

ORIGINAL ARTICLE

Implementation of Legal Efforts Consumer Protection and Dispute Settlement of Social – Health Insurance Participants for Indonesian Migrant Workers

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ABSTRACT

Introduction: In order to create social security and welfare for Indonesian migrant workers (PMI) both in Indonesia and abroad, the government held a national insurance program called BPJS. As consumers, these migrant workers are entitled to proper advocacy, protection, and efforts to resolve consumer protection disputes. **Methods:** This research used legal research by reviewing the applicable laws and regulations applied to a particular legal problem. The approach used was a conceptual approach and a legal approach, namely by reviewing Law no. 8 of 1999 concerning consumer protection and laws related to BPJS Employment. **Results:** : The forms of legal protection from BPJS include work accident insurance, death insurance, and old age insurance. Settlement of consumer disputes can be conducted in two ways, namely through the courts or voluntarily by the disputing parties (outside the court), namely through the institution in charge of resolving disputes, namely the Consumer Dispute Settlement Agency (BPSK) and outside BPSK in a peaceful manner. BPJS Employment still did not fully protect PMI and left related issues regarding BPJS Employment for PMI. Legal efforts of Indonesian migrant workers abroad have several options to solve the settlement by the court or outside the court. In addition, the Regulation of the Minister of Manpower Number 7 of 2017 concerning the Social Security Program for Indonesian Workers does not explain how to resolve it in the event of a dispute or dispute. **Conclusions:** BPJS Employment has not fully protected PMI and is still leaving issues related to BPJS Employment for PMI. But Indonesia's governance has prevented regulation No. 59 years 2021 about the implementation of Indonesian migrant workers.

Keywords: Consumer Protection, Disputes Resolution, Indonesia Migrant Worker, Social Security Insurance, Good Health and Well Being

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INTRODUCTION

In order to reduce the unemployment rate in the country, the government implements a program of sending PMI abroad in addition to providing and increasing employment opportunities in the country. Likewise, the fact on the ground that the salary for working abroad is higher than the salary for the same job as working at home makes many Indonesian workers choose to

try their luck abroad (1). These migrant workers have a high risk in their work, such as being tortured by their employers, disabled due to work accidents and even death (2) (3). Given the significant risk, they need to get social security.

According to Law No. 18 of 2017 Article 1, the definition of Indonesia migrant working (PMI) is an Indonesian citizen who will currently and has finished work for a wage outside the territory of the Republic of Indonesia (4). Based on Article 4 concerning on Indonesian migrant worker types 1. Indonesia migrant workers who work for legally incorporated employers; 2. Indonesia migrant workers who for an individual employer or

household; and 3. Seafarers and fishermen. The law covers Indonesian migrant workers stated in Article 7 concerning 3 (three) types of PMI before, during, and after working protection (4).

The government, through BPJS as a partner of the government in providing social security for the people of Indonesia both abroad and domestically thus, the migrant workers abroad get social security (4) (5), according to the mandate of Law no. 40 of 2004 concerning the National Social Security System (SJSN) and Law No. 8 of 1999 concerning Consumer Protection (7). For this reason, this study aims to determine the form of legal protection for Indonesian Workers with the status of BPJS Employment participants and to find out the legal remedies taken by Indonesian migrant workers if their rights are not fulfilled as consumers.

MATERIALS AND METHODS

This was legal research by reviewing the applicable laws and regulations applied to a particular legal problem (8). The approach used was the legal approach by reviewing Law no. 8 of 1999 concerning consumer protection and laws relating to BPJS Employment (8). The definition of legal research is an analysis process which includes specific methods, systematics and thoughts that aim to study certain legal phenomena and then seek solutions to problems that arise (9). Based on the research concern the legal method research is to analyse the implementation and dispute settlement of social security insurance (BPJS) participants for Indonesia migrant workers abroad with Law No. 8 of 1999 concerning consumer protection and laws. In addition to the legal approach, this study also uses a conceptual approach, namely by referencing legal issues with the views and opinions of experts on these issues (10).

