



The Role of the State Attorney Towards the Implementation of Social Security for Workers in Construction Work on Government Projects in the Solok City, West Sumatra

Yandi Mustiqa; Yulia Mirwati; Khairani

Faculty of Law, University of Andalas, Padang, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v7i3.1557>

Abstract

In the mandate of the Act, every worker has the right to social security to be able to meet the basic needs of a decent life and improve his dignity as stipulated in the Law of the Republic of Indonesia Number 40 of 2004 about the National Social Security System, which in the implementation of Social Security for workers is carried out by the Social Security Organizing Agency which is regulated through Law No. 24 of 2011 concerning the Social Security Organizing Agency, workers are entitled to insurance for health, work accident, death, old age and retirement. Of the many government-owned construction works in the Solok City, Until the end of 2018, there were only 9 social security payment cases for workers for collateral for work accidents and 2 (two) cases for collateral for death with a total payment of Rp. 89.766.791, -(eighty nine million seven hundred sixty six thousand seven hundred ninety one rupiah). From this number, it seems that the implementation of the social security program for workers has not been maximized because employers have not been included even though it is required by law. Seeing this reality, the problem of how the implementation of protection for workers, and the barriers of the Solok Branch Managing Social Security Agency in carrying out the

Social Security Program for workers, and how the role of the State Attorney in protecting workers working on government-owned construction projects in the Solok City, This study uses a sociological juridical method, directly looking at the field conditions in the Solok City area with the intent and purpose of finding facts, identifying and leading to problem solving.

Keywords: *State Attorney; Worker; Social Security; Construction Work*

Introduction

National development goals signal that there are development goals for the Indonesian nationally and there are also goals for international interest. The state protects its people to get its welfare also guaranteed by law, realized in the 1945 Constitution of Indonesia in Article 28 H paragraph (3) which reads "Everyone has the right to social security that enables the development of himself as a whole with dignified humanity", in this case especially for the number of labor force in Indonesia is very large, which is about 100 million people will continue to grow more than 2 (two) percent per year.¹ The mandate of the 1945 Constitution of the Republic of Indonesia was realized in Article 99 of Law No. 13 of 2003 concerning Manpower stated that:

- 1) Every worker / laborer and his / her family are entitled to Workers' Social Security;
- 2) Workers' Social Security as referred to in paragraph (1), is carried out in accordance with the applicable laws and regulations.

In Act No. 3 of 1992 concerning Workers' Social Security established to regulate protection of workers from the possibility that results in the loss of part or all of the

¹ Lalu Husni, *Introduction to Indonesian Labor Law*, Revised Edition, Jakarta, PT. Raja Grafindo, 2003, page.152.

worker's income caused by things beyond his ability.² Worker Protection in the field of Social Security is regulated in Law No. 40 of 2004 concerning the National Social Security System and implemented through Law No. 24 of 2011 concerning the Social Security Organizing Agency, thus formed a Legal Entity - a Legal Entity tasked with carrying out the implementation of a social security program to protect the rights of the community including workers, namely the establishment of a Social Security Employment Agency and a Health Social Security Administration Agency.

Through this program every worker can meet the basic needs of a decent life if things happen that result in lost or reduced income due to illness, having an accident, losing a job, entering old age or retiring

Worker Protection organized by the Employment Social Security Administration and the Health Social Security Organizing Agency jointly seeks to carry out its duties and functions to be able to provide services to workers to obtain the following collateral:

1. Health insurance;

Guaranteed to get health services.

2. Accident insurance:

Guarantee to get protection in the event of an accident due to work relations including diseases arising from work relations, or accidents that occur on the way to leave from home to work and go home.

3. Life insurance;

Guarantee if death occurs not due to work accident, intended to ease the burden on the family both in the form of funeral costs and compensation in the form of money.

4. Pension plan;

Guarantee for old age provisions, which is the accumulation of contributions plus the results of development that are given simultaneously or periodically.

² Khairani, *Legal Certainty Rights of Outsourcing Workers*, Jakarta, PT. Raja Grafindo Persada, 2016, page. 29

5. Pension Guarantee;

Collateral in the form of money paid to participants entering retirement age or experiencing total permanent disability or to heirs for participants who have died.

