

INTISARI

ANALISIS KESESUAIAN PENGATURAN DAN PELAKSANAAN TENTANG PROSEDUR LAYANAN PENONAKTIFAN KEPESERTAAN BPJS KESEHATAN BAGI PEKERJA YANG MENGALAMI PEMUTUSAN HUBUNGAN KERJA DENGAN UNDANG-UNDANG

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Penelitian hukum ini bertujuan untuk mengetahui pengaturan mengenai mekanisme dan prosedur layanan penonaktifan kepesertaan BPJS Kesehatan bagi pekerja yang mengalami pemutusan hubungan kerja (PHK) di Indonesia, bagaimana implementasinya dan untuk menganalisa apakah pengaturan dan mekanisme prosedur penonaktifan kepesertaan BPJS Kesehatan tersebut telah sesuai dengan Pasal 21 ayat (1) Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional.

Penelitian ini bersifat deskriptif dan berjenis normatif empiris. Penelitian normatif dilakukan melalui studi dokumen (*library research*) atas bahan-bahan hukum primer hingga tersier (undang-undang, buku-buku literasi, hasil penelitian hingga laporan). Penelitian empiris dilakukan melalui penelitian lapangan untuk mendapatkan data primer dengan cara wawancara kepada subjek penelitian dengan *purposive* sampling menggunakan panduan wawancara. Hasil penelitian tersebut kami sajikan secara deskriptif analitis.

Hasil penelitian menunjukkan bahwa terdapat permasalahan dalam implementasi penjaminan kesehatan bagi Pekerja yang mengalami pemutusan hubungan kerja (PHK) di Indonesia. Permasalahan tersebut yaitu penonaktifan BPJS Kesehatan padahal Pekerja tersebut belum 6 (enam) bulan mengalami pemutusan hubungan kerja yang terjadi di Kabupaten Mimika (2017), Kota Tangerang (2019) dan Kabupaten Bekasi (2020). Penonaktifan tersebut terjadi sebelum maupun setelah terbit Peraturan Presiden Nomor 82 Tahun 2018 tentang Jaminan Kesehatan maupun Peraturan BPJS Kesehatan Nomor 6 Tahun 2018 tentang Administrasi Kepesertaan Program JKN. Penonaktifan BPJS Kesehatan Pekerja yang mengalami pemutusan hubungan kerja (PHK) tersebut tidak sesuai dengan norma Pasal 21 ayat (1) Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional, sehingga perlu dilakukan berbagai upaya perbaikan guna mencegah kejadian serupa berulang di masa mendatang.

Kata Kunci: Jaminan Kesehatan, BPJS Kesehatan, penonaktifan kepesertaan, Pekerja yang mengalami PHK

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ABSTRACT

ANALYSIS OF SUITABILITY OF REGULATIONS AND IMPLEMENTATION REGARDING THE PROCEDURE FOR DISABLING PARTICIPATION IN BPJS KESEHATAN (INDONESIAN HEALTHCARE AND SOCIAL SECURITY AGENCY) FOR WORKERS EXPERIENCING TERMINATION OF EMPLOYMENT IN ACCORDANCE WITH THE LAW

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This legal research aims to determine the regulations regarding the mechanism and procedure for disabling BPJS Kesehatan participation for workers experiencing termination of employment (PHK) in Indonesia, how they are implemented, and to analyze whether the regulations and mechanisms for disabling BPJS Kesehatan participation are in accordance with Article 21 paragraph (1) of Law Number 40 of 2004 concerning the National Social Security System.

This research is descriptive and empirical normative type. Normative research is conducted through document studies (library research) on primary to tertiary legal materials (laws, literacy books, research results to reports). Empirical research is conducted through field research to obtain primary data by interviewing research subjects using purposive sampling with interview guidelines. The results of the research are presented descriptively and analytically.

The research results indicate that there are challenges in implementing health insurance programs for workers who experience termination of employment (PHK) in Indonesia. These challenges include the deactivation of participation in BPJS Health before the six-month period following the termination, as seen in Mimika Regency (2017), Tangerang City (2019), and Bekasi Regency (2020). This deactivation occurs both before and after the issuance of Presidential Regulation Number 82 of 2018 concerning Health Insurance and BPJS Kesehatan Regulation Number 6 of 2018 concerning Membership Administration of the National Health Insurance Program. The deactivation of BPJS Kesehatan for workers experiencing the termination of employment does not comply with the provisions of Article 21 paragraph (1) of Law Number 40 of 2004 concerning the National Social Security System. Therefore, various improvement efforts are needed to prevent similar incidents from occurring in the future.

Keywords: Health Insurance, BPJS Kesehatan, participation deactivation, Workers experiencing termination of employment

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