RESULTS

Implementation of Social Security for Indonesian Migrant Workers abroad by BPJS Employment

In the Regulation of the Minister of Manpower Number 7 of 2017 concerning the Social Security Program for Indonesian Workers, there are various programs, namely Work Accident Insurance (JKK), Death Insurance (JKM), and Old Age Security (JHT) (11). BPJS Employment is also intended to ensure the social welfare of workers abroad (5). For PMI who want to work abroad, the executor of their placement must first register them in the JKK, JKM, or JHT program. In addition to PMI who want to leave/work individually, they are also required to register themselves to participate in the JKK, JKM, or JHT programs. Registration for this program is currently relatively easy, PMI can come directly to the nearest BPJS Employment or online. PMI who have worked abroad but have not registered for the JKK, JKM, or JHT program at this time can register at the Indonesian Embassy or go online to the site set by BPJS Employment (12).

The form of BPJS service or service products for PMI was in the form of Work Accident Insurance, Death Insurance, and Old Age Security. The implementation of the Work Accident Insurance program is of course carried out with good principles and goals. As stipulated in Article 29 paragraph 1 of the SJSN Law, the principle of social insurance was related to the purpose of administering Work Accident Insurance. Consideration of the Constitutional Court Decision Number 138/PUU-XII/2014, dated December 15, 2015 stated that social insurance aims to ensure access for all people who need health services regardless of their economic status or age, thus enabling the creation of social solidarity through cooperation between the rich and the poor, young and old, and healthy and sick (13) (14) (15).

In the Work Accident Insurance program, many things can be obtained from the participants of the Work Accident Insurance as referred to in Article 14 paragraph (1) of the Minister of Manpower Regulation Number 7 of 2017 concerning the Social Security Program for Indonesian Workers, which states that: (1) Health services in the JKK program given according to medical needs, including a. Basic and supporting examinations; b. First and advanced level of care; c. Inpatient; d. Intensive care; e. Diagnostic support; f. Treatment; g. Special services; h. medical devices and dreams; i. Doctor/medical services; j. Operation; k. Blood transfusion; and/or l. Medic rehabilitation (16). These services can be carried out at facilities collaborating with BPJS Employment. If no service facilities collaborate with BPJS Employment, participants of the Occupational Accident Insurance can pay the bill first and then ask for a replacement of the money from BPJS Employment as a guarantor. The replacement money has been determined following the standard costs determined by legislation (17).

In addition to what has been explained in Article 14, paragraph 1 of the Regulation of the Minister of Manpower Number 7 of 2017 concerning the Social Security Program for Indonesian Workers, Article 15 it is explained that: For prospective PMI before placement and PMI after placement get benefits in the form of compensation in the form of money, included: a. Reimbursement for the transportation costs of Participants who have a Work Accident to the hospital and/or to their homes, including the cost of first aid in an accident; b. Compensation for Partial Anatomical Disability, Partial Functional Disability, and Permanent Total Disability; c. Compensation for death; d. Periodic compensation paid at once if the Participant experiences Permanent Total Disability due to a Work Accident; e. Rehabilitation in the form of assistive devices (others) and/or replacement devices (protheses); f. Denture reimbursement; and/or g. Educational or job training scholarships for 1 (one) Participant's child, for Participant who experiences Permanent Total Disability due to Work Accident or dies due to Work Accident, which is paid annually, the amount determined based on the education level

of the Participant's child. Work Accident Insurance itself guarantees or provides benefits to Work Accident Insurance participants who experience a disaster or accident in their work relationship.

PMI's participation in the Death Insurance program directly aims to provide death compensation if the PMI dies. The compensation was given to the heirs of the Death Benefit participants. In addition, the purpose of participating in Death Insurance is to help ease the burden on the heirs after the participant dies. Based on Article 1 number 2 PP No. 44 of 2015 Death Security, hereinafter abbreviated as JKM, was a cash benefit given to heirs when a participant dies, not due to a work accident. Following the article, it can be interpreted that the death of the participant in question is not due to a work accident but factors outside of the work accident, such as the participant suffering from an illness (11). Registration for participation in this program is regulated in a Government Regulation, namely PP no. 44 of 2015 concerning implementing the Work Accident Insurance and Death Insurance programs.

