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### LEGAL PROTECTION FOR WORKERS IN THE COMPANY WHICH IS UNABLE TO PAY NATIONAL SOCIAL SECURITY (BPJS KETENAGAKERJAAN) CONTRIBUTION

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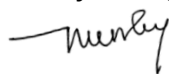
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## **PERLINDUNGAN HUKUM BAGI PEKERJA DI PERUSAHAAN YANG TIDAK MEMBAYAR IURAN BPJS KETENAGAKERJAAN**

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**ABSTRAK** - Perusahaan atau pemberi kerja memiliki hak dan tanggungjawab untuk memberikan Jaminan sosial Tenaga Kerja kepada karyawan dan anggota keluarganya, sesuai dengan Undang-Undang No 13 Tahun 2003 tentang Ketenagakerjaan dan Undang-undang No. 24 Tahun 2011 tentang BPJS. Pada prakteknya Perusahaan masih banyak yang tidak membayar Iuran BPJS Ketenagakerjaan secara rutin dan tertib sehingga terjadi penunggakan dan pemblokiran rekening Perusahaan yang berakibat tenaga kerja tidak dapat menerima haknya sesuai dengan program BPJS yang diikutinya. Perusahaan paling sering menggunakan alasan tidak membayar iuran dikarenakan adanya permasalahan keuangan. Tenaga kerja secara otomatis tidak akan bisa melakukan klaim JHT, JKK, Pensiun, JKM yang menjadi hak tenaga kerja dan ahli warisnya bila Perusahaan tidak membayar tunggakannya. Oleh karena itu perlindungan hukum bagi tenaga kerja sangat dibutuhkan untuk menjamin hak – hak mereka dapat diperoleh sesuai aturan yang berlaku. Penelitian ini akan menelaah lebih jauh bagaimana perlindungan hukum bagi tenaga kerja yang bekerja di Perusahaan dimana Perusahaan tersebut tidak membayarkan iuran BPJS Ketenagakerjaan sesuai aturan. Metode yang digunakan adalah penelitian yuridis normative yang mengkaji lebih dalam Undang-undnag dan peraturan pendukungnya terkait dengan perlindungan hukum bagi tenaga kerja. Hasilnya diperoleh bahwa walaupun telah diterbitkan Undang-undang dan peraturan pendukungnya tidak menjamin hak-hak tenaga kerja terpenuhi dengan pasti, sehingga perlu upaya penegakan hukum bagi Perusahaan yang melanggar dan dengan sengaja tidak membayarkan iuran BPJS Ketenagakerjaan.

**Kata Kunci :** *Tenaga Kerja, Perusahaan, Iuran BPJS Ketenagakerjaan, Perlindungan Hukum*

**ABSTRACT** - *The company or employer has the right and responsibility to provide Labor social security to employees and their family members, in accordance with Law No. 13 of 2003 concerning Manpower and Law No. 24 of 2011 concerning BPJS. In practice, there are still many companies that do not pay BPJS Ketenagakerjaan contributions on a regular and orderly basis so that there is arrears and blocking of Company accounts resulting in workers unable to receive their rights in accordance with the BPJS program that they follow. Companies most often use the excuse of not paying contributions because of financial problems. Workers will automatically not be able to make JHT, JKK, Pension, JKM claims which are the rights of workers and heirs if the Company does not pay the arrears. Therefore legal protection for workers is needed to guarantee their rights can be obtained according to applicable regulations. This research will examine further how the legal protection for workers who work in companies where the company does not pay BPJS Labor contributions according to the rules. The method used is normative juridical research that examines more deeply the laws and supporting regulations related to legal protection for workers. The result is that even though the supporting laws and regulations have been issued, they do not guarantee labor rights are fulfilled with certainty, so that law enforcement efforts are needed for companies that violate and deliberately do not pay BPJS Ketenagakerjaan contributions.*

**Keywords:** *Labor, Companies, BPJS Ketenagakerjaan Contributions, Legal Protection*