

## *SOCIAL SECURITY PROCEDURES FOR WORKERS POST WORK ACCIDENT*

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### **Abstract**

*Manpower is an important component for the realization of successful development, during the working period of the workforce must be maintained and respected for their rights, both the rights that are inherent in them since they were born, namely human rights or their rights while at work. The existence of human rights and rights attached to workers from work creates an obligation for those who employ them to provide social security for their workers, in the form of protection, maintenance and improvement of welfare.*

*Social Security, one of which can be in the form of work accident insurance, considering that an accident is something that cannot be calculated, however, there is a clear difference between an accident and a work accident, both in terms of the type of accident, the time it occurred, the place where it occurred, the people affected, and the consequences. With this, social security can provide certainty and understanding for workers who experience work accidents through social security procedures for workers after work accidents.*

**Keywords:** *Manpower, Social Security, Accident Insurance, Procedures.*

### **Abstrak**

Tenaga Kerja merupakan komponen penting untuk terwujudnya keberhasilan pembangunan, pada masa kerja tenaga kerja wajib dijaga dan dihargai hak-haknya, baik hak yang melekat pada dirinya sejak mereka lahir yakni HAM ataupun hak-haknya selama di tempat kerja. Adanya HAM dan hak yang melekat pada tenaga kerja sejak bekerja menimbulkan kewajiban bagi pihak yang mempekerjakan untuk memberikan jaminan sosial bagi tenaga kerjanya, berupa perlindungan, pemeliharaan serta peningkatan kesejahteraan.

Jaminan Sosial salah satunya dapat berupa jaminan kecelakaan kerja, mengingat kecelakaan merupakan hal yang tidak dapat diperhitungkan, akan tetapi anatara kecelakaan dan kecelekaan kerja jelas berbeda, baik dari jenis kecelakaannya, waktu terjadinya, tempat terjadinya, orang yang terdampak, serta akibatnya. Dengan ini kemudian jaminan sosial dapat memberikan kepastian dan pemahaman bagi tenaga kerja yang mengalami kecelakaan kerja melalui prosedur-prosedur jaminan sosial bagi tenaga kerja pasca terjadinya kecelakaan kerja.

**Kata Kunci:** Tenaga Kerja, Jaminan Sosial, Jaminan Kecelakaan, Prosedur

### **PRELIMINARY**

As a country that has a large number of citizens, the position of the state in manifesting national development is to ensure the welfare of workers. The thing that can be applied to realize the welfare of workers is the implementation of health insurance. In this context, health insurance is an important point in order to create more competent human resources, able to contribute to the state in achieving the goals of the Indonesian nation. Health is a very

important element in the life of every human being, because health is what humans can do activities so they can live their lives.

Efforts to provide health services to workers are one of the important things that must be included in the workers' agreement, therefore the provision of health services must have clear arrangements regarding general guidelines or specific guidelines for workers. What underlies the regulation regarding workers' health services is none other than the reason for reporting on the level of work accidents in Indonesia. For this reason, according to Article 86 paragraph (1) letter a in Law Number 13 of 2013 concerning<sup>1</sup> Manpower where every worker has the right to get protection regarding Occupational Safety and Health (K3). This is a challenge for both the government and job providers to always provide the best facilities for workers.

The Indonesian government has attempted to provide a guarantee, especially in employment development through the Workers' Social Security program (JAMSOSTEK), but due to the enactment of Law Number 24 of 2011 concerning the Social Security Administrative Agency, the implementation of the social security for workers is carried out by BPJS. With the issuance of the health care program in the Employment BPJS program it is considered a new step that is implemented so that health care insurance can be managed separately with the aim that participation in the health care insurance program can cover all Indonesian people. Specifically for the health insurance program, workers or laborers can participate by registering for the BPJS Health program. The purpose of the registration is so that workers or laborers can access health services and are required to pay monthly contributions for the BPJS health program<sup>2</sup>.

