

Legal Applicability of the Employment Social Security Program in Aceh

(Perspective of Aceh Qanun Number 11 of 2018)

Renggha Prima

Master of Law, Faculty of Law Universitas Negeri Semarang,
Semarang, Indonesia

Dewi Sulistianingsih ✉

Faculty of Law Universitas Negeri Semarang, Semarang, Indonesia

✉ Corresponding email: dewisulistianingsih21@mail.unnes.ac.id

Abstract

The implementation of Islamic law in Aceh is a form of state recognition of the special status of the region based on the long history of the struggle of the Acehnese people who demonstrated their resilience and fighting spirit. Law Number 44 of 1999 concerning the Implementation of Special Status for the Special Region of Aceh emphasizes the importance of maintaining customs and the role of religious scholars in community life. Aceh as a special region has the authority to regulate government affairs and regional interests in accordance with Law Number 11 of 2006. These special statuses include the implementation of religious life based on Islamic teachings, the position of customary law, education

based on Islamic principles, and the role of religious scholars in formulating policies or Qanun. One of the most significant regulations is Aceh Qanun Number 11 of 2018 concerning Islamic Financial Institutions which aims to develop the economy of the Acehnese people in accordance with sharia principles. This study aims to analyze the policies or Qanun in financial institutions, including the Employment Social Security Agency, which is required to apply sharia principles in its operational activities in Aceh. This study uses a qualitative approach with data collection through literature studies. The results of the study indicate that the Employment Social Security Agency Program implemented in Aceh Province is in line with sharia principles, although some improvements and harmonization of regulations governing employment social security are still needed.

Keywords

Islamic Financial Institutions; Social Security Administration; Employment; Islamic Services; Aceh.

I. Introduction

The long history of the struggle of the Acehnese people proves that there is high resilience and fighting power, which is sourced from a religious life, strong customs, and strong Islamic culture in facing the colonialists. Upholding customs and placing ulama in an honorable role in the life of society, nation, and state needs to be preserved and developed. This is a brief description of the main ideas that are the background to the formation of Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province. The implementation of Islamic law in Aceh is a form of state recognition of

Aceh's special status in life and society, this is in accordance with Article 4 of Law Number 44 of 1999.

Aceh is a special or exceptional region that has been given authority by the Government of the Republic of Indonesia to organize its own government, freedom and flexibility to regulate and manage its own government affairs and the interests of the local community, this is in accordance with Article 1 paragraph (2) of Law Number 11 of 2006 concerning the Government of Aceh. The special powers that apply in Aceh include the following authorities: (1). The implementation of the religious life of the Acehnese people must be based on Islamic teachings as a guideline in the creation of Qanun; (2). The status of customs; (3). The implementation of education based on Islamic teachings; (4). The role of religious scholars in life, and determining policies or Qanun¹. Qanun is a type of regional regulation that regulates the administration of government and the lives of the Acehnese people.

One of Aceh's unique characteristics is its ability to perfectly implement Islamic law, as regulated through the Qanun. Qanun is a type of legislation that holds the same status as regional regulations². Aceh Qanun Number 11 of 2018 concerning Sharia Financial Institutions is one of the regulations aimed at realizing the economy of the Acehnese people under the auspices of Islamic Sharia. In general, this Qanun regulates that financial institutions operating in the Aceh region are required to use Islamic Sharia principles, which are then referred to as Sharia financial institutions. The Sharia financial institutions in question consist of Sharia banks; non-bank Sharia financial institutions; and other financial institutions. In accordance with the explanation regarding Financial Institutions, BPJS Employment is one of the non-bank financial institutions, namely bodies that carry out activities in the financial sector that directly or

¹ Jum Anggriani, "Kedudukan Qanun Dalam Sistem Pemerintahan Daerah Dan Mekanisme Pengawasannya," *Jurnal Hukum Ius Quia Iustum* 18, no. 3 (2011): 320–35, <https://doi.org/10.20885/iustum.vol18.iss3.art2>.

² Dara Quthni Effida Rachmatika Lestari, Eza Aulia, "Politik Hukum Diundangkannya Qanun Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syari'ah (LKS) Di Provinsi Aceh," *Jurnal Ius Civile* 5, no. 2 (2021), <https://doi.org/https://doi.org/10.35308/jic.v5i2.4375>.

indirectly collect funds primarily by issuing securities and distributing them to the community, primarily to finance company investments to achieve prosperity and social justice³.

The Social Security Administering Agency (BPJS) for Employment was established through Law Number 24 of 2011 concerning the Social Security Administering Agency, which is a derivative of Law Number 40 of 2004 concerning the National Social Security System, which is mandated to implement the Social Security program for Employment which aims to provide social protection in order to realize social justice for every Indonesian citizen. Social protection in a country is needed for the welfare of its population which consists of various requirements, namely the fulfillment of physical and material needs, the scope of fulfilling aspirations, social and economic rights, basic security and economic development⁴. BPJS Employment is a public legal entity that is directly responsible to the President so that the implementation of the Employment Social Security program applies throughout Indonesia, and BPJS Employment membership is mandatory for all workers in Indonesia. Aceh Qanun Number 11 of 2018 concerning Sharia Financial Institutions explains that financial institutions operating in Aceh Province are required to use sharia principles, no later than 3 (three) years from the Qanun's enactment.

