

PERLINDUNGAN HUKUM BAGI PEKERJA DAN PENGUSAHA DALAM MELAKSANAKAN PEMBAYARAN IURAN JAMINAN SOSIAL KETENAGAKERJAAN SELAMA MASA PANDEMI COVID-19 = Legal Protection for Labour and Employers in Carrying Out Payment of Employment Social Security Contributions During the Covid-19 Pandemic

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Abstrak

Pandemi covid-19 saat ini melanda dunia termasuk Indonesia, sehingga menimbulkan berbagai dampak termasuk sektor ekonomi sehingga para pengusaha dan juga tenaga kerja secara tidak langsung terkena efek domino tersebut, sehingga banyak perusahaan mengambil kebijakan PHK, kebijakan merumahkan, dan pengurangan upah. Pekerja menjadi pihak yang rentan, karena kurangnya jaminan. Karenanya, tulisan ini hendak menganalisa bagaimana peraturan hukum dan juga peran serta pemerintah dalam situasi pandemi covid-19 dengan membahas masalah pada tesis ini tentang perlindungan pemerintah kepada pekerja dan pengusaha di pandemi Covid-19 lalu peran BP Jamsostek dalam memberikan perlindungan bagi pekerja dan pengusaha dalam membayar iuran jaminan sosial ketenagakerjaan dan seharusnya program relaksasi iuran BPJamsostek berlangsung. Penelitian ini menggunakan pendekatan yuridis -normatif bersifat deskriptif. Hasil pembahasan sederhana yakni sebagai bentuk perlindungan pembayaran iuran jaminan sosial ketenagakerjaan, yaitu dengan terbitnya PP No 49 Tahun 2020 yang diharapkan dapat memberi perlindungan jaminan sosial ketenagakerjaan pada pekerja dan pengusaha sekaligus mempertahankan keberlangsungan usaha di tengah pandemi covid-19. Sebagai simpulan akhir, Indonesia harus kembali pada kultur kekeluargaan dan kebhinekaan sesuai falsafah Pancasila dalam menyeimbangkan kepentingan pekerja dan pengusaha. Pasal 33 ayat (1) dan ayat (4) UUD 1945, telah menegaskan bila perekonomian Indonesia berasaskan kekeluargaan dan berdasarkan demokrasi Pancasila. Karena itu, negara dan BPJS Ketenagakerjaan diharapkan dapat hadir untuk menyatukan dan menyeimbangkan berbagai kepentingan dengan mengakomodir ketentuan-ketentuan terkait hak dan kewajiban jaminan pekerja dan pengusaha.

.....The Covid-19 pandemic is currently spreading around the world, including Indonesia, resulting in various impacts including the economic sector so that employers and also workers are indirectly affected by the domino effect, so many companies take layoff policies, layoff policies, and wage reductions. Workers become vulnerable parties, due to lack of guarantees. Therefore, this paper wants to analyze how the law regulations and also the government's participation in the covid-19 pandemic situation with the formulation of the problems in this thesis How is the government's protection for workers and employers in the Covid-19 pandemic; .What is the role of BP Social Security in providing protection for workers and employers in paying employment social security contributions; How should the BPJamsostek contribution relaxation program take place. This research uses a descriptive juridical-normative approach. The result of a simple discussion is as a form of protection for the payment of employment social security contributions, namely with the issuance of PP No. 49 of 2020 which is expected to provide employment social security protection to workers and employers while maintaining business continuity in the midst of the Covid-19 pandemic. As a final conclusion, Indonesia must return to a culture of family and diversity according to the philosophy of

Pancasila in balancing the interests of workers and entrepreneurs. Article 33 paragraphs (1) and (4) of the 1945 Constitution, has emphasized that the Indonesian economy is family-based and based on Pancasila democracy. Therefore, the state and BPJS Ketenagakerjaan are expected to be present to unite and balance various interests by accommodating provisions related to the rights and obligations of guarantees for workers and employers.