not wage earners that include experts with independent work such as lawyers, accountants, architects, doctors, consultants, notaries, music players, singers, coaches, authors, students from tertiary institutions, residents of state penitentiaries, foreign nationals who work or stay in Indonesia at least 6 (six) months and are equipped with a work permit. Besides the already mentioned profession, the non-wage recipient

³³<https://www.bpjs-kesehatan.go.id/bpjs/index.php/pages/detail/2014/11SemarangBustani>
Accessed on December 5, 2022, 12:26 pm.

workers can also include members of the partnership relationship.

3) Non-workers (BP) consist of investor who makes an investment in all forms possible, employer as an individual who employs workers by paying salaries or other forms of remuneration, and pension recipients.

b. Followed by contribution details:

1) For the non-contributory health insurance (PBI) is Rp42.000,00 paid by the government in a periodical month as explained in Article 29.

2) Wage recipient workers (PPU) are entitled to pay 5% of their monthly salary with a 4% portion scale from the employers as explained in Article 30 (1).

3) Contributions for Non-Wage Recipient Workers (PBPU) and Non-Workers (BP) is Rp35.000,00 with Rp7.000,00 aid paid by the central or local government to obtain a third-class care unit. If the parties want to obtain a different care unit, the contributions may be higher.

a) Contributions for the second class care unit is Rp100.000,00.

b) Contributions for the first class care unit is Rp150.000,00.

Apart from that, BPJS for employment is regulated by Presidential Regulation No. 109 Year 2013 related to the Stages of Obtaining Social Security Membership. Article 2 of the regulation emphasized that both employers and employees are entitled to social security that covers:

- a. health social security benefit.
- b. employment injury security benefit.
- c. old age security benefit
- d. pension security benefit
- e. death security benefit

The five services above provided by BPJS for employment are entitled to the members, and according to Article 3 of the aforementioned presidential regulation it comprises Wage Recipient Workers (PPU) and Non-Wage Recipient Workers (PBPU).

- a. The classification of Wage Recipient Workers is divided into:

- 1) Workers with work relation from the state functionaries

It consists of civil servants and their candidates, non-civil servant government employees, members of the police and military and its training students, and state officials.

- 2) Workers with work relations from non-state functionaries

It is classified according to the business capacity; large enterprises, mid-market enterprises, small-sized enterprises, and micro-scale enterprises. As stipulated in Article 6 (3) of Presidential Regulation No. 109 Year 2013, each business classification scale has different duties to register themselves in the social security system. Large and mid-market enterprises are obligated to obtain employment work injury security, pension security, old age security, and death security. The small-sized enterprises are obligated to obtain employment work injury security, old-age security,

and death security. While micro-scale enterprises are only obligated to obtain employment work security and death security. If the aforementioned four business-scale is concentrated in construction that employs contractual workers, it is obligatory for the employers to register their employees in employment work security and death security program. To ease the registration process, the BPJS for Employment's website has already classified it as the Construction Service Benefit.

- b. Non-Wage Recipient Workers consist of:
 - 1) Entrepreneurs who employ workers.
 - 2) Workers outside work relations or individual workers.
 - 3) Workers who are outside the classification above that did not receive any form of compensation or remuneration.

Both Wage Recipient Workers and Non-Wage Recipients Workers are entitled to health facilities owned by the government, or private industry, emphasized by Manpower Ministerial Regulation No. 11 Year 2016 regarding Health Facility and Tariff of Employment Injury Benefits. The health facility that can be obtained by the member of BPJS for employment are:

- a. basic and follow-up medical health checks;
- b. first class and other subordinate intensive care units;
- c. first class intensive care unit in a public hospital, local-government funded hospital, or other equivalent care units in the private hospital;
- d. diagnostic supporting facilities;

- e. proper treatment;
- f. special care;
- g. health facilities and implants;
- h. medical service;
- i. surgery;
- j. blood transfusion;
- k. medical rehabilitation.

The tariff for each health facility may vary depending on the standard tariff of the related hospital, or other equivalent health facilities that work together with BPJS for employment. If the location where the employment injury occurred has an unavailable health facility, members may obtain a health facility in the another-closest area, where the payment burden will be subjected to the employers and will be reimbursed by BPJS for employment according to the prevailing laws.

B. Manpower

Act No. 13 Year 2003 concerning Manpower defines manpower as every matter that is related to people who are needed or available for a job, before, during, and after employment. Every individual that is subjected to Manpower is labor³⁴, which can be defined as anyone who is able to do work to produce goods and/or services, to meet their own needs and for the community. The category of manpower is divided into two groups: labor force and non-labor force. The labor force is persons aged 15 years and

³⁴ Asri Wijayanti. *Hukum Ketenagakerjaan Pasca Reformasi*. 1st ed. Sinar Grafika. Jakarta. 2009. E-book. Page 1.

above that are currently employed, or have a job but for the current time are unemployed.³⁵ In contrast, the non-labor force are people outside the labor force, who are unemployed and is not available nor looking for work, for example, full-time students, people engaged in household or family duties full time, and retired individuals.³⁶ In addition, the labor force is divided into two groups: employed and unemployed.

1. Employed labor

When laborers enter a work agreement with the employer, they are entitled to receive wages and obtain their rights. Labor will only be eligible to be called a worker when they receive a wage or other forms of remuneration. In addition, according to Imam Soepomo in 1983³⁷ it also should fulfill the elements of work that consist of:

a. There is a service carried out by the work agreement

Within the work agreement that has been settled by the employer and the employee, there shall be services conducted by the workers in addition to obeying the rules and orders from the employer. Employees shall perform services depending on the target that has been set by the employer, with a clear promised work object.

b. There is an element of time

³⁵ BPS-Statistics Indonesia, *Labor Force Situation in Indonesia August 2016*. 1st ed. Badan Pusat Statistik Indonesia. 2016. Page xvi.

³⁶ International Labour Organization. *Persons outside the labour force: How inactive are they really?* ILOSTAT. 2019.

³⁷ Ali Imron and Hermawan Rizki Humawa. "The Fulfillment of Workers' Rights in the Dimension of Human Rights based on Indonesian Manpower Law" *Indonesian Journal of Criminal Law Studies*. Vol. 6, No. 1. 2021. Page 41.

Work agreement shall constitute specific terms and conditions about working time, workers shall not be working outside the regulated terms (over time) and they shall obey the agreement.

c. There is an element of wages

The work agreement shall also constitute the number of wages to be paid by the employer. Employers are entitled to pursue their rights if it's not fulfilled.

