



Strengthening the social security of the Indonesian fishermen

¹Muhamad Azhar, ¹Fifiana Wisnaeni, ¹Solechan, ²Putut Suharso, ¹Joko Setyono, ¹Siti M. Badriyah

¹ Faculty of Law, Universitas Diponegoro, Semarang, Indonesia; ² Faculty of Humanities, Universitas Diponegoro, Semarang, Indonesia. Corresponding author: M. Azhar, azhar@live.undip.ac.id

Abstract. This study aims to explore efforts in strengthening social security for Indonesian fishers prone to high-risk work accidents through the Indonesian National Insurance and Health Security scheme or commonly known as *Badan Penyelenggara Jaminan Sosial (BPJS)*. This research employed a normative legal method by adopting types of legal studies that emphasize legal references. Data gathered by collecting primary and secondary sources from previous research were analyzed synthetically afterward. The results show that the exercises to strengthen fishermen's social security in Indonesia are carried out partially in several regions. Viewing fishers as non-wage workers, they mostly do not receive labor insurance/*BPJS Ketenagakerjaan*. Since formal/salaried employees are registered in four *BPJS Ketenagakerjaan* programs: Work Accident Security/*Jaminan Kecelakaan Kerja (JKK)*, Dead Security/*Jaminan Kematian (JKM)*, Old Age Security/*Jaminan Hari Tua (JHT)*, and Pension Insurance/*Jaminan Pensiun (JP)*, a scheme helping fishers receive complete social security through Indonesia's *BPJS* needs to strive.

Keywords: *BPJS*, Indonesian fishers, social security, insurance.

Introduction. The establishment of the social security program is one of the country's commitments in providing socio-economic protection for the community welfare, and this responsibility is offered to create clean and civilized social justice for all Indonesians (Alexandra 2012; Mboi 2015; Berenschot et al 2018).

Apart from being mandated in *Pancasila* (foundational philosophical theory of Indonesia), the commitment to establish a social security program was also designated in Article 28 H and Article 34 of the 1945 Constitution of the Republic of Indonesia. The state constitution stated that "the country is required to provide support for all Indonesians' social protection and welfare". Based on juridical and philosophical perspectives, the country is obliged to protect its citizens through social security. Social security provided by the government helps the community in the economic aspect. Initially, several institutions managed by State-Owned Enterprises/*Badan Usaha Milik Negara (BUMN)* have dealt with social security concerns: PT. Jamsostek, PT. Taspen, PT. Asabri, and PT. Askes (Habibie et al 2017).

But then, at the 2001 Annual Meeting of the Republic of Indonesia, MPR Decree No. X/MPR/2001 concerning Reports on Decree's Implementation appointed the President to establish a National Social Security System. The national security system is proposed to provide comprehensive and integrated social protection based on Indonesia's fisheries laws.

The commitment to provide social security is depicted in the following laws and regulations, as shown in Figure 1. From Figure 1, it can be understood that the stipulation of social security for fishers certainly has the potential to be achieved. Social security is a guarantee by the country to create a just and prosperous society. In early 2011, Law No. 24/2011 concerning the Social Security Administrative Body, Article 5 paragraph 1, stated that social security providers must be established with a law foundation. That designation became the framework for establishing the Indonesian

National Insurance and Health Security scheme, commonly known as *Badan Penyelenggara Jaminan Sosial (BPJS)*; provides support on social protection for all Indonesians through public entity. The Law No. 24/2011 concerning the Social Security Administrative Body then mandated the transformation of two State-Owned Enterprises/*Badan Usaha Milik Negara (BUMN)*: PT. Jamsostek and PT. Askes, into two integrated social security entities: *BPJS Kesehatan* (health insurance) and *BPJS Ketenagakerjaan* (labor/work insurance).

