



Legal Protection for Employment BPJS Participants Who Experience Accidents Outside Routine Routes

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Article	Abstract
Keywords: BPJS Ketenagakerjaan; JKK; Work Accidents; Legal Protection; Outside the Routine Route	<i>Work Accident Insurance (WAI) arises because of concerns over work accidents experienced by workers and possibility violations committed by the company on safety and health, causing workers not to get claims on Work Accident Insurance (WAI). Work accidents are work accidents that occur in employment relationships, including accidents that occur on the way from home to work or the other way, and diseases caused by the work environment. On this research will discuss the legal protection provided to workers who experience accidents the usual or reasonable routine routes. This study aims to know and describe the legal protection provided if JKK cannot be given to BPJS Employment participants who experience accidents outside the routine route and factors that influence the determination for BPJS Employment participants to get benefit to JKK. This research is normative research with a statutory and conceptual approach and analyzed with descriptive, evaluative, and argumentative techniques. The result of research and discussion that if workers experience accidents outside the routine route, there is preventive legal protection by diagnosing the accident case, repressive means protection by means of complaints if workers have made claims but are not disbursed. And JKK has several criteria regarding work accidents when workers at the time of a work accident based on Ministerial Regulation No. 5/2021.</i>

INTRODUCTION

The introduction should be clear and provide for the issue to be discussed in the manuscript. Before the objective, authors should provide an adequate background, and very short literature survey in order to record the existing conditions, to show which is the best of previous researches, to show the main limitation of the previous researches, to show what you want to achieve (to solve the limitation), and to show the scientific merit or novelties of the paper. At the end of the paragraph, the author/s should end with a comment on the significance concerning identification of the issue and objective of the research.

The manuscript written by the author whose English is the second language needs to be proofread. Ignore to this requirement results in the rejection of the manuscript. For this part to reference, please use Garamond, 12, with 1.15 spaces. The Articles section must have lengths of 4000-6000 words with a minimum of 20 references and 50 footnotes (each of them 80% from journal articles).

The purpose of the formation of the Indonesian state is stated in the preamble of the 1945 Constitution of the Republic of Indonesia which protects the entire Indonesian nation and all Indonesian blood spilled, advances public welfare, educates the nation's life, and participates in carrying out world order, based on independence, eternal peace and social justice. Efforts to realize these goals are through national development that has an impact on the standard of living and welfare of the community. Workers are a very necessary factor in Indonesia's development process because workers have a significant role in all national activities such as the economy, productivity and welfare, so that workers who play a role in national development need to be given protection, maintenance and improvement of welfare because the many risks that will be experienced by workers when doing their work are basic rights that workers should receive based on Article 35 paragraph (3) regarding welfare protection in Law 13 of 2003 concerning Manpower (hereinafter referred to as UUK) states that:

"The employer referred to in paragraph (1) in employing workers must provide protection that includes welfare, safety, health both mental and physical energy."

The actions of employers as employers in their obligation to provide protection of welfare, safety and health can be done by providing several facilities in the workplace. The types of facilities that should be supported and provided by the authorities in the workplace such as canteens, health facilities, recreation and vacation, rest areas, places of worship, family planning program services, worker/labor cooperatives, transportation, and so on by adjusting the needs of workers and the ability of the company to adjust these facilities. Workers in carrying out their work certainly have risks that may occur to them, such as the risk of occupational disease, work accidents, disability, loss of employment, and even the risk of death (Abdullah 2018). So, in terms of reducing these risks, it is important that social security is needed which is beneficial for workers and their families. Article 28 H paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that:

"Everyone has the right to social security that enables his or her full development as a human being with dignity."

Also mentioned in the UN declaration of human rights in 1948 and the ILO conference No. 102 of 1952, Article 22 states that:

"Everyone, as a member of society, is entitled to social security and is entitled to the enjoyment of economic, social and cultural rights indispensable for his dignity and free growth, through national efforts as well as international cooperation, and in accordance with the arrangements and resources of each country."

