

## **ANALISIS DAMPAK PENYELENGGARAAN JAMINAN SOSIAL KETENAGAKERJAAN BUKAN PENERIMA UPAH BAGI PENGEMUDI OJEK ONLINE DI DAERAH ISTIMEWA YOGYAKARTA**

Oleh:

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### **INTISARI**

Penelitian hukum ini bertujuan untuk mengetahui serta menganalisis dampak penyelenggaraan program BPJS Ketenagakerjaan BPU yang belum maksimal terhadap perlindungan jaminan sosial ketenagakerjaan bagi pengemudi ojek *online* di DIY. Selain itu, penelitian ini juga bertujuan untuk mengetahui dan menganalisis pertanggungjawaban perusahaan aplikasi dalam memastikan kepesertaan pengemudi ojek *online* pada BPJS Ketenagakerjaan BPU sesuai Permenaker Nomor 5 Tahun 2021.

Penelitian hukum ini merupakan penelitian normatif-empiris yang bersifat deskriptif. Penelitian dilakukan dengan melakukan penelitian kepustakaan dan penelitian lapangan. Penelitian kepustakaan dilakukan untuk mendapatkan data sekunder, sedangkan penelitian lapangan dilakukan dengan wawancara kepada perwakilan BPJS Ketenagakerjaan DIY dan delapan pengemudi ojek *online* sebagai responden. Data yang didapatkan dalam penelitian ini dianalisis dengan metode kualitatif dan disajikan secara deskriptif.

Tidak terproteksinya pengemudi ojek *online* dalam BPJS Ketenagakerjaan BPU, diperlemah oleh kerentanan secara hukum dan ekonomi berdampak pada potensi akan kemiskinan dan kehilangan tujuan bekerja. Asuransi swasta, BPJS Kesehatan, dan Jasa Raharja belum mampu memberikan akses fasilitas medis terhadap kecelakaan yang optimal sehingga pengemudi ojek *online* yang tidak terdaftar pada BPJS Ketenagakerjaan BPU harus menanggung sendiri biaya fasilitas medis terhadap kecelakaan. Pertanggungjawaban perusahaan aplikasi dalam memastikan kepesertaan pengemudi ojek *online* pada BPJS Ketenagakerjaan BPU sesuai Permenaker No. 5 Tahun 2021 tidak memenuhi kepastian hukum. Dalam perjanjian kemitraan, tidak ditemui kewajiban atau peran apapun bagi perusahaan aplikasi. Di luar perjanjian kemitraan, peran perusahaan aplikasi belum memberikan pengaruh. Keberadaan asuransi swasta juga menimbulkan tumpang tindih.

**Kata Kunci: Jaminan Sosial Ketenagakerjaan, Bukan Penerima Upah, Pengemudi Ojek *Online***

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***ANALYSIS OF THE IMPACT OF EMPLOYMENT SOCIAL SECURITY IMPLEMENTATION FOR NON-WAGE RECIPIENTS ON ONLINE MOTORCYCLE TAXI DRIVERS IN THE SPECIAL REGION OF YOGYAKARTA***

by:

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***ABSTRACT***

*This legal research aims to identify and analyze the impact of the suboptimal implementation of the BPJS Ketenagakerjaan BPU on the protection of employment social security for online motorcycle taxi drivers in the Special Region of Yogyakarta. Furthermore, this research also aims to examine and analyze the accountability of application-based companies in ensuring the participation of online motorcycle taxi drivers in the BPJS Ketenagakerjaan BPU in accordance with Minister of Manpower Regulation Number 5 of 2021.*

*This study is a normative-empirical legal research with a descriptive approach. The research was conducted through library research and fieldwork. The library research was used to obtain secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The field research was carried out through interviews with representatives from the BPJS Ketenagakerjaan DIY and eight online motorcycle taxi drivers. The data collected in this study were analyzed using a qualitative method and presented descriptively.*

*The absence of protection for online motorcycle taxi drivers under the BPJS Ketenagakerjaan BPU scheme, supported by legal and economic vulnerability, has an impact on the potential for poverty and the loss of work purpose. Private insurance, BPJS Health, and Jasa Raharja have not been able to provide optimal access to medical facilities in the event of accidents, resulting in online motorcycle taxi drivers who are not registered with BPJS Ketenagakerjaan BPU having to bear their own medical expenses. The responsibility of app-based companies in ensuring the enrollment of online motorcycle taxi drivers in BPJS Ketenagakerjaan BPU, as regulated by Minister of Manpower Regulation No. 5 of 2021, does not fulfill legal certainty. In the partnership agreements, no obligations or roles for the app-based companies are found. Outside of the partnership agreements, the role of the app-based companies has not had any impact. The existence of private insurance also creates overlapping coverage*

***Keywords: Employment Social Security, Non-Wage Recipients, Online Motorcycle Taxi Driver***

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