In order to improve the quality of implementation of the Social Security Program, The Manpower Social Security Organizing Agency and the Health Social Security Organizing Agency maintain relationships with institutions in order to achieve the vision and mission as stipulated in Government Regulation No. 85 of 2013 concerning Procedures for Relationships among Institutions Social Security Organizing Agency, where the Social Security Organizing Agency can work with Government Agencies, which in Article (2) states that Government Institutions include Government Agencies and Regional Institutions in accordance with the scope of duties and functions of the relevant institutions carried out through a cooperation agreement. Government agencies consist of State Ministries, Non-Ministerial Government Institutions, Government Institutions led by ministerial level officials, Secretariat of State Institutions and Secretariat of Non-Structural Institutions. Whereas the Regional Government Institutions consist of Provincial Governments and Regency / City Governments.

In this paper, we will discuss the protection of workers who work in several Government construction projects, which is ensured workers work on several projects funded by State Finance, so in this case the authors see the Three Government Institutions that play a role in optimizing social security programs for these workers, namely:

1. Social Security Administrator

Both the Health Social Security Organizing Agency and the Manpower Social Security Organizing Agency as the Social Security Organizing Agency in accordance with Law No. 24 of 2011 concerning the Social Security Organizing Agency.

2. Regional government;

Local Government as the party that provides the work / government project and provides funds to do the construction work, also responsible for planning, implementation, and supervision of construction work carried out. This relates to the protection of workers working on the government-owned construction project, The Social Security Organizing Agency can cooperate with local governments in terms of making regulations in accordance with the mandate of the Act namely synchronizing between the Office or Regional Apparatus Organization relating to licensing and supervision of the executor of construction work on the government project.

3. The Attorney General's Office of the Republic of Indonesia

As a Government Institution that is given the tasks and authority in the matter of prosecution and investigation, Prosecutors also have duties in the field of Civil and State Administration, as in Article 30 paragraph (2) of Law no. 16 of 2004 concerning the Prosecutor's Office stated that in the field of Civil and State Administration, The Prosecutor's Office with a Special Power of Attorney can act both inside and outside the Court for and on behalf of the state or government. Protection for workers through social security programs carried out by the Social Security Organizing Agency can embrace the Attorney General's Office of the Republic of Indonesia through the State Attorney to optimize the implementation of the program.

According to the writer's observation, especially in the Solok City area, formerly the Health Social Security Organizing Agency and the Manpower Social Security Organizing Agency in carrying out its programs which always seeks to invite employers to be able to include their workers in the Social Security program so that the State Attorney gets findings and obstacles in the application of the Social Security.

In response to these findings, in particular the new Employment Social Security Administration Agency is only limited to inviting and giving warnings to employers so that they can include their employees in social security programs which are sometimes not fully complied with by the employer even though in the mandate of the Act, the employer may be subject to sanctions.

Regarding cooperation with the Regional Government, It also seems that the Regional Government has not fully supported the workers' protection program through the Social Security Organizing Agency by synchronizing with licensing issues with the Implementing Activity, it can be seen from the fact that there are still implementing activities that work on the Construction Projects that exist in the Office or Regional Apparatus Organization in the Solok City such as the Soccer Field Development Project at the Housing and Settlement Areas Office, Project for the Construction of a Junior High School Computer Based National Examination Laboratory in the Solok City Project for the Construction of the General Hospital Emergency Unit at the Health Service, Laydam Development Project at the Public Works and Spatial Planning Office, has not protected all workers working on government projects in the Solok City area, it is possible that the regional government is concerned that the development program will be a little choked up if the work implementers are hampered in the licensing process.

Whereas cooperation with the Prosecutor's Office in this case especially the Solok District Public Prosecutor's Office is only limited to cooperation in socialization to increase the understanding of employers in protecting their workers through participation in the Social Security program. Collaboration includes the collection of arrears by employers. Whereas the Social Security Organizing Agency can cooperate with a wider scope with the Solok District Prosecutor's Office in order to improve the optimization of the protection of workers in the construction sector on government projects.