Other than the required elements mentioned earlier, some expert also argues that a lawful cause is also essential in arranging a work agreement before the workers can be officially deemed as a worker. The existence of a prevailing agreement between the employer and the workers indicates that they have agreed on the same matter, mainly everything related to the work should be done by the workers. The parties' ability to arrange a work agreement also indicates that they are legally capable and competent to make agreements, consisting of the subject (person or *recht*person) and the agreement object. The subject shall be 18 years old or older, and the object agreement shall not conflict with the prevailing laws or other existing regulations.³⁸ Hence, a lawful cause is highly essential in arranging work agreements to be recognized by law.

The classification of employed laborers will later be divided into two categories: full employed and underemployed workers.³⁹

a. Full Employed Workers

Full employed workers are workers who work for a minimal 40 hours per week, they receive wages for their products and/or services according to their

³⁸ *Ibid.*

³⁹ Gatiningsih and Eko Sutrisno, *Modul Mata Kuliah Kependudukan dan Ketenagakerjaan*, 1st ed, Fakultas Manajemen Pemerintahan IPDN, Sumedang, 2017, Page 71.

expertise. There are various types of work hours that full-time workers have to devote conditioned upon their work agreement, it consist of: 1) Fixed working hours, 2) Flexible working hours, 3) Variable working hours. Fixed working hours are employees who have a stipulated working hour in their work agreement, for at least 40 hours a week. In contrast, flexible working hours employees have more flexibility in their work agreement, indicating that there are no exact or strict rules for working hours per day but they have to follow the minimum accumulation of 40 hours per week. While variable working hours obligate the employee to work in certain, or limited working hours.⁴⁰

b. Underemployed Workers

Underemployed workers are workers that work under the minimum work hours, with low productivity, and not in the desired capacity. Part-time workers are considered underemployed workers, which is often practiced by undergraduate students. Underemployment in Indonesia was around 30 percent of the total labor force,⁴¹ a normal percentage for a developing country with high proportions of agricultural workers and a significant number of workers living in rural areas. In contrast, some experts argue that underemployed is not equivalent to part-time work because underemployed workers would be willing to accept another job, involuntarily working less than normal hours, while part-time workers committed and voluntarily working less than normal hours.⁴²

⁴⁰ Oswar Mungkasa, "Bekerja dari Rumah (*Working from Home/WFH*): Menuju Tatanan Baru Era Pandemi COVID 19" *The Indonesian Journal of Development Planning*, Vol. IV No. 2. 2020. Page 130.

⁴¹ Devanto Shasta Pratomo, "The of underemployment in Indonesia: determinants and its implication" Presented in a 2nd Global Conference on Business and Social Science in Bali, Indonesia. 17-18 September 2015, Page 529.

⁴² *Ibid.*

2. Unemployed Labor

In a highly competitive market with boundless job vacancies to meet the consumers' demand for goods and services, unemployment is still a rooted problem, especially in a developing country like Indonesia. Statistics Indonesia divides three categories of unemployed labor: 1) those who are not working and are not actively looking for work because they do not believe there is an available job vacancy, 2) those who already have an occupation but have not started working, 3) those who are preparing a business. The classification highlights two common major reasons for unemployed labor, discouraged workers who are willing to work but pessimistic about the available jobs, and those who are not willing to work.⁴³ Discouraged workers may also be affected by their job preference, the more educated they are, the greater their expectation of the type of safe work they prefer. The high unemployment rate for undergraduate students may also be caused by the desire to choose a safe and stable job, many prefer to choose to be unemployed rather than to get an occupation that is not in accordance with their dream profession.⁴⁴

C. Community Service

Community Service program is a common mandatory course credit for Indonesian undergraduate students with hopes to bring or lead innovation toward the designated deployed area, mingled with the community to learn and solve local problems through a work program that the students have to arrange after thorough

⁴³ Daniel Suryadarma, et.al. *The Measurement and Trends of Unemployment in Indonesia: The Issue of Discouraged Workers*. SMERU Research Institute. Jakarta. 2005. Page 6.

⁴⁴ Ema A. R. Puspajuita. "Factors that Influence the Rate of Unemployment in Indonesia" *International Journal of Economics and Finance* Vol. 10, No. 1, 2018. Page 141.

observation, to actualize lectures for the benefit of the community. A Community Service program was proposed based on the three pillars of Indonesian higher education principles consisting of education, research, and community service, as it's also mentioned in Article 20 (2) of Law No. 20 Year 2003 concerning the National Education System, it is emphasized that Indonesian education shall benefits the community in all forms possible, giving back to the community by highlighting and promoting the local potential to increase the acceleration of knowledge and local growth.⁴⁵ However, the form of community service as previously mentioned in the higher education principles binds no obligation toward the university or other higher education institutions to execute the Community Service program, as it is mentioned in the Article 24 (2) Law No. 20 Year 2003 that the higher education institutions are entitled to manage their institutions as a center of higher education, scientific research, and services to the community. It indicates that the institutions have the right to pursue their academic activities freely, with community service as a common mandatory course program.

There are few considerations for institutions to execute or stipulate community service as a mandatory course program, there are at least two fundamental and philosophical aspects contained in the programs.⁴⁶

1. As an aspect of Tridharma implementation

In order to actualize the three pillars of the Indonesian education system which consist of education, research, and community service, it is necessary to hold a

⁴⁵ Nunung Nurhayati, "PEMBERDAYAAN MASYARAKAT BERBASIS POTENSI LOKAL (Kuliah Kerja Nyata Desa Karangampel Kidul Kecamatan Karangampel)" *ABDI WIRALODRA Jurnal Pengabdian Kepada Masyarakat*. Vol. 1, No. 2, 2019. Page 97.

⁴⁶ Syardiansah, "Peranan Kuliah Kerja Nyata Sebagai Bagian dari Pengembangan Kompetensi Mahasiswa (Studi Kasus Mahasiswa Universitas Samudra KKN tahun 2017)" *JIMUPB Jurnal Ilmiah Manajemen*, Vol. 7, No. 1. 2019. Page 61.

community service program as an integral part of the community service principle. The community service program can also mean an actualization of the institution's vision and mission, from the academic curriculum to implementing the knowledge concept with real-life reality, as a platform of growth mindset for the psychological well-being of the students.

2. As a comprehensive and interdisciplinary approach

In a complex socio-economic environment where problem-solving skills are required, a community service program is an efficient approach to exercise the skills by actively seeking alternative solutions toward real-life problems to enhance community development, through a broad perspective of knowledge (including cross-major knowledge) by blending with the local community.

In addition, undergraduate students hold their role as an agent of change, which indicates that fresh ideas and brilliant perspectives coming from them can contribute to a major development in society, that's why the community service program is meant to bring change and support decentralization, equal life decency for all the people of Indonesia.⁴⁷ The prevailing law shall guarantee the implementation of their role, by providing a form of insurance or protection in executing the Community Service program as it is the nation's mandate to perform.