For workers' safety and health issues can result in significant economic losses. On the part of companies or job providers, they must prepare for direct or indirect losses. This direct loss can cover a variety of the most basic things including medical expenses for workers; services for workers; premium or guarantee for workers; as well as compensation for workers who experience work accidents. For indirect losses, it can include constraints on the productivity of work activities; fines to the government; and the deterioration of the image of the company or the job markets.

For Occupational Health and Safety (K3) issues in a company or industry it really depends on the level of welfare of the workforce, therefore this cannot be handled using general methods that have been held by other developed countries. Thus the need for awareness on the part of the Government which has a function as a coach and also "the biggest owner."<sup>4</sup>

## RESEARCH METHODS

The type of research used in this research is descriptive analytic with qualitative methods, qualitative methods are used to explain and analyze a phenomenon or event by utilizing descriptive data, in the form of theories and written data. In this case the author emphasizes to find out how social security procedures for workers after work accidents occur, by reading, understanding and connecting existing and interrelated theories<sup>5</sup>.

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<sup>1</sup> Pemerintah Republik Indonesia, *Undang-Undang Tahun 2003 No.13 Tentang Ketenagakerjaan* (Indonesia: Lembaran Negara Republik Indonesia, 2003).

<sup>2</sup> Edi Suharto, *Negara Kesejahteraan Dan Reinventing Depsos* (Jakarta: Departemen Sosial, 2006).

<sup>3</sup> Sugeng Bahagijo, 'Mimpi Negara Kesejahteraan. Prakarsa Initiative', *Theprakarsa.Org*, 2006 <<http://www.theprakarsa.org/index.php?act=dtlpub&id=20081214174833>> [accessed 8 September 2018].

<sup>4</sup> Reini Wirahadikusumah, 'Tantangan Masalah Keselamatan Kerja Dan Kesehatan Kerja Pada Proyek Konstruksi Di Indonesia', *Academia.Edu*, 2007 <[www.academia.edu/download/62266199/makalah-reini-d-wirahadikusumah20200303-47184-19lfazi.pdf](http://www.academia.edu/download/62266199/makalah-reini-d-wirahadikusumah20200303-47184-19lfazi.pdf)>.

<sup>5</sup> Lexy Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT.Rosda Karya, 2000).

The rationale for using this method is that considering the title above is not related to laboratories or experiments, so that qualitative methods are more suitable for collecting theories, analyzing them and describing them descriptively, the qualitative method in the title above is more profitable and easier because it will help highlight meaning and focus on discussion<sup>6</sup>.

## DISCUSSION

According to the law, every company is required to have responsibility for any work accidents that occur in the company. In other words, the responsibility to ensure that employees who experience disabilities due to work accidents are not immediately terminated. Therefore, several efforts will be made to reduce the risk of industrial accidents. Apart from having an impact on employees, work accidents also have an impact on the future sustainability of the company.

Occupational safety for all employees is the responsibility of the company to organize and maintain the room and work equipment where the company orders employees to work. The company's occupational safety responsibility aims to prevent every employee from accidents and hazards that threaten their body, honor and property. According to Article 86 (1) a of Law Number 13 of 2003 (Concerning Manpower), every employee has the right to work safety protection. This right includes occupational safety and health measures to ensure the safety and promote the health of employees.<sup>7</sup>

Every worker has the right to get protection for work welfare and health, morals, decency and also treatment according to his dignity and worth as a human being. To optimize the welfare of workers, the Indonesian government established a body in the form of a Social Security System which includes the National Health Insurance or commonly abbreviated as JKN which is administered by the Social Security Administration Agency (BPJS) which uses the obligatory social health insurance method. This National Social Security System is officially used in Indonesia. Social security is a form of social protection for the people of Indonesia which has the aim of ensuring that Indonesian citizens get decent living necessities. Every JKN participant has the right to receive health services in a comprehensive and periodic manner, effectively and efficiently based on the principles of quality control and costs based on medical indications.

The National Health Insurance is a guarantee for the people of Indonesia in the form of protection and maintenance of people's health which is allocated to everyone who meets the requirements in the form of monthly contribution payments. The purpose of the National Health Insurance is to provide guarantees to every member and/or family members regarding the guarantee of sufficient basic necessities of life. Delegates from the National Health Insurance (JKN) are all people, as well as foreigners who are currently working in Indonesia and have worked in Indonesia for at least 6 months.

