

Counseling and Training on The Application of Criminal Sanctions for Violations of BPJS Ketenagakerjaan

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Abstract

Background of the study: Employment social security is a basic right of workers guaranteed by the state through BPJS Employment.

Purpose and scope of the paper: This research analyzes the effectiveness of implementing criminal sanctions based on Article 55 of Law Number 24 of 2011 for violations of BPJS Employment obligations

Methods: This study uses a juridical-normative approach, which aims to analyze laws and regulations relevant to the problem of company compliance with BPJS Ketenagakerjaan's obligations.

Results: The results of this research recommend strengthening regulations, digitizing supervision, and incentives for compliant companies to ensure effective and equitable implementation of social security.

Conclusion: The employment social security system in Indonesia, especially those managed by BPJS Ketenagakerjaan, has an important role in protecting workers from social risks. The implementation of this system still faces many obstacles, especially the low level of corporate compliance.

A. Introduction

Employment social security is a basic right of every worker guaranteed by the state. This right is explained in Article 28H paragraph (3) and Article 34 paragraph (2) of the 1945 Constitution, which affirms that every citizen has the right to social security to protect himself from various social risks (Riady et al., 2022, 2023). These risks include work accidents, job loss, retirement age, or death. In an effort to fulfill the constitutional mandate, the government established the Social Security Administration Agency (BPJS), which functions as a public legal entity to administer social security programs (Zulaika, 2021).

BPJS Ketenagakerjaan, one of the entities in BPJS, has an important role in providing social protection to workers in Indonesia. BPJS Employment organizes four main programs, namely Work Accident Insurance (JKK), Old Age Insurance (JHT), Pension Insurance (JP), and Death Insurance (JKM) (A. Ausat et al., 2023). These programs aim to provide financial protection for workers and their families from various social risks, such as work accidents, old age, and death. In this scheme, employers are required by law to register their workers with BPJS Ketenagakerjaan and pay the predetermined contributions (Habibi, et al., 2023).

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Although the social security system has been comprehensively regulated in Law Number 24 of 2011 concerning BPJS, its implementation still faces various challenges. One of the main challenges is the low level of compliance of companies in registering their workers with BPJS Ketenagakerjaan (Muhaimin et al., 2023). Many companies, both in the formal and informal sectors, do not understand the importance of this system and do not meet their obligations, even though this is required by law. As a result, many workers lost their right to social protection. This condition shows weak supervision and legal implementation of non-compliant employers (Harahap et al., 2023).

The main causes of this low level of compliance are the lack of legal understanding by employers, weak supervision from BPJS, and limited human resources in supervising. In addition, lengthy law enforcement mechanisms and complicated bureaucracy further aggravate the situation (Ausat et al., 2023; Karim et al., 2024). Many new employers register and pay contributions after they receive a warning from the competent authorities. This shows that without active oversight, the company's compliance will remain low (Brahmana et al., 2023).

This problem also has a direct impact on workers who do not get their rights to social security. Workers who are not registered with BPJS Ketenagakerjaan are vulnerable to facing social risks that are not covered by the social security system. This condition not only harms workers individually but also impacts their families. Without adequate social protection, workers and their families can fall into a serious financial crisis due to lost income or face high medical costs (Gegen & Santoso, 2021).

Although the government has established criminal sanctions through Article 55 of Law Number 24 of 2011, its implementation has not been optimal. Sanctions in the form of imprisonment and/or fines are often ineffective because the reporting mechanism does not work properly (Riady, 2009). In addition, coordination between BPJS Employment and law enforcement agencies is also often hampered by conflicts of interest and sectoral egos. As a result, violations of BPJS Ketenagakerjaan membership obligations are often not followed by strict law enforcement (Budiman et al., 2024; Zulaika, 2021).

The important of this event in-depth analysis is needed on the effectiveness of the application of criminal sanctions against companies that do not comply with the obligations of BPJS Ketenagakerjaan. This analysis should also include the identification of key barriers to the implementation of the law and recommendations to improve the effectiveness of law enforcement in the future (Saputro, 2022).