Article 25(1) states that:

"everyone has the right to a level of living adequate for the health and well-being of himself and his family, including the right to food, clothing, housing and health care, as well as the necessary social services, and is entitled to security when unemployed, suffering from illness, disability, becoming a widow / widower, reaching old age or other circumstances that result in a lack of income, which is beyond his control."

The definition of social security according to several experts, among others, according to Imam Soepomo, social security is a payment received by the laborer in the event that the laborer outside his fault does not do his job, so as to ensure income *security* in the laborer loses his wages for reasons outside his will (Abdullah 2018). According to Purwoko, social security is an economic factor that provides cash benefits to participants as a substitute for lost income because participants experience various disasters such as illness, accidents, termination of employment before retirement age and old age, he also argues that social security organizers are national in accordance with the Social Security Law where funding comes from participant contributions consisting of employer and worker contributions, as for contributions that are not due to function as savings or investment while contributions that are due are a function of consumption (Abdullah 2018). According to Lalu Husni, labor social security is the right of employees and the obligation of employers, so in essence the jamsostek program is intended to provide certainty of the ongoing flow of family income receipts as a substitute or all lost income (Husni 2003). Types of social security programs in employment include health insurance, work accident insurance, old age insurance, pension insurance, and death insurance. In this paper, the type that is raised is work accident insurance (hereinafter referred to as JKK), the emergence of JKK is a concern over work accidents experienced by workers and the possibility of violations committed by companies for safety and health causing workers not to get claims for JKK.

Work accidents according to Article 1 point 14 of the SJSN Law states that:

"Work accidents are work accidents that occur in the work relationship, including accidents that occur on the way from home to work or vice versa, and diseases caused by the work environment."

The JKK program provides various benefits for workers as members of the JKK program, such as health services; *return to work* programs in the form of assistance for participants who experience work accidents or work-related illnesses, preventive programs to reduce the risk of work accidents; rehabilitation program in the form of assistance in the form of assistive devices (*orythose*) or work replacement devices (*prothose*) if they experience work accidents that make their limbs disappear or dysfunction; as well as compensation in the form of money which includes reimbursement of transportation costs to the hospital, disability benefits, and death

benefits and funeral costs, as well as Temporary Unable to Work (SMTB) compensation if the accident has an impact on the inability of workers to perform their obligations to the company.

In 2019 BPJS Ketenagakerjaan recorded the number of JKK disbursements in the first semester increased by 29.38% from January to June the nominal claims for JKK participants reached Rp 704 billion, where the claims were dominated by workers in the industrial sector which recorded 85,100 incidents (Rosana 2019) . In 2020 data from the Deputy Director for Public Relations and Between BPJamsostek Institutions noted that the number of work accident claims in 2020 in the first semester increased by 128%, this figure increased from 85,109 to 108,573, during January-June 2020 BPJS covered the case by issuing compensation of IDR 747.68 billion (Sofuroh 2020) . In July 2020 BPJS recorded claims from the JKK program reaching IDR 916.35 billion which was paid in 129,967 cases (Ardianto 2020) .

Discussions of work accidents are often only about accidents that occur during working hours and discuss the application of JKK provision. Work accidents themselves can also be possible when not during working hours, such as when traveling to and from work but workers do not pass the routine route because they are doing individual activities such as going to places to eat, markets, supermarkets. So if an accident occurs, then the accident is not included in a work accident but only a general traffic accident because it occurs outside the employment relationship. So that from this incident, workers are entitled to receive protection for accidents, which in this case is receiving assistance from JKK. BPJS Ketenagakerjaan as the body responsible for providing services in the form of treatment and cash compensation from workers experiencing accidents until they recover and make claims for JKK with a note that workers experience work accidents during working hours accompanied by the files needed to make JKK claims.

However, the problem is whether workers still get their rights to the JKK claim if the accident that occurs is outside the routine route and is not included in the class of work accidents. Therefore, from this background motivates the author to study and explore this matter, until finally the author proposes the following problem formulation:

1. How is legal protection provided if work accident insurance cannot be provided for BPJS Ketenagakerjaan participants who experience accidents outside routine routes?
2. What factors influence the determination for Employment BPJS participants to get benefits in JKK?