The delegation from the national health insurance is divided into two, namely PBI Health Insurance and also Non-PBI Health Insurance. Members of the PBI health insurance Health insurance are recipients of donation assistance (PBI) where they are the poor, or people who are not able, as stated in the SJSN Law which explains that contributions are financed by the government as members of the health insurance. Meanwhile, health insurance participants who are not PBI health insurance are workers who receive a salary and their family members, workers who are not salary recipients and also their family members, and thirdly people who do not have a job but can pay health insurance contributions and their family members<sup>8</sup>.

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<sup>6</sup> Yudistira K Garna, *Metoda Penelitian; Pendekatan Kualitatif* (Bandung: Primato Akademika, 1999).

<sup>7</sup> Muhammad Irvan Nur Iva, 'Implementasi Kebijakan Jaminan Kesehatan Nasional Melalui Badan Penyelenggara Jaminan Sosial (BPJS) Kesehatan Di Kota Makassar', *Jurnal Analisis Kebijakan Dan Layanan Publik*, 1.2 (2015), 150.

<sup>8</sup> Kementerian Kesehatan, *Laporan Evaluasi Anggaran Tahunan Kementerian Kesehatan Tahun 2018* (Jakarta, 2020).

This safety guarantee can be achieved by preventing work accidents and occupational diseases. Or control workplace hazards, improve health, treatment and rehabilitation. Based on these employee rights, in accordance with Article 87 paragraph (1) of Law Number 13 of 2003, companies are required to implement an occupational safety and health management system that is integrated with the company's management system. Companies are required to report to BPJS Ketenagakerjaan any work accidents or illnesses resulting from work accidents that make company employees feel uncomfortable.

In addition, the company must also report to the local human resources office. Accident reports must be completed within 2 x 24 hours after the accident as the first phase of the report, then for the second stage of the report, the company must report work-related accidents or illnesses that have occurred since the employee was declared cured causing disability or death at BPJS Ketenagakerjaan and its office, time concerned does not exceed 2 x 24 hours. This second stage report must be based on the doctor's statement, which explains.

1. The temporary disability for work (STMB) of the related employee has ended.
2. The employee suffers from permanent total disability, some anatomical disabilities, and some functional disabilities.
3. The employee concerned has passed away.

Occupational safety and safety requirements that must be complied with in the workplace are things that must be complied with by workers. Companies are required to remind workers about work safety which are easy to read through text and pictures to support all work safety requirements, companies and employers. Article 10 of Law Number 3 of 1992 explains the obligation of employers to carry out work accident insurance. The employer's obligations in this article state that if a worker has an accident, the employer is obliged to report the work accident to the office. It cannot be more than 2x24 hours, because if the entrepreneur exceeds the time required by law, the claim procedure cannot be carried out<sup>9</sup>.

Work accident insurance payments are borne by the employer. The employer's obligation is to include workers in employment social security. If a work accident occurs, the employer is obliged to pay wages to workers in the medical process until they are declared cured. Accidents at work don't just happen, but many factors cause work accidents, but that doesn't mean we can't prevent work accidents.

Therefore, we also need to know the causes of accidents and how to avoid reducing and preventing work accidents. Participants who experience work accidents or work-related illnesses are entitled to work accident benefits.

The advantages of JKK Health services provided according to medical needs include:

1. Basic exam and supplementary exam
2. Primary and follow-up care
3. Hospitalization at a Class I Government Hospital, Regional Government Hospital or equivalent Private Hospital
4. Intensive care
5. Diagnostic support
6. Treatment
7. Customized service
8. Medical devices and implants
9. Doctor / Medical Service
10. Operation
11. Blood transfusion
12. Military Medical Rehabilitation

Health insurance in Indonesia is managed by a state-owned legal entity that we usually call BPJS (Social Security Administrative Body). BPJS is regulated in Law no. 24 of 2011

