

HEALTH SECURITY PROTECTION FOR INDONESIAN MIGRANT WORKERS: A MINISTERIAL REGULATION PERSPECTIVE

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Abstract

Migrant workers are an asset for the country because they make many good contributions to the country. Just like other citizens, migrant workers have the right to access social security, especially health, in their country of placement. However, in reality access to health insurance in the host country is still limited due to the absence of technical regulations that specifically regulate this situation. Apart from that, the current policies are not yet able to protect migrant workers due to the lack of clarity regarding technical protection, which affects migrant workers' compliance in paying mandatory health insurance contributions. Therefore, this research will discuss in more detail the provision of social health security for migrant workers. The formulation of the problem studied in this research is what is the ideal health insurance protection policy for Indonesian Migrant Workers abroad? And how to strengthen the commitment to protect the health insurance of Indonesian Migrant Workers abroad in their country of placement? The research method used in this research is a normative legal method with statutory, case and conceptual approaches. This research finds that current policies do not provide good access for migrant workers, so policy reformulation is needed, one of which is a direct payment method from the government to the placement country. The strategy to strengthen commitment that can be carried out to provide good access to migrant workers is to make improvements in the legal system which includes substance, law enforcement and legal culture.

Keywords: *migrant workers, health insurance, ideal policy*

A. Background

Social security is a basic thing that must be fulfilled by the state to create prosperity for all people. Through social security, welfare will be created equally and fairly, giving birth to a decent life that has the value of honor. With this social security, people can live in physical and spiritual prosperity and can feel financial security and comfort.¹

In the employment context, social security for workers is a source of protection that must be provided to create maximum benefits for workers to protect themselves and their families from economic vulnerability. This can happen at any time due to various uncertain factors which cause workers to always be in an economically vulnerable position.²

¹ Wijaya, A, *Hukum Jaminan Sosial Indonesia*. (Jakarta: Sinar Grafika, 2022)

² Junaidi, "Bentuk-Bentuk Jaminan Sosial Dan Manfaatnya Bagi Tenaga Kerja Dalam Hukum Ketenagakerjaan Indonesia", *Yudisia*, Vol. 9, No. 1, (2018).

Working is a human right and working abroad is an option when the central government or regional governments cannot provide employment opportunities within the country. The right to work is a human right inherent in a person which must be upheld and respected. However, in reality the government has not been able to facilitate all its citizens to get jobs in their homeland. This is because the opportunities and jobs available are not balanced, compared to the available workforce and the number of workers in need, giving rise to new problems, which have an impact on unemployment. To encourage new employment opportunities, the government is collaborating in partnership with other countries by opening new employment sectors by sending workers abroad, as part of the government's efforts to meet the work needs of its citizens, namely by providing opportunities to work abroad as Migrant Workers. Indonesia. Indonesian Migrant Workers or often referred to as PMI are Indonesian citizens who have the requirements to be able to work abroad and receive wages within a certain period of time.

The large opportunity to work abroad, coupled with the income provided which is quite high compared to income at home, is an attraction for some citizens to go to work abroad.³ The placement of Indonesian Migrant Workers abroad is carried out in order to fulfill the constitutional rights of every citizen as stated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, namely that "every citizen has the right to work and a decent living for humanity". The right to get this job both domestically and abroad.

The high level of public interest in working abroad is increasing from year to year and the number of job seekers who are interested and registering to work abroad is increasing and even those who are looking for work abroad directly (independently) are also increasing.⁴ The existence of Indonesian Migrant Workers abroad as workers must be recognized as providing benefits for both parties, both sending and receiving countries. The contribution of Indonesian Migrant Workers in economic development in the destination country needs to be respected by providing decent and humane treatment equal to local workers, especially regarding the protection of their human rights. Data from the Indonesian Migrant Worker Protection Agency (BP2MI) shows that the placement of Indonesian migrant workers throughout 2023 will be 135,791 people.⁵

³ Nina Rosida, "Perlindungan Hukum bagi Tenaga Kerja Indonesia di Luar Negeri," *Jurnal Muara Ilmu Sosial, Humaniora, dan Seni* 1, no. 1 (May 10, 2017): 95, <https://doi.org/10.24912/jmishumsen.v1i1.339>.