METHOD

This type of research is normative legal research because it examines the rules related to liability and legal protection for workers who experience work accidents outside the routine route, namely by using JKK or with other alternatives if claims for JKK cannot be given.

This research uses *statute* approach and conceptual approach. The laws and regulations used in the research are the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 concerning Manpower, Law Number 40 of the National Social Security System, United Nations Declaration on Human Rights, ILO Convention No. 102, Government Regulation Number 41 of 2015 concerning the Implementation of the Work Accident and Death Insurance Program, Government Regulation Number 82 of 2019 concerning Amendments to Government Regulation Number 44 of 2015 concerning the Implementation of the Work Accident and Health Insurance Program, Minister of Finance Regulation number 141/PMK.02 of 2018 concerning Coordination between the Implementation of the Work Accident and Health Insurance Program./2018 concerning Coordination between Insurance Providers in Providing Health Service Benefits, National Social Security Board Regulation Number 1 of 2021 concerning Coordination of Health Service Implementation in Alleged Cases of Work Accidents and Alleged Cases of Occupational Diseases.

Conceptual approach, carried out by studying the views and doctrines that develop in legal science regarding legal principles. The concepts that will be used in this research include the concepts of workers, social security, BPJS Ketenagakerjaan, work accidents, work accident insurance, legal protection.

The legal materials used in this research consist of primary legal materials, secondary legal materials and non-legal materials. Primary legal materials used by researchers are: The 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 concerning Manpower, Law Number 40 of 2004 concerning the National Social Security System, United Nations Declaration on Human Rights, ILO Convention No. 102, Government Regulation Number 41 of 2015 concerning the Implementation of Work Accident and Death Insurance Programs, Government Regulation Number 82 of 2019 concerning Amendments to Government Regulation Number 44 of 2015 concerning the Implementation of Work Accident and Health Insurance Programs, Minister of Finance Regulation number 141 / PMK.02 /2018 concerning Coordination between the Implementation of Work Accident and Health Insurance Programs./2018 Regarding Coordination Between Insurance Providers in Providing Health Service Benefits, National Social Security Board Regulation Number 1 of 2021 Regarding Coordination of Health Service Implementation in Alleged Cases of Work Accidents and Alleged Cases of Occupational Diseases. Secondary legal materials used in this research include textbooks, legal journals, views of experts

(doctrine), legal research results. Finally, the non-legal materials used in this research are several non-law textbooks related to the research.

The processing of legal materials in this research is carried out by selecting legal materials, clarifying based on the class of legal materials, searching for journals and book references in accordance with the research topic via the internet or library.

Analysis of the collected legal material is then analyzed using descriptive techniques, namely by describing what it is about a legal event or legal condition, then the evaluation stage of a legal condition to be obtained, and then drawing conclusions to answer legal issues in the form of argumentation.

RESULTS AND DISCUSSION

This section is the most important section of your article. The analysis or results of the research should clear and concise. The results should summarize (scientific) findings rather than providing data in great detail. Please highlight differences between your results or findings and the previous publications by other researchers.

For direct citation when it is more than four lines you need to write it in 10 pt with single space:

“The right to life, the right to not to be tortured, the right to freedom of the individual, to freedom of thought and conscience, the right not to be enslaved, the right to be acknowledged as an individual before the law, and the right not to be prosecuted retroactively under the law are human rights that cannot be diminished under any circumstances whatsoever.”

A job cannot be separated from a risk, be it in the form of work accidents or occupational diseases. This research examines the legal protection given to BPJS Ketenagakerjaan participants if they experience an accident outside the routine route. Routine route is the distance or direction that must be traveled by workers when going to work and returning home from work every day and does not change according to the route that is passed. If an accident occurs outside the routine route, the incident must be diagnosed whether it is a work accident or not. If it is a work accident, it will be covered by JKK, otherwise it can be categorized as a traffic accident, so it cannot be categorized as a work accident and cannot be covered by JKK. According to Article 1 point 5 of the Minister of Finance Regulation 141/PMK.02/2018 concerning Coordination between Insurance Providers in Providing Health Service Benefits (Permenkeu number 141 of 2018) states that:

“Work Accident Insurance, hereinafter abbreviated as JKK, is a benefit in the form of cash and / or health services provided when participants experience work accidents or diseases caused by the work environment”.