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<sup>9</sup> Zuraida Susilo, 'Evaluasi Jaminan Kesehatan Nasional Dan Misi Kesejahteraan', *Legal and Jurist*, 4.3 (2019),

concerning Social Security Administering Bodies. According to this Law, BPJS is a legal entity created with the intention of running a social security program. The purpose of establishing BPJS is to carry out and realize the basic needs of a decent life for members and/or their families<sup>10</sup>. In addition to objectives, BPJS also has several principles, including<sup>11</sup>:

1. Humanity is Principles related to the standard of human life.
2. Benefits is Principles that have an operational nature indicating that management is carried out effectively.
3. Social justice for all people in Indonesia means the principle of fairness.

The types of BPJS in Indonesia are divided into two, including:

1. BPJS Kesehatan, which aims to work on a health insurance program for the Indonesian people, regarding its functions, BPJS Kesehatan provides protection for the Indonesian people which must be in accordance with the program run by JKN, which includes:
  - a) Early stage health assistance;
  - b) Second level referral health assistance, and;
  - c) hospitalization.
2. Employment BPJS, which administers the program:
  - a) Work accident insurance;
  - b) Guarantees for workers who will enter retirement age;
  - c) Guarantees that provide certainty for the participants' decent lives, and;
  - d) Guarantee for participants who die.
3. For participants from the Employment BPJS itself there are:
  - a) Workers who work in a company that receives a salary;
  - b) Workers who work in the informal sector;
  - c) Construction services, and;
  - d) Indonesians who do not work in Indonesia and receive payment.

BPJS Kesehatan is a manifestation of the transformation from PT. Askes whose job is to provide protection to all Indonesian people without exception. Meanwhile, BPJS Employment is a change from PT. Jamsostek whose job is to provide protection for workers in Indonesia. BPJS Ketenagakerjaan also provides provisions that every worker is required to pay contributions, the amount of which has been determined every month. BPJS Ketenagakerjaan also has several programs that can provide guarantees to workers in the form of work accident insurance, insurance for workers who will experience retirement, pension insurance, and also worker death insurance<sup>12</sup>.

### **Work Accident Insurance**

Occupational accidents are all unwanted and unexpected events when a worker is doing his job where the worker can experience loss of property, can make someone disabled, and can even make the worker die. Work accidents can occur due to two things, the first is due to dangerous conditions, which are influenced by factors in the working environment itself, such as checking that is not carried out on the machine, dim lighting, PPE used not in accordance with the rules, floors slippery. The second is due to dangerous actions, which are caused by the actions or actions of the workers themselves.

When a worker has a work accident, of course he gets work accident insurance which has the benefit of providing health services and/or in the form of cash to workers when they find a work accident in the work environment. Occupational accident insurance provides compensation and recovery to workers who are found to have had a work accident while on their way to the office or when returning from the office or company or suffered from an illness

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<sup>10</sup> Telaumbanua Dalinama, *Hukum Ketenagakerjaan* (Bandung: Widya Pustaka).

<sup>11</sup> BPJS Kesehatan, *Profiling Fasilitas Kesehatan Dan Mitra BPJS Kesehatan* (Jakarta: BPJS Kesehatan, 2019).

<sup>12</sup> Hadi Setia Tunggal, *Kumpulan Peraturan Sistem Jaminan Sosial Nasional (SJSN) Dan Badan Penyelenggara Jaminan Sosial (BPJS)* (Jakarta: Harvindo, 2016).

caused by their work. This contribution is borne by the company where the worker works in accordance with the level of risk associated with the work environment, the amount of which is disbursed a maximum of once every two years. For very low risk levels, the percentage quantity is 0.24% of the worker's salary. For a small risk level, the percentage is 0.54% of the fee. For the average risk level, the percentage is 0.89% of the worker's pay. For the high risk level, the total percentage is 1.27% of the salary, and finally for the very high risk level, the quantity percentage is 1.74% of the worker's salary.