The benefits of participating in the Death Security program have been regulated in Article 19 of the Regulation of the Minister of Manpower Number 7 of 2017 concerning the Social Security Program for Indonesian Workers (18). The benefits of the JKM program for Prospective PMI/PMI before and after the placement period is given in the form of compensation in the form of money, including a. Compensation for death; b. Periodic compensation; and c. Funeral expenses (18). Meanwhile, Article 20 of the Regulation of the Minister of Manpower Number 7 of 2017 concerning the Social Security Program for Indonesian Migrant Workers explains that: The benefits of the JKM program for PMI during placement were given in the form of compensation in the form of money, including a. Compensation for death; b. Periodic compensation; c. funeral expenses; and d. Education or job training scholarships for 1 (one) participant's child who dies are paid annually, which is determined based on the education level of the participating child (19).

The Old Age Security Program (JHT) was a fund-raising program intended as savings that participants could use, especially if the income in question stops due to various reasons, such as death, permanent total disability or having reached retirement age. The Old Age Security benefits will be paid to participants based on their accumulation and development results if the participant meets the requirements of the participant reaching the age of 56 years, dies, permanent total disability, referred to as retirement age, including participants who stop working due to resigning, being laid off and being inactive work anywhere; or participants who left the territory of Indonesia for good. The Old Age Security Benefits can be partially taken before reaching the age of 56 years, provided that a maximum of 10% of the

total balance was taken in preparation for retirement age, a maximum of 30% of the total balance was taken for housing money (20) (21).

One application of the use of BPJS abroad was in Singapore. The use of BPJS in Singapore used a reimbursement system. The reimbursement system was a slightly complicated submission method because BPJS Employment service users first pay the entire bill. Then after making the payment, the BPJS Employment service user takes care of and completes a document that is to be submitted to BPJS Employment to ask for compensation for paying the bill that the service user has paid in advance to take action. The reimbursement system here has a weakness, namely for claims for payments to be reimbursed to BPJS Employment in Indonesia; this was burdensome for PMI if they had to return to Indonesia because the cost of returning to Indonesia was quite expensive. Besides that, the issue of the grace period that was not explained in the regulation has the potential to cause unrest for PMI if they wanted to claim it. Besides, if the PMI was sick for an extended period abroad, who has to bear the costs because treatment in Indonesia and abroad have different prices, this is also not explained. In this case, BPJS Employment still did not fully protect PMI and left related issues regarding BPJS Employment for PMI.

Annual Report of Problematic Case concerning Indonesia Migrant Working (PMI) Abroad

Based on data per 01 May 2022 above province with the highest number of Indonesian migrant workers initially from East Java with a total number of 11.353, the second highest number is Central Java with a total score of 9.203, and the third highest in West Java with a total score 2.797. These 3 (three) provinces have delivered major labour-market to abroad. But several provinces have delivered the least number of Indonesian labour consisting of Maluku total percentage of 0.4, North Maluku and West Papua with a total score of 0 (zero). Each month has different numbers; in January, the total number is 6.433; in February, the total number is 5.668; in March, the total number is 10.846; and in April with total number is 12.604. the total number each month has significantly increased (Figure 1). (22)

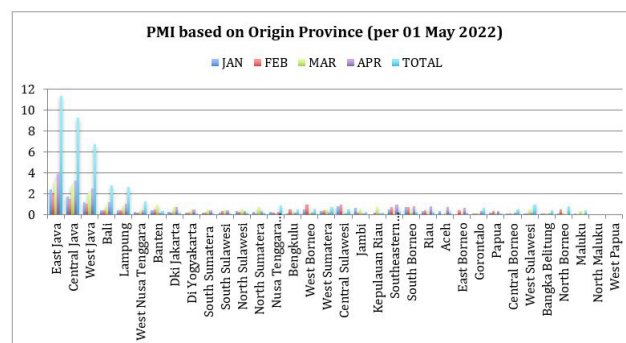
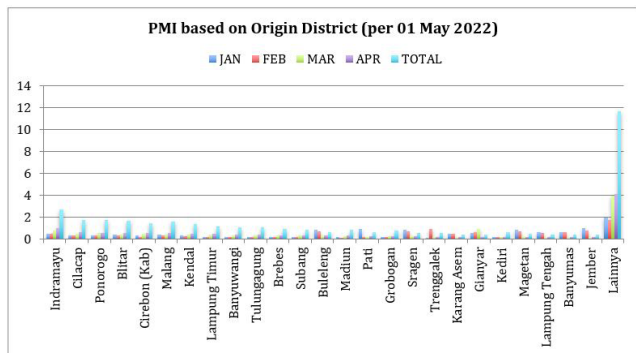


