

HEALTH INSURANCE LEGAL COUNSELING MIGRANT WORKERS IN PONOROGO

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Abstract

Article 28 H paragraph (1) of the 1945 Constitution directly states that social security is the right of every human being. Article 34 paragraph (1) again mentions the constitutional basis for the need for a social security system. The next constitutional basis is Law Number 40 of 2004 concerning the National Social Security System. This background means that the state has a duty to build a comprehensive social security system and provide a wider sense of "security" for all Indonesian citizens, including migrant workers. Social security consists of National Health Insurance (JKN) and Employment Insurance.

National Health Insurance is a concept of health protection adopted from various social protection concepts, namely protection efforts for the Indonesian people in general and migrant workers in particular to face vulnerability and illness which is equipped with strategies to obtain or protect health comprehensively. Health insurance for migrant workers can be interpreted as an effort from the state to help migrant workers by providing guarantees or protection for the health of migrant workers. Efforts to fulfill this have several important aspects related to the fulfillment of constitutional rights and legal protection in the context of implementing social security programs for migrant workers.

Keywords: *Counseling, Law, Ponorogo, BPJS, Health*

Abstrak

Pasal 28 H ayat (1) UUD 1945 secara langsung menyatakan bahwa jaminan sosial adalah hak setiap manusia. Pasal 34 ayat (1) kembali menyebutkan dasar konstitusional perlunya sistem jaminan sosial. Landasan konstitusional berikutnya adalah Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional. Latar belakang ini berarti bahwa negara memiliki kewajiban untuk membangun sistem jaminan sosial yang komprehensif dan memberikan rasa "aman" yang lebih luas bagi seluruh warga negara Indonesia, termasuk pekerja migran. Jaminan sosial terdiri dari Jaminan Kesehatan Nasional (JKN) dan Jaminan Ketenagakerjaan.

Jaminan Kesehatan Nasional merupakan suatu konsep perlindungan kesehatan yang diadopsi dari berbagai konsep perlindungan sosial, yaitu upaya perlindungan bagi masyarakat Indonesia pada umumnya dan pekerja migran pada khususnya dalam menghadapi kerentanan dan penyakit yang dilengkapi dengan strategi untuk memperoleh atau melindungi kesehatan secara menyeluruh. Jaminan kesehatan bagi pekerja migran dapat diartikan sebagai upaya dari negara untuk membantu pekerja migran dengan memberikan jaminan atau perlindungan terhadap kesehatan pekerja migran. Upaya pemenuhan tersebut memiliki beberapa aspek

penting terkait dengan pemenuhan hak konstitusional dan perlindungan hukum dalam rangka penyelenggaraan program jaminan sosial bagi pekerja migran.

Kata kunci: Penyuluhan, Hukum, Ponorogo, BPJS, Kesehatan

INTRODUCTION

Social security is one aspect of social protection to provide guarantees for migrant workers to fulfill their basic needs for a decent life (Budiono, 2016). Social protection can be described as an action in an effort to help meet the needs of life, especially protecting vulnerable groups in dealing with work that is full of risks as well as increasing the social status and rights of Indonesian citizens as migrant workers who are marginalized in every country (Izziyana & Budiono, 2019).

So far, during our work, we have heard a lot of migrant workers and Indonesian citizens from abroad, in this case in Malaysia having an accident, it turns out that they are experiencing financial difficulties. This difficulty is because it turns out that they do not have social security so that many Indonesian citizens and migrant workers' rights are neglected (Suryani, 2016). The fact is that many Indonesian citizens and migrant workers who need treatment due to illness and work accidents are ultimately treated with perfunctory medical treatment or inappropriate treatment.

Prospective migrant workers do not understand the rights to health insurance due to language barriers. The lack of applicable health insurance is also caused by the lack or absence of sufficient information regarding contractual issues even though this is an urgent matter. Understanding the importance of health insurance is one of the main aspects that prospective migrant workers must master (Probosiwi, 2015).

In fact, this should not happen if Indonesian citizens and migrant workers can be covered or protected socially. Social protection must be provided by the state and in line with the mandate of the 1945 Constitution of the Republic of Indonesia Article 28 H paragraph (3) which states: "Everyone has the right to social security that allows his full development as a dignified human being" and Article 34 paragraph (2) (Budiono, 2016).