In accordance with the above provisions, JKK is given to BPJS Ketenagakerjaan participants who experience work accidents and diseases caused by certain environments and jobs. JKK is provided in the form of benefits in the form of cash

and / or health services by BPJS Ketenagakerjaan to BPJS Ketenagakerjaan participants who experience work accidents or illness due to the work environment. before providing JKK, BPJS Ketenagakerjaan must conduct an investigation.

The investigation is regulated in article 5 of the National Social Security Council Regulation Number 1 of 2021 concerning Coordination of Health Service Providers in Alleged Cases of Work Accidents and Alleged Cases of Occupational Diseases (DJSN Regulation No. 1 of 2021) in paragraph (1) states that:

"In the event that the results of diagnosis enforcement prove a case of work accident and a case of occupational disease, from that moment onwards, the inpatient class and health service rates apply in accordance with the provisions in the JKK program".

If the case of work accident and occupational disease is not proven, paragraph (2) states that: "In the event that the results of diagnosis enforcement do not prove cases of work accidents and cases of occupational diseases then:

- a. From that time onwards, the inpatient class and health service rates apply in accordance with the provisions in the Health Insurance program as long as they include benefits guaranteed in the Health Insurance Program; or
- b. BPJS Health is obliged to reimburse the Participant's health service costs to BPJS Employment or PT TASPEN (Persero) or PT ASABRI (Persero) ".

After this research is conducted, it can be concluded that accidents outside the routine route when returning from work are not work accidents. if this happens, then the accident is covered by the Traffic Accident Insurance (JKLL). According to Minister of Finance Regulation No. 141/2018 states that:

"Traffic Accident Insurance, hereinafter abbreviated as JKLL, is basic protection for people who are victims of accidents caused by the use of legal means of public passenger transportation and road traffic which results in victims suffering injuries and requiring treatment at Health Facilities".

Based on the above article, it can be concluded that accidents caused by public transportation and road traffic can be protected by JKLL. With JKLL, BPJS participants receive treatment benefits at certain health facilities. Accidents when returning to work outside the routine route cannot be categorized as work accidents because work accidents themselves according to Asri Wijayanti (Asri Wijayanti 2017).

From Asri Wijayanti's opinion above, if workers who return home from work do not go through the usual route, it cannot be categorized as a work accident and is considered a traffic accident.

Legal Protection Provided If Work Accident Insurance Cannot Be Provided for Workers Who Experience Accidents Outside the Routine Routes Usually Traveled

Workers who work in a workplace have rights and obligations, one of the rights of workers obtained is protection for work safety. to ensure work safety, employers are required to register their workers with BPJS Employment which has the benefit of ensuring the safety of workers who experience work accidents.

Work accidents according to Article 1 point 14 of the SJSN Law states that "Work Accidents are accidents that occur in the work relationship, including accidents that occur on the way from home to work or vice versa, and diseases caused by the work environment". From this definition, it is known that work accidents can not only occur when workers are at work, but also traffic accidents experienced by workers when leaving or returning from work. Traffic accidents that can be categorized as work accidents must meet the condition that they must go through a routine route when experiencing a traffic accident.

A routine route is the distance or direction that workers must travel when leaving for work and returning home every day and does not change according to the route taken. When workers pass through the routine route and experience a work accident, it is included in work accidents, but if the accident occurs outside the routine route, it cannot be categorized as a work accident but is included in traffic accidents. (Andriyawan 2022) .

If the worker has a traffic accident when returning home from work, but stops somewhere before reaching home, the accident cannot be categorized as a work accident. In accordance with the opinion of Asri Wijayanti in the book Labor Law Post Reform, it is stated that traffic accidents classified as work accidents must occur during working time, which consists of traveling from home to the workplace or returning from work via the usual and reasonable route. If the worker stops by another place after work hours and on the way home from work without an order from the employer has a traffic accident, then the accident is not a work accident because it occurs outside the routine route or the usual and reasonable way. So from the above explanation, it is known that the concept of 'outside the routine route' means a path or road that is not natural or commonly traveled by a person to go and/or return to a certain place.