Figure 1: PMI Based on Origin Province

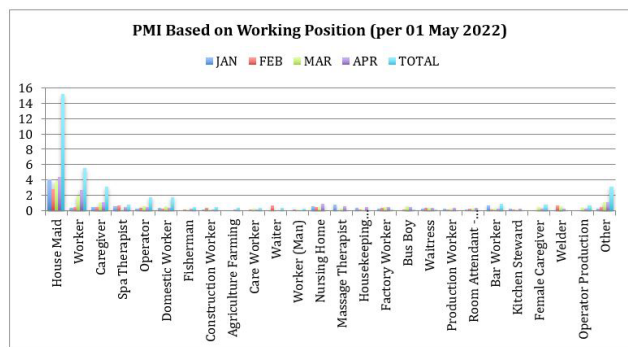
Based on the data per 01 May 2022 above, most Indonesian migrant workers are initially from the district of Indramayu with a total of 2.677; the second highest in the Cilacap district with a total of 1.721, and the third highest in Ponorogo district with a total number 1.697. These 3 (three) central district has delivered a significant labour market. But there are several provinces with the least number of Indonesian migrant workers, consisting of Banyumas district with a total number of 0.363, Gianyar with a total number of 0.365, and Karang Asem district with a total number of 0.368. Moreover, above all the districts in the table, there are other districts (excluding the 25 above) (Figure 2). (22)



Source: Report of Indonesian Migrant Worker Protection Board (BP2MI)

Figure 2: PMI Based on Origin District (per 01 May 2022)

Based on data per 01 May 2022, Indonesian migrant workers have a working position as the first highest housemaid with a total of 15.121, and the second highest is a worker with a total number of 1.951. The third highest is caregivers, with a total number of 0.992. but there are 3 (three) most minor positions: operator production with a total number of 0.71, a female caregiver with a total number of 86, and bar worker with a total number of 94. Each month has different number, January with total number of 6.433, February total number of 5.668, March with a total number of 10.847, and April with a total number of 12.604 (Figure 3). (22)

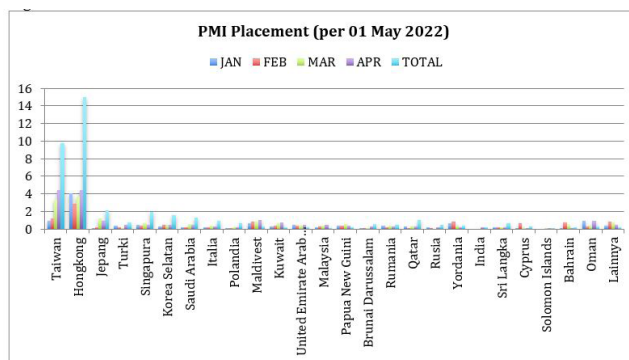


Source: Report of Indonesian Migrant Worker Protection Board (BP2MI)

Figure 3: PMI Based on Working Position

Based on data 01 May 2022 above the Indonesian migrant worker placement are mostly to Hongkong as the highest number with a total of 14.991, the second highest country is Taiwan with a total number 9.740. The third highest country is Japan with a total number