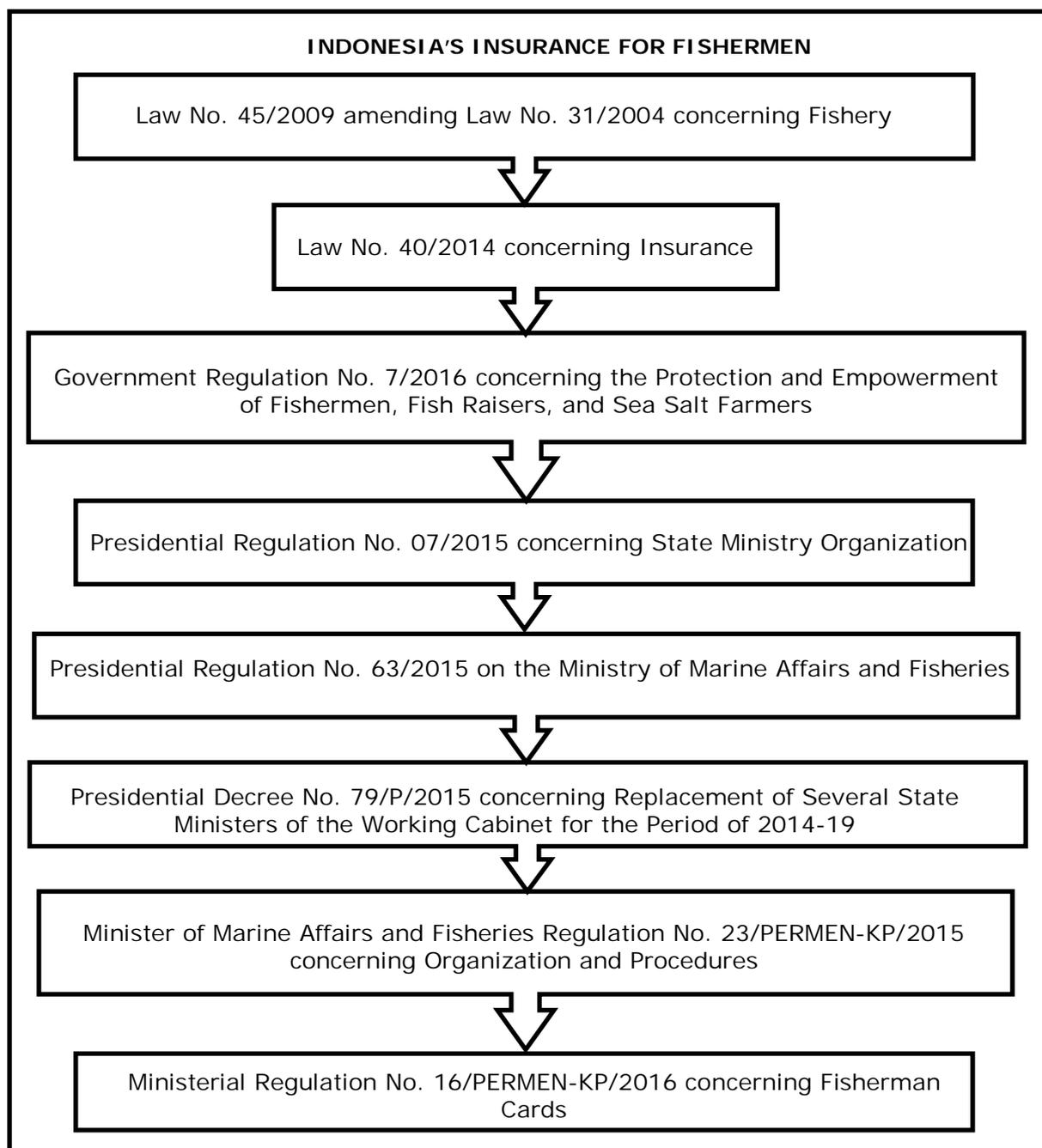


Figure 1. Hierarchical stipulations to provide social security for fishers in Indonesia.

PT. Askes was modified into *BPJS Kesehatan* per Article 60, paragraph 3 point A of the Law No. 24/2011 concerning the Social Security Administrative Body and PT. Jamsostek became *BPJS Ketenagakerjaan* following Article 62, paragraph 1 through the same law. The two companies aiming to seek advantage had turned into public legal entities, genuinely established to prioritize participants' benefits. *BPJS Kesehatan* focuses on health insurance programs, while *BPJS Ketenagakerjaan* concentrates on work accident

insurance, old-age benefits, pension benefits, and death benefits. Fishers who bought insurance provided by PT. Askes still received compensation appearing as money and health services, but the facilities were swiftly transferred to *BPJS Kesehatan*. Generally, laborers must register and pay contributions to get health insurance and social security. The contribution is meant as a cross-subsidy policy from salaried workers/laborers for those categorized as recipients with no contribution. Those who contributed to that cross-subsidy scheme are civil servants, members of the Indonesian National Armed Forces, members of the Indonesian National Police, State officials, private employees, workers outside of contract/independent workers, and foreign citizens who work in Indonesia for at least six months; they are classified as recipients with contributions.