Research Method

The research method is a method or step used by the author in gathering research data.³ This research is a qualitative study which is used as a research procedure to produce descriptive data in the form of written or oral words from the people or behavior observed, where with the research it is expected that the results of the study illustrate the actual conditions that occur in the field. According to Jan Gijssels and Mark Van Hoeker

³ Suharsimi Arikunto, *Research Procedure for A Practical Approach*, Rineka Cipta, Yogyakarta, 2000. page. 126.

quoted by Peter Mahmud Marzuki explained that Legal Research is a process to find the rule of law and legal doctrines to answer the legal issues at hand.⁴ Therefore the research aims to reveal the truth systematically, methodologically and consistently.⁵ The approach taken in this study is an empirical juridical approach, it means a research conducted on real conditions that occur in the community's purpose and purpose to find the facts that are identified to lead to the resolution of the problem (*problem-solution*).⁶

To analyze and provide answers about the operation of all the substance, structure and culture of law effectively. Empirical juridical law research examines a phenomenon that can be observed in life.⁷ Juridically, the role of the State Attorney for the protection of workers in terms of obtaining social security working in government construction projects is related to Article 30 paragraph (2) of Law no. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, at Law Number 40 of 2004 concerning the National Social Security System and implemented through Law number 24 of 2011 concerning the Social Security Organizing Agency, then sociologically, the protection of workers is related to the situation that occurs in the field.

Result and Discussion

1. Implementation of the National Social Security System Program As a Protection of Workers in the Government-Owned Construction Project in the Solok City

During the leadership of Mayor Zul Elfian and Deputy Mayor Reinier scattered construction works carried out by the Solok City Government as contained in the 2018 list of Solok City including the Laydam Batang Lembang Development, which plays an important role in overcoming river bank landslides and anticipating floods in the Solok City, and the Construction of the Batang Bingung Ampang Batu Embung, in order to

⁴ R. Soesilo, *Criminal Law Code as Well as with His Comments Article By Article*. Politeia, Bogor, 1991, page.29.

⁵ Zainudin Ali, *Legal Research Methods*, Sinar Grafika, Jakarta, 2013, page. 17.

⁶ Soejono Soekanto, *Introduction to Legal Research*, University of Indonesia Press, Jakarta, 1982 page. 10.

⁷ Bambang Sunggono, *Legal Research Methods*, Raja Grafindo Persada, Jakarta, 2007, page. 82.

overcome the lack of water to irrigate the fields and anticipate the effects of drought during the growing season, Soccer Field Development Project in the Department of Housing and Settlement, Project for the Construction of a Junior High School Computer Based National Examination Laboratory in the Solok City, Project for the Construction of the General Hospital Emergency Unit at the Health Service, Laydam Development Project at the Solok City Public Works and Spatial Planning Office, and various other development works sourced from the Revenue Budget funds and Solok City Regional Expenditure as well as from the State Budget.

These works are included in the type of construction work according to the Law of the Republic of Indonesia Number 2 of 2017 concerning Construction Services in Article 1 paragraph (3) which states that the Construction Work is the whole or a part of the activities which include construction, operation, maintenance, demolition and rebuilding of a building. And construction work includes types of work that have potential risks for the workers, so in addition to the strict implementation of Standard Operating Procedures, it is also necessary to protect social security for workers who work there according to the mandate of Law Number 13 Year 2003 concerning Manpower.

The constitutional mandate, namely the protection of workers who are entitled to social security to be able to meet the basic needs of a decent life and improve their dignity, has been regulated in Law of the Republic of Indonesia Number 40 of 2004 concerning the National Social Security System, which in the implementation of Social Security for workers is carried out by the Social Security Organizing Agency which is regulated through Law No. 24 of 2011 concerning the Social Security Organizing Agency, so with the existence of this Law a Legal Entity is established whose duty is to carry out the implementation of a social security program to protect the rights of the community including workers, namely the establishment of a Managing Social Security Administration Agency and a Health Social Security Administration Agency. Through this program every worker can meet the basic needs of a decent life if things happen that result in lost or reduced income due to illness, have an accident, lose work, enter old age or retire.

