



ISSN 2809-672X (Online)
IUS POSITUM: Journal of Law Theory and Law Enforcement

<https://journal.jfpublisher.com/index.php/jlte>

Vol. 4 Issue 2, April 2025

doi.org/10.56943/jlte.v4i2.805

State Responsibility in Safeguarding Workers Dismissed from Employment: A Study of Job Loss Insurance (JKP)

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ABSTRACT

Employment termination (Pemutusan Hubungan Kerja/PHK) has become an increasingly common issue in Indonesia's labor landscape. To address this, the government introduced the Job Loss Guarantee (Jaminan Kehilangan Pekerjaan/JKP) through Government Regulation in Lieu of Law Number 2 of 2022, later enacted as Law Number 6 of 2023 concerning Job Creation. The JKP program serves as a form of state protection aimed at supporting Indonesian workers affected by layoffs, offering structured benefits administered by BPJS Ketenagakerjaan. This research aims to examine the legal basis of the JKP program as a new social protection policy and to evaluate the legal protection mechanisms available for terminated workers in accessing these benefits. Using a normative juridical approach, the study analyzes relevant laws, regulations, and institutional responsibilities, supported by academic sources and policy documents. The research also seeks to identify potential legal uncertainties, regulatory weaknesses, and institutional barriers that may hinder the effective implementation of JKP. The findings are expected to provide legal insight and contribute to the development of more responsive employment-based social security policies in Indonesia.

Keywords: Job Loss Guarantee, Labor Inspection, Termination of Employment

INTRODUCTION

Corporate assets that drive business development, aside from capital in the form of production machinery, also include human resources.¹ As a critical element in the continuity of business operations, the protection of workers must be a key concern for company management or employers. These considerations underscore the necessity of establishing a formal, modern, and well-regulated social protection system with clear and binding legal frameworks.²

Employment-based social security serves as a legal mechanism for protecting workers and their dependents from various labor market contingencies, including termination of employment, workplace accidents, illness, disability, aging, and death.³ The legal basis for the provision of such social protection is found in Article 99 of Law No. 13 of 2003 concerning Manpower, which stipulates:

1. “All workers/employees and their families are entitled to employment-based social security.”
2. “Employment-based social security for workers as referred to in paragraph (1) shall be guaranteed in accordance with applicable laws and regulations.”

Social security represents a core element of the broader social protection system, designed to guarantee that every citizen can meet essential living standards with dignity.⁴ It operates as a legal safeguard for employees and their dependents from diverse labor market vulnerabilities, including termination of employment, income loss, workplace accidents, health impairments, old age, and mortality.⁵

In practice, employment relations are no longer as harmonious as in the past. This is often due to differing views or disputes between workers—whether individually or through labor unions—and company management. These social conflicts frequently culminate in employment termination or industrial layoffs (PHK).

As a form of government concern regarding the issue of employment termination (PHK), and in accordance with the mandate of Article 83 of the Social

¹ Mavis Yi-Ching Chen, Long W. Lam, and Julie N.Y. Zhu, “Should Companies Invest in Human Resource Development Practices? The Role of Intellectual Capital and Organizational Performance Improvements,” *Personnel Review* 50, no. 2 (July 20, 2020): 460–477, <http://www.emerald.com/pr/article/50/2/460-477/325801>.

² Daniel Perwira et al., “Perlindungan Tenaga Kerja Melalui Sistem Jaminan Sosial: Pengalaman Indonesia” (2003), accessed July 24, 2025, www.smeru.or.

³ Ibid.

⁴ Dmytro Melnychuk, Iryna Voinalovych, and Zinaida Zhyvko, “SOCIAL INSURANCE: A SECURITY FACTOR IN THE CONTEXT OF MODERN CHALLENGES,” *ECONOMICS, FINANCE AND MANAGEMENT REVIEW*, no. 3 (September 30, 2022): 62–70, <https://public.scnchub.com/efmr/index.php/efmr/article/view/204/148>.

⁵ Angie Angie, “Legal Protection Efforts for Workers Through the Social Security Administrative Agency,” *QISTINA: Jurnal Multidisiplin Indonesia* 2, no. 1 (June 1, 2023): 758–763, <https://rayyanjurnal.com/index.php/qistina/article/view/470>.

Security Administering Body (BPJS) cluster within Government Regulation in Lieu of Law (Perppu) No. 2 of 2022 on Job Creation—subsequently enacted through Law No. 6 of 2023 on the Stipulation of Perppu No. 2 of 2022 into Law—the government has expanded the scope of employment-based social security. Initially, BPJS Ketenagakerjaan administered four types of benefits: Death Benefit (JKM), Work Accident Benefit (JKK), Old Age Benefit (JHT), and Pension Benefit (JP). Under the revised regulation, a fifth benefit has been added: Job Loss Insurance (JKP).

The inclusion of the Job Loss Insurance (JKP) scheme represents a transformative step in Indonesia's social protection policy. As part of the broader labor reform under the Job Creation Law, the JKP program is designed to provide financial assistance, access to labor market information, and job training to formally employed workers who experience termination.⁶ This effort not only reflects a shift towards more comprehensive employment protection but also highlights the government's commitment to upholding constitutional mandates concerning workers' rights and social welfare.⁷ The JKP scheme aims to mitigate the economic shock of sudden job loss and accelerate reemployment opportunities, thereby promoting workforce resilience and social stability.

However, the practical implementation of the JKP program presents a number of challenges. These include ensuring the accuracy of data collection, securing employer compliance, and aligning the program's operational mechanisms with existing labor and social security regulations.⁸ In addition, disparities in access to the program between workers in formal and informal sectors highlight ongoing structural issues within Indonesia's labor market. Although the JKP scheme is formally available only to those registered under BPJS Ketenagakerjaan, the predominance of informal employment in Indonesia potentially limits the reach and effectiveness of this protection.⁹ Thus, policy integration and enforcement strategies remain critical to the program's long-term success.