⁴ Anonim, "Menaker Bersyukur Penempatan Pekerja Migran Terus Meningkat", *Tirto*, www.tirto.id, diakses pada 15 Maret 2024.

⁵ Nabilah Muhammad, "Taiwan Jadi Tujuan Utama Penempatan Pekerja Migran Indonesia Hingga Juni 2023", *DataBoks*, <https://databoks.katadata.co.id/datapublish/2023/07/18/taiwan-jadi-tujuan-utama-penempatan-pekerja-migran-indonesia-hingga-juni-2023> diakses tanggal 27 November 2023 pukul 19.45 WIB.

However, Indonesia's lack of protection for Indonesian Migrant Workers abroad causes many problems for PMIs when working abroad, one of which is related to social security, especially health insurance. It turns out that not many Indonesian migrant workers are protected by social security. In particular, government-formed social security, starting from BPJS Employment and BPJS Health. There are still at least 67.7% of PMI who have not participated in social security participation. The number is around 6.09 million workers who are not yet covered by social security. Various reasons were given by workers for not being registered with social security. Starting from not getting adequate information about social security, inadequate facilities, to already getting social security facilities in the country of work. There are also migrant workers who consciously do not want to participate in social security. The reason is that the offer given by social security is not suitable. There are many things that are not covered by national social security. Another reason is that social security services are still minimal in working countries. The national social security service has not yet opened service offices in various countries, and access to online services is difficult.⁶ Due to the emergence of problems related to health insurance faced by PMIs, several legal protections are needed that can prevent recurring problems.

B. Identified Problem

As the explanation above, thus the problem formulation for this research as follows what is the ideal health insurance protection policy for Indonesian Migrant Workers abroad? And how to strengthen the commitment to protect the health insurance of Indonesian Migrant Workers abroad in their country of placement?

C. Research Methods

The research method that will be used by the author in this research is to use a normative legal method with a statutory, conceptual and case approach. Data sources are taken from literature studies, in the form of books, journals, papers and other scientific articles including news.

D. Research Findings and Discussion

1. Ideal Policy for Health Insurance Protection for Indonesian Migrant Workers

In its implementation, the issue of social security still faces various problems and challenges. In the period January to September 2023 there were a total of 215,779 placements. If we compare the placement of

⁶ Herdi Alif Al Hikam, "Miris! 6 Juta TKI Belum Dilindungi Jaminan Sosial", *Finance Detik*, <https://finance.detik.com/berita-ekonomi-bisnis/d-6151207/miris-6-juta-tki-belum-dilindungi-jaminan-sosial> diakses tanggal 27 November 2023 pukul 20.15 WIB.

Indonesian Migrant Workers in September in 2021, 2022 and 2023, the placement of Indonesian Migrant Workers in these three months has increased from year to year. Placements in September 2021 were 6,320, in September 2022 there were 21,724 placements, which shows a threefold increase (244%) from September the previous year, and in September 2023 there were 24,412 placements or an increase of 12% from September the previous year.⁷

In September 2023, the informal sector dominated placements, with 13,560 placements (56%) while the formal sector had 10,852 placements (44%). The total number of placements from January to September 2023 in the informal sector was 98,737 placements (46%) and in the formal sector there were 117,042 placements (54%). Based on gender, in September there were 7,865 (32%) male Indonesian Migrant Workers and 16,547 (68%) female Indonesian Migrant Workers. So the total placement from January to September 2023 is 82,169 men and 133,610 women.⁸

Of the large number of Indonesian migrant workers, in fact there are still many problems that must be resolved properly. Complaints from Indonesian Migrant Workers in September 2023 amounted to 190 complaints, this number increased by 12.4% compared to September 2022 (169 complaints), and complaints in September 2022 increased by 5%, compared to September 2021 (160 complaints). This shows the complexity of the problem of migrant workers abroad. Various forms of protection must of course be optimized to protect migrant workers.⁹

In fact, social security is a right that must be fulfilled by all Indonesian people, including Indonesian migrant workers who are outside the territory of Indonesia. This has become the spirit of the Constitution which mandates the achievement of a general prosperity for all Indonesian people which is completely contained in the Preamble to the 1945 Constitution of the Republic of Indonesia (UU NRI 1945), namely: "protecting the entire Indonesian nation and all the blood of Indonesia and to advance general welfare, educate the nation's life, and participate in implementing world order based on freedom, eternal peace and social justice." Fulfilling public welfare is a form of social development to improve the quality and standard of living of the Indonesian people.¹⁰

This is reflected in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which requires the state to provide guarantees

⁷ BP2MI, *Data Penempatan dan Pelindungan Pekerja Migran Indonesia Periode September 2023*, BP2MI, www.bp2mi.go.id, diakses 4 Maret 2024

⁸ Ibid.