Social security for fishers is provided through social protection as arranged in the Ministerial Regulation of Fisheries and Marine Affairs of the Republic of Indonesia No. 07/Permen-KP/2016 concerning the Protection and Empowerment of Fishermen, Fish Raisers, and Sea Salt Farmers. Fisherman protection is defined as efforts to help fishers facing difficulties in conducting traditional fishing or sea salt business. Practically, these supports are difficult to access by fishing communities. Data submitted by Statistics Indonesia in 2018 showed that 80% of fishers did not have access to social security, comprising work-accident insurance, old-age security, pension insurance, and death benefits. Therefore, this paper will explain strategies for strengthening fishers' social protection and defining social security stipulations for Indonesia's anglers.

Material and Method. This study was conducted from March to November 2019 and employed a quantitative method (Murray & DeSanctis 2015). Supported by qualitative information through a cross-sectional approach, data collection was studied once or only during the study (Brick & Williams 2013; Wölfer et al 2015). The population in this study are fishers, gathered using simple random sampling with a lottery technique. The sample consisted of 100 respondents with inclusion criteria in Central Java Province: have not participated in the National Health Insurance/*Jaminan Kesehatan Nasional (JKN)*, joined the Joint Business Group (JBU), and were willing to become respondents. Sampling using the purposive method was conducted for respondents from the government sector. Data analysis was carried out by synthesizing characteristics, knowledge, interests, and familiarization models of the Indonesian National Insurance and Health Security scheme, commonly known as *Badan Penyelenggara Jaminan Sosial (BPJS)*.

Results

Types and characteristics of social security for fishers. Efforts to strengthen Indonesian fishers' social security have been carried out in some areas. The operation was driven by the Indonesian Social Security Administration, commonly known as *Badan Penyelenggara Jaminan Sosial (BPJS)*. Through *BPJS*, social security includes two program assistances: *BPJS Ketenagakerjaan* (labor insurance) and *BPJS Kesehatan* (health insurance). Since fishers in Indonesia are labeled as non-wage workers, endeavors from the government are needed. It is hoped that they get complete social security just like formal/salaried workers who are registered in the four *BPJS Ketenagakerjaan* programs: Work Accident Security/*Jaminan Kecelakaan Kerja (JKK)*, Dead Security/*Jaminan Kematian (JKM)*, Old Age Security/*Jaminan Hari Tua (JHT)*, and Pension Insurance/*Jaminan Pensiun (JP)*.

Per Law No. 24 of 2011 concerning the Social Security Administrative Body (*BPJS Law*), fishers are one of the targets of social security protection, either with a contribution scheme or not. The contribution is defined as a sum of money paid monthly by participants, employers, or the government and is calculated based on a percentage of basic salary and fixed allowances following the protection program implemented by *BPJS Ketenagakerjaan*. Types of social protection through contribution schemes are as follows:

- *JKK* Program: employers pay all *JKK* contributions every month. The amount is calculated based on the percentage of the risk level at work multiplied by the monthly salary received by the worker:
 - very low-risk level is 0.24% of the monthly salary;

- low-risk level is 0.54% of the monthly salary;
 - medium level is 0.89% of the monthly salary;
 - high-risk level is 1.27% of the monthly salary;
 - very high-risk level is 1.74% of the monthly salary.
- *JKM* Program: the amount of *JKM* contribution is 0.30% of the employee's monthly salary and is paid by the employer (company). The monthly *JKM* program expense paid by participants is IDR 6,800, while Indonesian Migrant Workers/*Pekerja Migran Indonesia (PMI)* fees are paid collectively with the *JKK*'s. The *JKK* and *JKM* contributions for *PMI* are IDR 370,000, consisting of IDR 37,000 before placement and IDR 333,000 during or after placement. Contributions for each *PMI* are mandatory and paid by the managing company for the Indonesian worker placement.
 - *JHT* Program: the fee is 5.7% of the employee's monthly salary. The worker pays 2%, and the employer pays 3.7%. Besides, there is a non-mandatory *JHT* program fee for Indonesian Migrant Workers (*PMI*) of IDR 105,000-IDR 650,000 paid by the Placement Implementer based on Directors Regulation No. 17/072017 of the Social Security Administrative Body.
 - *JP* Program: the total *JP* contribution paid every month is 3% of the worker's monthly salary. The worker pays 1%, while the employer pays the remaining 2%. Since 2015, the maximum salary limit used as the basis for calculating contributions is IDR 7 million.

Fishers categorized as non-wage earners need special policy so that they get full protection without joining the contribution scheme. They are expected to receive social security that is financed and organized by the government. Based on the above explanation, it can be said that fishers can enjoy *JKK*, *JKM*, *JHT*, and *JP* with the status as wage recipients or fishers whose contributions are borne by the country subsidy. The description above can act as the direction for composing fishermen's social security strategies since protection for anglers through social security is fundamental.