Workers who experience work accidents outside this routine route cannot be covered by BPJS Ketenagakerjaan. Therefore, legal protection is needed so that workers can obtain safety guarantees for themselves, which is a right that workers must obtain. (Kahfi 2016) . Protection that can be done in accidents outside routine routes is preventive protection and repressive protection.

Preventive protection is carried out by conducting a diagnosis of the accident case, before the diagnosis is carried out, employers are obliged to report any work accidents experienced by their workers. If a worker suffers a traffic accident on the way to or from the workplace, then in terms of protection, detailed evidence is needed to find the truth that the incident actually occurred from work relations or

other matters. There are stages of reporting and examination according to Permenaker 03 / MEN / 98 Article 2 Chapter II concerning procedures for reporting accidents, namely:

1. "The management or employer is obliged to report every accident that occurs in the workplace that he leads.
2. Accidents as referred to in paragraph (1) consist of:
 - a. Occupational accidents
 - b. Occupational diseases
 - c. Fire or explosion or waste disposal hazard
 - d. Other dangerous occurrences".

Article 6 Chapter III on accident investigation:

1. "After receiving a report as referred to in Article 4 paragraph (1), and Article 5, the Head of the Office of the Ministry of Labor shall order a supervisory employee to conduct an inspection and assessment of the accident.
2. The examination and assessment of accidents as referred to in paragraph (1) shall be carried out on every accident reported by the management or employer.
3. The examination and assessment of accidents as referred to in paragraph (1) shall be conducted in accordance with labor laws and regulations."

From the above provisions, it is known that there must be a report from the employer or employer if a worker has an accident, then the authorities will conduct an assessment of the accident in accordance with statutory provisions. After conducting an assessment, a diagnosis is made. Diagnosis is carried out based on Article 5 of DJSN Regulation No. 1 Year 2021, which states that:

"(1) In the event that the results of the diagnosis are found to be a case of Work Accident and a case of Occupational Disease, from that moment onwards, the inpatient class and health service rates apply in accordance with the provisions in the JKK program".

Based on the above article, it is known that if the results of conducting a diagnosis are indeed proven to be work accidents and cases of occupational diseases, workers who experience these events will get health services contained in the JKK program. JKK benefits as referred to in paragraph (1) are:

- a. "Health services according to medical needs include:
 1. Basic and supporting examinations;
 2. First and advanced level of care;
 3. Grade 1 hospitalization in government hospitals, regional government hospitals, or equivalent private hospitals;
 4. Intensive care;
 5. Supporting diagnosis;
 6. Treatment;

7. Special services;
 8. Medical devices and implants;
 9. Doctor/medical services;
 10. Surgery;
- b. Compensation in the form of money includes:
1. Reimbursement of transportation costs for Participants who have a work accident or occupational disease, to the hospital and / or to their homes, including the cost of first aid at the accident;
 2. Compensation for temporary incapacity to work;
 3. Compensation for anatomical partial disability, functional partial disability, and permanent total disability;
 4. Death benefits and funeral expenses;
 5. Periodic benefits paid in a lump sum if the Participant dies or is permanently totally disabled due to a work accident or occupational disease;
 6. Rehabilitation costs in the form of replacement of *orthose* and/or *prothese*;
 7. Reimbursement of the cost of artificial teeth and / or;
 8. Educational scholarships for each Worker who dies or is totally disabled due to a work accident.
- c. Child education scholarships as referred to in paragraph (2) letter b number 8 are given in the amount of Rp 12,000,000.00 (twelve million rupiah) for each Participant;
- c. Monitoring and evaluation of the implementation of health services as referred to in paragraph (2) letter a is carried out at most 1 (one) year by the Minister;
- c. JKK benefits as referred to in paragraph (2) and the percentage of disability are guided by Report III which is an integral part of this Government Regulation".