⁹ Ibid.

¹⁰ Zahir, Muh, and Zuhud Al Khaer. "Jaminan Sosial Menurut Undang-Undang Badan Penyelenggara Jaminan Sosial Dari Perspektif Undang Undang Dasar Negara Republik Indonesia Tahun 1945." *PhD diss.*, Universitas Hasanuddin, 2021.

for people to obtain work and a decent living for humanity. One of the obligations to provide a decent living is realized by providing social security to workers. This framework for providing social security covers several areas, including:¹¹

1. Preventive businesses, namely businesses in the aspects of health, religion, and providing legal assistance.
2. Efforts that are restorative and healing.
3. Developmental businesses such as building cooperatives, housing, and improving nutritional aspects.
4. Protection efforts in employment aspects that cover all employment risks.

Of these four scopes, there are various business activities that can be implemented, including providing prevention, providing services, distributing social assistance, providing insurance, and budgeting processes for all needs regarding social security.

In Indonesia, there are currently several types of social security, including health insurance which is provided through the Health Social Security Administration (BPJS) based on Law Number 24 of 2011 concerning BPJS Health. The administration of social security is carried out based on an agency and is carried out based on the Constitutional Court Decision Number 007/PUU-III/2005 which provides requirements for the form of the organizing body, namely, BPJS is a legal entity formed to administer social security programs (health, work accidents, old age, retirement, death); BPJS must be established by law; BPJS is domiciled and headquartered in the National Capital; BPJS in its implementation is based on non-profit principles; openness; caution; accountability; portability; trust fund.¹²

These organizational principles must be adhered to as a form of implementation of the 1945 Constitution of the Republic of Indonesia. The principle of mutual cooperation has the meaning as a principle that is implemented based on a mutual cooperation mechanism which is manifested through the provision of cross subsidies between social classes. This is of course appropriate and in line with the basic values contained in the 1945 Constitution of the Republic of Indonesia which mandates the value of mutual cooperation as regulated in Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which mandates the

¹¹ Isriawaty, Fheriyal Sri. "Tanggung Jawab Negara Dalam Pemenuhan Hak Atas Kesehatan Masyarakat Berdasarkan Undang Undang Dasar Negara Republik Indonesia Tahun 1945." *PhD diss.*, Tadulako University, 2015.

¹² Hasyim, Moh, and Nurmalita Ayuningtyas Harahap. "Legalitas Pengaturan Kepesertaan BPJS Kesehatan Sebagai Syarat Pelayanan Publik." *Widya Yuridika: Jurnal hukum* 6, no. 2 (2023): 245-266.

promotion of the national economy based on the principle of kinship and implemented through economic democracy.

Based on the 1945 Constitution of the Republic of Indonesia, social health security must also be provided fairly and equally to all Indonesian citizens. There must be no discrimination against certain groups or jobs so that equality and justice can be achieved. The state must be able to be present through various means to protect Indonesian citizens. However, in reality, this health insurance still leaves many problems, especially for migrant workers.¹³

Regarding the issue of health insurance through BPJS Health, several existing problems were found, such as the paradigm of chasing deposits because the service application was still very poor. This was conveyed by Wahyu Susilo as Executive Director of Migrant Care who highlighted the problem of poor service because the benefits of BPJS Health for workers abroad are still very poor.¹⁴

This service is related to the scope of health services which is focused on the pre-placement and post-placement periods. In fact, the problem is more about placing migrant workers in placement areas. Specifically, there are no special regulations regarding health insurance for migrant workers, so it seems as if the government has neglected to provide health insurance for migrant workers who are working abroad.¹⁵

In the current situation, there are no specific regulations governing health insurance for Indonesian migrant workers and they are still subject to BPJS Health regulations. This is as regulated in Article 3 of the Minister of Manpower Regulation Number 4 of 2023 concerning Social Security for Indonesian Migrant Workers which explains: Social health security as intended in Article 2 paragraph (2) letter a is implemented in accordance with the provisions of statutory regulations.