Strengthening social security strategies for fishers. The government appears to meet citizens' basic needs through social security (Sparrow et al 2017). Therefore, there are two fundamental reasons for increasing the potential implementation of social security for fishers. The first reason is the mandatory risk protection caused by events directly or indirectly against anglers. Usually, the risks have two facets: (1) loss or damage to fishing facilities, fish farming, sea salt farming; (2) work accidents caused by casualties, natural disasters, pandemics, climate change, or pollution.

The second reason is the country's obligation to provide social security through fishers' work insurance and life insurance. Facilitation could be: a) ease of registration for the participant; b) easy access to the insurance provider; c) openness of insurance familiarization program for fishers, fish cultivators, sea salt farmers; d) assistance in financing life insurance premium, fishery insurance, or sea salt farming insurance for small anglers, traditional anglers, small fish farmers, and small sea salt farmers following national financial capability.

Unluckily, there are groups of fishermen in the Jepara Regency, Central Java, who do not have the above accesses. Therefore, through insurance for fishers, social protection can be directly and indirectly supporting anglers, and this typical case should become one of the government's priorities. The central and local governments also provide social security by facilitating fisheries insurance, safety insurance, and life insurance. The statuses where fishers are at high risk of experiencing health problems and vulnerable to poverty make health insurance necessary for anglers avoid unanticipated and exorbitant medical expenses (Matheson et al 2001). The participation of fishers in various regions for national health insurance is meager. Taking one example in Jepara Regency, most people work as fishermen but only a few are registered as *BPJS* participants independently. The public relations head of Jepara District Healthcare stated that fishers had not yet received adequate insurance familiarization.

The fishing profession is one of the informal workers who need further study so that the *BPJS* membership coverage is expanding. It is necessary to explore data and

reviews on various aspects related to the fishing sector. The overview of the fishermen's condition needing social protection is expected to increase fisher's participation in national health insurance. In 2017, through the Ministry of Fisheries and Maritime Affairs, the government provided Fishermen Insurance Incentives for 500,000 fishers with a benefit per person due to fishing activities up to IDR 200,000,000. For the risk that caused death, the mourning family would receive compensation of IDR 200,000,000. Those affected with permanent disabilities would receive IDR 100,000,000, and IDR 20,000,000 goes for victims who require accident medical expenses. Besides, deaths due to activities other than fishing would receive a payout up to IDR 160,000,000. As much as IDR 100,000,000 goes for people affected with permanent disabilities, and victims who require accident medical expenses would obtain IDR 20,000,000.

Conclusions. The strategy to strengthen fishermen's security protection in Indonesia has been carried out by enhancing social institutions legalized in the Ministerial Regulation of Fisheries and Marine Affairs of the Republic of Indonesia No. 07/Permen-KP/2016 concerning the Protection and Empowerment of Fishermen, Fish Raisers, and Sea Salt Businesses. There are two fundamental reasons for strengthening the implementation of social security for fishers.

The first reason is the need to protect fishermen's activity directly or indirectly. Direct protection is for work accidents that result in loss of fishers' lives and/or loss of fishing properties, fish farming, and sea salt business facilities. While indirectly protection is for work accidents caused by natural disasters, pandemic, climate change, and pollution.

The second reason is the need to provide social security for fisheries facilities and life insurance. The facilities: a) ease of registration for the participant; b) easy access to the insurance provider; c) openness of insurance familiarization program for fishers, fish cultivators, sea salt farmers; d) assistance in financing life insurance premium, fishery insurance, or sea salt farming insurance for small anglers, traditional anglers, small fish farmers, and small sea salt farmers following national financial capability.

This research is expected to raise awareness concerning the importance of the Indonesian government assistance so that fishers receive full social security through the Indonesian National Health Insurance System or commonly known as *Badan Penyelenggara Jaminan Sosial (BPJS)*. Indonesian government efforts to support fishers acquiring access to comprehensive social protection will undoubtedly be valuable for fishers nationwide.