B. Methods

This study uses a juridical-normative approach, which aims to analyze laws and regulations relevant to the problem of company compliance with BPJS Ketenagakerjaan's obligations. This approach focuses on the study of written laws, such as laws, government regulations, and other policy documents. In addition, this approach is complemented by empirical analysis to understand how the implementation of criminal sanctions is carried out in the field, including through interviews with stakeholders such as BPJS Employment officials and companies that violate (Habibi, et al., 2023; Saputro, 2022; Widyahastuti, et al., 2017). The data used in this study consisted of primary and secondary data. Primary data was obtained through direct interviews with BPJS Employment officers, employer companies, and workers affected by the breach of obligations (Riady, 2013).

This interview was conducted to understand the implementation obstacles and the parties' views on criminal sanctions. Meanwhile, secondary data was collected from academic literature, relevant laws and regulations, official reports of BPJS Ketenagakerjaan, and related research journals. This secondary data serves as a comparative and supporting material for the analysis in this study (Yusuf & Thohari, 2024).

The analysis method used is qualitative descriptive analysis. In this method, the data that has been collected is grouped based on specific categories, such as the type of violation, obstacles in law enforcement, and the effectiveness of criminal sanctions. The data obtained is then linked to the applicable theoretical and regulatory frameworks to provide a deeper understanding. This approach also uses deductive methods to draw conclusions from facts found during research. In this way, this study seeks to provide a clear picture of the obstacles and solutions to improve the implementation of criminal sanctions related to BPJS Employment (Habibi et al., 2022; Zulaika, 2021).

C. Results and Discussion

1. Results

The application of criminal sanctions against violations of BPJS Ketenagakerjaan is expressly regulated in Article 55 of Law Number 24 of 2011. This article states that employers who do not fulfill the obligation to register their workers with BPJS Ketenagakerjaan can be sentenced to a maximum of eight years in prison or a fine of up to one billion rupiah .

This provision is designed as a prevention and law enforcement instrument that aims to overcome the company's non-compliance with these obligations. In addition to serving to ensure that all workers obtain social protection, these sanctions are also intended to provide a deterrent effect, so that companies are more disciplined in carrying out their responsibilities.

However, the implementation of these sanctions in the field often does not go as expected due to a number of technical and administrative obstacles that are still unresolved (Zulaika, 2021). The most common obstacle is the lack of detailed technical mechanisms for reporting violations. This is exacerbated by the weak supervision carried out by BPJS Ketenagakerjaan, so that many violations are not followed up legally.

2. Discussion

Previous research has shown that without a robust and accessible reporting system, many cases of violations are overlooked, even though evidence of violations is available. For example, (Saputro, 2022) noted that the limited training and competence of supervisory officers is one of the main reasons why reports of violations are not forwarded to more serious legal processes. As a result, the existence of criminal sanctions often does not have a real impact on improving company compliance.

It should be noted that the criminal sanctions regulated in the BPJS Law are *lex specialis*, namely special legal rules that only apply to certain violations and must be integrated with general rules outside the Criminal Code. However, the lack of implementing regulations that support the implementation of criminal sanctions is often an obstacle. For example, the absence of clear technical instructions to follow up on violations brings legal proceedings to a halt at the administrative level (Putri et al., 2024; Riady, 2014; Zulaika, 2021). As a result, the application of criminal sanctions that is expected to be the last step in law enforcement becomes ineffective.

2.1. Implications

The effectiveness of the implementation of criminal sanctions is greatly influenced by how the rules are implemented at the operational level. The majority of companies only register their workers with BPJS Ketenagakerjaan after receiving an administrative reprimand, such as a written warning. This suggests that administrative sanctions are used more often than criminal sanctions, even though normatively criminal sanctions are designed to provide a stronger deterrent effect (Brahmana et al., 2023).

This fact indicates that employers often view criminal sanctions as an option far from realization and prefer to resolve violations through administrative channels. This perception reflects weaknesses in the effectiveness of criminal sanctions as a tool to enforce the law and ensure compliance. (Yusuf & Thohari, 2024) added that the existence of administrative mechanisms, such as fines or reprimands, is often an obstacle in the application of criminal sanctions. Companies are more likely to choose to settle violations by paying administrative fines that are considered lighter than facing time-consuming and riskier criminal legal proceedings.