With the explanation above, migrant workers residing in the country of placement are currently subject to the provisions related to health insurance subject to BPJS Health. However, the obstacle is that there are no state-owned health facilities in the placement country. In this way, operationally it will give rise to further problems.

The problem is that there are no specific regulations regarding health insurance in the provisions regarding health insurance, even though this is very important to provide health safety for all existing migrant workers. In the absence of specific regulations regarding health insurance, technically

¹³ Mariyam, Siti. "Sistem Jaminan Sosial Nasional Melalui Badan Penyelenggara Jaminan Sosial (BPJS) Kesehatan (Perspektif Hukum Asuransi)." *Serat Acitya* 7, no. 2 (2018): 36.

¹⁴ Aryo Putranto, "BPJS Kesehatan Wajib Bagi Pekerja Migran, Migrant Care: Kejar Setoran", Kompas, www.nasional.kompas.com, diakses pada 4 Maret 2024

¹⁵ Jatmiko, Ludfie. "Perlindungan Jaminan Kesehatan Bagi Pekerja Migran Indonesia Sektor Informal." *The Prosecutor Law Review* 1, no. 1 (2023): 119-151.

there are no instructions that can really be followed regarding the disbursement of insurance for Indonesian migrant workers.

On the other hand, there is work accident insurance which also includes health insurance. However, this condition can only be used if of course a work accident occurs. This can be seen from the benefits of the work accident insurance program contained in Article 25 of the Minister of Manpower Regulation Number 4 of 2023 concerning Social Security for Indonesian Migrant Workers regarding work accident insurance (JKK) which is explained as follows:¹⁶

“The benefits of the JKK program for prospective Indonesian Migrant Workers or Indonesian Migrant Workers before work and after work are provided in the form of:

- a. health services;*
- b. compensation in the form of money; and/or*
- c. vocational assistance and training for Prospective Indonesian Migrant Workers or Indonesian Migrant Workers who suffer from Partial Anatomic Disabilities and/or Partial Functional Disabilities due to Work Accidents.”*

The health services provided to migrant workers include basic and supporting examinations; first-level and advanced care; class I inpatient treatment at a government hospital, regional government hospital, or equivalent private hospital; intensive care; diagnostic support; treatment, including comorbidities and complications related to work accidents and work-related diseases; special services; medical devices and implants; doctor or medical services; blood service operations; medic rehabilitation; and/or home care for Participants where it is not possible to continue treatment at the hospital

The benefits of JKK in this health service before and after work are provided at a cost of 20 million rupiah per year and if this cost has been used up within one year, further treatment will be carried out at a health facility that has collaboration with BPJS Employment. In the event of a work accident when a migrant worker is working in a foreign country, there are benefits that are also provided by JKK but with limited provisions, even through a remuneration system or in other terms, the institution or even the worker himself must cover health costs first. Provisions regarding protection while working can be seen in Article 30 of the Minister of Manpower Regulation Number 4 of 2023 concerning Social Security for Indonesian Migrant Workers which explains that the benefits of the JKK program for migrant workers while working in foreign countries are

¹⁶ Fahera, Jihan. "Upaya pemerintah indonesia dalam pemberian jaminan kecelakaan kerja pekerja imigran indonesia." *PhD diss.*, wijaya kusuma surabaya university, 2023.

provided through the form of health services, compensation and assistance and training for workers who experience anatomical defects.¹⁷

This health service is provided with a remuneration system through advance payment by employers, placement providers, business partners or Indonesian migrant workers. After payment is made, BPJS Employment will reimburse the costs. This remuneration system will certainly give rise to new problems, such as who will cover first and the absence of clear technical mechanism rules for disbursing the guarantee.

The benefits given to Indonesian migrant workers while working are a maximum of 50 million per work accident case for treatment costs, while for home treatment it is a maximum of 20 million rupiah. Just like the provisions for benefits for before and after work, the provisions for during work are also if the amount of 20 million rupiah has been used up then it will be continued at a health facility that has collaborated with BPJS Employment.