Partner Problems

Based on the results of observations, problems for prospective migrant workers include not understanding the right to health insurance for migrant workers in the destination country. Another problem is (Izziyana & Budiono, 2019):

- a. Does not understand the mechanism for obtaining health insurance while working abroad. Does not understand that health insurance is a right of migrant workers and an obligation of employers.
- b. Lack of understanding of the health insurance rules set by the government where he works.
- c. Do not understand the contents of the contract agreement agreed upon by migrant workers in detail so that they do not get the health insurance they should get.
- d. Lack of understanding of health rights for potential migrant workers abroad.
- e. There are often health insurance problems that are not met by employers abroad.
- f. Not getting health insurance or health financing when sick
- g. Do not get health insurance or health financing when you have a work accident (Azmy, n.d.).

All of the above problems will continue to occur if there is no counseling for prospective migrant workers in Ponorogo district to change the mindset of prospective migrant workers in Ponorogo related to health insurance while working as migrant workers.

Migrant workers must obtain enlightenment regarding their rights and obligations at work, including health insurance as a form of social protection if they experience illness or work accident while working abroad (Mahfu, 2016). The formulation of the problem in this service is how to provide knowledge and understanding of the importance of health insurance for migrant workers in Ponorogo.

METHOD

The target of this community service activity is prospective migrant workers in Ponorogo district. The method of implementing the activity includes counseling related to health insurance for migrant workers from Ponorogo district. This counseling was carried out on January 5, 2022 at the Cak Benu Restaurant and Café in Ponorogo by presenting 27 migrant workers who wanted to go to work abroad such as Taiwan, Hong Kong, Singapore, Dubai and other countries. The dispatch of migrant workers who were stopped due to Covid 19 is in the process of reopening, so that apart from work skills, migrant workers need to be assisted with counseling related to social security as follows:

- a. Counseling to understand health insurance in the country of employment.
- b. Counseling on access to health rights for prospective Ponorogo migrant workers while working abroad.
- c. Counseling regarding work agreements and the consequences of health insurance rights while working abroad for prospective migrant workers in Ponorogo
- d. Counseling on health insurance for families in Indonesia while migrant workers work abroad

Community service was held offline on Wednesday, January 5, 2022 by inviting prospective migrant workers to attend this legal counseling event considering the opportunities for migrant workers to reopen after several years of suspension due to Covid 19.

RESULT AND DISCUSSION

IMPLEMENTATION OF SERVICE

Provide legal insight through counseling prospective migrant workers in Ponorogo, which consists of explanations regarding the right to health insurance for prospective and migrant workers in Ponorogo district, and how to obtain health insurance in the country of employment. Migrant workers often do not get their rights, especially the right to health because agencies can arbitrarily eliminate the right to health insurance for reasons of cost efficiency or hide health protection mechanisms that can be obtained in the country of employment so that workers are not properly protected (Tan & Shahriyani, 2015).

The problem is that there are several problems that hinder the implementation of the provision of health insurance for migrant workers, so far the health insurance for Indonesian migrant workers abroad tends to be implemented not optimally. Even though Indonesian migrant workers abroad are required to pay health social security contributions, the fact is that they cannot get facilities from the right to health, which will protect them (Adha & Zaeni, 2020).

Arif Ariadi as a resident of Ponorogo and a migrant worker in South Korea also admitted that *"Our citizens who work in Korea, including myself, have never been able to enjoy BPJS even though I pay it every month, so why withdraw every month if you want to use it, it turns*

out you can't? Fortunately, the South Korean government provides a fairly large subsidy for health so that the cost of treatment is quite affordable.'

Fulfillment of health insurance rights through BPJS must meet operational sustainability by providing benefits to all citizens involved in BPJS both domestically and abroad, meeting the needs of participants, and prudence and transparency in BPJS financial management (Zaki Hussein, 2015). Migrant workers have paid monthly payments to BPJS as the organizer so BPJS must also think about health insurance solutions for migrant workers (Tjitrawati, 2017). These limitations should not be an excuse not to cover migrant workers' health insurance (Rys, 2011).

