



Legal Protection Against Social Security for Volunteers in the Currency of Costs in the Time of Covid-19 In Indonesia

Herlambang Hasea

Faculty of Law, Universitas Narotama, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v8i4.2556>

Abstract

When talking further about Funeral Officers in the Covid-19 era, many victims have died around the world, even in Indonesia, they have been buried by funeral officers either voluntarily or from the hospital. Funeral Officers during the Covid-19 period were an instrumental part of the formation of laws and regulations in practice, this is especially in regulating the Manpower Act, namely the Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower (Law No.13-2003) and including in the Indefinite Time Work Agreement and Fixed Time Work Agreement. There has been no legal regulation regarding volunteer funeral officers in several statutory regulations. There must be legal protection for volunteer funeral officers or covering the bodies of Covid-19, both from medical and non-medical aspects, because this protection guarantee is also related to victims who are affected or as a result of carrying out duties as funeral officers or covering the bodies of Covid-19.

Keywords: *Legal; Volunteers*

Introduction

When talking further about Funeral Officers in the Covid-19 era, many victims have died around the world, even in Indonesia, they have been buried by funeral officers either voluntarily or from the hospital. Funeral Officers during the Covid-19 period were an instrumental part of the formation of laws and regulations in practice, this is especially in regulating the Manpower Act, namely the Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower (Law No.13-2003) and including in the Indefinite Time Work Agreement and Fixed Time Work Agreement.(1)

In Surabaya, funeral services are carried out according to established health protocols. In addition, officers are also required to use personal protective equipment, from delivery until the funeral process is complete. These officers are a combination of several Regional Government Organizations for the City of Surabaya. Consisting of, the ranks of the Social Service, the Cleaning Service and Green Open Space Funeral Officers to the Health Workers at the Health Office. There is a sense of fear and alertness when burying Covid-19 Positive victims, so there is a need for legal protection and social security in providing welfare to Covid-19 funeral officers. It was 10.30 WIB when the funeral officer chatted with his

colleagues at the Madurejo Public Cemetery, Prambanan District, Sleman Regency, Yogyakarta. For nearly a year, these funeral attendants days felt different. Since the COVID-19 pandemic hit, they have always been on alert. The reason is that the corpses of corona patients must be buried immediately. It doesn't matter day or night, no matter how hot the sun or it rains, the corpse must be buried right away. There is a sense of fear and alertness when burying Covid-19 Positive victims, so there is a need for legal protection and social security in providing welfare to Covid-19 funeral officers.(2)

The legal facts(3) above are a condition in which Indonesia is experiencing a health and humanitarian crisis, so there is a need for policies from the government to provide solutions to the health problems of the Covid-19 Pandemic. The form of social security in an Indefinite Time Work Agreement and a Fixed Time Work Agreement for Covid-19 Funeral Officers is the main solution, because it will be able to sustain people's economic growth, especially for Covid-19 funeral officers. If further in the formation of statutory regulations, especially in Article 77 paragraph (2) Law no.13-2003, which provides details of working hours covering the *first*, 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week; and *Second*, 8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week.(4) If the employer employs workers or laborers who have to pay for overtime, it's obligatory for the entrepreneur to have the consent of the worker or laborer and overtime can only be done for a maximum of 3 (three) hours within 1 (one) day and 14 (fourteen) hours within 1 (one) week.(5)

In addition to paying overtime pay, employers are obliged to provide rest time for workers or laborers. The rest period as defined by Article 79 of Law no. 13-2003 that employers are obliged to provide rest periods and leave to workers or laborers. The exercise of workers 'or laborers' rights regarding time off and leave is usually regulated in a collective labor agreement, namely Article 79 paragraph (3), paragraph (4), and paragraph (5) of Law no. 13-2003.(6) It's clear that another right that is being considered is the right to perform worship which is required by one's religion. Departing from this, it's necessary to formulate a legal issue regarding the legal arrangement of volunteer funeral officers for Covid-19 in the law.

Research Method

The type of research used in this research is normative legal research.(7)

Discussion

Several arrangements regarding incentives for volunteer funeral officers for Covid-19 bodies are in the Regulation of the Mayor of Padang Number 31 of 2020 concerning Standard Incentive Costs for Officers Involved in Handling the Corona Virus Disease 2019 Pandemic. The section considering letter a of the Mayor's Regulation explains that in providing work motivation for officers those involved in handling the COVID-19 pandemic need to be given incentives. The Annex to the Mayor Regulation describes the classification of officers who receive incentives, one of which is funeral officers.(8)

Where funeral officers get an incentive of Rp. 500,000 per case. Based on these rules, constitutionally a regional government system, of course through governor regulations, regent regulations, and mayor regulations, provides legal certainty for incentives for funeral officers to carry out state duties and obligations.

The Law of the Republic of Indonesia Number 36 of 2009 concerning Health (Law No. 36-2009) explains that every person has the obligation to respect the rights of others in an effort to obtain a healthy environment, whether physical, biological or social. Every person has the obligation to have a healthy lifestyle to create, maintain and promote the highest health. This implies that health workers (health

workers) have an obligation to a healthy environment and have a healthy lifestyle, such as health workers. The question is whether volunteer funeral workers have been classified into a component of health care workers, because of their duties and obligations in carrying out funerals for positive victims of Covid-19.(9)

In addition, Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine (Law No. 6-2018). This law, among other things, regulates the responsibilities of the central government and local governments, rights and obligations, public health emergencies and the administration of health quarantine at the entrance. Then, also regulates the implementation of health quarantine in the region, documents, resources, information, guidance and supervision, investigation, and criminal provisions related to health quarantine.(10) In other words, it could be meant that the health quarantine law provides a goal for every health resource as well as the community there are limitations in carrying out health activities, especially for health workers and funeral volunteers for positive victims of Covid-19.