Worker protection organized by the Manpower Social Security Organizing Agency and the Health Social Security Organizing Agency jointly seek to carry out their duties and functions to be able to provide services to workers to obtain Health Insurance, Work Accident Insurance, Life Insurance, Old Age Insurance and Pension Insurance. Related to the implementation of Law Number 40 of 2004 concerning the National Social Security System, The Solok Branch of the Manpower Social Security Organizing Agency has coached 214 companies in the Solok City with 3,102 workers.⁸ and the protection of workers, especially those working on government-owned construction projects in the Solok City, has been carried out by related institutions such as the Managing Social Security Agency Solok Branch by making Social Security Payments Social work for workers working on government-owned construction projects in 2018 has paid 9 cases of Work Accident Guarantee with a value of Rp. 41,766,791,- and in Death Guarantee as many as 2 cases with a value of Rp. 48,000,000, - with total Social Security payments for Workers in the Construction sector of Rp. 89,766,791,-.⁹ From these details is the maximum amount that can be given to workers, especially those who work in government-owned construction projects because the data from the Solok City Central Statistics Agency mentioned the number of workers related to construction such as in the fields of metals, machinery, electronics, chemicals and building materials recorded as many as 1,033 formal workers and 350 informal workers.¹⁰

2. Obstacles to the Solok Branch Managing Social Security Agency in carrying out the Social Security Program for workers on a government-owned construction project in the City of Solok

The Solok Branch Employment Social Security Organizing Agency in carrying out its programs always seeks to invite Employers to be able to include their workers in

⁸ Taufiq Ritonga, Managing Social Security Organizing Body of the Solok Branch, Coordination and Compliance Cooperation of the Workers Social Security Program, Interviewed in September 22, 2018

⁹ Faisal Marianas, Head of Membership, Report of the Manpower Social Security Organizing Agency, Solok Branch, Interviewed in June 29, 2018.

¹⁰ <http://www.solokkota.bpjs.go.id/2019/11/total-power-work-city-sly-according-to-branches.html>

the Social Security program, but in its implementation after identification have been identified the following obstacles:

1) There are obstacles in the field of employers who do not fully protect their workers by only including the workers not as a whole, but only includes some of its workers, with the reason that if included all workers will burden the burden of the company¹¹, whereas the employer according to Law no. 24 of 2011 concerning the Social Security Organizing Agency in article 15 paragraph (1) is gradually obliged to register themselves and their workers as participants to the Social Security Organizing Agency, not deliberately not registering workers to get Social Security.¹²

2) There are employers who report salary data incorrectly, in order to reduce the amount of contributions to be deposited with the Social Security Organizing Agency, whereas wage data should be reported in accordance with the wages received by workers in accordance with the provisions in Article 3 paragraph (2) letter b of Government Regulation No.86 of 2011.

3) There are business entities which do not collect and deposit contributions which are the obligations of their workers to the Social Security Organizing Agency.

4) There are temporary workers who work for employers. in other words the worker works if there is only work, and if the work has been completed the worker does not work at the company, and will be called again if the company gets the job package back, so that the company encountered difficulties in terms of collecting data on workers who worked incidentally.¹³

Against this situation is actually not a reason that conditions are acceptable, because in the Social Security carried out by the Manpower Social Security Organizing Agency, the Solok Branch states that if there are workers who no longer work for the

¹¹ Ardiansyah, Head of the Solok Branch of the Social Security Administering Body, Supervision Coordination Data, Interviewed in December 13, 2016

¹² Mursal Anis, Head of Civil Code and State Administration of Kejari Solok, Interviewed in September 27, 2019

¹³ Budi Rahman, Director of CV. Chiva Karya, Interviewed in September 23, 2019

employer, then the employer can report it to the Social Security Organizing Agency so that the membership is automatically terminated, and for the amount of Social Security contributions for a job that employs workers during the execution of the work until completion of the percentage rate is calculated based on the value of the work, so that the employer only has to pay social security contributions at the beginning of the work, it has guaranteed the workers until the work is completed.¹⁴

5) There are construction works subcontracted to third parties, for the whole work as well as for some work, so that third parties are not monitored by the Social Security Organizing Agency for the protection of workers by the Employer. In this case cooperation and the active role of the Social Security Organizing Agency and the Manpower Office are needed to conduct supervision of construction works that are taking place in their jurisdiction.

To respond to these findings, according to the writer's observation, The Solok Branch of the Manpower Social Security Organizing Agency only invites and gives warnings to the Employer in order to be able to include workers in the Social Security Program which is sometimes not fully complied with by the Employer even though in the mandate of the Act, The Employer may be subject to sanctions, as stated in Article 54 of the Social Security Organizing Agency Act that the Employer does not collect fees and deposits it to the Social Security Organizing Board, and those who are responsible are sentenced to a maximum of 8 (eight) years imprisonment or a maximum fine of Rp. 1,000,000,000 (One Billion Rupiah).