D. The Islamic concept of Social Security for Manpower

⁴⁷ Habib Cahyono, "Peran Mahasiswa di Masyarakat" *De Bantem Hode Jurnal Pengabdian Masyarakat Setiabudhi*, Vol. 1, No. 1. 2019. Page 35.

Inevitable contingencies in human life nature require human and government bodies to create an elementary satisfaction grant protection⁴⁸, some are reflected in the state principles and its responsibility. Meanwhile, Islam has provided a perfect code of conduct for the present and the future time to regulate life and morality, it applies to those who believe in Islam and shall be applied by those who believe in Islam. As there is no secularism that differs between the religious institutions and the government bodies in Islam, the religion introduces the idea that all life aspects shall be intertwined to create harmony, as a form of devotion to Allah, *fi sabilillah* (jihad or struggle in the way of Allah) including the institutional bodies decision in protecting the people of the inevitable contingencies through social security. From the Islamic perspective, a work contract is recognized as *Ijarah* (lease), originating from the word *Al-ajr* which is defined as *‘Iwadh* (compensation) and reward.⁴⁹ There is an existing obligation to take care of the employees in all forms possible, such as clothe, food, shelter, guarantee of rights, justice and security, which is stipulated within Surah An-Nisa (4:36)⁵⁰ as below:

﴿وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا ۚ وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۚ إِنَّ اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا ۝ ٣٦﴾

“Worship Allah, and do not associate with Him anything, and be good to parents and to kinsmen and orphans and the needy and the close neighbor and the distant

⁴⁸ Najmul Hasan. *Social Security of Islam With Special Reference to Zakah*, 1st ed, King Abdulaziz University Press, Jeddah Saudi Arabia. Page 3.

⁴⁹ Ulpah Rahmani, et al. “Tinjauan Akad Ijarah Terhadap Sewa Menyewa dalam Pengawinan Kucing Ras di FC Cat House Bandung” *Prosiding Hukum Ekonomi Syariah* Vol. 4 No. 2 Fakultas Syariah Universitas Islam Bandung. Page 515.

⁵⁰ Syufaat. “Islamic Social Security” *Proceeding of 3rd International Conference on Empowering Moslem Society in the 4.0 Industry Era*. Vol. 3. 2019. Page 250.

neighbor and the companion at your side and the wayfarer and to those (slaves who are) owned by you. Surely, Allah does not like those who are arrogant and deluded.”⁵¹

Followed with a Hadith narrated by Ibnu Majah and Ath-Thabrani from Ibn Umar:

أَعْطُوا الْأَجِيرَ أَجْرَهُ قَبْلَ أَنْ يَجِفَّ عَرْقُهُ

Translated as “Give wages to workers before their sweat dries”

Both of the Qur’anic verses and the sahih hadith raises the obligation of the employer (*mu’jir*) to pay a certain amount of remuneration toward the workers (*musta’jir*) once they are done doing their obligation stated in the contract, and should prioritize in the acceleration of paying the wages toward the workers. From the sahih hadith above, there is an indication of an existing agreement made by the employer and the workers that states how much compensation shall be paid by the employer as a form of remuneration. The workers are prohibited from asking for payment early before fulfilling their obligation as a worker.⁵² The contract and the compensation can only be fulfilled if the agreement fulfilled the pillars of *Ijarah*, it consists of four important elements:

- a. ‘*Aqid* (the parties involved)
- b. Should fulfill the *Shighat*
- c. *Ujrah* (compensation)
- d. Benefit

The ‘*aqid* elements can be defined as the parties involved in the making of the employment contract, which consist of the employer (*mu’jir*) and the workers

⁵¹ <https://quran.com/4/36> Accessed on October 15, 2023. 1:24 AM.

⁵² Andi Mardiana, Kadir Dina. “Wage System in Islam” *Gorontalo Development Review* Vol. 2 No. 1. 2019. Page 20.

(*musta'jir*), both of the parties should be *mummayyiz*, able to differentiate the good and evil, and *baligh*, have passed or reached puberty age. The parties involved will only be eligible to create an employment contract if each of the individuals involved in the contract can differentiate good and evil, and has reached maturity or puberty age. Under Islamic law, if the contract is made against the requirements the contract will be stated as invalid. The second requirement is the *Sighat*, which means in forming the contract, the parties shall perform *ijab* (offer) and *qabul* (acceptance) through a verbal expression that they have agreed towards the articles within the contract, to hinder ambiguity and confusion.⁵³ The third requirement is related with the compensation followed after the offering and acceptance between the parties are placed, given gradually depends on the interests of the 'Aqid.⁵⁴ Within Islamic law, there are two kinds of *ujrah*: a) lease compensation, and b) *ji'alah* compensation. Lease compensation refers to the paying of selling and buying of service, as a form of compensation for the intangible products the lessee has provided. While *ji'alah* refers to the compensation given to someone who has done work needed by a certain party or can also refers to returning property or tangible assets through a certain amount of remuneration, which can be in the form of wealth or other forms of compensation aside from the benefit of the *ijarah*, stipulated from the unification of the ulama's diverse opinions.⁵⁵ However, all forms of compensation are allowed since the principle of justice lies in the clarity of the contract since it is made of the determination and willingness of the parties to perform, there must be a clear stipulation of how the wages will be received by the workers, including the amount and

⁵³ Ulpah Rahmani, et al. *Op. Cit.* Page 519.

⁵⁴ Nur Aksin. "Upah dan Tenaga Kerja (Hukum Ketenagakerjaan dalam Islam). *Jurnal Meta Yuridis* Vol.1 No. 2. 2018. Page 72.

⁵⁵ *Ibid*, Page 73.

the payment system. Each party involved in the making of the contract should accommodate their obligations, including the prohibition of workers asking for more payment than the ability of employers to pay wages (even though it is technically stipulated as the worker's rights).⁵⁶ Regardless of the sahih and Qur'anic verses above, the Companions of the Prophet agreed that *Ujrah* is permissible since it brings benefit for human, anything that is beneficial is permissible, as long as it is not regulated otherwise.⁵⁷

Islamic shariah have practiced prioritizing the rights of the workers from the sayings and the act of The Prophet. Islam also recognizes that to reach a welfare life in Dunya, an individual has to work and perform their capacity as a worker. To guarantee the welfare of individuals when they are performing their capacity as a worker, there shall be a certain designated institution made by the state as it is recognized in the Islamic tradition (traced back to 1400 years ago by The Prophet Companion, Umar bin Khattab) "*Sayyid al-qāwmi khādimuhum*" which means the leader of a group is their servant or can be flipped backward as "*Khādimu al-qāwmi sayyiduhum*" that means the servant of a group is their leader.⁵⁸ It can also mean the government is responsible for the welfare of the people, they are responsible for stipulating decisions that are beneficial to the people and followed by its program, and if the government fail to fulfill the need of the people, it will only bring social instability. The obligation for the

⁵⁶ Julita. Lailan Safina Hasibuan. "Islamic Perspectives in the Provision of Wages (Ujrah) (Empirical Study of The Qur'an and Interpretation)" *Journal of International Conference Proceedings (JICP)* Vol. 5 No. 2. 2022. Page 579.