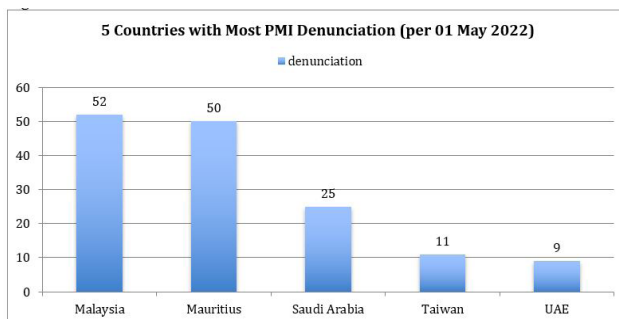
of 2.102. Each month has different number, in January with a total number of 6.433, February total number of 5.668, March total number of 10.847, and April with a total number of 12.604 (Figure 4). (22)



Source: Report of Indonesian Migrant Worker Protection Board (BP2MI)

Figure 4: PMI Placement

Based on data per 01 May 2022, above 5 (five) countries with the highest number of denunciations are primarily from Asian continental, about 4 of 5 countries. Malaysia has the highest position of Indonesia migrant worker denunciation with a total number of 52, then Mauritius with a total number of 50, Arab Saudi total denunciation number 25, followed by Taiwan with a total number of 11, and Uni Emirat Arab (UEA) with total number 9. (Figure 5) And more specifically about denunciation is explain on below (Figure 6). (22)

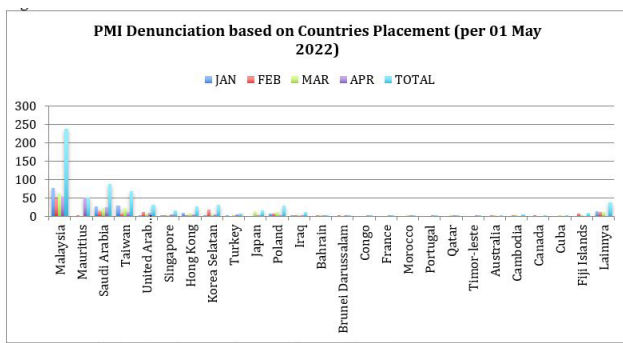


Source: Report of Indonesian Migrant Worker Protection Board (BP2MI)

Figure 5: 5 Contries with Highest OMI Denunciation

Based on data per 01 May 2022, above 5 (five) countries with the highest number of denunciations are primarily from Asian continental, about 4 of 5 countries. Malaysia has the highest position of Indonesian migrant worker denunciation with a total number of 52, then Mauritius with a total number of 50, Arab Saudi total denunciation number 25, followed by Taiwan with a total number of 11, and Uni Emirat Arab (UEA) with total number 9. But there are countries with the least PMI denunciation Congo, France, Portugal, Timor-leste, Canada, Cuba; each of those countries has denunciation with a total number 1, and Morocco, Qatar with a total number 2, Bahrain with a total number 3. Each month has different total number of denunciations, in January with a total number of 178, February with a total number of 148,

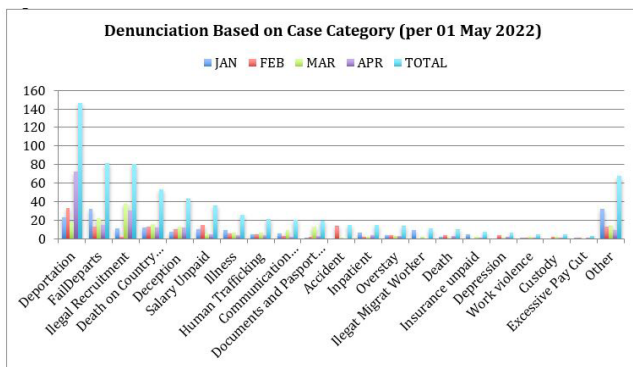
March with a total number of 179, and April with the total number of 184 (Figure 6). (22)



Source: Report of Indonesian Migrant Worker Protection Board (BP2MI)

Figure 6: PMI Denunciation based on Countries Placement

Based on the data per 01 May 2022 shows that PMI death on countries placement has reached total number 53 and become one of highest on case category, then Illness with total number 26, and working accident with total number 15, Inpatient with total number 15, Death with the total number 10, Insurance Problem (Unpaid) with total number 8. Each month has different total number of PMI cases (Figure 7). (22)