Work accident insurance provided to workers includes<sup>13</sup>:

1. Transportation costs;
2. Expenses for checking, healing, and/or rehabilitation;
3. The cost of therapy;
4. Material assistance includes:
  - 1) Temporary assistance for those who are unable to work;
  - 2) Partial assistance for persons with disabilities;
  - 3) Assistance for persons with total permanent disabilities, both physical and psychological, and;
  - 4) Killing assistance.

Compensation in the form of money includes:

1. Reimbursement of travel costs to the hospital and/or home for participants who experience work accidents or work-related illnesses, including the cost of first aid for accidents
  - 1) The maximum cost of land and water / inland lake transportation is IDR 5 million (IDR 5 million).
  - 2) The maximum limit for sea transportation is IDR 2,000,000 (IDR 2 million).
  - 3) The maximum limit for air transportation is IDR 10,000,000 (IDR 10 million).
  - 4) If you use more than one means of transportation, you are entitled to use the maximum fee for each mode of transportation used.
2. Temporary compensation temporarily unable to work, with the following detailed information:
  - 1) 100% of salary in the first 12 (twelve) months
  - 2) The second 12 (twelve) months of the second month in the amount of 100% of wages
  - 3) The third 12 (twelve) months and so on 50% of wages
3. Compensation for partial anatomical disability, partial functional disability and permanent total disability.
  - 1) Partial Anatomical Disability = % according to the table x 80 x a month's wages.
  - 2) Partial Disability Function = % reduced function x % according to the table x 80 x a month's wages.
  - 3) Fixed Total Disability = 70% x 80 x monthly wages.
4. Periodic compensation is given if the participant is permanently disabled or dies due to a work accident or PAK in the amount of IDR 12,000,000
5. Death benefits and funeral expenses
  - 1) Death compensation 60% x 80 x monthly salary, minimum IDR 20,000,000
  - 2) Fun instrument costs IDR 10,000,000
  - 3) Participants IDR 12,000,000 will receive routine compensation if they are permanently disabled or die due to a work accident or PAK
6. If a participant dies or is permanently disabled due to a work-related injury or occupational disease, he/she must immediately pay regular compensation
7. Repair costs for orthotic replacement and/or replacement devices (prosthesis) 7. Denture replacement costs up to IDR 5,000,000
8. Every participant who dies or is permanently disabled due to a work accident can receive a scholarship for children's education.

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<sup>13</sup> Pujiastuti Endah, *Pengantar Hukum Ketenagakerjaan* (Magelang: Cipta Pustaka, 2012).

- 1) Forwarded to participants who are permanently disabled or who die due to work-related injuries.
- 2) Prizes for children from 2 (two) participants - Provided regularly every year according to the educational level of the participants' children  
Based on the level of education, the amount of the JKK scholarship is as follows:
  - a. Kindergarten to SD / equivalent, IDR 1,500,000 / person / year, up to 8 years
  - b. Junior High School level / equivalent, IDR 2,000,000 / person / year, up to 3 years
  - c. SMA / currency equivalent, IDR 3,000,000 / person / year, up to 3 years
  - d. Highest S1 higher education or training IDR 12,000,000 / person / year, up to 5 years
9. Replace the glasses, if the participant's eyesight is reduced due to a work accident or PAK maximum IDR 1,000,000
10. Replacement of hearing aids, if participants experience hearing loss due to a work accident or PAK, the highest is IDR 2,500,000

Workers who die from work-related injuries are entitled to compensation in cash. The heirs of workers who died at the same time can receive work accident insurance benefits in the form of cash. Regarding the amount there is no specific provision. However, death and death benefits received by workers who die as a result of work accidents are cash subsidies, namely<sup>14</sup>:

1. Death benefit =  $60\% \times 80 \times$  monthly salary, which is at least equal to death benefit
2. Funeral costs IDR 3 million
3. One-time regular compensation fee =  $24 \times$  IDR 200,000 = IDR 4.8 million
4. If workers have children, scholarships will be given to children who are still in school, with a total of 12 million rupiah per worker.