To assess the novelty of this article, the researcher conducted a search from several sources. The first previous research the author found was an article entitled "Analysis of the Implementation of Qanun Aceh No. 7 of 2014 on Employment Social Security in Lhokseumawe City." The implementation of this qanun in Lhokseumawe City still faces various challenges. In terms of company compliance, although several

³ Irwanto and Indah Noviandari, "Kebijakan Pemerintah Dalam Pengembangan Lembaga Keuangan Non Bank Sebagai Upaya Peningkatan Kesejahteraan Perempuan Di Kabupaten Bojonegoro," *Cakrawala: Jurnal Litbang Kebijakan* 13, no. 1 (2019): 110–18, <https://doi.org/https://doi.org/10.32781/cakrawala.v13i1.283>.

⁴ Regina putri Listyadewi and Andri Ronaldo Pasaribu, "Layanan Dan Prinsip Syariah Dalam Penyelenggaraan Jaminan Sosial Employment Di Indonesia," *Jurnal Jamsostek* 2, no. 1 (2024): 44–62, <https://doi.org/10.61626/jamsostek.v2i1.38>.

large companies have carried out their obligations, many small and medium enterprises (SMEs) still have not registered their workers with BPJS employment⁵. This article focuses on the implementation of BPJS Employment in Lhokseumawe. The second article, entitled "Theory of Islamic Reaction Action: A New Approach to Using the Islamic Services of BPJS Employment in Indonesia," focuses on the factors determining the intention to use Islamic services within the BPJS Employment program⁶. The third article, entitled: "Analysis of the Role of BPJS Employment in Improving the Social Welfare of Informal Workers in Padang Bulan, Medan City," focuses on the role of BPJS Employment in improving the social welfare of informal workers in the Padang Bulan area, Medan City⁷.

Based on the background above, the main issue in this article is: how is the legal validity of the BPJS Employment program in Aceh Province and how is the analysis of the provisions of the BPJS Employment program based on Qanun No. 11 of 2018 concerning Islamic Financial Institutions.

II. Method

This study uses a qualitative descriptive method with a normative legal approach. The data used in this paper is in the form of an analysis of

⁵ Muhammad Sulaiman Nasution, Isnaini Isnaini, and M. Citra Ramadhan, "Analysis of the Implementation of Qanun Aceh No. 7 of 2014 on Employment Social Security in Lhokseumawe City," *Journal La Sociale* 6, no. 3 (2025): 702–10, <https://doi.org/10.37899/journal-la-sociale.v6i3.2051>.

⁶ Novi Puspitasari et al., "Theory of Islamic Reaction Action: A New Approach to Use the Islamic Service of BPJS Employment in Indonesia," *Journal of Islamic Accounting and Business Research*, 2025, <https://doi.org/10.1108/JIABR-02-2024-0044>.

⁷ Silvia N. Rajagukguk, "Analisis Peran BPJS Employment Dalam Meningkatkan Kesejahteraan Sosial Pekerja Informal Di Padang Bulan Kota Medan," *Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 11 (2025): 88–91, <https://doi.org/https://doi.org/10.5281/10.5281/15529585>.

laws and regulations such as: (a) Law Number 44 of 1999 concerning the Implementation of the Special Status of Aceh Province; (b) Law Number 40 of 2004 concerning the National Social Security System; (c) Law Number 11 of 2006 concerning the Aceh Government; (d) Law Number 24 of 2011 concerning the National Social Security Administering Agency; (e) Regulation of the Employment Social Security Administering Agency Number 2 of 2021 concerning Sharia Services for the Employment Social Security Program in Aceh Province; (f) Aceh Qanun Number 11 of 2018 concerning Aceh Financial Institutions; (g) Aceh Qanun Number 1 of 2024 concerning Amendments to Aceh Qanun Number 7 of 2014 concerning Employment. In addition, this article also uses secondary legal materials in the form of: (a) Fatwa of the Indonesian Ulema Council; (b) Papers and similar legal research.

III. Result & Discussion

BPJS Employment operates based on a number of laws and regulations that serve as the legal basis for the implementation of social security programs. Several important laws governing BPJS Employment include: (1) Law Number 40 of 2004 concerning the National Social Security System, which establishes the legal basis for administering social security in Indonesia. This law emphasizes the importance of social protection for all Indonesians as a basic human right; (2) Law Number 24 of 2011 concerning the Social Security Administering Body, which regulates the establishment and functions of BPJS Employment. This law stipulates that BPJS Employment is responsible for administering a social security program that includes work accident insurance, death insurance, old-age insurance, and pension insurance. The implementation of these laws and regulations is crucial to providing legal certainty and protection for workers. With clear regulations, workers can understand their rights and obligations and receive adequate protection.

