

# The Role of Bpjs Officers in Cengkareng Hospital (A Study Based On Bpjs Law Perspective)

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**ABSTRACT:** *This thesis discusses the role of BPJS Health officers in Cengkareng Regional Hospital based on the BPJS law. The problem is obtained in this thesis is the role of BPJS officers in order to fulfill the rights and obligations of patients in Cengkareng hospital and how sanctions for bpjs officers are not performing duties at Cengkareng hospital. This type of research is empirical and the whole is done using qualitative methods. This research shows that there is a BPJS who has committed violations in the Implementation of its Role in Cengkareng District Hospital. The results of the study suggest that there needs to be an evaluation of BPJS officers in their roles so that in implementing their roles in the daytime there will be no longer violations that harm patients in the hospital and if there are still BPJS officers who have not played their roles well then strict sanctions from the government will be given. complaints from the hospital or patient. Patients in this case must act decisively and dare to take decisions to the hospital so that the hospital immediately responds quickly to complain about violations committed by BPJS officers.*

**Keywords:** *Patients, BPJS Officers, Hospitals and the Government*

## I. INTRODUCTION

Health development is part of national development, in the development of health the goal to be achieved is to increase the optimal degree of public health (Sundoyo, 2009). Article 28 letter (h) of the 1945 Constitution of the Republic of Indonesia states that: "Everybody lives in physical and spiritual prosperity, lives and has a good and healthy environment and is entitled to health services"

The seriousness and attention of the government towards health development has strengthened by placing social security health insurance in the amendment to the 1945 Constitution Article 34 paragraph (2), which states that "the State develops a social security system for all Indonesian people" Furthermore, Article 34 paragraph (3) of the 1945 Constitution also stated that "the State is responsible for the provision of adequate health service facilities and public service facilities"

As a manifestation, the Indonesian government established the National Social Security System as in the amendments to the 1945 Constitution followed up with Law Number 40 of 2004 concerning the National Social Security System, hereinafter referred to as the SJSN Law, as evidence that the government and related stakeholders have a great commitment to realize social welfare for all its people (Sundoyo, 2009) . J System Law Guarantees are secured National Social m engamanatkan establishment of the agency will be established insurance carrier PT. Askes (Persero) as the organizing body of health insurance for Civil Servants (PNS) as well as implementing the Jamkesmas program. This can be seen in the provisions of Article 5 paragraph (1) Jo. Article 52 of the Law on the National Social Security System (Asih Eka Putri, 2012).

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The National Health Insurance Program is one of the Social Security programs which constitutes the rights and obligations of every Indonesian citizen mandated in Law Number 40 of 2004 concerning the National Social Security System. Every citizen and foreigner who has worked for at least 6 (six) months in Indonesia must participate in a social security program, so that a cross subsidy and community mutual assistance mechanism is created in health insurance based on a social insurance system based on social insurance.

According to the Deputy Secretary General of the Gerindra Party DPP, Andre Rosiade, the death of Rizki was very sad and should not have happened. He stated, based on Law Number 40 of 2004 concerning the National Social Security System and Law Number 24 of 2011 concerning BPJS, required all Indonesians to participate in the BPJS Health program. The people are levied on contributions even though BPJS has received a budget allocation from the State Budget (APBN). Even in 2016, the BPJS proposed an additional budget allocation of up to trillions of rupiah through the State Capital Participation (PMN) scheme. In fact, he said, it was often found that BPJS card holder patients from the poor could be rejected by the Hospital. Some of them, until they died because they did not immediately get hospital treatment ( [https://mediaindonesia.com/read/detail/268287-pasien-stunting-men died-after- rejected-treatment-in-rumah-sakit , 2019](https://mediaindonesia.com/read/detail/268287-pasien-stunting-men-died-after-rejected-treatment-in-rumah-sakit,2019))

Based on the background description that has been stated above, the problem formulations in this study are:

- a. What is the role of BPJS officers in fulfilling the rights and obligations of participants in Cengkareng Regional Hospital?
- b. What are the sanctions for BPJS officers who do not carry out their duties at Cengkareng Regional Hospital?

Based on the formulation of the problems and topics above, the objectives of this study are:

- a. Obtain complete information about the role of BPJS officers in order to fulfill the rights and obligations of participants in Cengkareng Regional Hospital .
- b. Obtain complete information on sanctions for BPJS officers who do not carry out their duties at Cengkareng Regional Hospital .

The benefits of this research include the theoretical and practical benefits, which are as follows:

a. Theoretical Benefits

The results of this study are expected to provide benefits and contributions in the development of general legal knowledge, particularly regarding legal protection for BPJS participants in health services in hospitals.

b. Practical benefits

1. To find out the legal role in protecting BPJS participants in health services .
2. Contribute thoughts or add insight in knowing the scope of legal protection in terms of health services for BPJS Health participants.