Furthermore, the presence of JKP within the employment-based social security framework signals a normative shift in how employment risks are

⁶ Muhammad Ilham Alfathoni, Cherilla Izzata Putri Lubis, and Muhammad Bijak Ramadhan Astapradja, "Regulations on The Job Creation Law Regarding Job Loss Guarantees In The Context of Legal Protection for Workers," *Andalas Law Journal* 8, no. 1 (July 28, 2023): 43, <http://alj.fhuk.unand.ac.id/index.php/alj/article/view/42>.

⁷ Nikmah Dalimunthe et al., "Peran Kebijakan Perlindungan Ketenagakerjaan Dalam Meningkatkan Kesejahteraan Pekerja," *Jurnal Manajemen Riset Inovasi* 1, no. 3 (June 14, 2023): 210–221, <https://prin.or.id/index.php/mri/article/view/1314>.

⁸ Dedy Yuliansyah, M. Iqbal, and Rizky Aulia Fitri, "Fulfillment of Employment Social Security Rights as an Employer's Legal Obligation toward Workers," *Jurnal Geuthèè: Penelitian Multidisiplin* 8, no. 1 (April 28, 2025): 23, <https://journal.geutheeinstitute.com/index.php/JG/article/view/398>.

⁹ Nicko Alfiansa, Nurjanah Nurjanah, and Yasir Yasir, "Strategi Komunikasi BPJS Ketenagakerjaan Dalam Implementasi Program Jaminan Kehilangan Pekerjaan (Studi Kasus: BPJS Ketenagakerjaan Wilayah Sumatera Barat)," *Jurnal Teknik Industri Terintegrasi* 8, no. 1 (January 13, 2025): 529–534, <https://journal.universitaspahlawan.ac.id/index.php/jutin/article/view/39471>.

addressed in Indonesian law. No longer limited to traditional contingencies such as old age or workplace accidents, the legal framework now recognizes job loss as a significant socio-economic risk requiring state intervention. This paradigm shift is consistent with global trends that emphasize proactive labor market policies in response to increasing economic volatility and labor market fragmentation.¹⁰ Through the integration of JKP, Indonesia adheres to international labor standards, especially those promoted by the International Labour Organization (ILO), and progresses toward a more inclusive, adaptive, and sustainable social protection system.

LITERATURE REVIEW

Theory of the Rule of Law

The concept of the rule of law, as articulated by Aristotle, refers to a state that is founded upon laws designed to guarantee justice for its citizens.¹¹ From this perspective, it is emphasized that a state cannot exist without legal supremacy.

As a state founded on the rule of law, Indonesia adheres strictly to a legal system rooted in Pancasila, which is explicitly enshrined in the 1945 Constitution (UUD 1945). This serves as the primary source of law that prioritizes legislation as a form of respect for human rights. Alongside the acknowledgment of human rights, a rule of law state is characterized by several key elements: the division of authority to safeguard human rights, governance in compliance with built legal frameworks, as well as the creation of administrative courts to adjudicate potential disputes.

Theory of Justice

Justice is, to a large extent, inherently subjective. The sense of justice varies from one individual to another; what is considered just by one person may not necessarily be perceived as such by others. Even when an individual believes they have acted justly, it is possible that others may not share the same view. The definition of justice thus emphasizes actions that are not arbitrary and are rooted in human conscience.¹²

The term “justice” appears explicitly in the fifth principle of Pancasila: “*Social justice for all the people of Indonesia.*” This principle highlights one of the fundamental goals of the Indonesian state: the realization of justice. Social justice refers to a form of justice whose realization depends upon the structural processes

¹⁰ Toby S. James, “Labour Market Policies during an Age of Uncertainty,” *Policy Studies* 43, no. 1 (January 2, 2022): 1–2, <https://www.tandfonline.com/doi/full/10.1080/01442872.2022.2008900>.

¹¹ “Negara Hukum Adalah : Pengertian, Menurut Para Ahli, Unsur, Contoh,” *PPKN*, last modified September 24, 2024, accessed July 24, 2025, <https://ppkn.co.id/negara-hukum/>.

¹² I Gde Suranaya Pandit, “KONSEP KEADILAN DALAM PERSEPSI BIOETIKA ADMINISTRASI PUBLIK,” *Public Inspiration : Jurnal Administrasi Publik* 1, no. 1 (December 31, 2016): 14–20, accessed July 24, 2025, <https://ejournal.warmadewa.ac.id/index.php/public-inspiration/article/view/86>.

within the economic, political, social, cultural, and ideological dimensions of society.¹³ The social structure is essential for achieving social justice.

Therefore, the social structure plays a crucial role in the achievement of social justice. It is not solely about legal enforcement of justice but also concerns the notions of decency and the fulfillment of basic and reasonable needs for all members of society.

Theory of Legal Certainty

A guarantee of legal certainty is necessary in a state that is governed by the rule of law, as originally postulated by Aristotle, in which all aspects of civic life are regulated by laws enshrined in statutory regulations. Legal certainty is considered essential in providing clarity and preventing multiple interpretations by the parties involved, thereby minimizing potential legal conflicts. According to Utrecht, legal certainty comprises two key elements:¹⁴

1. The presence of overarching regulations that allow individuals to discern permitted behaviors from prohibited ones. The enforcement of these rules aims to create social order and public tranquility. For instance, the requirement for companies to enroll all employees with the Workers Social Security Agency (BPJS Ketenagakerjaan).
2. Legal protection for individuals against government arbitrariness. Law is expected to minimize the potential for abuse of power by state authorities. Citizens are thus made aware of their responsibilities and obligations. For instance, the need to remit BPJS Ketenagakerjaan contributions in line with the registered participation scheme.

Theory of Legal Protection

Law is fundamentally established to protect society—both from the arbitrariness of government officials and from the actions of other individuals. Legal protection serves to safeguard individual rights.