JKK benefits obtained by workers who experience work accidents are adjusted to the accident experienced by the worker. If the diagnosis explains that the accident is not a work accident such as a traffic accident that occurs outside the routine route, then in accordance with Article 5 paragraph (2) of DJSN Regulation No. 1 of 2021 which explains that:

"(2) In the event that the results of diagnosis enforcement do not prove cases of work accidents and cases of occupational diseases, then:

- a. Since then and henceforth, the inpatient class and health service rates apply in accordance with the provisions in the Health Insurance program as long as they include benefits guaranteed in the Health Insurance Program; or

- b. BPJS Health is obliged to reimburse the cost of Pesera's health services to BPJS Employment or PT TASPEN (Persero) or PT ASABRI (Persero) ".

So from the sound of the article above, it is known that if the results of the diagnosis are not proven cases of Work Accidents and Occupational Diseases, the guarantor is responsible for providing health services, namely Health Insurance if the accident is not a work accident, and the disease suffered by workers is not a result of the work performed. If the accident or disease has been guaranteed by BPJS Employment or PT TASPEN and when a diagnosis is made it is not a work accident and or occupational disease, then BPJS Health is obliged to reimburse the cost of health services to the previous guarantor. If the worker has a traffic accident while returning home or going to a workplace that is not through a routine route, the accident is covered by Jasa Raharja.

In addition to the preventive protection described above, there is also repressive protection for workers who experience work accidents while traveling to or from work which are included in work accidents. The form of repressive protection if a claim has been made but the BPJS does not disburse compensation funds, regulated in Law Number 24 Year 2011, this protection is with a complaint. This complaint effort is contained in Article 48 of the BPJS Law which states that:

1. "BPJS is obliged to establish a service quality control unit and handling of Participant complaints.
2. BPJS must handle complaints no later than 5 (five) working days from the receipt of the complaint.
3. Provisions regarding the quality control unit and handling of Participant complaints as referred to in paragraph (1) are regulated in the BPJS Regulation."

According to the article above, if a worker who has submitted a claim and no action is taken on the submission of the claim, the worker can file a complaint where the complaint is formed by the BPJS through the establishment of a service quality control unit and handling complaints against BPJS participants and the complaint process is handled no later than 5 (five) working days from the receipt of the complaint and is carried out in accordance with the provisions of the BPJS regulations. If the complaint is not implemented properly, the next step is through mediation and finally carried out by the court, as in Article 49 paragraph (1):

"The aggrieved party whose complaint cannot be resolved by the unit as referred to in article 48 paragraph (1), the dispute settlement can be carried out through a mediation mechanism".

Article 50 states that:

"In the event that the complaint cannot be resolved by the service quality control unit and the handling of the Participant's complaint through the mediation

mechanism cannot be carried out, the settlement can be submitted to the district court in the area where the applicant lives".

From the two provisions above that BPJS participants who are in dispute and do not get their rights, if they have complained to the quality control unit and are not handled properly, they can settle through mediation, but if mediation does not promise a solution, BPJS participants can settle through the court in the area where the BPJS participant lives.

If a worker who has an accident while going to or from work without going through a routine route, and is declared not a work accident, then the worker can claim through Jasa Raharja with the conditions that must be met, namely

1. "Compensation application form;
2. Police report;
3. Health certificate form;
4. Original receipt of treatment costs;
5. A photocopy of the victim's ID card or the victim's valid student card, or the original domicile certificate attached to the victim's photo;
6. If the victim is under 17 years old, a photocopy of the victim's birth certificate, family card, and parents' ID card must be attached;
7. Certificate of disability if the victim has a permanent disability" (Bezaliel 2020) .

This research focuses on workers who experience accidents outside of routine routes that are not included in the scope of work accidents, so JKK, which should be able to overcome the problems of these workers, cannot be used or claimed because the accident is not in the category of work accidents which makes workers' rights to JKK disappear. However, another way that workers can still get legal protection is if workers are also participants in the National Health Insurance which is a program of BPJS Health and Jasa Raharja. Workers will get health service benefits from health insurance with a note that workers have been registered as participants and can be covered by Jasa Raharja or BPJS Health on the condition that BPJS Employment is not the main party that plays a role in the claiming process.