## II. RESEARCH METHODS

### Types of research

This type of research yang is used is a empirical legal research, ie legal research concerning the adoption or implementation of the provisions of the normative significantly ( *in action* ) in the event of certain laws in this masyarakat. This research made by reviewing the materials library and legislation related to legal protection for BPJS Health participants in health services in hospitals.

## III. NATURE OF RESEARCH

This research is descriptive in nature, that is research that is expositional in nature and aims to obtain a complete description (description) of the state of the law applicable at a particular place and at a certain time, or regarding existing juridical symptoms, or certain legal events that occur in society.

This research is expected to provide complete and clear information regarding the rights of BPJS Health participants as consumers according to consumer protection law, legal protection for BPJS Health participants according to State law .

#### IV. RESEARCH APPROACH

Research conducted by the author uses an empirical juridical approach by analyzing the problem by combining legal material (which is secondary data) with primary data obtained in the field.

#### V. RESULTS AND DISCUSSION

##### 1. Legal Basis

The basis or legal basis for the formation of the Social Security Organizing Body is as follows:

- a) Law Number 24 of 2011 concerning the Social Security Organizing Body
- b) Law Number 40 of 2004 concerning the National Social Security System, Article 5 paragraph (1) and Article 52.
- c) the 1945 Constitution.

BPJS Health Management, management guided by good governance, among others;

- a) General Guidelines for Health BPJS
- b) BPJS Health Board Manual
- c) Ethics Code of Health BPJS ( <http://www.bpjs-k.kesehatan.go.id/bpjs/index.php/pages/detail/2013/5> )

##### 2. Social Security Organizing Body

##### 1. Definition of the Social Security Organizing Agency

The National Social Security System is a state program that aims to provide certainty for social protection and welfare for all people, based on Law Number 40 of 2004 concerning the National Social Security System, a social security administering body must be formed under the Law. Based on Law Number. 24 of 2011 concerning the Social Security Organizing Body, hereinafter referred to as BPJS. a public legal entity that organizes a national health insurance program.

BPJS Kesehatan (Health Social Security Administering Agency) is a State-Owned Enterprise (BUMN) that has been assigned specifically by the government to provide health care insurance for all Indonesians, especially for Civil Servants, Recipients of Civil Servants and the TNI / POLRI, Veterans, Pioneer of Independence along with their families and other business entities or ordinary people.

BPJS Health together with BPJS Employment is a government program in the unit of National Health Insurance (JKN) which was inaugurated on December 31, 2013. BPJS Health began operating since January 1, 2014, while BPJS Employment began operating since July 1, 2014. BPJS Health previously named ASKES (Health Insurance), which is managed by PT Askes Indonesia (Persero), but in accordance with Law Number 24 of 2011 concerning BPJS, PT. Askes Indonesia changed to BPJS Health since 1 January 2014. BPJS Health and BPJS Employment are public legal entities according to the BPJS Law.

##### 2. History of the Social Security Administration Agency

In 1968, the Government of Indonesia issued a policy that clearly regulates health care for Civil Servants and Pension Recipients (PNS and ABRI) and their family members based on Presidential Decree Number 230 of 1968. The Minister of Health formed a Special Body within the Ministry of Health of the Republic of Indonesia namely the Maintenance Fund Administration Agency Health (BPDPA), where by the Indonesian Minister of Health at the time (Prof. Dr. GA Siwabessy) was declared the forerunner of the National Health Insurance. Then in 1992 Based on Government Regulation No. 6 of 1992 the status of Perum was changed to a Company Company (PT. Persero) with consideration of financial management flexibility, contributions to the Government could be negotiated for the benefit of service to participants and more independent management. Until 2005, PT. Askes (Persero) was given the task by the Government through the Ministry of Health of the Republic of Indonesia, in accordance with the Decree of the Minister of Health of the Republic of Indonesia Number 1241 / MENKES / SK / XI / 2004 and Number 56 / MENKES / SK / I / 2005, as Organizers of the Poor Public Health Insurance Program (PKMM / ASKESKIN). Basis of Organization:

- a) The 1945 Constitution
- b) Law Number. 23 of 1992 concerning Health

- c) Law Number 40 of 2004 concerning the National Social Security System (SJSN)
- d) Decree of the Minister of Health Number 1241 / MENKES / SK / XI / 2004 Operating Principles refer to:
- e) Organized simultaneously throughout Indonesia with the principle of mutual cooperation so that cross-subsidies occur.
- f) Refers to the principle of social health insurance.
- g) Health services with the principle of managed care are implemented in a structured and tiered manner.
- h) Programs are held on the principle of non-profit.
- i) Ensuring the existence of stability and equity in services to participants.
- j) There is guaranteed accountability and transparency by prioritizing the principles of prudence, efficiency and effectiveness.