⁵⁷ *Ibid*, Page 581.

⁵⁸ Ahamad Faosiy Ogunbado, et. al. "Umar Ibn Khattab, An Epitome of Servant Leadership: A Sustainable Lesson For Contemporary Leaders" *Journal of Critical Reviews*. Vol. 7. No. 8. 2020. Page 1023.

government to stipulate decisions that will bring the best benefit also raises from the nature of humans who can't live without each other, as social creatures who envision goals through fellowship relations. Islam recognizes that there is no social hierarchy as every individual has an intermediate-direct relationship with Allah, and every Muslim is equal to one another. Islam also prioritized helping each other including the obligation for the institutional bodies to create a vision that will help the people.

Indonesia reflected this Islamic tradition in our state's fundamental principles Pancasila, stated in the second verse the just and civilized humanity, and in the fifth verse social justice for all the Indonesian people, which lead to the creation of the Community Service agency Badan Penyelenggara Jaminan Sosial for Health and Employment, to guarantee the health and work capacity to obtain the Dunya welfare.⁵⁹ Qur'an stipulates the prohibition of not providing additional facilities for the workers, the employers shall at least provide a facility to cover the worker's basic human rights entitled to protection, equality before the law, health, safety, and other basic essential needs recognized within the law. Those who ignore and neglect the obligation have the same moral value as the people who deny Islam as stated in Surah Al-Ma'un (107) in the first to third verses:⁶⁰

أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالدِّينِ ۚ فَذَلِكَ الَّذِي يَدْعُ أَلْيَتَيْمَ ۚ وَلَا يَحْضُ عَلَىٰ طَعَامِ الْمِسْكِينِ ۚ

⁵⁹ Bahjatul Imaniyah, Abu Hasan Agus R. "Akad Program Badan Penyelenggara Jaminan Sosial (BPJS) Ketenagakerjaan dalam Konteks Ekonomi Syariah" *Li Falah Jurnal Studi Ekonomi dan Bisnis Islam*. Vol. 4 No. 1. 2019. Page 98.

⁶⁰ Rini Irianti Sundry. "Internalisasi Prinsip-Prinsip Islam Tentang Etika Kerja dalam Perlindungan Hak Pekerja dan Pelaksanaan Hak Atas Pekerjaan" *Jurnal Syiar Hukum*. Vol. XII No. 2. Fakultas Hukum Universitas Islam Bandung. 2010. Page 186.

Translation: “Have you seen the one who denies the Final Judgment? That is the one who repulses the orphan and does not encourage feeding the poor” ⁶¹

The obligation to take care of the poor is also emphasized in Surah Al-Qashas (28:77) that states:

وَأَتَّبِعْ فِي مَآءِثِنَاكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَصِيبَكَ مِنَ الدُّنْيَا وَأَحْسِنَ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ وَلَا تَبْغِ
الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ ٧٧

Translated as: “Rather, seek the ‘reward’ of the Hereafter by means of what Allah has granted you, without forgetting your share of this world. And be good to others as Allah has been good to you. Do not seek to spread corruption in the land, for Allah certainly does not like the corruptors.” ⁶² In detail, the word *أَحْسِنَ* instructs the people to perform good deeds, not only to the Prophet but also to the people, Muslims in general. This word also translates into praying to Allah by devoting your entire life and encouraging feeding the poor. Ibn Arabi and other Ulama agree that the interpretation of the verse also gives an indication of the obligation to provide a sense of protection toward the workers by giving them social, technical, and economical protection. ⁶³ A sahih hadith from Rasulullah PBUH narrated by Abu Daud gives detailed elaboration on the protection, such as the food that shall be provided are the same equal values to the foods eaten by the employers, giving a piece of clothing that has the same equal values to the clothing worn by the employers, gives the labor task in accordance with the worker's

⁶¹ <https://quran.com/al-maun> Accessed on January 13, 2023, 11:25 pm.

⁶² <https://quran.com/28> Accessed on January 14, 2023, 2:33 pm.

⁶³ Muhammad Arsad Nasution. “Perlindungan Pekerja Menurut Hukum Islam (Analisis terhadap Al-Qur’an dan Hadits)” *Yurisprudencia: Jurnal Hukum Ekonomi*. Vol. 5. No. 2. 2019. Page 124.

capacity or even on urgent situations that force the workers to perform work outside his competency, the workers shall be helped to do the ask. ⁶⁴ Another sahih hadith from Rasulullah PBUH narrated by Abu Daud emphasize the prohibition of workers drinking alcohol in the middle of work, to maintain their performance and health. ⁶⁵ The act of The Prophet that indicates concern for the worker's protection also shows when Ubai ibn Ka'ab gets injured by an arrow in the middle of the battle of ahzab, and Rasulullah cured the injury with a hot iron. By analogy and *qiyas* interpretation, it raises the obligation of the employers to give and provide health service in case there is an injury that happens in the middle of work. ⁶⁶ In addition, The Prophet PBUH has never intimidated his workers emphasized by a hadith narrated by Ahmad when the son of Ummu Sulaim helped and worked with Rasulullah for nine years, on that length of time Rasulullah has never intimidated or even mock his work results. This sahih hadith becomes a prohibition for employers to perform intimidation, giving a sense of terror or even giving slight pressure intended for the workers to feel uncomfortable in their own work environment. ⁶⁷ It is emphasized that employers shall create a comfortable, supportive, and secure environment. Moreover, Islam also prohibits employers to give physical punishment to their workers including beating, whipping, or other forms of physical violations referred from a sahih hadith narrated by Abu Daud from ibn al-Mutsanna, Rasulullah SAW condemns the act of Abu Mas'ud Al-Anshari when he beats his slave with his own hand and immediately releases the slave under the name of Allah, Rasulullah condemns the act because the position of the slave is the same equal as him

⁶⁴ *Ibid.*

⁶⁵ *Ibid*, Page 125.

⁶⁶ *Ibid*, Page 126.

⁶⁷ *Ibid*, Page 130-131.

as the employers and stated Abu Mas'ud Al-Anshari could've faced the hell punishment if he didn't release his slave, and even though he immediately releases his slave, the act (giving physical punishment) is still prohibited. ⁶⁸



⁶⁸ *Ibid*, Page 133.