Philipus M. Hadjon defines legal protection as the preservation of humanity and the acknowledgment of human rights grounded in statutory regulations to avert acts of arbitrariness.¹⁵¹⁶ For example, the enactment of the BPJS Law (Law on the Social Security Administering Body) is intended to provide protection against various risks, including health issues, workplace accidents, death, and to ensure welfare in old age.

¹³ Ibid.

¹⁴ Ananda, "Teori Kepastian Hukum Menurut Para Ahli," *Gramedia Literasi*, last modified 2021, accessed July 24, 2025, https://www.gramedia.com/literasi/teori-kepastian-hukum/?srsltid=AfmBOopam9-LTzv51hQtq3ddPVEN2kradRLQ096wuMp5JDrNIEUMHjQ_.

¹⁵ Philipus M Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia*, 1st ed. (Surabaya: Bina Ilmu, 1987), accessed July 18, 2025, <https://balaiyanpus.jogjaprovo.go.id/opac/detail-opac?id=12369>.

¹⁶ Satjipto Rahardjo, *Ilmu Hukum*, 8th ed. (Bandung: PT Citra Aditya Bakti, 2014).

C.S.T. Kansil describes legal protection as a series of legal measures that law enforcement authorities must implement to guarantee a sense of security for the public—both emotionally and physically—against disturbances and threats from any entity.¹⁷ An example is the BPJS Law, which offers workers a sense of security against potential risks that may arise during their employment.

Concept of Employment Relationship

The concept of an employment relationship is defined in Article 1, Point 15 of Law Number 13 of 2003 concerning Manpower and further regulated under Government Regulation Number 6 of 2023, which ratifies Law Number 2 of 2022 on Job Creation. As per these provisions, an employment relationship is a contractual arrangement between an employer and a worker that encompasses elements of authority, remuneration, and work.

Sedjun H. Manulang argues that a job connection is the interaction between an employer and a worker, which arises from an employment agreement, whether for a fixed term or an indefinite period.¹⁸ This classification aligns with the ratified Job Creation Law, where experts distinguish types of employment relationships based on their duration.

Aloysius Uwiyono further explains that the employment relationship emerges from the employment agreement, which, although contractually binding, remains subject to labor law provisions.¹⁹ The binding nature of this relationship is due to the limited autonomy of the parties; each party cannot freely determine all terms unilaterally. Often, negotiations precede the final agreement to ensure mutual consent.

The parameters of employment, as well as the rights and obligations of both parties, are outlined in an employment contract, which serves as the cornerstone of the employment relationship. In practice, a mutual agreement may be established either orally or in writing. As with other forms of contracts, employment agreements must fulfill specific legal requirements, which include but are not limited to:

1. The presence of mutual consent between the employer and the employee.
2. Legal capacity to enter into a contract, where the parties involved must be competent without requiring guardianship or legal assistance.
3. Clearly defined work to be performed.

¹⁷ Ibid.

¹⁸ Sedjun H Manulang, *Pokok-Pokok Hukum Ketenagakerjaan Indonesia*, 3rd ed. (Jakarta: Rineka Cipta, 2001).

¹⁹ Susilo Andi Darma, “KEDUDUKAN HUBUNGAN KERJA; BERDASARKAN SUDUT PANDANG ILMU Kaidah Hukum Ketenagakerjaan dan Sifat Hukum Publik dan Privat,” *OLD WEBSITE OF JURNAL MIMBAR HUKUM* 29, no. 2 (June 15, 2017): 221–234, accessed July 24, 2025, <https://journal.ugm.ac.id/jmh/article/view/25047>.

4. The work performed and its outcomes must not violate public decency, public order, or prevailing laws and regulations, especially at the time of contract termination.

In labor law, employment agreements are categorized into two types: “*Fixed-Term Employment Agreements and Indefinite-Term Employment Agreements*.” According to Article 1, Point 10 of Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment, a PKWT is defined as a work agreement between a worker/laborer and an employer that establishes an employment relationship for a specific period or for the completion of a particular job.

Furthermore, based on Article 59 of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation, as ratified by Law Number 6 of 2023, which establishes said regulation into law, a PKWT can only be applied to jobs that are to be completed within a definite timeframe. Certain forms of employment are classified as non-permanent based on the nature, duration, and purpose of the work involved. This includes positions intended to be completed within a short or fixed time frame, such as temporary or one-time assignments. Seasonal employment, which is contingent upon specific periods or cycles, also falls under this category. Furthermore, work related to new products, additional activities, or exploratory ventures—particularly those still in the developmental or trial phase—is similarly regarded as non-permanent. In addition, employment characterized by its irregular, non-continuous, or inherently impermanent nature is likewise recognized as non-permanent within the framework of labor regulations.

If the nature of the job is permanent and carried out on a continuous basis, it must be governed under an Indefinite-Term Employment Agreement (*Perjanjian Kerja Waktu Tidak Tertentu/PKWTT*).²⁰ According to Article 1, Point 11 of Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment, a PKWTT is defined as a work agreement between a worker/laborer and an employer that establishes a permanent employment relationship.

Article 61 of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation, as ratified by Law Number 6 of 2023, provides that an employment agreement may be terminated under the following circumstances:

1. Despite the demise of the employer or the transfer of company ownership as a result of a sale, inheritance, or grant, the employment agreement remains in effect;

²⁰ Fadhliyah Tia Nur and Arief Suryono, “The Implementation Of The Principle Of Freedom Of Contract In Providing Legal Protection For Workers Under Indefinite-Term Employment Contract At CV Soloarsi Studio,” *International Journal of Educational Research & Social Sciences* 5, no. 3 (June 29, 2024): 430–434, <https://ijersc.org/index.php/go/article/view/823>.

2. The expiration of the employment period, where a PKWT contains a clause stipulating the duration of the agreement until the specified end date;
3. The conclusion of a particular assignment or duty;
4. A final and binding judgment issued by a court or a decision rendered by the Industrial Relations Dispute Resolution Agency that has obtained permanent legal force; or
5. The occurrence of a specific condition or circumstance as stipulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement, which results in the termination of the employment relationship.