Regarding the cooperation between the Solok Branch Managing Social Security Agency and the Solok City Regional Government, it appears that the Regional Government has not fully supported the workers' protection program through the Labor Social Security Administration Agency, this can actually be seen in the absence of synchronization of the participation of workers in a construction company with licensing issues in the relevant Regional Apparatus Organizations, it can be seen that there are still

¹⁴ Faisal Marianas, PLH. Solok Manpower Social Security Organizing Board, Interviewed in 18 November 2019

implementing activities that carry out construction projects that exist in the offices or regional apparatus organizations in the Solok City, such as the Football Field Development Project at the Department of Housing and Settlement, Project for the Construction of a Junior High School Computer Based National Examination Laboratory in the Solok City at the Education Office, Project for the Construction of the General Hospital Emergency Unit at the Health Service, The Laydam Development Project at the Office of Public Works and Spatial Planning, has not protected all of its workers, based on the data in the field, it is found that there are concerns that the Regional Government regarding the development program will be a little choked up if the implementers of the work are hampered in the licensing process as well as those who disregard the mandate of Presidential Regulation Number 16 Year 2018 concerning Procurement of Goods and Services in article 76 paragraph (4) related to compliance with regulations, including the scope of supervision of the procurement of goods and services, including every worker must be protected and included in the social security program on government-owned construction work in the Solok City.

Whereas the collaboration between the Solok Branch Managing Social Security Agency and the Attorney General's Office of the Republic of Indonesia in this case the Solok District Prosecutor's Office was only limited to cooperation in socialization to increase understanding of the Employer in protecting their workers through participation in the Social Security program. Cooperation is also included in the case of billing arrears carried out by employers. Even though the Social Security Organizing Agency can cooperate with a wider scope with the Solok District Prosecutor's Office in order to improve the optimization of the protection of workers who work in the construction sector on government projects, and the State Attorney at the Solok District Prosecutor's Office can also play a broader role in protecting workers on Government-owned construction projects, especially in the Solok City.

3. The Role of the State Attorney in Safeguarding Workers Working on Government-Owned Construction Projects in Solok City in Obtaining Social Security

Seeing the facts that occur in the field that the protection is not yet optimal for workers related to social security, especially for workers who work on government construction projects, then in this case the Prosecutor can take a role in terms of maximizing protection for workers, The Prosecutor not only can be an investigator and public prosecutor, but also has the authority as a State Attorney as stated in Law Number 16 of 2014 in Article 30 paragraph (2) that in the Civil and State Administration Sector, Prosecutors with Special Power of Attorney can act both inside and outside the court for and on behalf of the state or government. The implementation of the duties and functions of the State Attorney Attorney is regulated through Article 24 paragraph (2) of Republic of Indonesia's Presidential Regulation No. 38 of 2010 concerning the Organization and Work Procedures of the Republic of Indonesia Attorney General's Office, which is in the field of Civil and State Administration, The Attorney General's Office has the duties and authority of law enforcement, legal assistance, legal considerations, legal services and other legal actions as described in the previous section.

Through the field of Civil and State Administration, State Attorney Attorney can provide legal assistance by providing legal services to Government Agencies or State Institutions to act as party authorities in Civil and State Administration cases based on Special Power of Attorney, both inside and outside the court. Special Power of Attorney according to Article 1792 Burgelijk Wet Boek is a letter of agreement whereby someone gives power over one or more specific interests to another person who receives it, for and on behalf of carrying out an affair, the Special Power of Attorney represents the interests of the authority in the Court or outside the court so that the case given by the power of attorney can be resolved.¹⁵ Special Power of Attorney has meaning for the State Attorney in carrying out his duties as a legal basis for all legal actions taken by the State Attorney in handling a case or civil case or State Administration.¹⁶

¹⁵ Harplileny Soebiatoro, Directive Association of Young Civil Attorney and State Administration, Deputy Attorney General Civil and Administrative Administration, Jakarta, 2004, p.5