In 2011, Law No. 24 of 2011 concerning the Social Security Administration Agency was enacted. This law relates to the Amendment to the 1945 Constitution concerning changes to Article 34 paragraph 2. The benefit of this protection is to provide a sense of security to workers so they can concentrate more on increasing work motivation and productivity. In accordance with the mandate of the law, on January 1, 2014, Not long after, 3 years later PT Jamsostek changed into a Public Legal Entity. Furthermore, PT Jamsostek (Persero) transformed into a Social Security Administration Agency or BPJS Employment which is entrusted with organizing the workforce social security program⁸. Employment Social Security Agency plays a crucial role in protecting workers from various risks they may face, such as workplace accidents, illness, job loss, and death. With this social security, workers can feel safer and more protected, which in turn can increase their productivity and work motivation.

A. The Existence of the BPJS Employment Program in Aceh Province

In the implementation of the National Social Security System, two implementing bodies were formed, the formation of which is based on Law Number 24 of 2011 concerning the Social Security Administering Body (BPJS), namely: (1) BPJS Health, which functions to organize the Health Insurance program; (2) BPJS Employment, which functions to organize the Work Accident Insurance, Death Insurance, Old Age Insurance, Pension Insurance, and Job Loss Insurance programs.

The Social Security Administration for Employment (BPJS Employment) in Indonesia plays a crucial role in improving social

⁸ Farida Nurun Nazah Paulus Ramotan Sibarani, Malemna Sura Anabertha Sembiring, Annisa Fitria, "Wewenang Pengawasan Terhadap Badan Penyelenggara Jaminan Sosial Employment Ditinjau Dari Aspek Kemanfaatan Bagi Peserta," *Arus Jurnal Sosial Dan Humaniora* 5, no. 1 (2025): 915–26, <https://doi.org/https://doi.org/10.57250/ajsh.v5i1.1204>.

welfare for all citizens. BPJS Employment is a legal institution tasked with administering social security programs to ensure that every individual can meet their basic needs for a decent life. This program is based on the principles of humanity, benefit, and social justice, aiming to protect workers from various risks that could threaten their well-being⁹. The BPJS Law is the legal basis for the establishment of the social security administering bodies, namely BPJS Kesehatan and BPJS Ketenagakerjaan. BPJS Kesehatan administers a health insurance program for all Indonesians. BPJS Ketenagakerjaan administers work accident insurance, death insurance, old-age insurance, and pension insurance programs for all workers in Indonesia. The BPJS Law regulates the functions, duties, authorities, and governance of these social security administering bodies.

BPJS Employment offers several insurance programs designed to protect workers, including: (1) Work Accident Insurance: Provides compensation and treatment for workers who experience accidents at work; (2) Old Age Insurance: Provides pension funds for workers when they reach retirement age or experience total disability; (3) Pension Insurance: Provides financial protection for workers who lose income due to retirement or disability; (4) Death Insurance: Provides compensation to heirs if the participant dies.

BPJS Employment plays an important role in protecting workers' rights and improving workers' welfare, such as providing social security protection to workers. This protection makes workers feel more secure and protected from financial risks. Furthermore, by having social security coverage from BPJS Employment, workers can achieve a better quality of life¹⁰.

Based on an interview with Maulana Al Fazri, SE, MM, Head of the Banda Aceh BPJS Employment Branch Office on January 3, 2025,

⁹ Solechan Solechan, "Badan Penyelenggara Jaminan Sosial (BPJS) Kesehatan Sebagai Pelayanan Publik," *Administrative Law and Governance Journal* 2, no. 4 (2019): 686–96, <https://doi.org/10.14710/alj.v2i4.686-696>.

¹⁰ Dedy Yuliansyah, M. Iqbal, and Rizky Aulia Fitri, "Fulfillment of Employment Social Security Rights as an Employer's Legal Obligation toward Workers," *Jurnal Geuthèë: Penelitian Multidisiplin* 8, no. 1 (2025): 23, <https://doi.org/10.52626/jg.v8i1.398>.

at the BPJS Employment Banda Aceh Branch office, he stated: "In principle, we cannot do this alone. All levels of society and our partners, such as local communities and other stakeholders, including labor unions, have an equal role in promoting this program to the public. The reach of this outreach is quite broad, from remote areas to cities. We conduct outreach directly in the field by gathering communities to convey the benefits of this program. We also collaborate with the government, such as by issuing regulations and cooperation agreements, which aim to accelerate and simplify coverage for the public."

Although BPJS Employment has a vision to provide comprehensive health coverage, there are still challenges in its implementation, such as differences in the quality of service between BPJS participants and general patients. Therefore, continuous evaluation and improvement are necessary to ensure that the program meets public expectations and provides maximum benefits. BPJS Employment plays a crucial role in improving social welfare in Indonesia by providing protection for workers. Through comprehensive social security programs, BPJS Employment not only helps workers cope with risks but also contributes to the achievement of social justice and the fulfillment of basic human rights. Efforts to improve service quality and public awareness of the benefits of social security are crucial to achieving this goal.