In situations like this, the state should be present through embassies in the countries where the migrant workers work. The state must make direct payments to migrant workers to protect workers' health. The policy of appointing several institutions or migrant workers themselves to pay in advance for their medical expenses is wrong because it seems as if the state is delaying health insurance for those who need it. With such large costs, it is not certain that the institutions specified in the policy to provide bailout funds have sufficient funds to cover health costs in advance.¹⁸

The lack of availability of direct services provided by the state while migrant workers work abroad is due to the lack of access to services in the country where migrant workers work. The reach of accessibility does not reach the countries where migrant workers work, even though there are various forms of cooperation that can be carried out between Indonesia and these various countries, from bilateral and even multilateral agreements for certain regions. In fact, this is very possible with the many Indonesian embassies abroad and good international relations with foreign countries.

Therefore, there are various methods and ways to improve health services for migrant workers abroad. This is what the state should strive for in order to provide the best service for all migrant workers outside in accordance with the mandate of the Constitution. Delays related to health must not be postponed by the state by making the best effort without going through a remuneration mechanism.

¹⁷ Ayunda, Rahmi, Raihan Radinka Yusuf, and Hari Sutra Disemadi. "Efektivitas Kebijakan Pemerintah Tentang Perlindungan Sosial Pekerja Migran Indonesia: Studi Hukum di Provinsi Kepulauan Riau." *Justisi* 7, no. 2 (2021): 89-104.

¹⁸ Juliantoro, Mohammad Andik, and Santi Wijaya. "Analisis Peraturan Menteri Ketenagakerjaan Nomer 18 Tahun 2018 Tentang Jaminan Sosial Pekerja Migran Indonesia." *Jurnal Ilmu Politik dan Pemerintahan* 6, no. 1 (2020): 1-14.

Good regulatory development is needed by formulating regulations specifically related to health insurance for migrant workers abroad by specializing the provision of health insurance for migrant workers with a certain model. This model of providing health insurance must also be carried out through a direct payment system by the state to the destination country by making direct payments so that it does not use bailout funds from certain parties because it has the potential to give rise to new problems such as the absence of funds from the parties to pay for health costs in advance, resulting in delays in providing health insurance.

This model will further ensure that migrant workers receive legal certainty regarding the health insurance they are entitled to and do not need to worry about the health problems they suffer. By providing direct assistance from the government to the country where migrant workers are located, there will be no delays in justice and it will make it easier to access health insurance for migrant workers.

2. **Strategy to Strengthen Commitment to Health Insurance Protection for Migrant Workers in Placement Countries**

Lawrence M. Friedman, in his book *American Law: an Introduction*, put forward the Legal System theory. According to him, A legal system in actual operation is a complex organism in which structure, substance, and culture interact. A legal system is the union of “primary rules” and “secondary rules.” Primary rules are norms of behavior, secondary rules are norms about those norms- how to decide whether they are valid, how to enforce them, etc.¹⁹

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The legal structure is related to the structure of a system body of the system, the tough, rigid bones that keep the process flowing within bounds. We describe the structure of judicial system when we talk about the number of judges, the jurisdiction of courts, how higher courts are stacked on top of lower courts, what persons are attached to various courts, and what their roles consist of. This legal structure is closely related to law enforcers who enforce existing laws in an area. This aspect determines the enforcement of legal direction and the effectiveness of the legal system. This is because the legal structure is what drives the law and without a good legal structure, no

¹⁹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1975), 4.

matter how good the substance contained in the law, it is impossible to implement it correctly.²⁰

Next is the legal substance, Friedmann states that the substance is composed of substantive rules and rules about how institutions should behave. Structure and substance are real components of a legal system, but they are at best a blueprint or design, not a working machine. The substance of this law correlates with the meaning and content contained in the rules. All content contained in a rule is called legal substance. Legal substance determines the direction of justice that exists in a legal area. Without good legal substance, a good legal culture will not be formed and on the other hand, the legal structure cannot work optimally.²¹

Lawrence M.Friedman stated that disturbances in the structure and substance of law occur because they are static. The factor that provides input is the social world from outside. The legal system is not siled and isolated, but is very dependent on input from outside. Sustainable social forces, overhauling the legal order, renewing it, sorting out which parts of the law will be applied and which will not, and which parts must change.²²

The final variable in Friedmann's legal system is related to legal culture. According to him, legal culture has meaning. It is the element of social attitudes and values. The phrase "social forces" is itself an abstraction; in any event have needs and make demands; these sometimes do and sometimes do not invoke legal process, depending on the culture. Legal culture is the ideas, values, thoughts, opinions and behavior of community members in implementing the law. This is related to people's awareness, understanding and acceptance of the laws imposed on them.