Source: Report of Indonesian Migrant Worker Protection Board (BP2MI)

Figure 7: Denunciation Based on Case Category

Problematic System: A Case of Social – Health Insurance for Indonesian Migrant Workers Abroad

The Indonesia Migrant Worker Protection Agency (BP2MI) revealed that many Indonesian migrant workers (PMI) are reluctant to take part in health insurance. Based on President decree Number 1 of 2022 concerning optimising the implementation of the national health insurance program for PMI and PMI Candidates are required to be active participants of the national health insurance program (23). According to Head of BP2MI Benny Rhamdani statement, “Indonesia migrant worker (PMI) decided not to register for health insurance. The reason is, PMI or PMI candidates cannot claim insurance at the country's placement must return to Indonesia. This difficult condition makes PMI or PMI candidates not willing to register for the health insurance program (23). Based on National Social Security System (SJSN) regulation, social and health insurance participants are entitled to benefits. But the fact is Indonesian migrant

workers (PMI) who are sick or illness must return to Indonesia to claim and get the benefits (23).

The Head of CARE’s Migration Study Center, Anis Hidayah stated that Social – Health Insurance (BPJS) membership obligation for Indonesian migrant workers (PMI) is considered very burdensome. As Anis said, BPJS Health Membership for PMI is not significantly beneficial, and it actual adds to the burden because the insurance cannot claimed and cannot be obtained by PMI abroad (24). The cost of treatment in case of illness or accident cannot be reimbursed (24). Based on the statement of Minister of Manpower Republic Indonesia Ida Fauziyah, there are 6 (six) problems related to the implementation of social security for Indonesia migrant workers, (25)

1. Protection for Indonesia migrant workers (PMI) is not fully covered or not covered yet. Who experience work accident and require hospitalised in the country placement; (25)
2. The benefits of work accident insurance (JKK) and death insurance (JKM) are not in line with government regulation (PP) number 44 of 2015 regarding the implementation of JKK and JKM Programs; (25)
3. Other requirements in submitting claims exclude the requirement on the regulation of Ministry of Manpower (Permenaker) number 18 of 2018 concerning social insurance (Jamsostek) for Indonesian migrant workers; (25)
4. No assistance for PMI children who have not entered the education level, with parents who have experienced work accidents (fully disability or die); (25)
5. Limited access for PMI who will extend participation from the country placement within contribution payment; (25)
6. The claims submission is manual, and it the difficulties in getting information about the current progress of the claims. (25)

Based on the statement of Head Commission IX House of Representative Republic Indonesia Dede Yusuf has said, Indonesia migrant workers (PMI) are still find difficulties to claims insurance benefits of BPJS Employee (26), termination of employment relation (PHK) or Illness during working abroad, find difficulties to claim benefits. In fact, PMI always expends to BPJS Employee contribution payment. PMI are not getting the benefit of BPJS Employee while the PMI were on hospitalised. The PMI could claim the insurance benefits after returning to Indonesia. At one point, PMI still find difficult to claim the social – health insurance benefits after returning to Indonesia (26).

DISCUSSION

Rights of Active Participant of Social – Health Insurance for Indonesia Migrant Workers in Abroad

1. Employment Injury Security Insurance Right (JKK)

Employment injury security is a protection program with benefits from health services. This program also can be accompanied by compensation in the form of cash for participants who suffer from illness or work accidents which are caused by the work environment (27).

The benefits of employment injury security insurance rights are full protection of medical cost and compensation for Indonesian migrant worker who experiences work accident or illness that arises due to work. Work accident insurance is included medical services, primary and supports medical treatment, first-level treatment and advanced care. In addition, work accident insurance cover hospitalised facilities for first-class level government/regional hospital or private hospital. The JKK also support and covers intensive care, diagnostic support, special services (treatment), surgery, blood transfusion, and medical rehabilitation. Furthermore, JKK provides reimbursement for accommodation cost for Indonesian migrant worker who has accident and illness due to work, as well as the first-aid cost (28).

In addition, the benefits of employment injury security insurance are based on health care and treatment of medical needs and/or compensation in the form of cash (27).