Not only that, based on Article 166 of Law No. 13 of 2003 concerning Manpower (Labor Law) in the event that a work bond ends because the worker/labourer dies, the heirs are given some cash, the calculation of which is equal to the calculation of 2 times the severance pay. inaugurated based on working period. In this case, because the factory worker has worked for more than 7 years but less than 8 years, the factory worker is entitled to 2 times 8 months' wages.

In addition to 2 times the severance pay, the heirs are also entitled to get one time service money, which is 3 months' wages and compensation money that should be received. Occupational Accident Insurance (JKK) provides compensation and rehabilitation for workers who experience accidents when they start going to work until they return home or suffer from work-related illnesses. Contributions for the JKK program are entirely paid by the industry. Details of the amount of contributions are sourced from the type of business group as stated in the fees.

If a work accident occurs, the entrepreneur must fill out the BPJS Employment 3 form (accident report session I) and send it to BPJS Employment no later than 2 x 24 hours from the time the accident occurs

1. After the worker has been declared cured/dead by the treating doctor, the employer must fill out form 3a (session II accident report) and send it to BPJS Ketenagakerjaan no later than 2 x 24 hours after the worker is declared recovered/dead. Next, BPJS Ketenagakerjaan will calculate and pay compensation and compensation for work accidents that are the rights of workers/heirs.
2. Employment BPJS Form 3a acts as a request for payment of guarantees accompanied by evidence:
  - 1) Photocopy of Employment BPJS participant card
  - 2) An explanation letter from the attending doctor in the form of BPJS Ketenagakerjaan 3b or 3c
  - 3) Receipt of payment for healing and maintenance and transportation receipts

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<sup>14</sup> Sumarno Nugroho, *Sistem Intervensi Kesejahteraan Sosial* (Yogyakarta: Hanindita, 2019).

### **Death Guarantee**

The family of a worker or laborer who dies as a result of an accident at work will receive this guarantee. The death guarantee includes:

1. Fees for funeral processions, and;
2. The assistance provided is in the form of money.

In the distribution of death benefits, there are several sequences of recipients of death benefits, namely:

1. Women who are divorced or because their husbands have died
2. Men whose wives have died or are divorced
3. A person born of divorce;
4. the father and mother of the child;
5. Children from the second lineage;
6. Parents of father and mother;
7. Persons who are related by the same parents;
8. Parents of wife or husband.

### **Old Age Guarantee**

This guarantee ensures that workers receive income that is paid periodically and/or all at once. This guarantee is provided if:

1. The worker is 55 years old, or;
2. Permanent defects that have been confirmed by a doctor.

If this worker dies, this guarantee will be given to the widower, or widow, a child whose father has died and/or a child whose mother has died or both.

### **Guarantee Of Health Care**

This guarantee is expected to be able to advance the productive power of workers, with the intention that workers can work optimally, and is also a health effort in the aspect of recovery. This guarantee is given to the worker or labor concerned, husband, wife, and also children. This guarantee for health care includes:

1. Treatment not performed in the first stage hospital;
2. Treatment performed not at the second stage of the hospital;
3. hospitalization;
4. Incubation checks and birth assistance;
5. Emergency assistance;
6. Exclusive assistance, and;
7. Diagnostic assistance

### **CONCLUSION**

According to the law, every company is responsible for every work accident that occurs in that company. Occupational safety of all employees is the responsibility of the company to arrange and maintain work space and equipment that the company guides them to work. The company's responsibility for safe production is to prevent every employee from accidents and harm to their body, honor and property. According to Law Number 13 of 2003 (Concerning Manpower), Article 86 paragraph 1 (a), every employee has the right to work safety protection. Social security is a form of social protection for the people of Indonesia which has the aim of ensuring that Indonesian citizens get decent living necessities.

The National Health Insurance provides guarantees to the people of Indonesia in the form of protection and maintenance of public health, which is distributed to everyone who meets the requirements in the form of a monthly contribution. The purpose of the National Health Insurance is to provide adequate coverage for each member and/or family member to meet the



basic needs of life. All of them have representatives from the National Health Insurance (JKN), as well as foreigners who are currently working in Indonesia and have worked in Indonesia for at least 6 months.

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