The low level of legal literacy among workers also exacerbates this problem. Many workers do not understand their rights or are reluctant to report violations committed by companies for fear of losing their jobs. (Dina et al., 2023) noted that this fear is a serious obstacle in enforcing the existing legal rules. Without the active participation of workers as aggrieved parties, the enforcement of criminal sanctions becomes increasingly difficult.

2.2. Research Contribution

Law enforcement against violations of BPJS Ketenagakerjaan faces various obstacles stemming from limited technical capacity to lack of coordination between related institutions. As an institution responsible for supervising thousands of companies throughout Indonesia, BPJS Ketenagakerjaan is often constrained by limited human resources and supporting facilities. In many cases, BPJS Ketenagakerjaan does not have the direct authority to conduct investigations, so violations must be reported to the police or prosecutor's office for further processing. However, sectoral egos between agencies often hinder this coordination, making the process of handling cases slow and ineffective (Zulaika, 2021).

Lengthy bureaucratic processes often undermine the effectiveness of law enforcement. The reporting stages that must go through several parties, starting from the collection of evidence to endorsement from relevant agencies, are not only time-consuming but also reduce the motivation of the complainant to continue his case (Saputro, 2022). In many situations, reports of violations even stop at the administrative level without reaching the court process.

Digitization of the surveillance system is one of the recommended solutions to overcome this problem. By utilizing digital technology, BPJS Ketenagakerjaan can increase efficiency and accuracy in detecting violations. The use of technology, such as online reporting systems, can shorten bureaucratic processes and improve coordination between agencies involved in law enforcement (Yusuf & Thohari, 2024).

2.3. Limitations

Comparisons with developed countries such as Germany and Japan show that Indonesia can learn from the best practices that have been implemented in these countries. In Germany, supervision of a company's compliance is carried out by a specialized body that has full authority to investigate and enforce the rule of law. In addition, the use of digital systems allows for real-time monitoring of compliance, so violations can be identified and acted upon immediately (Brahmana et al., 2023).

Meanwhile, Japan uses an incentive approach to encourage corporate compliance. Compliant companies get a variety of benefits, such as tax reductions or priority access to government programs. This approach not only improves compliance, but also reduces the administrative burden in the law enforcement process. In comparison, Indonesia tends to use a repressive approach that often causes resistance from companies (Widyahastuti, 2017).

By adopting an incentive-based and digitalization approach like those carried out by Germany and Japan, Indonesia has an opportunity to improve the effectiveness of its social security system. Measures such as incentivizing compliant companies and the development of digital systems to monitor company compliance can be significant solutions to ensure workers' rights are optimally fulfilled (Riady et al., 2025).

2.4. Suggestions

A targeted program of counseling and training is required to enhance compliance with Indonesia's social security obligations under BPJS Ketenagakerjaan. This project seeks to inform employers and stakeholders of their legal obligations while elucidating the potential criminal repercussions of regulatory infractions.

The training will begin with a thorough overview of the legal framework governing BPJS Ketenagakerjaan. Participants will be acquainted with pertinent legislation, including Law No. 24 of 2011 regarding the Social Security Organizing Body, Manpower Law No. 13 of 2003, and applicable provisions of the Indonesian Criminal Code (KUHP). This foundation is essential for comprehending the obligations of employers, including the duty to register employees, accurately report remuneration, and consistently remit contributions.

The training will focus on frequent breaches, including failure to register employees, underreporting earnings, delayed or non-payment of dues, and fabrication of employment records. Participants will be informed that these actions may lead to administrative punishments and potentially constitute criminal violations under relevant legislation. Case studies and empirical examples will elucidate the ramifications and repercussions of such transgressions.

D. Conclusion

The employment social security system in Indonesia, especially those managed by BPJS Ketenagakerjaan, has an important role in protecting workers from social risks. However, the implementation of this system still faces many obstacles, especially the low level of corporate compliance. Factors such as weak supervision, lack of understanding of the law by employers, complicated bureaucracy, and limited human resources at BPJS Ketenagakerjaan are the main obstacles. The application of criminal sanctions regulated in Article 55 of Law Number 24 of 2011 has also not been effective.