Concept of Industrial Relations Disputes

An industrial relations dispute refers to a conflict involving workers, employers, labor unions, or employer organizations concerning rights, interests, employment termination, or inter-union matters within a company, as stipulated in Article 1 point 1 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. As regulated in Article 2 of the same law, the types of industrial relations disputes include:

1. Disputes of Rights: These arise from the non-fulfillment of rights due to differences in interpretation or application of statutory regulations, employment agreements, company regulations, or collective labor agreements.
2. Disputes of Interests: These disputes occur due to disagreements regarding the formulation or amendment of employment terms and conditions as specified in employment agreements, company regulations, or collective labor agreements.
3. Termination Disputes: These refer to conflicts resulting from disagreements between parties concerning the termination of the employment contract.
4. Inter-Union Disputes within the Same Company: These involve conflicts between different labor unions operating within the same company.

The resolution of industrial relations disputes begins with bipartite negotiations between the disputing parties. The outcome of this negotiation can result in one of two possibilities:

1. A successful negotiation that produces a mutual agreement between the parties; or
2. A failed negotiation, which may result either from the inability to reach an agreement or the refusal of one party to engage in negotiations.

Pursuant to Article 4 of Law Number 2 of 2004, if bipartite negotiations fail, either party—or both—may register the dispute with the relevant local labor office.

The registered dispute will then proceed to a mediation process conducted by an official Mediator appointed by the labor department. If a mutual agreement is reached during the bipartite negotiation and recorded in a collective agreement, the next step is to proceed with arbitration through a designated mediator. Conversely, if mediation fails to produce an agreement, the mediator is obligated to deliver a written recommendation or proposal to the disputing parties, requesting them to either accept or reject it. If the parties fail to provide a written response, such silence is deemed as a rejection of the proposal. In such cases, the disputing parties reserve the right to submit the dispute to the Industrial Relations Court at the District Court level for judicial resolution.

Concept of the National Social Security System

Social security provides income protection for workers during transitional periods between jobs, in times of illness, disability, maternity, and retirement. It also functions to offset inadequate income and guarantees the provision of healthcare services. Generally, social protection systems encompass contributory schemes (such as social insurance) and non-contributory programs financed through taxation.

According to Article 1, point 2 of Law Number 40 of 2004 on the National Social Security System, the term “National Social Security System” refers to “a mechanism for administering social security programs by several social security organizing bodies.”

The International Labour Organization (ILO) further affirms that social protection offers workers income security during job transitions, periods of illness, disability, maternity, and retirement, in addition to helping compensate for insufficient income and granting access to healthcare services.²¹

At present, the administration of social security for workers in Indonesia is divided between two institutions: BPJS Kesehatan (Healthcare and Medical Services Social Security) and BPJS Ketenagakerjaan (Employment Social Security).

In light of the expanding role of Job Loss Insurance (JKP) within Indonesia’s social security system, it becomes essential to investigate how this program operates within the national legal framework. This research is therefore intended to (1) analyze the legal structure of the JKP program as regulated by Law No. 6 of 2023 and other supporting regulations; (2) evaluate the extent to which JKP effectively protects workers who have been terminated from employment (PHK); and (3) identify legal ambiguities, regulatory weaknesses, and institutional barriers that may impede the fulfillment of workers’ rights to JKP benefits. Through this

²¹ ILO, “Strengthening Social Protection for the Future of Work,” *Paper presented at the 2nd Meeting of the G20 Employment Working Group, 15-17 February 2017, Hamburg, Germany*, no. February (2017), https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_559136.pdf.

study, the researcher seeks to contribute to the academic development of labor law and formulate recommendations for the improvement of social protection policy in Indonesia.

RESEARCH METHODOLOGY

This research adopts a normative juridical approach, emphasizing a structured examination of legal norms that regulate the implementation of Job Loss Insurance (Jaminan Kehilangan Pekerjaan or JKP) within the context of Indonesia's labor legislation and social security system.²² This approach is employed to examine the foundational legal principles, statutory provisions, and regulatory instruments that provide protection for workers affected by employment termination (Pemutusan Hubungan Kerja or PHK), particularly their rights to JKP benefits as stipulated in Law Number 6 of 2023, which ratifies Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation, along with other relevant legal instruments.

In conducting this research, the primary reliance is placed on secondary legal materials, encompassing core sources such as statutory provisions, government regulations, and official legal documents, legal doctrines, textbooks, academic journal articles, expert opinions, and policy papers.²³ These legal materials are critically analyzed to trace the legal foundation, policy architecture, and implementation mechanisms of the JKP program as administered by BPJS Ketenagakerjaan. Emphasis is placed on juridical interpretation of legal norms, the legal status of social security rights, and institutional responsibilities as determined by the relevant legislation.

To reinforce the normative analysis, the research also applies a qualitative descriptive approach, aiming to obtain a comprehensive understanding of legal provisions and their practical implications for workers affected by termination.²⁴ This method enables the identification of potential legal uncertainties, weaknesses in regulatory enforcement, and structural barriers that may undermine the effectiveness of the JKP program in safeguarding workers' rights. Consequently, this research not only contributes to the academic development of labor law but also seeks to promote the refinement of social protection policies in Indonesia.

²² Kiko Chandra Dwiwardana, Mohammad Roesli, and Bastianto Nugroho, "Juridical Reviewlegal Protection of Employees Subject To Termination," *YURISDIKSI : Jurnal Wacana Hukum dan Sains* 19, no. 2 (October 2, 2023): 183–201, <https://yurisdiksi.unmerbaya.ac.id/index.php/yurisdiksi/article/view/199>.

²³ Achmad Irwan Hamzani et al., "Legal Research Method: Theoretical and Implementative Review," *International Journal of Membrane Science and Technology* 10, no. 2 (August 24, 2023): 3610–3619, <https://cosmoscholars.com/phms/index.php/ijmst/article/view/3191>.