B. Compliance of the BPJS Employment Program with Aceh Qanun Number 11 of 2018 concerning Islamic Financial Institutions

Law No. 18 of 2001 concerning the Province of Nangroe Aceh Darussalam (NAD), which further regulates special autonomy for NAD, gave birth to Qanun No. 11 of 2018 concerning Sharia Financial Institutions. Qanun No. 11 of 2018 concerning Sharia Financial Institutions is an Aceh regional regulation that was passed in 2018 requiring all conventional financial institutions in Aceh to convert their

status to Sharia-based financial institutions. This Qanun was created to realize a just and prosperous economy for the Acehnese people under the auspices of Islamic Sharia, thus requiring the services of Islamic financial institutions¹¹.

Aceh Province has a certain authority that other provinces do not. Therefore, Aceh can easily regulate and adapt to local conditions. Therefore, the Aceh government has drafted a regulation in the form of a qanun (Islamic law) that requires financial institutions in Aceh to operate in accordance with Sharia principles¹².

Strengthening the implementation of Islamic law in Aceh has been regulated in several government regulations, namely Law Number 11 of 2006 concerning the Government of Aceh, Qanun and fatwas. The Qanuns related to Islamic economics and finance include: (1) Aceh Qanun Number 7 of 2014 concerning employment; (2) Aceh Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia; (3) Aceh Qanun Number 8 of 2016 concerning the Halal Product Guarantee System; (4) Aceh Qanun Number 5 of 2018 concerning Investment; (5) Aceh Qanun Number 10 of 2018 concerning Baitul Mal; (6) Aceh Qanun Number 11 of 2018 concerning Sharia Financial Institutions; (7) Aceh Qanun Number 3 of 2020 concerning the Protection and Empowerment of Acehnese Farmers; (8) Aceh Qanun Number 5 of 2020 concerning the Implementation and Management of the Hajj and Umrah Pilgrimages; (9) Aceh Qanun Number 3 of 2021 concerning Amendments to Aceh Qanun Number 10 of 2020 2018 concerning

¹¹ Zulfahmi LNU, "Eksistensi Qanun Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syariah Terhadap Konversi Bank Konvensional Menjadi Bank Syariah," *Jurnal Hukum Ekonomi Syariah* 5, no. 01 (2021): 49–63, <https://doi.org/10.26618/j-hes.v5i01.3276>.

¹² Ryan Yusuf Pradana Pradana and Muhammad Roy Purwanto, "Dampak Penerapan Qanun Aceh Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syariah Terhadap Kesiapan Lembaga Keuangan Mikro Mahirah Muamalah," *At-Thullab: Jurnal Mahasiswa Studi Islam* 5, no. 1 (2023): 1209–23, <https://doi.org/10.20885/tullab.vol5.iss1.art1>.

Baitul Mal; (10) Aceh Qanun Number 1 of 2024 concerning Amendments to Aceh Qanun Number 7 of 2014 concerning Manpower.

The employment social security program in Aceh Province is outlined in Aceh Qanun Number 1 of 2024 concerning Amendments to Aceh Qanun Number 7 of 2014 concerning Employment, Article 54 paragraph (1) of Aceh Qanun Number 7 of 2014 concerning Employment states that "every company or employer is obliged to provide employment social security to workers/laborers, both in employment relationships and outside employment relationships and individual workers". The explanation in Aceh Qanun Number 11 of 2018 concerning Sharia Financial Institutions requires all Financial Institutions operating in Aceh Province to use sharia principles. Therefore, the implementation of the employment social security program in Aceh Province must use sharia principles.

Aceh's Qanun aims to enforce sharia law, distinguishing it from other regions. Numerous sharia regulations have been issued, including Qanuns on jinayat punishments, Qanuns on the principles of Islamic law, and Qanuns on financial institutions. The existence of Qanun 11 of 2018 concerning Sharia Financial Institutions has had a positive impact on the global economy, especially the regional economy¹³.

The needs of the people of Aceh Province for employment social security program services with a sharia system need to be supported by laws and regulations governing the sharia services for employment social security programs organized by BPJS Employment in Aceh Province¹⁴.

¹³ Zulfahmi LNU, "Eksistensi Qanun Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syariah Terhadap Konversi Bank Konvensional Menjadi Bank Syariah."

¹⁴ Employment Social Security Administration Indonesia, "BPJS Employment Regulation Number 2 of 2021 Concerning Sharia Services for the Employment Social Security Program in Aceh Province," 3 § (2021), <https://peraturan.bpk.go.id/Details/288106/peraturan-bpjs-employment-no-2-tahun-2021>.

Regulation of the Employment Social Security Agency Number 2 of 2021 concerning Sharia Services for the Employment Social Security Program is a follow-up to the implementation of the Aceh Qanun concerning Sharia Financial Institutions in Aceh. Furthermore, based on the highly strategic function and role of employment social security, the 2019-2024 Sharia Economic and Financial Master Plan (MEKSI) mandates that BPJS Employment must expand its Sharia-based employment social security products, enabling BPJS Employment to play a role in increasing the scale of the Sharia financial industry¹⁵.