One of the main conditions for Indonesian Migrant workers abroad to comply with the regulations set by the country of employment, migrant workers who enter certain countries without fulfilling the specified requirements are declared illegal immigrants. Illegal migrant workers like this usually use informal recruitment models based on sibling relationships, friendships and other methods that do not require a lot of documents .

The government is obliged to pay more attention to the implementation of social security, especially health insurance for workers and Indonesian citizens abroad on the health care delivery system, payment system (Health Care Payment System) and health care quality system. Migrant workers will receive complete health insurance.

Community service was held offline on Wednesday, January 5, 2022 by inviting prospective migrant workers to attend this legal counseling event considering the opportunities for migrant workers to reopen after several years of being suspended due to Covid 19. The counseling was attended by 27 prospective migrant workers from the Ponorogo district.



Pict 1 Migrant workers candidate in this public services



Pict 2 Committee give a legal counseling to the migrant workers candidate



Pict 3 Committee and discussion with officials from district

DAFTAR HADIR
 PENYULUHAN HUKUM HAK DAN KEWAJIBAN ATAS BPJS KESEHATAN BAGI
 PEKERJA MIGRAN DI PONOROGO

No.	Nama	Alamat	TTD
1.	Johan	DONDREDO	1. Jaban
2.	Si Eka	Ponorogo	2. Kawan
3.	MKB ELIA C.	"	3. Elia
4.	Uti Amara	"	4. Uti
5.	M. IKHwan	"	5. Ikhwan
6.	LA ODE RIZKIYAH	"	6. Ode
7.	Irfan Gusman Purnama	"	7. Irfan
8.	Muhammad Iqbal	"	8. Iqbal
9.	Muhammad Iqbal	"	9. Iqbal
10.	Chah Ayu	"	10. Ayu
11.	HAQI AQGA NANDYA	"	11. Haqi
12.	R. OCHA NIE ARIZAH	"	12. Ocha
13.	M. YUSUF H.	"	13. Yusuf
14.	Rajon Hani	"	14. Rajon
15.	Yola H.	"	15. Yola
16.	Chah Sabina Hani	"	16. Sabina
17.	Apig Satriadi	"	17. Apig
18.	Eti Fransiska	"	18. Eti
19.	Vania P.	"	19. Vania
20.	Muti H.	"	20. Muti
21.	Prakri	"	21. Prakri
22.	Anseldi	"	22. Anseldi
23.	Yusuf Heri	"	23. Yusuf
24.	Muhammad	"	24. Muhammad
25.	Prima H.	"	25. Prima
26.	Hadi S.	"	26. Hadi
27.	Handayani	"	27. Handayani
28.			28.

Pict 4. Presence from migran workers candidate

CONCLUSION and SUGGESTION

Conclusion

Migrant workers should be able to obtain health insurance but rarely get it because prospective workers do not understand the flow and procedures in the employer's country to be able to access health insurance. Counseling on the right to health insurance helps migrant workers to understand health insurance and its flow and procedures. This counseling makes migrant workers and prospective migrant workers understand their rights and obligations while working. Community service with the theme of legal counseling for migrant workers is the first assistance for counseling prospective migrant workers in Ponorogo Regency and is enthusiastically followed by prospective migrant workers from Ponorogo. Prospective migrant workers can better understand how the work contract and its consequences for them while working. This assistance provides an understanding of the legality, contracts, legal protections, procedures and access methods so that migrant workers can consider work contracts if they are deemed detrimental. This counseling is also using original work contract documents from the country of employment so that it can feel very factual.

Suggestion

- a. This counseling can be continued by the Magetab district Manpower and Transmigration Office because it is very useful for prospective migrant workers

- b. This counseling can be continued to become a priority service area for the Faculty of Law, University of Surakarta.
- c. This counseling can be carried out as an urgent material delivered in training or preparation of prospective migrant workers in addition to job training as well as culture and language in the country of employment.

Acknowledgement

This service is funded by the University of Muhammadiyah Surakarta in the Tridharma Integration Grant (HIT) scheme in 2022 with the theme "National Social Security System".

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