²⁴ Haikal Sudjudiman and Fatma Ulfatun Najicha, "Pengaturan Pemutusan Hubungan Kerja (Phk) Di Indonesia Dan Singapura," *UIR Law Review* 4, no. 2 (October 25, 2020): 40–50, <https://journal.uir.ac.id/index.php/uirlawreview/article/view/6767>.

On another note, education plays a strategic role in improving the quality of human resources. Quality education is believed to produce competent and productive individuals. In an effort to enhance the quality of national education, the government has initiated various reforms within the education system, including curriculum revisions and innovative learning models, as a response to globalization challenges and the dynamic demands of the modern industrial sector.

RESULT AND DISCUSSION

The Job Loss Insurance (JKP) Program is a newly introduced policy by the Indonesian government, formulated in response to the surge in employment terminations (PHK), especially those arising from the socio-economic impacts of the COVID-19 pandemic. The outbreak of the coronavirus precipitated a significant economic disruption, which in turn led to an alarming rise in the national Open Unemployment Rate (TPT), placing additional strain on the country's labor market.²⁵

This surge in unemployment has become a pressing national concern, not only due to its economic ramifications but also because of its broader social implications. In an effort to mitigate the adverse effects of mass layoffs, the government introduced a new social protection scheme under the administration of the Workers Social Security Agency (BPJS Ketenagakerjaan).²⁶ The JKP program aims to offer temporary income support along with access to labor market services for workers impacted by termination, thereby safeguarding a basic level of economic security during periods of employment transition.

The legal foundation of the JKP program was initially established through Law No. 11 of 2020 on Job Creation, which was subsequently amended by Law No. 6 of 2023 concerning the ratification of Government Regulation in Lieu of Law (Perppu) No. 2 of 2022 on Job Creation into formal legislation.²⁷ Through this reform, the Indonesian government expanded the scope of existing social security programs—which previously covered workplace accidents, death, old-age benefits, and pensions—by incorporating JKP as a strategic instrument within the national employment protection framework.

²⁵ Måns Rosén and Magnus Stenbeck, “Interventions to Suppress the Coronavirus Pandemic Will Increase Unemployment and Lead to Many Premature Deaths,” *Scandinavian Journal of Public Health* 49, no. 1 (February 25, 2021): 64–68, https://ltvk.lt/file/zurnalai/05_Mura.pdf.

²⁶ Evlin Novianti Tambunan, Habieb Pahlevi, and Yasir Riady, “The Role of BPJS Employment Improving Worker Welfare in Indonesia,” *Contemporary Journal of Applied Sciences* 3, no. 1 (February 5, 2025): 991–1002, <https://journal.formosapublisher.org/index.php/cjas/article/view/13345>.

²⁷ Yohana Nabilla Wuryanto, “Mengenal JKP, Program Baru BPJS Ketenagakerjaan,” *NARASI*, last modified December 8, 2022, accessed July 24, 2025, <https://narasi.tv/read/narasi-daily/mengenal-jkp-program-baru-bpjs-ketenagakerjaan>.

The rationale behind the addition of new programs by the Indonesian government in restructuring the growth and development of public welfare is grounded in several key objectives, as follows:

1. To actualize a prosperous, just, and equitable society in Indonesia in alignment with the foundational values of Pancasila and the 1945 Constitution (UUD 1945), particularly by ensuring the constitutional rights of citizens to obtain decent employment and a livelihood that upholds human dignity;
2. To strengthen the absorption of Indonesian labor within increasingly competitive labor markets, in response to the evolving challenges posed by economic globalization;
3. To foster increased investment and expedite the execution of national strategic projects, while concurrently advancing the protection and welfare of workers.

The financing of the Job Loss Insurance (JKP) program is sourced from three main components:

1. Initial Capital from the Government;
2. Restructuring of Contribution Schemes under the BPJS Ketenagakerjaan Programs;
3. Operational Funds from BPJS Ketenagakerjaan Activities.

The legal definition of JKP is articulated in Article 1, paragraph 1 of Government Regulation No. 37 of 2021 concerning Job Loss Insurance (hereinafter referred to as PP JKP). In accordance with the regulation, Job Loss Insurance is classified as a type of social security granted to workers or laborers who have been terminated from employment. The program offers a range of benefits, including monetary assistance, access to labor market information, and participation in vocational training programs.

Participation in the Job Loss Insurance (JKP) Program

The procedures for registration in the Job Loss Insurance (JKP) program apply to wage-earning workers who fulfill the following eligibility criteria:

1. Indonesian citizenship;
2. Age below fifty-four (54) years at the time of registration;
3. An existing employment relationship under a Fixed-Term Employment Agreement (PKWT) or Indefinite-Term Employment Agreement (PKWTT);
4. Formal enrollment in the following social security programs:
 - a. For workers in the Small and Medium Enterprises (SMEs) sector: participation in both BPJS Health (JKN) and BPJS Employment programs (JKM, JKK, JHT, and JP).

- b. For workers in the Micro and Small Enterprises sector: inclusion in BPJS Health (JKN) and BPJS Employment programs (JKM, JKK, and JHT).

In accordance with Article 8 of Government Regulation No. 37 of 2021 (PP JKP), employees who are employed by more than one employer must be registered separately by each employer. However, the worker is required to designate one employer for purposes of JKP program registration.

JKP participant data is integrated through a joint system between BPJS Employment (BPJS Ketenagakerjaan) and BPJS Health (BPJS Kesehatan).²⁸ Article 15 of PP JKP stipulates that BPJS Health must submit participation data to BPJS Employment. Such data must subsequently undergo a process of verification and validation by BPJS Employment. Once validated, the data is then reported to the Ministry of Manpower (Kementerian Ketenagakerjaan).