¹⁶ Ibid., P.6

Providing Legal Assistance by the State Attorney to Government Agencies or State Institutions including the Social Security Organizing Agency of the Solok Branch through duties and authorities in the field of Civil and State Administration, The State Attorney can play a role to protect workers in the implementation of social security, especially those who work on government projects in the Solok City, with the Special Power of Attorney, State Attorney Attorney can provide Legal Assistance for the Manpower Social Security Organizing Agency in carrying out the Social Security program for workers, so that it can oversee and play a role in ensuring social security programs for workers can run well, as well as the State Attorney Attorney can coordinate with the Solok City Government which also has a cooperative relationship which is marked by a Memorandum of Understanding (MoU) Number B-01 / N.3.15 / GS.1 / 12/2013 dated 3 December 2013 which is still valid today.

With the Memorandum of Understanding with the Solok Branch Managing Social Security Agency and the Solok City Government, State Attorney Attorney can oversee the Social Security program for workers, and encourage the ranks of the Solok City Government to further improve social security programs so that workers' protection is more optimal. The implementation of relations between these institutions has been regulated through Government Regulation Number 85 of 2013 concerning Procedures for Relationships between Institutions of the Social Security Organizing Agency, where the Social Security Organizing Agency can work with Government Agencies, which in Article (2) states that Government Institutions include Government Agencies and Regional Institutions in accordance with the scope of duties and functions of the relevant institutions which are carried out through cooperation agreements, including with the Attorney General's Office of the Republic of Indonesia.

After signing a Memorandum of Understanding and Special Power of Attorney, State Attorney Attorney can continue the role by assisting as well as the power of the Managing Social Security Organizing Agency to coordinate to strengthen relations with related institutions. Of the several construction projects, the State Attorney at Solok District Attorney invites the Solok Branch Managing Social Security Agency to coordinate with the Solok City Government in order to improve coordination between

institutions in order to provide social security for workers, especially those who work on government-owned construction projects, so that a forum can be formed between the Solok Branch Managing Social Security Agency, State Attorney, Solok District Attorney and Solok City Government, This can be done by the State Attorney because the authority as a State Attorney for the Government including the Solok City Government, marked by the existence of a Memorandum of Understanding between the Solok District Prosecutor's Office and Solok City Government with Number B-01 / N.3.15 / Gs.1 / 12/2013 dated December 13, 2013 concerning Handling Legal Issues in the Civil and State Administration Sector.

The purpose of coordinating between these institutions is to unite the vision in order to carry out government programs to provide protection in the form of social security social for workers, especially those who work on government projects in the Solok City and make concrete steps that can be applied in implementation so that it has a direct effect on workers' protection in terms of social security.

After coordinating with the Solok City Government, then the State Attorney as the Attorney of the Solok Branch Manpower Social Security Organizing Agency to hold a forum between the Solok Branch Managing Social Security Agency, State Attorney At Solok District Attorney and Solok City Mayor to invite Heads of Regional Apparatus Organizations in Solok City, because government-owned construction projects are spread out in each Regional Organization.

The agreement of the parties must be implemented and implemented in the Solok City, so that the protection for workers in terms of social security can be done optimally, where protective measures for workers have been taken from upstream, starting from inspection at the licensing process stage for companies that will be involved in government-owned construction works, and also for Regional Apparatus Organizations and Procurement Services Units in the Government environment actively participating in selecting companies that will be involved in construction work in their respective environments, where companies that have included their workers in the social security program can submit offers.

To be able to further optimize the protection of workers and anticipate if there are opportunities for the entire worker to be protected, The State Attorney through the Memorandum of Understanding on Handling Legal Problems in the Civil and State Administration that has been made with the Solok City Government, can provide legal considerations to the Regional Organizations in the Solok City Government, in the case of making a contract between the Regional Apparatus Organization and the Job Provider, where the State Attorney can attend and participate in making contracts, and ensuring in the contract clause that all workers employed have been included in the social security program.