In the context of migrant worker protection, it can be seen from the previous discussion that there is a legal vacuum, namely that there is no special regulation regarding health insurance for migrant workers in the country of placement. Apart from that, it can be seen that there is no willingness from the government to be serious about protecting migrant workers in their placement countries, as evidenced by the absence of various government actions to carry out direct protection.

Currently, the health service system in the JKK program includes health insurance protection for migrant workers in the placement country, but the system used is still remuneration using money belonging to several institutions mentioned in the regulations or money belonging to the migrant workers themselves. Of course, this is not effective and efficient and raises concerns that migrant workers will not be able to be protected due to the incompetence of these various institutions.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

With good government networks and diplomacy, the government should be able to provide direct financing without using a remuneration system through bilateral or multilateral agreements with host countries. With efforts like this, migrant workers in their placement countries do not need to worry about their rights because the government itself takes care of this..

Referring to Friedmann's theory, this situation illustrates that the existing legal system is still not good in terms of legal structure and substance in this matter. Indeed, the structure only implements the written provisions contained in the substance, so there needs to be fundamental changes and additions in the substance so that the legal structure can function properly.

An optimal strengthening strategy can only be carried out when the legal substance is improved first because this problem has become a basic problem which has given rise to many new problems in other aspects. With good legal substance, it can open up opportunities for the legal structure to enforce it well. Strengthening the substance properly, followed by improving the legal structure properly, will direct the provision of social health security to substantial and technical legal certainty in terms of law enforcement.

These two things will encourage better interest in public compliance in using the social security provided by the state through BPJS Health. In 2022, the National Social Security Council (DJSN) released the results of its monitoring and evaluation of the social security program for migrant workers and found that PMI also faced the same challenges regarding National Health Insurance (JKN). Because, even though they are required to be registered as JKN participants, migrant workers are not automatically guaranteed when they are sick or need treatment abroad.²³

As a result, PMI membership status tends to be inactive due to unpaid contributions which impact when they are sick, migrant workers are not automatically guaranteed, they also need to re-process their participation in the JKN program. DJSN's findings show that the interest of migrant workers really depends on how the government guarantees health insurance for these migrant workers.

Migrant workers also need certainty and on the other hand require quick response action from the government by providing easy access for migrant workers so that they can easily get health services even in their country of placement. This series of policies can improve the legal culture of complying with the obligation to pay health insurance contributions so that the provision of health insurance for workers will improve.

²³ Hendartyo. "DJSN Beberkan Tantangan Pekerja Migran Mengakses Jaminan Sosial", Tempo, www.bisnis.tempo.co, diakses pada 4 Maret 2023.

E. Conclusions

As discussion above, its finding several things below:

1. The ideal policy for migrant workers can be formed by making improvements to the system by reformulating the provision of health insurance in written and technical terms. The ideal form of policy for the protection of migrant workers is to eliminate the remuneration system for providing health insurance to migrant workers in the placement country and replace it with a direct protection system through payments from the government directly to the placement country. This policy can be realized through bilateral or multilateral agreements between Indonesia and host countries or regions. With a method like this, there will be no more delays in providing health insurance for migrant workers in their placement countries.
2. Strengthening strategies for the commitment to provide health insurance can be provided through improving various 3 aspects of the legal system, namely substantive strengthening through making special regulations related to the implementation of health insurance for migrant workers outside through direct protection from the state without going through third parties, strengthening in law enforcement by encouraging transparent and accountable law enforcement, as well as encouraging a legal culture to be well formed and comply with all regulations such as BPJS Health registration and payment of routine contributions. By strengthening these three aspects, substantially and technically, migrant workers will receive guarantees for their various right.

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Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1975), 4.

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