Obstacles such as suboptimal reporting mechanisms, preferences for administrative settlements, and sectoral egos between law enforcement agencies cause criminal sanctions not to provide the expected deterrent effect. As a result, workers' rights to social protection are often neglected, leaving them vulnerable to a range of social risks. The government needs to optimize the digitization of supervision, provide incentives for compliant companies, and simplify law enforcement mechanisms. In addition, the legal literacy of workers and employers must be improved through education, and coordination between law enforcement agencies needs to be strengthened to ensure effective sanctions enforcement.

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F. Author Contribution Statement

The creation of this counseling and training framework was a joint endeavor. The authors' contributions are specified as YR's involvement in conceptualizing the training program, identifying essential legal frameworks, and authoring the legal content pertaining to BPJS Ketenagakerjaan infractions and sanctions. CR was accountable for the creation of the counseling model, incorporating mediation and corrective mechanisms, and played a role in the formulation of the narrative and instructional methods for the training. HP performed the literature review, assembled pertinent case studies and precedents, and contributed to the formulation of the program's monitoring and assessment components.

References

- Ausat, A. M. A., Azzaakiyyah, H. K., Permana, R. M., Riady, Y., & Suherlan, S. (2023). The Role of ChatGPT in Enabling MSMEs to Compete in the Digital Age. *Innovative: Journal Of Social Science Research*, 3(2), 622–631. <https://doi.org/10.31004/innovative.v3i2.346>
- Ausat, A., Massang, B., Efendi, M., Nofirman, N., & Riady, Y. (2023). Can Chat GPT Replace the Role of the Teacher in the Classroom: A Fundamental Analysis. *Journal on Education*, 2(4), 17–22. <https://doi.org/10.31004/joe.v5i4.2745>
- Brahmana, H., Kuara, G., Sunjoyo, A. M. S., & Irawan, A. (2023). Kepatuhan Hukum Konsultan Pajak Kota Medan Terhadap Kewajiban Pendaftaran BPJS Ketenagakerjaan: Faktor Penyebab Dan Konsekuensi Hukum. *Ilmu Hukum Prima (IHP)*, 6(2), 160–170. <https://doi.org/10.34012/jihp.v6i2.4202>
- Budiman, R., Wiradharma, G., Rahmawati, D., & Riady, Y. (2024). Unlocking The Power of Social Media Marketing: A Comprehensive Overview of Universitas Terbuka Sulawesi's Strategies and Successes. *I3(3)*, 856–863. <https://doi.org/10.31289/perspektif.v13i3.11943>
- Gegen, G., & Santoso, A. P. A. (2021). Perlindungan Hukum Tenaga Kesehatan Di Masa Pandemi Covid-19. *Jurnal Ilmiah Ilmu Hukum QISTIE*, 75(17), 399–405.
- Habibi, A., Riady, Y., & Alqahtani, T. . (2023). Drivers affecting Indonesian pre-service teachers' intention to use m-learning: Structural equation modeling at three universitiesE-Learning and Digital Media. *20(6)*, 519–538. <https://doi.org/10.1177/20427530221118775>
- Habibi, A., Riady, Y., & Alqahtani, T. M. (2022). Online Project-Based Learning for ESP: Determinants of Learning Outcomes during Covid-19 Studies in English Language and Education. *9(3)*, 985–1001. <https://doi.org/10.1080/07380569>
- Habibi, A., Riady, Y., Samed Al-Adwan, A., & Awni Albelbisi, N. (2023). Beliefs and Knowledge for Pre-Service Teachers' Technology Integration during Teaching Practice: An Extended Theory of Planned Behavior Computers in the Schools. *Journals Education*, 40(2), 107–132. <https://doi.org/>