By optimally exercising the authority of the State Attorney, besides being able to assist government programs in terms of social security it can also ensure that workers especially those working on government projects have been protected through social security programs. This can be seen from an increase in the number of membership and provision of compensation that increased dramatically in 2019 has been paid for the provision of compensation for Work Accidents as much as Rp. 1,842,779,600 for 197 cases and compensation for the death of Rp. 909,000,000 for 34 cases.¹⁷

Conclusion

The implementation of Social Security for workers is regulated through Law No. 3 of 1992 concerning Workers' Social Security established to regulate protection to workers from the possibility of something happening that results in the loss of part or all of the worker's income caused by things beyond his ability. Worker Protection in the field of Social Security is regulated in Law No. 40 of 2004 concerning the National Social Security System and implemented through Law No. 24 of 2011 concerning the Social Security Organizing Agency, thus formed a Legal Entity - Legal Entity whose duty is to carry out the implementation of a social security program to protect the rights of the

¹⁷ Taufiq Ritonga, Agency for Managing Social Security of the Solok Branch, Interview, January 27, 2020

community including workers namely the formation of the Employment Social Security Administration Agency and the Health Social Security Administration Agency, which includes Health Insurance, Work Accident Insurance, Life Insurance, Old Age Insurance, and Pension Insurance.

Payment for Social Security participation for workers is made like an insurance scheme, but there is a full membership payment by the employer / worker, but some are paid in part by the employer and partly paid by the worker himself, depends on the program being followed by participants. In Solok City the implementation of social security, especially in providing protection for workers on government projects, has been implemented in accordance with the mandate of the Act but not yet optimal, marked in 2018 only done 9 Work Accident Guarantee payments with a value of Rp. 41,766,791, - and in the Death Guarantee as many as 2 cases with a value of Rp. 48,000,000, - with total Social Security payments for Workers in the Construction sector of Rp. 89,766,791,-¹⁸ However, the implementation has not been optimal due to obstacles encountered including the lack of compliance of employers, the lack of support from local governments and the application of sanctions for violations that have not been implemented, but only limited reprimands.

In protecting workers, prosecutors through their authority not only as Investigators and Public Prosecutors, also has duties and authorities in the field of Civil and State Administration as stipulated in Law No. 16 of 2014 in article 30 paragraph (2), Prosecutors can act as state lawyers, in providing protection for workers, especially those who work on government projects in the Solok City by spurring related institutions that have collaborated with the Solok District Prosecutor's Office (SOCIAL SECURITY AGENCY OF Manpower, Branches of Solok and Solok City Government) in handling legal issues through the civil and administrative fields.

¹⁸ Faisal Marianas, Head of Membership, Report of the Social Security Organizing Agency for the Workers of the Solok Branch, Interviewed June 29, 2018.

Reference

1. Books

Bambang Sunggono, *Legal Research Methods*, Raja Grafindo Persada, Jakarta, 2007.

Harprileny Soebiantoro, *Directive Association of Young Civil Attorney and State Administration*, Deputy Attorney General Civil and State Administration, Jakarta, 2004.

Khairani, *Legal Certainty Outsourcing Workers' Rights*, Jakarta, PT. RajaGrafindo Persada, 2016.

Lalu Husni, *Introduction to Indonesian Labor Law*, Revised Edition, Jakarta, PT. Raja Grafindo, 2003.

R. Soesilo, *Criminal Law Code As Well As With His Comments Article By Article*. Bogor, Politeia, 1991.

Soejono Soekanto, *Introduction to Legal Research*, UI Press, Jakarta, 1982.

Suharsimi Arikunto, *Research Procedure For A Practical Approach*, Rineka Cipta, Yogyakarta, 2000.

Zainudin Ali, *Legal Research Methods*, Sinar Grafika, Jakarta, 2013.

2. Interview

Ardiansyah, Head of the Solok Branch of the Social Security Administering Agency, Supervision Coordination Data.

Budi Rahman, Director of CV. Chiva Karya, Interview.

Faisal Marianas, Head of Membership, Report of the Manpower Social Security Organizing Agency.

Faisal Marianas, PLH. Solok Manpower Social Security Organizing Board, Interview.

Mursal Anis, Section Chief of Civil and Administrative Affairs, Head Of Prosecutor in Solok.

Taufiq Ritonga, Managing Social Security Organizing Agency of the Solok Branch, Coordination and Compliance Cooperation of the Workers Social Security Program.

Taufiq Ritonga, BPJS Solok Branch Manpower.

3. Internet

<http://www.solokkota.bpjs.go.id/2019/11/total-power-work-city-sly-accordingto-branches.html>

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).