Factors Affecting the Determination for BPJS Employment Participants to Obtain Work Accident Insurance

Providing legal protection for workers is very important, especially in events that pose risks that may occur such as work accidents. So to guarantee and protect the safety of workers, a social security program organized by BPJS Employment is made, one of which is Work Accident Insurance (JKK), according to Article 1

paragraph (1) of Government Regulation Number 44 of 2015 concerning the Implementation of the Work Accident and Death Insurance Program states that:

"Work Accident Insurance, hereinafter referred to as JKK, is a benefit in the form of cash and / or health services provided when participants experience work accidents or diseases caused by the work environment."

JKK is a social security program that is organized based on the principle of social insurance with the aim of ensuring that participants receive health care benefits and cash compensation if a worker experiences a work accident or suffers an occupational disease. Article 1 point 3 of the SJSN Law states that:

"Social insurance is a compulsory fund collection mechanism derived from contributions in order to provide protection against socio-economic risks that befall participants and/or their family members."

The principles of social insurance according to the SJSN Law include:

- a. Mutual assistance between rich and poor, healthy and sick, old and young, high and low risk;
- b. Participation is mandatory and not selective;
- c. Contributions are based on a percentage of wages/income;
- d. Non-profit in nature.

JKK is held to help overcome the loss of income in whole or in part due to the social risks of work accidents such as physical or mental disability to death by providing compensation money to workers or institutions affected by the disaster. Workers to get a claim for JKK must first become a participant of the BPJS Ketenagakerjaan which membership is registered by the Employer and is mandatory. JKK has several criteria that must be met by workers when an accident occurs so that it can be called a work accident. These criteria are contained in the Minister of Manpower Regulation Number 5 of 2021 concerning Procedures for Implementing the Work Accident Insurance Program, Death Insurance, Old Age Insurance, in Article 7 which states that:

1. "Work Accidents must fulfill the element of forced labor as evidenced by the presence of injuries / traces or injuries to the human body due to an event or event.
2. Work Accidents as referred to in paragraph (1) include:
 - a. Accidents that occur due to work and/or in the Workplace as referred to in the provisions of laws and regulations in the field of occupational safety and health;
 - b. Accidents that occur on the way from home to the Workplace or vice versa through roads that are commonly traveled or naturally traveled;

- c. Accidents occurring during the performance of duties or official travel on orders and/or for the benefit of the company and/or the Employer or in connection with work;
 - d. Accidents occurring during working time and work breaks due to important and/or urgent matters with the authorization or knowledge of the Employer;
 - e. PAK;
 - f. Sudden death due to work.
3. Accidents occurring on the way to leave home as referred to in paragraph (2) letter b shall be calculated from the time the Worker leaves home.
4. Accidents as referred to in paragraph (2) letter b, letter c, and letter d must be proven with a certificate from the police or 2 (two) witnesses who know the incident.
5. Accidents as referred to in paragraph (2) letter c, the proof must be accompanied by a letter of command/duty.
6. Sudden death as referred to in paragraph (2) letter f must meet the requirements:
 - a. At the time of working at the Workplace a Worker who suddenly dies without any known cause; or
 - b. While working at the Workplace, an Employee suffers an attack of illness and is brought to a health facility and dies within no more than 24 (twenty-four) hours from the time of the attack.
7. Other conditions included in the criteria for Work Accidents include:
 - a. Accidents that occur during overtime work, as evidenced by an overtime order;
 - b. Accidents that occur when carrying out other activities related to the interests of the Employer, as evidenced by a letter of assignment from the company;
 - c. Accidents occurring while the Participant is on leave and receives a call or assignment from the Employer, with the scope of protection covering the trip to and from work to fulfill the call;
 - d. Accidents occurring on the way to and from the *base camp* or platform located at the Workplace to the Worker's residence for rest, as evidenced by the company's statement and work schedule; or
 - e. Accidents occurring on the way to and from the Workplace via the usual or normal route for Workers who return to their actual place of residence every weekend".