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References

- Alexandra L., 2012 Indonesia and the responsibility to protect. *The Pacific Review* 25(1):51-74.
- Berenschot W., Hanani R., Sambodho P., 2018 Brokers and citizenship: access to healthcare in Indonesia. *Citizenship Studies* 22(2):129-144.
- Brick J. M., Williams D., 2013 Explaining rising nonresponse rates in cross-sectional surveys. *The Annals of the American Academy of Political and Social Science* 645(1): 36-59.
- Decree of the People's Consultative Assembly of the Republic of Indonesia Number X/MPR/2001. State Secretariat, Jakarta. [in Indonesian]
- Directors Regulation No. 17/072017 of Social Security Administrative Body (BPJS Law) on Technical Guidelines for Registration, Contribution Payment, and Workforce Social Security Program Services for Prospective Indonesian Workers and Indonesian Workers. Available at: https://www.bpjsketenagakerjaan.go.id/assets/uploads/laporan_tahunan/BPJS19_LO23_FS.pdf [in Indonesian]

- Habibie W. L., Hardjosoekarto S., Kasim A., 2017 Health reform in Indonesia towards sustainable development growth (case study on BPJS Kesehatan, health insurance in Indonesia). *Review of Integrative Business and Economics Research* 6(3):375-383.
- Law No. 40/2014 concerning Insurance. State Secretariat, Jakarta. [in Indonesian]
- Law No. 45/2009 amending Law No. 31/2004 concerning Fishery. State Secretariat, Jakarta. [in Indonesian]
- Law No. 24/2011 concerning the Social Security Administrative Body (BPJS Law). State Secretariat, Jakarta. [in Indonesian]
- Matheson C., Morrison S., Murphy E., Lawrie T., Ritchie L., Bond C., 2001 The health of fishermen in the catching sector of the fishing industry: a gap analysis. *Occupational Medicine* 51(5):305-311.
- Mboi N., 2015 Indonesia: on the way to universal health care. *Health Systems and Reform* 1(2):91-97.
- Minister of Marine Affairs and Fisheries Regulation No. 16/PERMEN-KP/2016 concerning Fishermen Cards. State Secretariat, Jakarta. [in Indonesian]
- Minister of Marine Affairs and Fisheries Regulation No. 23/PERMEN-KP/2015 concerning Organization and Procedures. State Secretariat, Jakarta. [in Indonesian]
- Murray M., DeSanctis C., 2015 *Legal research methods*. Foundation Press, 230 pp.
- Presidential Decree Number 79/P of 2015 concerning Replacement of Several State Ministers of the Working Cabinet for the Period of 2014-2019. State Secretariat, Jakarta. [in Indonesian]
- Presidential Regulation No. 63/2015 on the Ministry of Marine Affairs and Fisheries. State Secretariat, Jakarta. [in Indonesian]
- Presidential Regulation No. 07/2015 concerning State Ministry Organization. State Secretariat, Jakarta. [in Indonesian]
- Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number 07/Permen-KP/2016 on the Protection and Empowerment of Fishers, Fish Farmers, and Salt Farmers. State Secretariat, Jakarta. [in Indonesian]
- Sparrow R., Budiayati S., Yumna A., Warda N., Suryahadi A., Bedi A. S., 2017 Sub-national health care financing reforms in Indonesia. *Health Policy and Planning* 32(1):91-101.
- Statistics Indonesia, 2018 *Survei Sosial Ekonomi Nasional 2018*. Available at: <https://www.bps.go.id/publication/2018/11/26/81ede2d56698c07d510f6983/statistik-kesejahteraan-rakyat-2018.html>. [in Indonesian]
- The 1945 State Constitution of the Republic of Indonesia on Article 28H and 34. State Secretariat, Jakarta. [in Indonesian]
- Wölfer R., Faber N. S., Hewstone M., 2015 Social network analysis in the science of groups: cross-sectional and longitudinal applications for studying intra- and intergroup behavior. *Group Dynamics: Theory, Research, and Practice* 19(1):45-61.

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Authors:

Muhamad Azhar, Faculty of Law, Diponegoro University, Jl. Prof Sudarto, S.H, 50275, Semarang, Indonesia, e-mail: azhar@live.undip.ac.id

Fifiana Wisnaeni, Faculty of Law, Diponegoro University, Jl. Prof Sudarto, S.H, 50275, Semarang, Indonesia, e-mail: it.fh@live.undip.ac.id

Solechan, Faculty of Law, Diponegoro University, Jl. Prof Sudarto, S.H, 50275, Semarang, Indonesia, e-mail: solechan14s@gmail.com

Putut Suharso, Faculty of Humanities, Universitas Diponegoro, Jl. Prof Sudarto, S.H, 50275, Semarang, Indonesia, e-mail: putut.suharso@live.undip.ac.id

Joko Setiyono, Faculty of Law, Diponegoro University, Jl. Prof Sudarto, S.H, 50275, Semarang, Indonesia, e-mail: jokosetiyono61@yahoo.com

Siti Malikhatun Badriyah, Faculty of Law, Diponegoro University, Jl. Prof Sudarto, S.H, 50275, Semarang, Indonesia, e-mail: sitimalikhatun@live.undip.ac.id

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