Employers are obligated to report employee participation in the Work Accident Insurance (JKK) and Death Benefit Insurance (JKM) programs to BPJS Employment, as mandated under Article 12 of the Minister of Manpower Regulation (Permenaker) concerning JKP registration procedures. This reporting must be conducted monthly, either online or offline, no later than the 15th day of the following month. According to Article 12(2) of the aforementioned Permenaker, the data submitted must include:

1. The number and detailed personal data of participating workers;
2. Workers' wage or salary information.

Contribution Structure of the Job Loss Insurance (JKP) Program

Basic salary and fixed compensation constitute the wage that serves as the foundation for Job Loss Insurance (JKP) contributions.²⁹ In the event that fixed provisions are not incorporated into the wage structure, the basic wage is the sole basis for contribution calculations. According to Article 11 of Government Regulation No. 37 of 2021 (PP JKP), the JKP contribution rate is 0.46 percent of the worker's monthly wage. The government entirely funds this contribution by reallocating 0.14% from the Work Accident Insurance (JKK) and 0.10% from the Death Benefit Insurance (JKM) in the recomposition of existing social insurance contributions. Additionally, the JKP scheme receives an additional 0.22% of the monthly wage from the central government.

²⁸ Tata Mustika Dewi, "PENERAPAN DATA MINING PENGELOMPOKAN JAMINAN HARI TUA (JHT) BERDASARKAN WILAYAH DALAM MASA PANDEMI (STUDI KASUS : BPJS KETENAGAKERJAAN CABANG LANGKAT)," *Jurnal Sistem Informasi Kaputama (JSIK)* 6, no. 2 (July 15, 2022): 130–141, <https://jurnal.kaputama.ac.id/index.php/JSIK/article/view/162>.

²⁹ Ma'ruf Okky Setiawan, Thea Farina, and Nuraliyah Ali, "Change of Fixed Allowance Wage System to Performance Incentive," *Journal of Law, Politic and Humanities* 5, no. 4 (April 2, 2025): 2651–2658, <https://dinastires.org/JLPH/article/view/1501>.

In the case of workers employed by multiple companies, as stipulated in Article 8 of PP JKP, the recomposed contributions from JKK and JKM shall be applied only by the employer selected by the worker as the registered party for the JKP program.

The initial maximum wage cap for calculating contributions is set at IDR 5,000,000. According to Article 12, this threshold is subject to biennial review, taking into account national economic conditions and actuarial solvency calculations. The evaluation of the wage cap will be jointly conducted by the Ministry of Manpower, the Ministry of Finance, and the National Social Security Council (DJSN).

Requirements for Receiving Job Loss Insurance (JKP) Benefits

1. Contribution Period for JKP Benefit Recipients

The contribution period is a key eligibility criterion for workers to receive JKP benefits after termination of employment. According to Article 19(3) of Government Regulation No. 37 of 2021, *“a worker is eligible to receive JKP benefits if they have contributed for a minimum of 12 (twelve) months within the last 24 (twenty-four) months and have paid JKP contributions for at least 6 (six) consecutive months to the BPJS Ketenagakerjaan prior to termination.”*

2. Types of Termination That Are Ineligible for JKP

In principle, workers who are terminated from employment are entitled to receive JKP benefits. However, certain categories of termination are excluded from this entitlement. As stipulated in Article 20(1) of PP JKP, JKP benefits are not granted in the event of:

- a. Voluntary resignation,
- b. Permanent total disability,
- c. Retirement,
- d. Death of the worker, or,
- e. Expiration of a fixed-term employment contract (PKWT) according to its agreed terms.

3. Proof of Termination

To access JKP benefits, termination of employment must be legally documented. Article 20(3) of PP JKP outlines the forms of valid evidence for termination as follows:

- a. Proof of termination received by the worker and receipt of termination report from the local District/Municipal Manpower Office;
- b. Mutual agreement (Perjanjian Bersama) signed during bipartite negotiations, or through mediation/conciliation, and subsequently filed for official registration with the Industrial Relations Court (PHI), accompanied by the necessary supporting documents;

- c. Court ruling extract or verdict from the Industrial Relations Court that has obtained permanent legal force.
- 4. Loss of Entitlement to JKP Benefits

The entitlement to JKP benefits may be forfeited under specific conditions. These include:

 - a. Failure to submit a claim for JKP benefits within 3 (three) months after termination;
 - b. Failure to report the termination, which is currently handled manually through the local Manpower Office;
 - c. The worker has obtained new employment; or
 - d. The worker has passed away.

Forms and Realization of Job Loss Insurance (JKP) Benefit Implementation

Workers who have been terminated from employment (PHK) and are enrolled as registered participants in the JKP program are entitled to receive several forms of benefits as stipulated by the applicable regulations:

1. Cash Benefits

Cash benefits are provided and disbursed directly by BPJS Ketenagakerjaan. As regulated in Article 21 of Government Regulation No. 37 of 2021, in conjunction with Article 4 of the Minister of Manpower Regulation on JKP Procedures, cash benefits are paid on a monthly basis for a maximum duration of six (6) months. The distribution of these cash benefits occurs in two phases, with the following provisions:

- a. 45% (forty-five percent) of the worker's reported monthly wage for the first three (3) months, and
- b. 25% (twenty-five percent) of the reported wage for the subsequent three (3) months.

The calculation of the cash benefit is based on the last reported wage of the worker to BPJS Ketenagakerjaan, subject to a maximum wage cap of IDR 5,000,000 (five million rupiah), as previously mentioned.

2. Access to Labor Market Information and Job Training

In addition to financial support, JKP beneficiaries are entitled to non-cash services, which aim to facilitate reemployment. These services are delivered in two main forms:

- a. Labor market information services, which provide job vacancies and labor demand insights; and
- b. Career guidance and training programs, which include self-assessment (psychometric profiling or skills inventory), career counseling, and access to vocational training programs aimed at enhancing employability and competitiveness in the job market.