A. The Eligibility of Undergraduate Students to Obtain Employment Social Security Insurance as Formulated in Act No. 24 of 2011 regarding Social Security Agency

The Indonesian education system has its own unique and exclusive system under the three pillars of higher education principles, namely education, research, and community service by highlighting that the education system shall benefit the surrounding community which is mentioned in Article 20 (2) of Law No. 20 Year 2003 concerning the National Education System. Undergraduate students are obligated to formulate the local complex problem and analyze the local potential to accelerate local growth.⁶⁹ It also emphasizes the role of undergraduate students as a connector between society and government, who knew what best for the current society⁷⁰ that may vocal their aspirations for better future for the community. Not only that, its also strengthening the student's ability to implement in-class value into practical definitions, as an extension to obtain the social welfare idea, which only exist in the Indonesian tertiary curriculum.⁷¹

Unlike foreign countries that does not provide Community Service, and only stipulates social work to support the social welfare science as a major with a community service degree that is expected to pursue an occupation as a professional community service worker, such as nurse, companion officers for disability and elderly, retirement

⁶⁹ Daniel Wolo, et.al. "Pengabdian KKN Mandiri Desa Golo Wuas Kabupaten Manggarai Timur" *Mitra Mahajan: Jurnal Pengabdian Masyarakat* Vol. 1 No.1. 2020. Page 25.

⁷⁰ Bukman Lian. "Tanggung Jawab Tridharma Perguruan Tinggi Menjawab Kebutuhan Masyarakat" *Prosiding Seminar Nasional Pendidikan Program Pascasarjana Universitas PGRI Palembang*. 2019. Page 103.

⁷¹ Sulfian Syarif. Andi Jaya Alam Passalowongi. "Pengembangan Kompetensi Mahasiswa melalui Efektivitas Program KKN" *Indonesian Journal of Learning Studies*, Vol. 1. No. 1. 2021. Page 49.

house officer⁷² or in much wider scope social workers are responsible for international issues such as administering shelter for undocumented immigrant, providing disaster relief services, or other humane interactions beyond national borders,⁷³ while the Indonesian education system proposed the idea that students shall at least give back to the community by deploying the undergraduate students into a designated-rural area to bring an advance in the future through a community service program, followed by providing the employment social security as a form of protection for the students when they are taking or practicing the community service program. Although it is required within the Tridharma Perguruan Tinggi to participate in the community service program, giving back to the community may be in the form of a course credit conversion provided by the Ministry of Education through Merdeka Belajar Kampus Merdeka (MBKM) that allows the undergraduate students to follow an independent study, internship, or other programs that allow them to not participate in the Community Service but through the course credit conversion.⁷⁴ It should be noted that the Indonesian education system is not opposing the idea of social work as applied in foreign countries, which in fact, Indonesia also has social work but it's existence are barely recognized, only based on government-institutionalized and are working centered on conventional humanitarian services such as orphanages,⁷⁵ the additional community service mandatory are an extensive additional program for undergraduate students to

⁷² Albert R. Roberts. Gibert J. Greene. *Buku Pintar Pekerja Sosial: Social Workers' Desk Reference*. 1st ed. Oxford University Press, Inc. E-book. Page 353.

⁷³ Lynne Moore Healy, Rebecca Leela Thomas. *International Social Work: Professional Action in an Interdependent World*. 1st ed. Oxford University Press, Inc. E-book. Page 4.

⁷⁴ Direktorat Jenderal Pendidikan Tinggi Kementerian Pendidikan dan Kebudayaan. *Buku Panduan Merdeka Belajar - Kampus Merdeka*. 1st ed. Direktorat Jenderal Pendidikan Tinggi Kemdikbud RI. 2020. E-book. Page 4.

⁷⁵ Agustus Fajar. Rudi Saprudin Darwis. "Tantangan Kiprah Pekerja Sosial Profesional di Indonesia" *Prosiding Penelitian & Pengabdian Kepada Masyarakat* Vol. 4 No. 1. 2017. Page 34.

participate in their baccalaureate years and open the possibility to join the social work program through other educational stage depending on their interests.

The eligibility to obtain social security for undergraduate students is elaborated on Manpower Ministerial Regulation No. 5 Year 2021 related to Procedures of Obtaining Employment Injury Security, Death Security, and Pension Guarantee. As stated in Article 31 in the related ministerial regulations, undergraduate students are classified as non-wage recipient workers outside the work relation, or independent workers that did not receive compensation or remuneration, which has already been elaborated in the previous chapter. The undergraduate students can also be classified as non-wage recipient workers based on a partnership relation with the ministry of manpower, followed by Article 35 states internship members, practical work students, honorary teachers, or convicts who are employed by employers from the non-state functionaries, shall be registered in the employment injury security by the employers. The ministerial regulations only stipulate an obligation toward employers to register the workers to the employment injury security, but the non-wage recipient workers shall follow at least two social security programs which are the employment injury security and death security as stipulated in Article 32, with a pension guarantee as voluntary participation. The institution BPJS for employment holds a partnership relationship with various universities across Indonesia to provide professional capability and optimize the Tridharma Perguruan Tinggi principles.⁷⁶ For the contribution payment, the members can pay in monthly installments or through an advance payment with a certain due

⁷⁶<https://ulm.ac.id/id/2022/10/07/rektor-ulm-hadiri-gathering-mitra-bpjs-ketenagakerjaan/>
Accessed on January 16, 2023. 1:48 pm.

period, stipulated in Article 41 (4) of the ministerial regulations the due period consists of two months, three months, six months, or in the one length year. The universities may select the length period depending on the duration of the Community Service, and Universitas Islam Indonesia has provided an effective two-month period although the Community Service duration is only a 32-day mandatory, which may vary depending on the university's duration policy.⁷⁷ Providing social security facilities for the students to implement the Tridharma Perguruan Tinggi are beneficial since the undergraduate students will accelerate the community empowerment, to initiate the growth of the surrounding potential by enhancing the local strength to maintain the quality of life and welfare of the community.⁷⁸

B. The Protection System For Undergraduate Students in Malaysia, Philippines, Singapore, China, and the United States of America in Participating The Social Work

Indonesia currently has expressed its goal of social welfare through the implementation of Tridharma Perguruan Tinggi through a Community Service mandatory course, as the only exclusive tertiary educational course that is expected to help and initiate growth in the targeted community, with the main purpose of restoring views for social functioning and create societal goals, foreign countries offer a similar designated course to achieve social welfare idea through social work. It is increasingly

⁷⁷ <https://koranbernas.id/827-mahasiswa-kkn-iii-mendapat-perlindungan-bpjamsostek> Accessed on January 16, 2023, 2:04 pm.