### 3. Referral system for BPJS organizers

Health service referral system is the organization of health services that regulates the mutual assignment of tasks and responsibilities of health services both vertically and horizontally which must be carried out by participants of health insurance or social health insurance, and all health facilities.

The health service referral system is implemented in stages according to medical needs, namely:

- a) Starting from the first level health services by first level health facilities.
- b) If further service is needed by a specialist, then the patient can be referred to a second level health facility.
- c) Second-level health services in secondary health facilities can only be provided upon referral from primary health facilities.
- d) Third-level health services in tertiary health facilities can only be provided upon referral from secondary and primary health facilities.

### 4. Health services

Each BPJS Health participant has the right to receive health services that include promotive, preventive, curative and rehabilitative services including medicine services and consumable medical materials in accordance with the medical needs required. This definition of promotive, preventive, curative and rehabilitative health services is found in Article 1 of Law Number 36 Year 2009 Concerning Health, namely :

- a) Article 1 number 12 of Law Number 36 Year 2009 Concerning Health, states that promotive health services are an activity and / or series of health service activities that prioritize health promotion activities.
- b) Article 1 number 13 of Law Number 36 Year 2009 Concerning Health, states that preventive health services are a preventive activity against a health problem or disease. Article 1 number 14 of Law Number 36 Year 2009 Concerning Health, states that curative health service is an activity and / or series of treatment activities aimed at healing illness, reducing suffering due to illness, controlling disease, or controlling disability so that patient quality can be maintained as optimal as possible.
- c) Article 1 number 15 of Law Number 36 Year 2009 Concerning Health, states that rehabilitative health services are activities and / or a series of activities to return former patients to the community so that they can function again as members of the community that are useful for themselves and the community as much as possible according to his ability.

### 5. Participants' Rights and Obligations Bjs

And also is every person including foreigners who work for at least 6 (six) months in Indonesia, who have paid dues. Workers are all people who work by receiving salary / wages, or other forms of remuneration. Every person, including foreigners who work for a minimum of 6 (six) months in Indonesia, must be a participant in the Social Security Program (*Indonesian Republic Law Number 24 of 2011 regarding the Social Security Organizing Body* ).

The relationship between the parties in the Health Social Security Organizing Body cannot be separated from the rights and obligations of the parties in an agreement. As for the rights and obligations of the parties in the Social Security Administration Agency

BPJS Participant Rights, among others ( *Hhttps: bpjs-health, go, en / index.php / archive / details / 5 / book-mix service participants of BPJS Health , 2018*) :

- a) Obtaining participant cards as legal proof to obtain health services;
  - b) Obtain benefits and information about rights and obligations as well as the health service process in accordance with applicable regulations;
  - c) Obtaining health services in health facilities in collaboration with the Health BPJS; and
  - d) Submit complaints / complaints, criticisms and suggestions verbally or in writing to the BPJS Health Office.
6. Form of cooperation between hospitals and the Social Security Organizing Agency (BPJS )

The Health Insurance Administering Body is a public legal entity that is responsible to the President and functions to administer the health insurance program. January 1, 2014 The Government operates the Health BPJS on the orders of the BPJS Law. When BPJS Health began operating, a series of events occurred as follows

The social security organizer (BPJS) is a public legal entity formed to organize a social security program. BPJS as a public legal entity has the power and authority to regulate the public through the authority to make regulations that are binding on the public. BPJS consists of BPJS health and BPJS employment as referred to in article 5 of Law Number 24 Year 2011 concerning the Social Assurance Agency.

According to article 60 paragraph (1) of Law Number 24 Year 2011 concerning the Social Security Organizing Agency that "BPJS Health starts operating organizing a guarantee program on 1 January 2014", all the tasks and authority of PT Askes (Persero) are transferred to the health BPJS. article 60 paragraph (3) that: "*when BPJS Health began operating as intended in paragraph (1), PT Askes (Persero) was declared dissolved without liquidation and all assets and liabilities and legal rights and obligations of PT Askes (Persero) became assets and the legal obligations and rights and obligations of the Health BPJS, "* The Social Security Organizing Agency (BPJS) Health is a legal entity formed to carry out a health insurance program (*Ministry of Health of the Republic of Indonesia Republic of Indonesia, book on the Socialization of National Health Insurance in the Social Security System, 2013*) . National health insurance is administered by BPJS Health, which is a non-profit public legal entity that is responsible for the president ( Ministry of Health of the Republic of Indonesia, Book of *Socialization of National Health Insurance Socialization in the Social Security System, 2013*) .

The Role of BPJS Officers in the Context of Fulfilling the Rights and Obligations of Participants in the Cengkareng Rsud . The role that has been carried out by the BPJS Health in supporting health services The first BPJS Health Participant is to place several BPJS Health officers in the hospital to provide services. BPJS Health participants can make complaints or complaints about dissatisfaction in the health services they receive.