In the results of the study of the Blueprint for the Development of Sharia Products and Services for BPJS Employment, it is stated that there are several basic sharia concepts that must be fulfilled by BPJS Employment, namely: (1) Clarity of the parties' agreements; (2) Clarity of fund ownership, including participant funds collected in a social security fund pool, must be separated from BPJS Employment funds; (3) Clarity of investments, including investment instruments and issuers that must be in accordance with sharia principles¹⁶.

Mahfud MD explained that to achieve the nation's goals, state institutions are required, regulated through general state policies (legal policies). Institutions are the ideal type for all formal organizations, characterized by hierarchy, role specialization, and a high level of competence demonstrated by officials trained to fill those roles.¹⁷ The

¹⁵ Komite Nasional Keuangan Syariah, *Masterplan Ekonomi Syariah Indonesia 2019-2024*, Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional, 2018.

¹⁶ Dewan Jaminan Sosial Nasional, "Layanan Syariah Jaminan Sosial Bidang Employment," *Policy Brief*, 2021, https://djsn.go.id/files/dokumen/Dokumen_Kajian/202109101128RE_Layanan_Syariah_Jamsosnaker_Rev1.pdf.

¹⁷ Jimmy Z. Usfunan Bayu Dwi Anggono, Agus Riewanto, Oce Madril, *BPJS Employment: Aspek Politik Hukum, Kelembagaan, Aset Dan Kepesertaan* (Depok: Rajawali Press, 2021),

characteristics of organizations that follow this institutional system are division of labor and specialization, impersonal orientation, hierarchical power, regulations, long careers, and optimal work efficiency. According to Max Weber, institutional organizations can be used as an effective approach to provide control over a job so that it is in accordance with its objectives, because institutional organizations have a clear structure of power and people who have power have influence so they can give orders to distribute tasks to others.¹⁸

Based on the main tasks or missions underlying the organization, institutions can be divided into 3 (three) categories, namely:¹⁹

1. General government institutions, namely a series of government organizations that carry out general government duties, including maintaining order and security from the central to regional levels, whose duties are regulatory in nature;
2. Development institutions, namely government organizations that manage a specific field or sector to achieve development goals, such as agriculture, health, education, industry, and others. The primary function of these institutions is the development function or adaptive function;
3. Service institutions, namely organizations that interact directly with the public and whose primary function is service.

Based on the explanation of the institutional concept and theory, BPJS Employment can be defined as an institution within a formal organization that performs the primary function of providing services. BPJS Employment interacts directly with the public in implementing

<http://repository.unej.ac.id/bitstream/handle/123456789/65672/AinulLatifah-101810401034.pdf?sequence=1>.

¹⁸ Bayu Dwi Anggono, Agus Riewanto, Oce Madril.

¹⁹ Sjamsuddin Alfian and Asosiasi Ilmu Politik Indonesia Nazaruddin, *Profil Budaya Politik Indonesia*, 1st ed. (Jakarta: Pustaka Utama Grafiti, 1991), 229.

the Employment Social Security program. In other institutional concepts, BPJS Employment can be categorized as a state institution in the narrow sense, as explained by Jimly Asshiddiqie,²⁰ namely an agency or organization that carries out law-creating and law-applying functions within the framework of the structure and system of state or presidential government.

BPJS Employment can be called a hybrid/blend legal entity because it carries out 2 (two) functions, namely the governing function in the field of public services and the function of a self-regulating organ which acts as the technical implementer of the organization. Referring to Law Number 24 of 2011 concerning the Social Security Administering Agency, BPJS Employment is in the form of a Public Legal Entity. A Public Legal Entity is one of the concepts of a legal entity, namely a Public Legal Entity and a Private Legal Entity. Arifin P. Soeria explains that a legal entity, viewed from the perspective of its authority, can be categorized into a Public Legal Entity that has the authority to issue public policies, both binding and non-binding, and a Private Legal Entity that does not have the authority to issue public policies that can bind the public²¹. In another explanation, a Public Legal Entity is a legal entity established based on public law or which concerns the interests of the public or many people or the state in general, while a private legal entity is a legal entity established based on civil or private law which concerns the personal interests of people within the legal entity²². Kansil also explained that a Public Legal Entity is a state body and has territorial powers or an institution formed by the

²⁰ Bayu Dwi Anggono, Agus Riewanto, Oce Madril, *BPJS Employment: Aspek Politik Hukum, Kelembagaan, Aset Dan Kepesertaan*.

²¹ Arifin P Soeria Atmadja and P Arifin, "Keuangan Publik Dalam Perspektif Hukum: Teori," *Praktik Dan Kritik, Fakultas Hukum Universitas Indonesia, Jakarta*, 2005, 124.

²² C S T Kansil and Christine S T Kansil, *Pokok-Pokok Badan Hukum Yayasan, Perguruan Tinggi, Koperasi, Perseroan Terbatas* (Pustaka Sinar Harapan, 2002), 10–13.

government based on legislation which is carried out functionally by the government or an agency assigned the task for that purpose.