⁷⁸ Panji Novianto. Eneng Nuraeni. "Implementasi Tridharma Perguruan Tinggi Melalui Pengabdian Partisipatif" *Proceedings UIN Sunan Gunung Djati Bandung* Vol. 1 No. 8. 2021. Page 75.

popular to implement a universally recognized concept for social work education and practice to commit humane internationalism through collective actions.⁷⁹ Social work has been recognized as a discipline, a profession, and a social science in the developed and developing countries of Africa, America, Asia, Australia, and Europe. It requires initiatives from governments and organizations to support the vision for improving the life situations of developed and developing countries all over the globe.⁸⁰

One of the initiatives from government institutions are implementing social work as one of the designated course for social welfare programs, for example, psychology, sociology, anthropology, economics, politics, development studies, or even a stand-alone social work course with the main goal to assist human daily tasks. Its existence and outcome are the same as social workers in Indonesia as a professional occupation to enhance social welfare services. Therefore, the concept of social welfare as a professional occupation is a universally recognized concept as it is essential for every state to establish a social work system as a social remedy, stipulated by the International Federation of Social Workers in 2020 “the social work profession promotes social change, problem-solving in human relationships and the empowerment and liberation of people to enhance well-being.”⁸¹ In addition to the previous statement, the main idea in social work obligates the agent to obtain a license competency related to the profession they are practicing for, or at least should have a related degree in social

⁷⁹ Mohit Prodhhan. Cathleen Jo Faruque. “The Importance of Social Welfare in the Developing World” *Journal of International Social Issues* Vol. 1 No. 1. 2012. Page 14.

⁸⁰ *Ibid.* Page 15.

⁸¹ Agustus Fajar. Rudi Saprudin Darwis. “Tantangan Kiprah Pekerja Sosial Profesional di Indonesia” *Prosiding Penelitian & Pengabdian Kepada Masyarakat* Vol. 4 No. 1. 2017. Page 34.

work. The Indonesian Community Service is just a lengthened and extensive version to reach the social welfare vision done by undergraduate students.

Table 1.

The distinguishing characteristics between community service and social work.

Elements	Community Service	Social Work
Practical License	Not required	Required
Subject of Practice	Resident of the local hosting authorities	Particular individuals or communities based on the license subject
Duration of Study	1-6 months (vary depending on the university program)	3-5 years (vary depending on the enrolled individual)
Level of Participation	Mandatory for all students from all majors	Voluntarily based on the interest of the enrolled individual

The outcome of social work degree in foreign states is to graduate students with the capability and competency to practice in social communities and obtain certification of their ability.⁸² Table 1 highlights that social welfare is an element and idea intended to maintain social functioning, while the social work profession is an occupation to support and reach the social welfare idea.⁸³ Despite the already-existed Community Service program as a way to propose social welfare, the social work profession also

⁸² *Ibid*, Page 35.

⁸³ Herlina Astri. "Pengaturan Praktik Pekerja Sosial Profesional di Indonesia" *Journal Aspirasi*, Vol. 4 No. 2 2013. Page 157.

exists in Indonesian professional occupation although it is not clearly recognized within the stipulated law and societal validation.⁸⁴

As a universally recognized concept to maintain social functioning, Indonesian social work and the foreign social work occupation is equivalent to one another. The designated course that exists in foreign countries with the outcome of graduating future social workers is equally the same as the Indonesian system which requires license and certification before they are officially practicing their profession. In contrast, the Community Service as a mandatory course from the Tridharma Perguruan Tinggi is nothing similar with the social work occupation nor the designated social work course subjects. The Community Service does not require undergraduate students for a license or certification before they are deployed to the specific area decided by the university, as the mandatory course requirement before they obtain an official degree in their major. All students from various majors are required to participate in the social community program, with the outcome to give back and help strengthen society's growth, based on their work program. Hence, the social community program is exclusive to the Indonesian education system since foreign countries does not offer a similar program to the social community designed by the Indonesian government.

The universally recognized concept of social workers is protected through the social security system stipulated by the state policy, derived from the definition of an employee within the national regulation. Indonesia protected social workers through manpower regulations Law No. 24 Year 2011 related to Social Security Agency, followed by Article 6 (2) that administers four programs, which are the employment

⁸⁴ *Ibid*, Page 159.

injury security, old-age security, pension security, and death security. The employers shall register the employee which was previously defined as those who work and earn a salary, a wage, or other forms of remuneration.

Similar to the Indonesian system, Malaysia's national regulation defined the workers within their Employees' Social Security Act 1969 followed by Employment Insurance System Act 2017 which administers several protection services for workers mainly employment injury, invalidity security, self-employment security, foreign workers, and domestic workers security. The similarity between the Indonesian and Malaysian social security systems also lies in the collaborative mutual activities between both of the social security agencies in each state to engage with multiple parties, including the universities to protect and support productive research, for example, the University of Malaysia who has signed a Memorandum of Understanding (MoU) with Malaysian Social Security Organization.⁸⁵ Other universities in Malaysia that provide social work as one of their courses program are Sunway University which offers postgraduate courses focused on primary care for the elderly,⁸⁶ some other universities have provided a designated undergraduate course degree program in social work such as Universiti Kebangsaan Malaysia and Universiti Malaysia Sabah.

In a much wider scope, the Philippines' social security has a great range of protection for their workers, there is a clear distinction between formal and public workers' protection namely The Employees' Compensation Commission (ECC) and Government Service Insurance System (GSIS). ECC is a derived obligatory commission subjected to the employer to pay the contribution benefit, and the employee does not

⁸⁵ <https://swrc.um.edu.my/um-socso-mou/> Accessed on February 5, 11:27 pm.

⁸⁶ <https://university.sunway.edu.my/programmes> Accessed on February 12, 7:40 pm.

contribute any amount of money toward the program⁸⁷, designed for public sector employees including members under the judiciary, Philippine National Police, armed forces of the Philippines, and Bureau of Jail Management and Penitentiary. In addition, the GSIS covers all government workers except for the workers who are subjected under the ECC stipulations, who have not reached the retirement age of 65. Apart from that, for the workers in the non-informal work sector are protected through the Government Service Insurance System (GSIS). The ECC administers a work-connected injury, sickness, disability, or death. In addition, GSIS covers seven insurance, namely: retirement benefits, separation benefits, life insurance benefits, disability benefits, survivorship benefits, funeral benefits, and unemployment benefits.⁸⁸ Essentially like with most countries, social work in the Philippines is mainly conducted through faith-based organizations and private sector agencies.⁸⁹ Several universities also provided the social work degrees course such as Mindanao State University, Misamis University, Saint Louis University (master's degree program), Centro Escolar University, and Universidad de Manila.