The BPJS Health itself has made innovations in solving the problem of the lack of information on health facilities by making information about room availability openly so that BPJS Health participants can see directly the health facilities.

Based on the law governing the Social Security Organizing Agency in article 10 which in carrying out the functions as follows (*Indonesian Repubile Law Number 24 of 2011 concerning the Social security Organizing Body*) :

- a) Conduct funds / or receive participant registration.
- b) Collect and collect contributions from participants and employers.
- c) Receive contributions from the government.
- d) Manage and social security for the benefit of participants.
- e) Collecting and managing data on participants of social security programs.
- f) Paying benefits and / or financing health services in accordance with the provisions of the social security program.
- g) Provide information regarding the implementation of social security programs to participants and the community.

Based on interviews conducted at the West Jakarta hospital with Mr. Juanda as the Administrative Staff of the BPJS at the Regional Hospital as follows, the role of the BPJS officers at the Cengkareng Regional Hospital was very good according to the existing procedures due to mutual cooperation with the hospital. If there is a BPJS patient complaining about hospital services in the form of incompatibility between the completeness brought by the patient then we provide solutions and direction to the patient regarding the procedure for the use of BPJS. The role of the BPJS health officer in order to fulfill the rights and obligations at the hospital by providing information on the requirements and regulations for the use of BPJS health updates so that information can be given to the community, family or relatives who use BPJS (*Interview with Juanda Administrative Staff of BPJS*).

Health BPJS officers are employees at the BPJS Office. As employees, BPJS officers have rights and obligations as regulated in company regulations and the Manpower Act. Thus BPJS officers are required to provide information to patients participating in BPJS. If the BPJS officer does not carry out his obligations, the BPJS officer may be subject to sanctions as stipulated in Law Number 13 of 2003 concerning Manpower Article 161. The sanctions are sanctions administrative as referred to in paragraph (1) in the form (*Republic of Indonesia Law No. 13 Year 2003 on Employment*) :

- a) Written warning
- b) Temporary Termination
- c) Termination but p

A written warning will be given to the BPJS Officer if there is a patient who complains from the hospital to the government if it is proven that the BPJS officer has not carried out his role properly. This provision has been regulated in Law Number 24 of 2011 concerning the Social Security Organizing Agency. sanctions in the form of a temporary dismissal will be given to the BPJS Officer if it is proven that the BPJS officer does not implement his role which causes harm to the patient. And the last sanction which is the most severe sanction, which is terminated forever, will be given to BPJS officers if there are repeated acts by officers in this case the same violation or case. The administrative sanctions of the BPJS Business Entity do not receive certain public services, including processing business permits, building permits, proof of ownership of land and building rights.

## VI. CONCLUSION

The role of BPJS health officers in order to fulfill the rights and obligations of patients in Cengkareng Regional Hospital is to place several BPJS Health officers in hospitals to provide services. This is in accordance with article 9 paragraph (1) of Law Number 24 of 2011 concerning the Social Security Organizing Agency. And in accordance with articles 29 and 30 rights and obligations according to Law Number 44 of 2009 concerning Hospitals. The sanctions for Officer BPJS That Do Not Perform Tasks in hospitals Cengkareng is Sanctions written warning will be given to the clerk BPJS if in this case there are patients who sue the hospital and go directly to the government if it proved to be true take officers BPJS not performing its role with Ko This provision has been included in the BPJS law. For sanctions in the form of a temporary dismissal will be given to BPJS Officers if it is proven that BPJS officers do not apply their role which causes harm to patients. And the last service which is the most severe sanction, which is terminated during -lamnaya, will be given to BPJS Officers if there are repeated violations committed by BPJS officers in this case the same violation or case As for the administrative sanctions are the government who serves as treasurer who takes care of the administrative or financial staff. This is contained in Law Number 24 of 2011 *concerning the Social Security Organizing Agency*. Article 17 paragraph (1) of the *sanction of administration of the BPJS*.

1. BPJS Health Officers should improve the application provided to patients so that BPJS Health Officers provide optimal services in accordance with the rights and obligations that must be obtained by patients in this case, especially regarding information knowledge.

2. There are administrative sanctions in the form of written warnings, temporary dismissals, and permanent dismissals. The written warning sanction will be given to the BPJS Officer if in this case there is a patient who complains

from the hospital and is directly addressed to the government if it is proven that the BPJS officer has not carried out his role correctly. The sanction of a temporary dismissal will be given to the BPJS Officer if it is proven that the BPJS officer does not apply his role which causes harm to the patient. As for the sanctions of permanent dismissal that is terminated forever, will be given to BPJS Officers if there are violations repeatedly committed by BPJS officers in this case the same violation or case.

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