- a. Treatment without cost limit, according to medical indications
- b. Homecare service
- c. The death benefit of 48x Wages
- d. Maximum scholarship benefit of IDR 1 – 74 million for 2 children
- e. Return to work
- f. Compensation for being unable to work of 100% of the first 12 wages and 50% of the next month's wages until recovered

2. Death Security Insurance Right

Death security insurance is a protection program with cash benefits for heirs when the participant passes away, which is not due to a work accident or work-related illness (27). The benefits of death security insurance are in the form of periodic compensation, funeral expenses, and educational scholarship for the children of the participants (27).

- a. Death compensation
- b. Funeral expenses
- c. Periodic compensation
- d. Total compensation of (a + b + c = 42 million)
- e. Maximum scholarship benefits of IDR 1 – 74 million for 2 children

3. Pension Security Insurance Right

Pension security is a protection program to maintain a decent life. Pension security is given when participants reach retirement age or have a permanent total disability (27). Pension security benefits are in the form of cash, which is received every month, where the nominal is

determined based on a specific formula, and/or in the form of cash received at once, where the nominal is calculated from the accumulation of all contributions plus the yield of investment (27).

Implementation of Legal Efforts of Consumer Protection for Indonesian Migrant Workers Abroad

Consumer protection legal efforts can be taken. As an active participant of BPJS Employment services, Indonesian migrant workers have rights that must be obtained as consumers. Rights as consumers are regulated in Article 4 of the UUPK, in that article, various kinds of rights must be obtained, such as the following: a. The right to comfort, security and safety in consuming goods and/or services; b. The right to choose goods and/or services and to obtain such goods and/or services following the exchange rate and the promised conditions and guarantees; c. The right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services; d. The right to hear their opinions and complaints on the goods and/or services used; e. The right to get advocacy, protection, and efforts to resolve consumer protection disputes properly; f. The right to receive consumer guidance and education; g. The right to be treated or served correctly, honestly, and not discriminatory; h. The right to obtain compensation, compensation and/or replacement if the goods and/or services received are not following the agreement or not correctly; i. Rights are regulated by the provisions of other laws and regulations (29).

If BPJS Employment, in this case, does not carry out and does not carry out what must be done correctly in the initial agreement, as a consumer, Indonesia migrant worker can ask for compensation. Settlement of consumer disputes based on Article 45, paragraph 2 of the UUPK itself can be reached in two ways, the first is through the courts, and the second is through the voluntary choice of the disputing parties. Dispute resolution through the court is submitted to the District Court. Based on the Supreme Court Regulation Number 2 of 2015 states that for losses of less than Rp. 200,000,000 - (two hundred million rupiah) and not a land case; a lawsuit can be filed using a simple lawsuit. A single judge carried out the simple lawsuit.

Meanwhile, if the loss is more than Rp. 200,000,000 - (two hundred million rupiahs), then a regular lawsuit is used. Using a simple lawsuit itself is to shorten the time and save litigation costs.

Settlement of disputes outside the court can be done through institutions in charge of resolving disputes between consumers and business actors, namely the Consumer Dispute Settlement Agency (BPSK) and outside BPSK (11). Regarding dispute resolution through BPSK, it has been regulated in Article 49 to Article 58 of the UUPK. There are three ways to settle consumer disputes through BPSK based on the article, and the

first is mediation, the second is arbitration, and the third is conciliation. The method of mediation here has various stages. The stages for mediation are based on the Circular of the Directorate General of Domestic Trade No. 40/PDN/02/2010 the Year 2010 (hereinafter referred to as SE Director General of Trade) is divided into three stages, namely pre-mediation, mediation and follow-up handling. Pre-mediation is the stage digging up various kinds of information, such as data needed by both parties. After pre-mediation is fulfilled, the next stage is the mediation stage. The mediation stage is led by a mediator from the official apparatus, assisted by a note taker.