The position of BPJS Employment as a public legal entity and directly responsible to the President, makes BPJS Employment similar to the characteristics of a Non-Structural State Institution. A Non-Structural Institution is an institution established through specific laws and regulations aimed at supporting the functions of the state and government, which can involve elements from the government, the private sector, and civil society, as well as a budget sourced from the state²³.

In their institutional position, there are Non-Structural Institutions that are under the President, Ministries, or Non-Ministerial Government Institutions. Non-Structural Institutions in their institutional position consist of:²⁴

1. Non-Structural Institutions of State Institutions
2. Non-Structural Institutions of Central Government Institutions
3. Non-Structural Institutions of Regional Institutions

In terms of the characteristics of the tasks of Non-Structural Institutions in government, they can be divided into 2 (two), namely:²⁵

1. Primary-level non-structural institutions, which serve as government representatives in direct contact with the community (operating core).
2. Auxiliary-level non-structural institutions, which do not carry out government duties and do not directly interact with the community.

²³ Jimly Asshiddiqie, "Perkembangan Dan Konsolidasi Lembaga Negara Pasca Reformasi," 2006, 7.

²⁴ Lembaga Adminitrasi Negara, "Kajian Desain Kelembagaan Pemerintah Pusat (Arsitektur Kelembagaan Tahun 2014-2019)," *Deputi Bidang Kelembagaan Dan Sumber Daya Aparatur Negara, Lembaga Administrasi Negara, Jakarta*, 2013, 76.

²⁵ Lembaga Adminitrasi Negara, "Kajian Desain Kelembagaan Pemerintah Pusat (Arsitektur Kelembagaan Tahun 2014-2019)."

Reviewed through the characteristics and institutional position, BPJS Employment can be concluded as a state institution that is independent and independent. Therefore, BPJS Employment cannot be intervened by other state institutions as long as there are no orders and regulations in the name of the President. Furthermore, if linked to the hierarchy of laws and regulations, then the regulations issued by BPJS Employment are included in the hierarchy of laws and regulations. Based on the provisions of Article 8 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations as last amended by Law No. 15 of 2019, it is stated that:²⁶

1. Types of Legislation other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Audit Board, the Judicial Commission, Bank Indonesia, Ministers, Agencies, Institutions, or Commissions of the same level established by Law or the Government by Order of Law, the Provincial Regional People's Representative Council, the Governor, the Regency/City Regional Representative Council, the Regent/Mayor, the Village Head or those of the same level.
2. The Legislation as referred to in paragraph (1) is recognized as existing and has binding legal force as long as it is ordered by a higher Legislation or is established based on authority.

BPJS Employment, which is a non-banking financial services institution, is also preparing a sharia service concept, especially in the Aceh region. This service is a priority for immediate implementation to comply with Qanun No. 11 of 2018. According to the regulation, three years after the Qanun comes into effect, all financial institutions in Aceh are required to adapt their services to Islamic law, including BPJS Employment, which has nine branch offices in Aceh. BPJS

²⁶ Bayu Dwi Anggono, Agus Riewanto, Oce Madril, *BPJS Employment: Aspek Politik Hukum, Kelembagaan, Aset Dan Kepesertaan*.

Employment's sharia services are inclusive and universal, meaning they are not only intended for Muslim participants, but are open to anyone who desires these services regardless of religious background²⁷.

BPJS Employment is a non-bank financial institution that runs a social security program for workers in Indonesia. A financial institution is a business entity whose primary assets are financial assets or claims, such as stocks and bonds. In other words, it can also be defined as a business entity whose primary activities are economic activities²⁸. Financial institutions generally aim to support national development in order to increase economic growth, equity, and national stability.

Financial institutions that adhere to sharia principles will become sharia financial institutions, said Mardani. Essentially, sharia financial institutions differ from conventional financial institutions in their objectives, mechanisms, powers, scope, and responsibilities. A sharia financial institution is a company whose business operates in the financial sector based on sharia principles. Sharia principles eliminate elements prohibited in Islam and replace them with traditional Islamic contracts. Islamic financial institutions can be categorized into two types: banking financial institutions and non-banking financial institutions. Banking financial institutions are business entities that conduct financial activities by collecting funds from the public in the form of deposits and channeling them back to the public in the form of financing. Non-banking financial institutions are business entities that conduct financial activities that directly or indirectly collect funds by issuing securities and channeling them back to the public to finance company investments²⁹.

²⁷ Kelik Wahyu Nugroho, "BPJS Employment Canangkan Layanan Syariah Pertama Di Aceh," *Kumparan.Com*, November 22, 2021, <https://kumparan.com/kumparannews/bpjs-employment-canangkan-layanan-syariah-pertama-di-aceh-1wy11Kecmw/1>.

²⁸ Rachmatika Lestari, Eza Aulia, "Politik Hukum Diundangkannya Qanun Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syari'ah (LKS) Di Provinsi Aceh."