In Law no. 13-2003 has been stipulated regarding officers with an Indefinite Work Agreement and a Fixed Time Work Agreement. In other words, the legal arrangement regarding volunteer funeral officers has been regulated in Law no. 13-2003 and also affirmed the classification of workers with an Indefinite Time Work Agreement and a Fixed Time Work Agreement in the Law of the Republic of Indonesia Number 11 of 2020 concerning Job Creation (UU No. 11-2020).(11)

The principle of legal protection against government actions rests on and originates from the concept of recognition and protection of human rights directed at limiting and placing the obligations of society and government.(12) The second principle that underlies legal protection of governmental acts is the rule of law principle. In connection with the recognition and protection of human rights, they have a primary place and can be linked to the objectives of the rule of law. Based on these things, the Covid-19 funeral officers get legal protection in terms of prevention by using personal protective equipment which is the main procedure in health service activities. The goal is to anticipate the safety and health risks of workers, especially those in the form of biological hazards.

The government continues to work on dealing with the Covid-19 pandemic, but the government cannot do it alone, it requires the participation of all parties such as social organizations and volunteers. The National Covid-19 Task Force Volunteer Coordinator, representing the government, Andre Rahardian, said the number of volunteers who had registered was more than 29 thousand people. A total of 7,014 are medical volunteers such as doctors and nurses, and 22,782 non-medical volunteers. At the level of the legal aspect, this is one of the government's responsibilities in providing human rights in helping victims of the Covid-19 disaster, especially for Covid-19 funeral officers.(13)

Conclusion

There has been no legal regulation regarding volunteer funeral officers in several statutory regulations. There must be legal protection for volunteer funeral officers or covering the bodies of Covid-19, both from medical and non-medical aspects, because this protection guarantee is also related to victims who are affected or as a result of carrying out duties as funeral officers or covering the bodies of Covid-19. The need for state accountability to provide social security for volunteer funeral officers or covering the bodies of Covid-19, both material and non-material in order to guarantee economic prosperity and justice.

References

1. Warso F, Suharno R. PERLINDUNGAN KECELAKAAN KERJA YANG TIDAK TERDAFTAR DALAM PROGRAM BADAN PENYELENGGARA JAMINAN SOSIAL. *Wacana Paramarta J Ilmu Huk.* 2020;
2. Navisa FD. Perlindungan Hukum Terhadap Keluarga Jenazah Yang Terkena Dampak Covid-19 Atas Penolakan Pemakaman. *Yurispruden.* 2020;
3. Rizal LF. PERSFEKTIF SIYÂSAH SYAR'IYYAH TENTANG DARURAT NEGARA DALAM PENANGANAN PANDEMI COVID-19. *ADLIYA J Huk dan Kemanus.* 2020;
4. Shalihah F. Perjanjian Kerja Waktu Tertentu (Pkw) Dalam Hubungan Kerja Menurut Hukum Ketenagakerjaan Indonesia Dalam Perspektif Ham. *UIR Law Rev.* 2017;1(2):149–60.
5. Charda S. U. KARAKTERISTIK UNDANG-UNDANG KETENAGAKERJAAN DALAM PERLINDUNGAN HUKUM TERHADAP TENAGA KERJA. *J Wawasan Yuridika.* 2016;
6. Purnomo SH. PEKERJA TETAP MENGHADAPI PEMUTUSAN HUBUNGAN KERJA. *J Huk Bisnis Bonum Commune.* 2019;
7. Mayakapti U. PERATURAN DAERAH SEBAGAI INSTRUMEN HUKUM PENDUKUNG AKSELERASI IMPLEMENTASI PENGAWASAN TERHADAP ORANG ASING PASCA KEBIJAKAN BEBAS VISA KUNJUNGAN (BVK). *J Huk Bisnis Bonum Commune.* 2019;
8. Ramadhan IL. Strategi pencegahan penyebaran covid-19 di lembaga pemasyarakatan. *JUSTITIA J Ilmu Huk dan Hum.* 2020;
9. Ayyub Subandi, Saifullah bin Anshor. Fatwa MUI Tentang Pengurusan Jenazah Muslim yang Terinfeksi Covid-19 Ditinjau dari Perspektif Mazhab Syafi'i. *BUSTANUL FUQAHA J Bid Huk Islam.* 2020;
10. Suni NSP. Kesiapsiagaan Indonesia Menghadapi Potensi Penyebaran Corona. *Pus Penelit Badan Keahlian DPR RI.* 2020;
11. Randi Y. PANDEMI CORONA SEBAGAI ALASAN PEMUTUSAN HUBUNGAN KERJA PEKERJA OLEH PERUSAHAAN DIKAITKAN DENGAN UNDANG-UNDANG KETENAGAKERJAAN. *Yurispruden.* 2020;
12. Arifiyanto MN, Nurjaya IN, Negara TAS, Sugiri B. Legal politics regulation of self assessment system principles for taxpayer property reporting in general provisions and taxation procedures. *Res Soc Dev.* 2020;
13. Akbar UR, Humaedi S. PERAN CSR DALAM UPAYA MENGATASI PANDEMI COVID-19. *Pros Penelit dan Pengabd Kpd Masy.* 2020;

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).