

Legal Protection Efforts of Employees Through the Social Security Administration Agency

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Abstract

Legal protection efforts for workers in Indonesia through the Social Security Agency on Health (BPJS) are one of the strategic steps in ensuring worker welfare, both in the formal and informal sectors. This study aims to analyze the company's obligation to register its workers in BPJS membership and the legal protection efforts that can be provided through social security programs organized by BPJS Kesehatan and BPJS Ketenagakerjaan. First, the company's obligation to register its workers in BPJS membership is regulated in Law Number 24 of 2011 concerning BPJS, which mandates that every company is required to register all its workers in the social security program. Although there are clear legal provisions, implementation in the field still faces challenges such as low awareness from some companies and workers themselves. Second, legal protection efforts for workers through BPJS can be seen from two main aspects, namely health insurance and employment insurance. The health insurance program provides protection for workers and their families from unexpected health risks, while employment insurance provides protection against socio-economic risks faced by workers, such as work accidents, death, or retirement. With this program, workers have the right to obtain health services and financial compensation that can ease the burden of life due to the occurrence of these risks. This study reveals that although BPJS plays an important role in providing legal protection for workers, there are challenges in its implementation, such as gaps in equal access to services and non-compliance by several companies with registration obligations. Therefore, stricter supervision, increased legal awareness, and stricter law enforcement are needed against companies that do not register their workers with BPJS. With these steps, it is hoped that the social security program can run effectively and provide maximum protection for workers in Indonesia.

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1. INTRODUCTION

Legal protection for workers is an important aspect in efforts to maintain social and economic welfare in a country. In Indonesia, protection of workers is not only seen in terms of providing basic rights, such as decent wages, safe working conditions, and working hours in accordance with regulations, but also in terms of social protection which can provide a sense of security for workers in their work. face various risks that may occur during work. One of the main mechanisms for providing social protection is through the Social Security Agency on Health (BPJS). The Social Security Agency on Health (BPJS) in Indonesia has a very important role in providing social protection for workers. BPJS consists of two institutions, namely BPJS Health and BPJS Employment, each of which is

tasked with administering health insurance and employment guarantee programs. These programs are designed to provide protection for workers from various socio-economic risks that may arise, such as illness, work accidents, death and financial uncertainty after retirement. BPJS Health provides workers with access to affordable and quality health services, while BPJS Employment provides protection through several types of programs, such as work accident insurance, death insurance, old age insurance and pension insurance. (Achmad Subianto, 2011)

Law Number 24 of 2011 concerning Social Security Agency on Health (UU BPJS) is the legal basis that regulates companies' obligations to register their workforce in the social security program administered by BPJS. Every company, whether operating in the formal or informal sector, is required to register all its workforce in order to enjoy social protection provided by the state. Thus, BPJS is not just an institution tasked with providing social security services, but is also an important instrument in the social protection system in Indonesia, which aims to ensure welfare for all levels of society, especially workers. However, even though the existence of BPJS as a social protection system has been clearly regulated in law, its implementation in the field still faces a number of significant problems. One of the main problems is the non-compliance of several companies in registering their workforce in the BPJS program. Some companies, especially those in the informal sector, tend to ignore this obligation for various reasons, such as ignorance about the importance of the social security program or because of economic reasons that make them reluctant to bear additional costs for BPJS contributions. In addition, in several areas, there are still many companies that have not fully complied with this obligation due to limited supervision and weak law enforcement. (Social Security Agency on Health (BPJS). 2014.)

Non-compliance with labor registration obligations in BPJS can cause workers to lose access to health services and employment protection, which should be their rights. For example, if a work accident occurs or a worker experiences a serious illness, they cannot get reimbursement for the medical costs they should receive through the health insurance program. In addition, without pension guarantees, workers entering retirement age may face serious economic difficulties after retirement. The impact of this non-compliance is also detrimental to the country, because it has the potential to increase the social burden due to the lack of protection for workers who are part of the economy. Another problem that often arises is the lack of understanding by companies and workers regarding the rights and obligations related to the BPJS program. Many companies do not fully understand that registering workers in BPJS is a non-negotiable legal obligation, and there is a lack of socialization regarding the benefits that will be obtained from participation in the program. Without a good understanding of the benefits of social security, many workers feel that they do not need such protection, while companies feel that the costs of paying BPJS contributions are a heavy burden. In addition, even though BPJS has made various efforts to improve systems and services, challenges in terms of equitable access and service quality still remain, especially in remote areas or small companies that are not yet fully covered by the social security program. Therefore, stricter supervision and stricter law enforcement are still needed against companies that do not comply with their workforce registration obligations.

With a clear legal basis in Law Number 24 of 2011, it is hoped that the company's obligation to register its workforce in the BPJS program can be implemented properly. However, challenges in implementation in the field require serious attention from the government, companies and society to jointly create an effective and fair social protection system. Strengthening law enforcement, increasing awareness and education for companies and workers, as well as equal access to BPJS services throughout Indonesia are strategic

steps to ensure maximum legal protection for all workers in Indonesia. However, even though it has been clearly regulated in Law Number 24 of 2011 concerning the Social Security Agency on Health (BPJS), the implementation of the company's obligation to register its workforce in BPJS still faces various significant challenges. One of the main challenges is non-compliance which is still often found in the field, especially in the informal sector and for small companies or MSMEs. Many companies have not fully registered their workforce, some even do not comply with this obligation at all. This non-compliance means that many workers do not get access to social protection that should be their right, such as health insurance, work accidents, old age security and pensions. (Daniel Perwira, et al., 2003)