²⁹ Nonie Afrianty, Desi Isnaini, and Amimah Oktarina, *Lembaga Keuangan Syariah*, ed. Rina Desiana, 1st ed. (Bengkulu: Zigie Utama, 2020).

Islamic financial institutions have the role and function of meeting the community's funding needs to carry out economic activities in accordance with Islamic principles. The functions of Islamic financial institutions include:³⁰

1. Asset transfer, where banks and non-bank financial institutions provide loans to those in need for a specific period of time agreed upon based on Sharia principles.
2. Transactions, where banks and non-bank financial institutions provide various conveniences for economic actors to conduct transactions for goods and services.
3. Liquidity, where surplus units can invest their funds in products such as checking accounts, savings accounts, time deposits, and so on.
4. Efficiency, where banks and non-bank financial institutions can reduce transaction costs through expanded service coverage.

IV. Conclusion

The legal validity of the BPJS Employment program in Aceh Province refers to the implementation of Aceh Qanun Number 11 of 2018 concerning Sharia Financial Institutions. Aceh Qanun Number 11 of 2018 requires all financial institutions to apply sharia principles in their operations. As a follow-up to this Qanun, BPJS Employment issued Regulation of the Employment Social Security Agency Number 2 of 2021 concerning Sharia Services for the Employment Social Security Program. This regulation clarifies that the BPJS Employment program implemented in Aceh Province is sharia-based. BPJS Employment, as a public legal entity, can be categorized as a State Institution. This is because, within the framework of the state structure, BPJS Employment plays a strategic role in providing public service functions (services) in the field of employment social security. Furthermore, as an institution performing public functions, BPJS Employment must also comply with regulations and policies established and applicable within the legal system, one of which is Aceh Qanun Number 11 of 2018. Regulation of the Employment Social Security Agency Number 11 of 2018 aims to

³⁰ Afrianty, Isnaini, and Oktarina.

provide employment social security services based on Sharia principles. Several aspects regulated in this regulation include: (a) BPJS Employment administers an employment social security program based on Sharia principles; (b) Management of funds collected through participant contributions will be conducted in accordance with Sharia principles, which require funds to be managed and invested in Sharia-compliant instruments and issuers.

BPJS Employment Regulation Number 2 of 2021 concerning Sharia Services for the Employment Social Security Program is an important step in supporting the development of the Sharia financial industry in Indonesia, particularly in Aceh. This step not only supports the development of the sharia economy in general but also provides workers and employers with more options to choose programs that align with sharia values. In general, the BPJS Employment program implemented in Aceh Province complies with sharia principles as mandated by Aceh Qanun Number 11 of 2018. Sharia services for the Employment Social Security Program include: (a) Implementation of Sharia services for the Old Age Security program; (b) Clear contracts and positions between workers, employers, and program administrators; (c) Separation of assets between sharia and conventional services; (d) Fund development in sharia-based instruments and issuers. The principles and principles of sharia services for the employment social security program are characteristically in accordance with sharia principles, namely clarity of contracts, clarity of fund ownership, and clarity of investment. However, several optimizations and compliance with laws and regulations governing the employment social security program are still needed to avoid conflicts of norms.

V. References

Afrianty, Nonie, Desi Isnaini, and Amimah Oktarina. *Lembaga Keuangan Syariah*. Edited by Rina Desiana. 1st ed. Bengkulu: Zigie Utama, 2020.

Alfian, Sjamsuddin, and Asosiasi Ilmu Politik Indonesia Nazaruddin.

- Profil Budaya Politik Indonesia*. 1st ed. Jakarta: Pustaka Utama Grafiti, 1991.
- Anggriani, Jum. “Kedudukan Qanun Dalam Sistem Pemerintahan Daerah Dan Mekanisme Pengawasannya.” *Jurnal Hukum Ius Quia Iustum* 18, no. 3 (2011): 320–35. <https://doi.org/10.20885/iustum.vol18.iss3.art2>.
- Asshiddiqie, Jimly. “Perkembangan Dan Konsolidasi Lembaga Negara Pasca Reformasi,” 2006.
- Atmadja, Arifin P Soeria, and P Arifin. “Keuangan Publik Dalam Perspektif Hukum: Teori.” *Praktik Dan Kritik, Fakultas Hukum Universitas Indonesia, Jakarta*, 2005.
- Bayu Dwi Anggono, Agus Riewanto, Oce Madril, Jimmy Z. Usfunan. *BPJS Ketenagakerjaan: Aspek Politik Hukum, Kelembagaan, Aset Dan Kepesertaan*. Depok: Rajawali Press, 2021.
- Indonesia, Employment Social Security Administration. BPJS Employment Regulation Number 2 of 2021 concerning Sharia Services for the Employment Social Security Program in Aceh Province, 3 § (2021).
- Irwanto, and Indah Noviardari. “Kebijakan Pemerintah Dalam Pengembangan Lembaga Keuangan Non Bank Sebagai Upaya Peningkatan Kesejahteraan Perempuan Di Kabupaten Bojonegoro.” *Cakrawala: Jurnal Litbang Kebijakan* 13, no. 1 (2019): 110–18. <https://doi.org/https://doi.org/10.32781/cakrawala.v13i1.283>.
- Kansil, C S T, and Christine S T Kansil. *Pokok-Pokok Badan Hukum Yayasan, Perguruan Tinggi, Koperasi, Perseroan Terbatas*. Pustaka Sinar Harapan, 2002.
- Komite Nasional Keuangan Syariah. *Masterplan Ekonomi Syariah Indonesia 2019-2024*. Kementerian Perencanaan Pembangunan Nasional/ Badan Perencanaan Pembangunan Nasional, 2018.
- Lembaga Adminitrasi Negara. “Kajian Desain Kelembagaan Pemerintah Pusat (Arsitektur Kelembagaan Tahun 2014-2019).”