- 10.1080/07380569.2022.2124752
- Harahap, M. A. K., Almaududi Ausat, A. M., Rachman, A., Riady, Y., & Azzaakiyyah, H. K. (2023). Overview of ChatGPT Technology and its Potential in Improving Tourism Information Services. *Jurnal Minfo Polgan*, 12(1), 424–431. <https://doi.org/10.1080/07380569>.
- Karim, M. F., Riady, Y., Arisanty, M., Khatib, A. J., & Ajmal, M. (2024). Preservasi Digital Seloko Adat Jambi, Pantun Betawi dan Berkisah Budaya Batam. *Jurnal Lensa Mutiara Komunikasi*, 8(2), 17–36. <https://doi.org/1487661056>
- Muhaimin, M., Habibi, A., Riady, Y., Alqahtani, T. M., Chaerunisaa, A. Y., Wijaya, T. T., Milanda, T., Yusop, F. D., & Albelbisi, N. A. (2023). Covid-19 distance and online learning: a systematic literature review in pharmacy education. *BMC Medical Education*, 23(1), 1–10. <https://doi.org/10.1186/s12909-023-04346-6>
- Putri, K. Y. S., Riady, Y., & Suwito, A. P. (2024). Changing Healthy Living Behavior in the Post-Pandemic Era: New Communication Culture. *Jurnal Komunikasi Indonesia*, 13(1), 97–107. <https://doi.org/10.7454/jkmi.v13i1.1219>
- Riady, Y. (2009). Perilaku Perilaku Pencarian Informasi Mahasiswa Pascasarjana Program Doktor Bidang Pendidikan Bahasa Yang Menyusun Disertasi: Studi Kasus Di Universitas Negeri Jakarta. In *Tesis. Program Magister Ilmu Perpustakaan dan Informasi, Fakultas Ilmu Pengetahuan Budaya, Universitas Indonesia, Indonesia*.
- Riady, Y. (2013). Literasi Informasi Sejak Dini: Pengetahuan Baru Bagi Anak Usia Dini. *JIV-Jurnal Ilmiah Visi*, 8(2), 159–165. <https://doi.org/10.21009/jiv.0802.10>
- Riady, Y. (2014). Assisted learning through facebook: A case study of universitas terbuka's students group communities in Jakarta, Taiwan and Hong Kong. *Turkish Online Journal of Distance Education*, 15(2), 227–238. <https://doi.org/10.17718/tojde.71656>
- Riady, Y., Alqahtany, T. M., Habibi, A., Sofyan, S., & Albelbisi, N. A. (2022). Factors affecting teachers' social media use during covid-19. *Cogent Social Sciences*, 8(1). <https://doi.org/10.1080/23311886.2022.2115658>
- Riady, Y., Habibi, A., Mailizar, M., Alqahtani, T. M., Riady, H., & Al-Adwan, A. S. (2025). TAM and IS success model on digital library use, user satisfaction and net benefits.
- Riady, Y., Sofwan, M., Mailizar, M., Alqahtani, T. M., Yaqin, L. N., & Habibi, A. (2023). How can we assess the success of information technologies in digital libraries? Empirical evidence from Indonesia. *International Journal of Information Management Data Insights*, 3(2), 100192. <https://doi.org/10.1016/j.ijime.2023.100192>
- Saputro, N. S. (2022). Implementasi Penegakan Sanksi Pidana Perusahaan Menunggak Iuran BPJS Ketenagakerjaan.
- Widyahastuti, F., Riady, Y., & Fransiskus, D. (2017). Prediction model students' performance in online discussion forum ACM International Conference Proceeding Series. 6(2), 6–10. <https://doi.org/10.1145/3029387.3029393>
- Widyahastuti, F., Riady, Y., & Zhou, W. (2017). Prediction model students' performance in online discussion forum ACM International Conference Proceeding Series. 8(1), 6–10. <https://doi.org/10.1145/3029387.3029393>
- Yusuf, F. M., & Thohari, A. A. (2024). Konsekuensi Hukum terhadap Perusahaan dan Tenaga Kerja Akibat Ketidapatuhan dalam Pembayaran Iuran BPJS Ketenagakerjaan Legal Consequences for Companies and Workers Due to Non-Compliance in Payment of BPJS Ketenagakerjaan Contributions semua warga negara. 7(3), 1674–1689. <https://doi.org/10.26623/julr.v7i3.10653>
- Zulaika, A. N. (2021). Penegakan Sanksi Pidana Dalam Uu No. 24 Tahun 2011 Tentang Badan Penyelenggara Jaminan Sosial. *Lex LATA*, 3(2), 192–209. <https://doi.org/10.28946/lexl.v3i2.1195>

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