Based on the description of the above regulations, it is said that a worker when experiencing a work accident event can be said to have experienced the event provided that he must meet several criteria determined in Ministerial Regulation Number 5 of 2021. Work accidents that occur have a forced horse as evidenced by injury / injury to the human body. The criteria for work accidents in question are

accidents that occur as a result of work / at the workplace, accidents that occur on the way from leaving to the workplace or vice versa through the usual or normal route, accidents that occur while carrying out duties or services on the orders of a company, accidents during working time and work breaks due to doing important / urgent things with permission from the Employer, occupational diseases, sudden death due to work. Work accidents that occur on the way from home are taken into account since the worker leaves the house, the accident is proven by a certificate from the police or witnesses who saw the incident. Then for work accidents caused by carrying out tasks or official trips from the company, an order / duty letter from the company is required. For workers who die suddenly, the provisions are that the worker suddenly dies at work without a known cause and if the worker in the workplace has an attack of illness and then the worker is taken to a health facility and dies within 24 (twenty-four) hours of the onset of the illness. In addition to the elements mentioned, there are other conditions that allow a worker to experience a work accident. Other conditions include work accidents during overtime work with an overtime warrant, work accidents due to other activities related to the interests of the Employer with a warrant from the company, then accidents when the Worker is on leave but the Worker gets a call of duty from the Employer where the Worker gets protection covering the trip to and from when carrying out the call. Then accidents that occur on the way to and from the *base camp* located at the Workplace are proven by the company's statement and the Worker's schedule. As well as accidents that occur on the way to and from work through roads that are commonly traveled or natural for Workers who return to their actual place of residence every weekend.

CONCLUSION

Conclusion contains a description that should answer the problem(s) raised and answer the objectives of research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings.

Based on the results and discussion above, it can be concluded as follows:

The government in guaranteeing and protecting workers made a social security program organized by BPJS Employment with one of the programs is Work Accident Insurance (JKK), which can be classified in work accidents, namely when workers experience accidents that occur in work relationships, including accidents that occur in work relationships, including accidents that occur on the way from home to work or vice versa and diseases caused by the work environment. work accidents can not only occur when workers are at work, but also traffic accidents experienced by workers when leaving or returning from work. Traffic accidents that can be categorized as work

accidents must meet the requirements. The condition is that the worker must be on a routine route when experiencing a traffic accident. If workers experience accidents outside the routine route, there is legal protection in the form of preventive and repressive. This preventive protection is carried out to prevent the non-fulfillment of the rights of workers who experience accidents outside the routine route. This preventive protection is carried out by diagnosing the accident case. Before the diagnosis is made, employers are obliged to report any work accidents experienced by their workers. The form of repressive protection if a claim has been made but BPJS does not disburse compensation funds is regulated in Law Number 24 Year 2011. This protection is with the complaint effort. Complaint efforts are contained in Article 48 of the BPJS Law.

JKK has several criteria that must be met by workers when an accident occurs so that it can be called a work accident. These criteria are contained in the Minister of Manpower Regulation Number 5 of 2021 concerning Procedures for Implementing the Work Accident Insurance Program, Death Insurance, and Old Age Insurance, in Article 7. The criteria for work accidents are accidents that occur due to work / at the workplace, accidents that occur on the way from leaving to the workplace or vice versa through the usual or normal route, accidents that occur while carrying out duties or services on the orders of a company, accidents during working time and work breaks due to doing important / urgent things with permission from the Employer, occupational diseases, sudden death due to work. Work accidents that occur on the way from home are taken into account since the worker leaves the house, the accident is proven by a statement from the police or witnesses who saw the incident. Then for work accidents caused by carrying out tasks or official trips from the company, an order / duty letter from the company is required. Then for workers who die suddenly, the provisions are that the worker dies suddenly at work without a known cause and if the worker at work has an attack of illness and is then taken to a health facility and dies within a period of no more than 24 (twenty-four) hours from the onset of the disease attack.

Suggestions

Suggestions that can be given by the author related to the above problems are:

1. For workers, it is expected to understand and understand the regulations relating to work safety so that they can understand how to deal with work accidents;
2. For employers, it is hoped that they can register their workers with the BPJS Employment program both for *daily* workers / daily freelancers. As well as providing education and training on work safety in order to reduce the risks of work accidents;

3. For the Government, especially BPJS Ketenagakerjaan, it is expected to increase its role in providing the benefits of BPJS Ketenagakerjaan so that workers get more protection, especially in work accidents.

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