Deputi Bidang Kelembagaan Dan Sumber Daya Aparatur Negara, Lembaga Administrasi Negara, Jakarta, 2013.

Listyadewi, Regina putri, and Andri Ronaldo Pasaribu. "Layanan Dan Prinsip Syariah Dalam Penyelenggaraan Jaminan Sosial Ketenagakerjaan Di Indonesia." *Jurnal Jamsostek* 2, no. 1 (2024): 44–62. <https://doi.org/10.61626/jamsostek.v2i1.38>.

Nasional, Dewan Jaminan Sosial. "Layanan Syariah Jaminan Sosial Bidang Ketenagakerjaan." *Policy Brief*, 2021.

Nasution, Muhammad Sulaiman, Isnaini Isnaini, and M. Citra Ramadhan. "Analysis of the Implementation of Qanun Aceh No. 7 of 2014 on Employment Social Security in Lhokseumawe City." *Journal La Sociale* 6, no. 3 (2025): 702–10. <https://doi.org/10.37899/journal-la-sociale.v6i3.2051>.

Nugroho, Kelik Wahyu. "BPJS Ketenagakerjaan Canangkan Layanan Syariah Pertama Di Aceh." *Kumparan.Com*, November 2021.

Paulus Ramotan Sibarani, Malemna Sura Anabertha Sembiring, Annisa Fitria, Farida Nurun Nazah. "Wewenang Pengawasan Terhadap Badan Penyelenggara Jaminan Sosial Ketenagakerjaan Ditinjau Dari Aspek Kemanfaatan Bagi Peserta." *Arus Jurnal Sosial Dan Humaniora* 5, no. 1 (2025): 915–26. <https://doi.org/https://doi.org/10.57250/ajsh.v5i1.1204>.

Pradana, Ryan Yusuf Pradana, and Muhammad Roy Purwanto. "Dampak Penerapan Qanun Aceh Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syariah Terhadap Kesiapan Lembaga Keuangan Mikro Mahirah Muamalah." *At-Thullab: Jurnal Mahasiswa Studi Islam* 5, no. 1 (2023): 1209–23. <https://doi.org/10.20885/tullab.vol5.iss1.art1>.

Puspitasari, Novi, Sutan Emir Hidayat, Norazlin Ab Aziz, Abdul Muhsyi, and Dewi Prihatini. "Theory of Islamic Reaction Action: A New Approach to Use the Islamic Service of BPJS Ketenagakerjaan in Indonesia." *Journal of Islamic Accounting and Business Research*, 2025. <https://doi.org/10.1108/JIABR-02-2024-0044>.

- Rachmatika Lestari, Eza Aulia, Dara Quthni Effida. "Politik Hukum Diundangkannya Qanun Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syari'ah (LKS) Di Provinsi Aceh." *Jurnal Ius Civile* 5, no. 2 (2021). <https://doi.org/https://doi.org/10.35308/jic.v5i2.4375>.
- Rajagukguk, Silvia N. "Analisis Peran BPJS Ketenagakerjaan Dalam Meningkatkan Kesejahteraan Sosial Pekerja Informal Di Padang Bulan Kota Medan." *Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 11 (2025): 88–91. <https://doi.org/https://doi.org/10.5281/10.5281/15529585>.
- Solechan, Solechan. "Badan Penyelenggara Jaminan Sosial (BPJS) Kesehatan Sebagai Pelayanan Publik." *Administrative Law and Governance Journal* 2, no. 4 (2019): 686–96. <https://doi.org/10.14710/alj.v2i4.686-696>.
- Yuliansyah, Dedy, M. Iqbal, and Rizky Aulia Fitri. "Fulfillment of Employment Social Security Rights as an Employer's Legal Obligation toward Workers." *Jurnal Geuthèè: Penelitian Multidisiplin* 8, no. 1 (2025): 23. <https://doi.org/10.52626/jg.v8i1.398>.
- Zulfahmi LNU. "Eksistensi Qanun Nomor 11 Tahun 2018 Tentang Lembaga Keuangan Syariah Terhadap Konversi Bank Konvensional Menjadi Bank Syariah." *Jurnal Hukum Ekonomi Syariah* 5, no. 01 (2021): 49–63. <https://doi.org/10.26618/j-hes.v5i01.3276>.

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Het vermoeden van rechmatigheid