Singapore as one of the most advanced states has a great philosophy within its social work system, it is based on the concept of 'Many Helping Hand'⁹⁰ that should be supported by various parties including faith-based organizations, government, and non-government organizations. Social work in Singapore is not only focused on

⁸⁷ Rosario G. Manasan. "A Review of Social Insurance in the Philippines" *Philippine Journal of Development* Vol. 35 No. 2. 2019. Page 56.

⁸⁸ <https://www.asean-ssa.org/organization-profiles-assa/> Accessed on February 12, 9:32 pm.

⁸⁹ Jem Price. Kepa Artaraz. "Professional Imperialism and Resistance: Social Work in The Philippines" *Revista de Investigaciones en Intervencion Social*. Vol. 3 No. 5. 2013. Page 38.

⁹⁰ Christian Aspalter. *Social Work in East Asia*. 1st ed. Routledge. New York. 2016. E-book. Page 124.

enhancing the life of an individual or community but also on strengthening the potential and building communities to have a direct impact on the nation-building process.⁹¹ The social workers in Singapore are protected through the Central Provident Fund (CPF) that covers employees and the self-employed person, with a defined subject to a person employed in Singapore and Singaporean employed under a working contract agreed upon in Singapore to work as a laborer, craftsman, seaman, or apprentice.⁹² The CPF covers five main programs namely retirement, health care, home ownership, family protection, and asset enhancement. Despite the fact that some experts argue the CPF may not be considered a social security system that has the main purpose of protecting the citizens from future contingencies and is more like a self-supporting program, it is an attempt from the government to reduce the negative effects of the unpredictable future to the minimum, to nurture a natural habit in an individual and their family with their needs.⁹³

As in any other state, several universities in Singapore also have a designated college department for pursuing a social work degree such as the National University of Singapore and Singapore University of Social Sciences (which offers a part-time and full-time degree.)

In addition to the comparative of the state's social workers protection, China as the most industrialized country in the world, first place-eminent rank than Singapore in

⁹¹ *Ibid.* Page 136.

⁹² Awaloedin Djamin. Sentanoe Kertonegoro. *Social Security Profiles in ASEAN Countries*. Indonesian Human Resources Foundation. Jakarta. E-book. Page 53.

⁹³ K. Kalirajan, et.al. "The Social Security System in Singapore [with Comment]" *ASEAN Economic Bulletin* Vol. 3 No. 1. ISEAS - Yusof Ishak Institute. 1986. Page 142 - 143.

productivity growth and technological progress,⁹⁴ covering their social workers through an obligatory social security system through the manpower law (中华人民共和国劳动法) for all enterprises and individual businesses with employees, excluding self-employed persons from their targeted subject.⁹⁵ The protection toward the workers includes retirement benefits, work injury benefits, disability benefits, unemployed benefits, maternity benefits, survivors' benefits, and funeral benefits.

Besides the rapid increase in productivity and technological aspect, China also has spiking numbers on social work education interests, between the year 2000 and 2007 the growth of enrollment of students that has an interest in the social work sector increased from 1,000 to 10,000 students graduating every year by the end of 2007 with almost 153 universities and 73 secondary vocational schools provide degrees for the social work as a professional occupation. Two of the earliest universities that provide social work education are the Renmin University of China, and Peking University.⁹⁶

Counterpart with China but third time larger in the economical bargaining power,⁹⁷ the United States of America has a high demand for social work education in the undergraduate, master's, and doctoral programs with almost 10,000 individuals enrolled for both full-time and part-time degrees.⁹⁸ There are almost 490 accredited

⁹⁴ Michael Sarel. *Growth in East Asia: What We Can and What We Cannot Infer*. 1st ed. International Monetary Fund. Washington. 1996. E-book. Page 10.

⁹⁵ Jason D. Brown. *Social Security Program Throughout the World: Asia and the Pacific, 2018*. 8th ed. SSA Publication. Washington. 2019. E-book. Page 84.

⁹⁶ Yingsheng Li, et.al. "Development of Social Work Education in China: Background, Current Status, and Prospects" *Journal of Social Work Education* Vol. 48 No. 4. Taylor & Francis. 2012. Page 639.

⁹⁷ <https://statisticstimes.com/economy/united-states-vs-china-economy.php> Accessed on February 19, 2023 4:54 pm.

⁹⁸ Clara Shockley. Frank R. Baskind. *Social Work Education in the United States: Beyond Boundaries*. Sydney University Press. Page 185.

baccalaureate programs and 228 accredited institutions for the master's program. There is a broad range of social work programs with advanced concentration but not limited to physical, mental, and behavioral health.⁹⁹

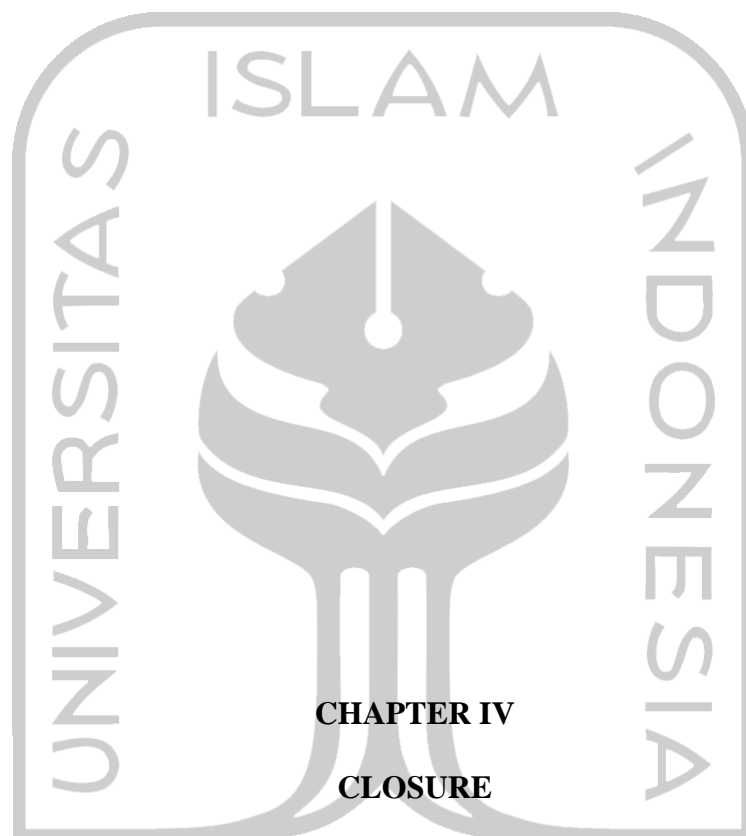
The United States of America's education system equipped the students to master the ability by providing various approaches such as field education (supervised by an expert as a direct placement with professional settings) to obtain insight and practical skills. In addition to that, there is also coursework and community development but not limited to class lectures, case studies, small group discussions, and role-plays to project real-world problems in the professional practices of social work.¹⁰⁰ There is a designated Council on Social Work Education that is responsible for the accreditation of social work education in the United States.¹⁰¹ In following the high interest in social work education, the United States of America provided security for its workers through the federal and state insurance program. The federal social insurance is old-age, survivors, disability, and health insurance (OASDHI) while the state social insurance program is Workmen's compensation and Unemployment Insurance. The Workmen's compensation covered medical care, compensation during the period of disability, death benefits, and injuries sustained by employees in the course of their employment (which includes occupational disease.)¹⁰²

⁹⁹ *Ibid.* Page 186.