Implementation of JKP Benefit Distribution

The provision of Job Loss Insurance (JKP) benefits may be granted up to three (3) times during a worker's employment lifecycle, subject to the following conditions:

1. First-time benefit claim: Eligible once the participant has met the minimum contribution period (as outlined in previous sections).
2. Second-time benefit claim: May be submitted only after a minimum contribution period of five (5) years has passed since receiving the first benefit.
3. Third-time benefit claim: May be submitted only after a further minimum contribution period of five (5) years since receiving the second benefit.

Legal Avenues to Claim JKP Benefits

Workers who believe they are entitled to JKP benefits but face obstacles in claiming them may pursue the following remedial actions:

1. Individual Complaint Mechanism: Workers may file complaints individually to the relevant labor authorities or institutions overseeing the JKP program.
2. Complaint via Trade Unions or Labor Unions: Workers may also pursue their claims through registered trade unions or labor organizations, which may advocate on their behalf.

Disputes Concerning BPJS Employment Social Security (JKP Claims)

The process of claiming Job Loss Insurance (JKP) benefits does not always align with the expectations of individuals affected by employment termination, as various procedural and administrative barriers may hinder timely and effective access to the benefits. Workers who are dissatisfied with the amount or scope of benefits received under the JKP scheme may raise civil disputes. According to Article 45 of the Government Regulation on JKP (PP JKP), the resolution of such disputes may proceed through the following stages:

1. Deliberation to Reach Consensus: The first course of action involves mutual consultation between the disputing parties in an effort to achieve an amicable settlement.
2. Mediation Negotiation with BPJS Employment: If deliberation fails, the worker may proceed with mediation involving the BPJS Employment institution to resolve the disagreement.

Labor Supervision Related to the Implementation of the Job Loss Security (JKP) Program

Legal protection for workers, particularly regarding the implementation of the Job Loss Security (JKP) program, can be pursued through the mechanism of labor supervision. The implementation of supervision began with the enactment

of Law Number 3 of 1951 concerning the Declaration of the Applicability of the 1948 Labor Inspection Act No. 23 of the Republic of Indonesia Throughout Indonesia, hereinafter referred to as the Supervision Law.

Article 1 of the Supervision Law emphasizes the functions of labor supervision as follows:

1. Supervising the implementation of labor laws and regulations;
2. Gathering data pertaining to labor relations and prevailing working conditions;
3. Carrying out other tasks assigned by law or other regulations.

According to Ministerial Regulation Number 33 of 2016 concerning Procedures for Labor Supervision, Labor Supervision refers to activities that monitor and ensure compliance with statutory provisions governing employment practices and labor standards.

The function of labor supervision constitutes an enforcement mechanism for labor law, providing technical advice to employers and workers, as well as gathering information on employment conditions in the broadest sense to serve as the basis for drafting or refining labor-related legislation (Dungga, W. A., & Tome, A.).³⁰

According to Article 9 paragraph (2) of the Minister of Manpower Regulation on the Procedures for Labor Supervision, labor supervision comprises several activities, including the following:

1. Guidance

Article 17 of the same regulation affirms that the function of guidance aims to improve compliance through the provision of technical advice, socialization, consultations, discussions, and assistance.

2. Inspection

Article 20 paragraph (1) outlines that inspection activities are divided into four types:

- a. Initial inspection
- b. Periodic inspection
- c. Special inspection
- d. Re-inspection

3. Testing

Article 36 stipulates that testing is conducted for the purpose of verifying compliance with workers' rights and occupational safety and health (OSH) standards. Testing consists of two activities: testing of

³⁰ Khairul Ismed, Asep Saepul Muharam, and Muhyiddin Muhyiddin, "Urgensi Penambahan Fungsi Pengawasan Ketenagakerjaan Pada Balai Keselamatan Dan Kesehatan Kerja (K3)," *PUSBANGJAKNAKER Working Papers* (2021), accessed July 24, 2025, <https://pusbangjak.kemnaker.go.id/publication-details/urgensi-penambahan-fungsi-pengawasan-ketenagakerjaan-pada-balai--keselamatan-dan-kesehatan-kerja-k3>.

labor standards, which includes social security programs (BPJS Ketenagakerjaan and BPJS Kesehatan), and testing of OSH standards.

4. Investigation of Labor-Related Criminal Offenses

Article 47 clarifies that investigation is a repressive judicial activity and represents the final measure in the enforcement of labor law, carried out by labor civil servant investigators (PPNS Ketenagakerjaan).

Article 9A of the Minister of Manpower Regulation on the Amendment to the Procedures for Labor Supervision stipulates that labor inspectors conduct supervisory activities in three stages:

1. Preventive-Education Stage
2. Repressive Non-Judicial Stage
3. Repressive Judicial Stage

The authority of labor inspectors, as outlined in Article 10 of the same regulation, includes the power to enter companies, workplaces, or locations suspected of having labor activities, and to summon employers or other parties suspected of committing violations.

Civil Servant Investigators (PPNS)

Pursuant to Article 182 of Law Number 13 of 2003 concerning Manpower in conjunction with the Law on the Enactment of the Job Creation Government Regulation in Lieu of Law (Perppu), Civil Servant Investigators (PPNS) are authorized to:

1. Conduct inquiries to verify the validity of reports and statements concerning alleged criminal offenses in the field of labor.
2. Examine individuals suspected of committing labor-related criminal violations.
3. Obtain information and gather evidence from persons or legal entities in connection with manpower-related criminal activities.
4. Inspect or seize materials or evidence relevant to criminal cases in the manpower sector.
5. Examine letters and/or other documents related to manpower-related criminal acts.
6. Seek assistance from experts for the purpose of carrying out investigations in manpower-related criminal cases.
7. Terminate investigations if there is insufficient evidence to support the occurrence of a criminal act in the manpower sector.

Legal Protection for Workers in Accessing JKP Benefits

The government has instituted sanctions for employers who fail to comply with applicable legal provisions, thereby ensuring legal protection for workers in accessing Job Loss Insurance (JKP) benefits. Employers found in breach of

Jamsostek (Social Security) norms are subject to both administrative and criminal sanctions.