The mediator in mediation will explain several things to the parties first, the mediator will explain the rules of the mediation process, the two mediators also convey the principles of handling in the context of resolving consumer disputes, and the three mediators will convey the rights and obligations of each party, then the mediator will allow the parties to explain the dispute. The mediator must direct the parties to resolve the dispute amicably and in agreement. The agreement results are made in the minutes of the consumer dispute settlement signed by the parties, the mediator, and the witnesses (30). If the business actor has not been able to accept the consumer's demands, the mediator will provide the opportunity for a maximum of five working days to complete the evidence or refutation of the consumer's demands and determine the time for the follow-up mediation event (30).

If the mediation does not materialise an agreement, then what can be done is the mediator provides suggestions to resolve the dispute through the local District Court. After the mediation stage, there is a follow-up handling stage. If the mediation agrees, the parties will be asked to carry out their obligations properly. If there is no agreement, then the dispute can still be submitted to the court (31). Settlement of consumer disputes through arbitration is a process of resolving consumer disputes outside the court, in which case the parties to the dispute fully submit the dispute resolution to BPSK. Through this method, the assembly in BPSK is required to play an active role in getting the parties' agreement to the dispute, and the decision by arbitration is entirely the authority of the assembly of BPSK as arbitrator.

Arbitration is a method of resolving civil disputes outside the general court, which is based on an arbitration agreement. However, the arbitration still has a dependence on the court, for example, in the case of implementation of the arbitral award. This happens because there is still necessary to register the arbitral award in the district court until this shows that the arbitral tribunal has no coercive effort the parties to comply with the decision. The role of the court in administering arbitration under Article 14 paragraph (3) of Law no. 30 of 1999, among others, regarding the

appointment of an arbitrator or arbitral tribunal if the parties do not agree and if implementation of national and international arbitral awards which must be This is done through the mechanism of the judicial system, namely the registration of decisions by submitting an authentic copy of the decision (32). In the arbitration method, the tribunals actively resolve the case of the parties involved dispute. Special for arbitration, problem-solving done through the district court and cassation Supreme Court. Therefore, the final verdict lies in the hands of the Supreme Court (MA)—the complaint is considered completed at this stage (32).

Settlement of consumer disputes through conciliation is a process where the parties are asked to carry out the resolution themselves but are still accompanied by the Assembly. The Assembly in resolving consumer disputes through conciliation is passive because the Assembly's task is only as a companion or conciliator. The decision of this conciliation process is left to the disputing parties. Settlement of disputes outside BPSK is through peaceful means. Amicable settlement is a dispute resolution carried out by both parties to the dispute, in this case between business actors and consumers, without going through a court or the Consumer Dispute Settlement Agency and not contradicting the UUPK. Things that should not conflict with the UUPK include that peaceful dispute resolution is a dispute resolution that is only intended for problems related to compensation or compensation (30).

In peaceful dispute resolution, there is a process which is to find out whether there is a criminal violation or not. Although BPJS Employment has regulated the employment social security program in such a way through the JKK, JKM, and JHT programs, it still does not protect the legal remedies that the PMI can take mentioned above. This is because the Minister of Manpower Regulation still has a weakness, namely that PMI in resolving a dispute still needs to resolve the dispute in Indonesia, in which the PMI must return to Indonesia first.

CONCLUSION

The conclusion is Social – Health Insurance (BPJS) program has a positive impact on providing protection Indonesian migrant workers (PMI) abroad through program insurance, including employment injury security insurance (JKK), and death security insurance (JKM), pension/retirement security insurance (JHT). However, the terminology of protection, whether it has been appropriately implemented.

Based on this case BPJS still does not fully protect PMI and still leaves related issues regarding BPJS Employment for PMI. Legal efforts made by BPJS Employment service users are still not optimal because in a lawsuit against BPJS, PMI must return to Indonesia first. No regulation

protects the PMI as users of BPJS Employment services abroad.

Due to the insurance claims process, which is complicated for Indonesian migrant workers, a long reimbursement process. In obtaining rights to BPJS insurance that have not been granted, Indonesia migrant workers can fill a lawsuit on the basis of consumer law assisted by the Consumer Dispute Settlement Board (BPSK) with a mechanism through the court process or out of the court process, by using conciliation, mediation, and arbitration methods

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