¹⁰⁰ *Ibid.* Page 192.

¹⁰¹ Arline Prigoff. "Current Developments in Social Work Education in The United States" *Canadian Journal of Social Work Education* Vol. 6 No. 1. Canadian Association for Social Work Education (CASWE). 1980. Page 125.

¹⁰² "Brief Summary of the Principal Features of Workmen's Compensation Laws in the United States" *Public Health Reports* Vol. 55 No. 34. Sage Publications, Inc. 1940. Page 1532.



A. Conclusion

Based on the already existing elaboration of the literature and stipulated law, there are several things can be concluded:

1. The Eligibility of Undergraduate Students to Obtain Employment Social Security Insurance

The Community Service program was initiated by the Tridharma Perguruan Tinggi which consists of education, research, and community service development, and became a mandatory course in the baccalaureate years before graduating from the university. The Community Service program deployed the students into designated places stipulated by the campus, which are usually underdeveloped areas where it is essential to establish and initiate development in the local community. To facilitate the program of initiating development towards the local and underdeveloped communities, the government protected the undergraduate students through the manpower social security program which can be obtained through collaboration with universities in Indonesia. Despite the fact that based on the definition of workers within Act No. 13 Year 2003 concerning Manpower undergraduate students is not precisely eligible to be classified as a worker that receives compensation or remuneration for their work, undergraduate students still have the capacity to obtain manpower security through a more comprehensive scope definition of labor, which is the subject of manpower. The undergraduate students are eligible to obtain the manpower social security as a non-labor force, with unemployed characteristics, and are not available for work due to the full-time demand as a student.

2. The Protection System for Undergraduate Students in Other Countries

The *Kuliah Kerja Nyata* or the Community Service program is an exclusive tertiary education-mandatory program held by the government, other foreign countries offer no similar program with community service except the

social work study subject which is voluntarily participation-based by the enrolled students, both are analogous in the community service and assistance. Other countries such as Malaysia, the Philippines, Singapore, China and the United States of America have supported community service within their tertiary education, by providing a designated major and department for the social work study to graduate community service officers that can give back to the community with work protections from the state.

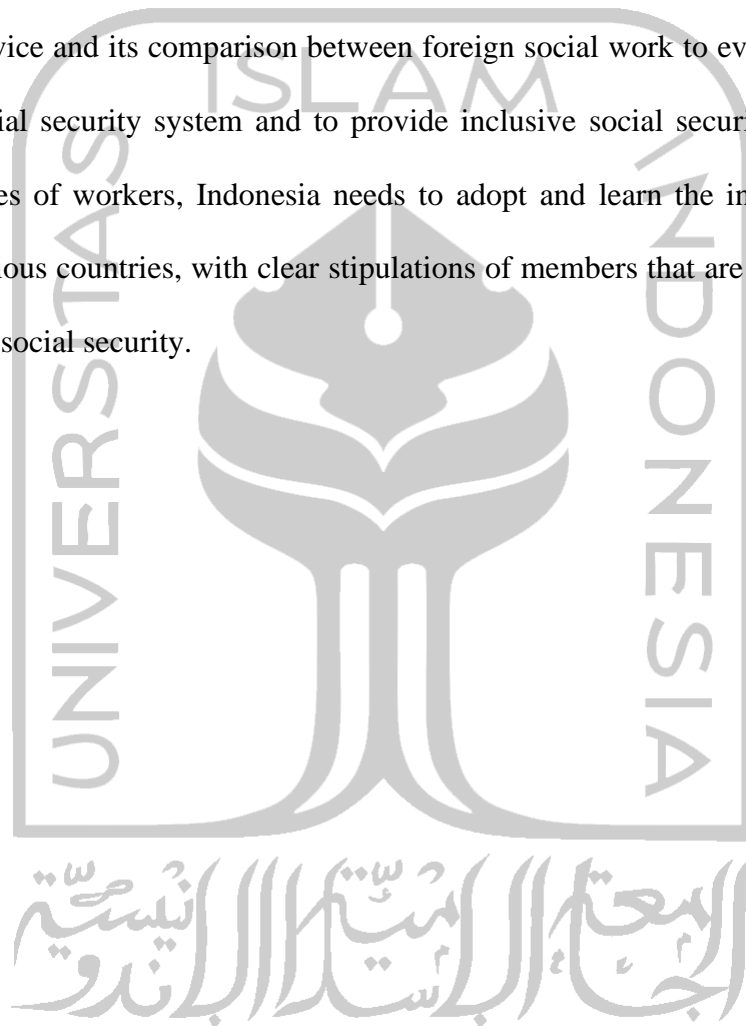
B. Recommendation

There are two recommendations to be given on this topic to help the development and protection of undergraduate students through the social security system:

1. This research still needs initiatives from experts to define the eligibility of workers to be included in the workers' section because the role of undergraduate students is starting to be more comprehensive rather than just a full-time student role. In the estimated 3-4 baccalaureate years, it is vital to obtain extensive experience for the students, including participating in the Community Service program, internships, or other voluntary participation programs that are influential for the knowledge. As the role becomes more extensive, it is essential to establish a clear line of definition which member of the existing social security are eligible to obtain them. The existing Manpower Ministerial Regulations No. 5 Year 2021 related to Procedures of Obtaining Employment Injury Security, Death Security, and Pension Security only classifies internship members,

practice students, honorary practices, and prisoners that are eligible to obtain the death and employment injury security. The current laws need to regulate clearly of the eligibility for the undergraduate students to obtain the Employment Social Security.

2. There is a significant need to conduct comprehensive research on community service and its comparison between foreign social work to evaluate the current social security system and to provide inclusive social security system for all types of workers, Indonesia needs to adopt and learn the inclusiveness from various countries, with clear stipulations of members that are eligible to obtain the social security.



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