Article 46 paragraph (3) of the JKP Government Regulation (PP JKP) in conjunction with Article 6 paragraph (1) of Government Regulation Number 86 of 2013 concerning “*Procedures for the Imposition of Administrative Sanctions on Employers Other than State Organizers, and Individuals Other than Employers, Workers, and Contribution Assistance Recipients in the Implementation of Social Security (hereinafter referred to as PP on Administrative Sanctions)*” affirms that written warnings shall be issued to employers who violate JKP provisions. These warnings are issued by the Social Security Agency for Employment (BPJS Ketenagakerjaan) and may be given up to two times, each within a period of ten days.

Furthermore, pursuant to Article 46 paragraph (3) PP JKP in conjunction with Article 8 paragraph (1) of the PP on Administrative Sanctions, companies that fail to comply with statutory provisions related to social security may also be denied access to certain public services. This sanction is enforced by the central government, provincial government, or regency/municipal government based on a request from BPJS Ketenagakerjaan.

Sanctions in the form of restrictions on access to certain public services for companies are stipulated in Article 9 paragraph (1) of the Government Regulation on Procedures for the Imposition of Administrative Sanctions. These sanctions may include:

1. Business-related licensing;
2. Authorization to participate in project tendering processes;
3. Permits for the employment of foreign workers;
4. Licenses for companies providing labor supply services; or
5. Building Construction Permits (IMB)

These restrictions are intended to compel employer compliance with the statutory obligations related to social security, including the provision of JKP benefits.

The implementation of the JKP program reflects a significant advancement in Indonesia's labor protection system.³¹ As regulated under Law Number 6 of 2023, which ratifies Government Regulation in Lieu of Law Number 2 of 2022, the inclusion of JKP as a fifth benefit within the BPJS Ketenagakerjaan scheme addresses an urgent social need in the wake of rising employment terminations. JKP complements existing benefits—such as death, work accident, old-age, and pension protections—through the provision of supplementary guarantees, including cash benefits, access to labor market information, and vocational

³¹ Humairoh Tazkiyatun Nisa, Guruh Novan Aldianto, and Eka Saputra, “Optimalisasi Manfaat Jaminan Kehilangan Pekerjaan (JKP) Bagi Karyawan PKWT,” *Journal of Management and Social Sciences* 2, no. 1 (February 27, 2023): 252–262, <https://journal-stiayappimakassar.ac.id/index.php/Jimas/article/view/828>.

training opportunities.³² This integration demonstrates the state's role in enhancing labor welfare, especially for workers affected by job loss, while reinforcing the constitutional mandate to ensure social security for all citizens.

Despite the progressive nature of the JKP policy, several challenges emerge in its implementation. One primary concern involves the administrative eligibility requirements for workers to access JKP benefits. Workers are required to have made contributions to BPJS Employment for a specified minimum period, and be terminated under conditions that meet regulatory criteria, and be registered in the Employment Information System (SIAPKerja).³³ These layered requirements may exclude vulnerable or informal sector workers who lack consistent employment documentation or whose termination circumstances are disputed. Moreover, the capacity of BPJS Ketenagakerjaan to provide timely and accurate services remains a critical factor, particularly in regions with limited digital infrastructure or low institutional capacity.

Another pressing issue concerns the legal certainty and dispute resolution mechanisms available to workers who are denied JKP benefits. While industrial relations courts and labor inspectors are authorized to address employment disputes, many workers face procedural barriers, limited access to legal aid, or lack of awareness regarding their rights.³⁴ This underscores the need for a more responsive and accessible grievance process within the JKP framework, ensuring that all workers, especially those from marginalized sectors, can claim their entitlements effectively. Strengthening institutional coordination between the Ministry of Manpower, BPJS Ketenagakerjaan, and labor supervisory agencies is essential to uphold legal protection and improve the enforcement of social security rights in practice.

CONCLUSION

JKP Program was introduced as part of a recent policy initiative by the Indonesian government to respond to the rising number of job terminations. This initiative integrates new provisions into the labor regulatory framework. Prior to its implementation, the national social security system managed by BPJS Ketenagakerjaan included four primary programs: protection against workplace accidents (JKK), survivor benefits (JKM), old-age benefits (JHT), and pension

³² Muhyiddin et al., "Indonesia's Job Loss Insurance Program (JKP): Evaluating Challenges and Opportunities for Worker Welfare and Market Integration," *The Journal of Indonesia Sustainable Development Planning* 5, no. 3 (December 31, 2024): 266–277, <https://jurnal.pusbndiklatren.bappenas.go.id/lib/jisdep/article/view/634>.

³³ Novi Karolina Surbakti, "Data Mining Pengelompokan Pasien Rawat Inap Peserta BPJS Menggunakan Metode Clustering (Studi Kasus: RSUD. Bangkalan)," *Journal of Information and Technology* 1, no. 2 (August 24, 2021): 47–53, <https://jurnal.unimor.ac.id/JITU/article/view/1470>.

³⁴ Shinta Azzahra Sudrajat, Arzam Arzam, and Doli Witro, "Legal Protection in Labor Dispute Settlement Through Industrial Relations Mechanism," *Khazanah Hukum* 4, no. 1 (March 8, 2022): 1–9, <https://journal.uinsgd.ac.id/index.php/kh/article/view/17027>.

coverage (JP). With the inclusion of JKP, the system now comprises five programs, expanding protection for workers by offering financial assistance, labor market access, and vocational training.

Nevertheless, the realization of JKP benefits for workers who have experienced termination of employment does not consistently align with the intended objectives of the program. In the event of disputes regarding JKP claims, workers may pursue resolution through the following mechanisms: (a) deliberation to reach mutual agreement, (b) negotiation and mediation with BPJS Ketenagakerjaan, and (c) litigation through the district court.

Labor inspection in relation to violations of social security standards (Jamsostek) is carried out by labor inspectors in response to complaints submitted by employees or the public, as well as reports from BPJS Ketenagakerjaan regarding instances of non-compliance.

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