Several factors causing this non-compliance include the company's lack of understanding of the importance of social security programs. Many entrepreneurs, especially those in the informal sector, are not fully aware that BPJS is not only a legal obligation, but also an instrument that provides financial protection to their workers, which in turn also has a positive impact on the company's productivity and sustainability. Apart from that, economic factors are also a major obstacle for several companies. Many companies, especially small and medium scale ones, feel burdened by the obligation to pay BPJS contributions, which is considered an additional burden on their budget. This is exacerbated by a lack of understanding of the long-term benefits that can be obtained from participation in social security programs, both for workers and the company itself. Apart from that, the lack of strict supervision and law enforcement is also a problem in implementing this program. Although the obligation to register workers in BPJS is regulated by law, weak supervision in the field often makes some companies feel that they can ignore this obligation without facing serious consequences. As a result, many workers who should receive social protection are forced to live in uncertainty, both in terms of health and welfare in retirement. (Setiawan, et al. 2014)

This problem shows the importance of a comprehensive evaluation of the social security system in Indonesia, especially regarding companies' obligations to register their workforce. Legal protection efforts for workers through BPJS must be strengthened with more targeted policies. One step that needs to be taken is to increase companies' understanding and awareness of the importance of social security programs, as well as socializing their benefits more widely. The government must also carry out stricter supervision and ensure that violations of this obligation are given strict sanctions, so as to reduce the level of non-compliance. On the other hand, legal protection efforts for workers through BPJS can be more effective if companies are given incentives or convenience in the labor registration process, especially for MSMEs and the informal sector which may be facing economic difficulties. The government can provide subsidies or reduce contribution rates for companies that are just starting out or that are having difficulty fulfilling these obligations. In addition, there is a need to strengthen the BPJS service system to ensure that all workers, including those working in the informal sector, can easily access the benefits provided.

2. RESEARCH METHOD

See problem studied in this research, namely analyzing legal protection efforts for workers through the Social Security Administering Agency. This research uses normative juridical research methods namely legal research carried out by examining library materials or secondary data or what is called library law research. Type study used by the author is

normative juridical.¹ namely, legal research carried out by examining library materials is called library law research. The author's consideration in using this type of research is to find out, analyze and explain legal protection efforts for workers through the Social Security Administering Agency. In juridical legal research normative in this case, the author uses a statutory approach (*statutory approach*). This research uses a type of legislative approach because the main study material is statutory regulations regarding legal protection efforts for workers through the Social Security Administering Agency.

3. RESULTS AND DISCUSSION

1. Company's Obligation to Register Its Workers in Membership of the Social Security Administering Body

The company's obligation to register its workforce as a member of the Social Security Agency on Health (BPJS) is a form of social protection realized by the state in order to fulfill the mandate of Article 27 paragraph (2) of the 1945 Constitution, which states that every citizen has the right to work and a good living. worthy. Regulations related to this are regulated in Law Number 24 of 2011 concerning Social Security Agency on Health, specifically Article 14, which strictly requires employers to register all their workforce as participants in BPJS Health and BPJS Employment. This provision aims to ensure that all workers in Indonesia receive social protection which covers health risks, work accidents, pensions and death. Furthermore, Article 15 of this Law confirms that workers who have registered in the BPJS program have the right to social security which includes five main programs, namely health insurance, work accident insurance, old age security, pension security and death security. These rights aim to provide comprehensive protection to workers from various risks that can affect their welfare, both while actively working and after retirement. This protection is not only a legal obligation for companies, but also reflects a broader social responsibility in creating a safe and prosperous work environment. (Moh. Hatta, 2012)

This obligation also applies to all types of companies, both those operating in the formal and informal sectors, as regulated in Article 17 paragraphs (1) and (2) of the BPJS Law, which states that employers are fully responsible for registering permanent and non-permanent workers in the BPJS program. For the informal sector, the government has also set up a special mechanism so that employers in this sector can comply with the provisions without facing serious financial constraints. However, in practice, many companies do not fully comply with this obligation, especially in the informal sector, where non-compliance often occurs due to a lack of understanding or company economic factors. To overcome this non-compliance, Article 36 of Law Number 24 of 2011 provides a legal basis for imposing administrative sanctions on companies that do not register their workers. These sanctions can take the form of written warnings, fines, and termination of certain public services, such as business permits. Apart from that, the government through Article 24 also has the authority to provide subsidies or incentive policies for small companies or micro businesses that face financial difficulties in fulfilling their obligations. Thus, the company's obligation to register workers in the BPJS program is not only a fulfillment of regulations, but also part of its social responsibility to ensure comprehensive worker protection. Consistent implementation of these rules is necessary to create a balance between rights and obligations in employment relationships, which ultimately contributes to the creation of broader social welfare. (Noviatri, L. Wahyu and Sugeng, 2016)

¹ Peter Mahmud Marzuki, 2014, *Legal Research (Revised ed)*, Jakarta: Kencana, Pg 133

The implementation of this obligation is also further regulated in Government Regulation Number 86 of 2013, which regulates the procedures for imposing administrative sanctions on employers who do not fulfill the obligation to register their workforce. Article 17 paragraphs (1) and (2) of the BPJS Law emphasizes that social protection is a labor right that must be fulfilled by employers without discrimination. Apart from that, Article 19 paragraph (1) states that contributions for BPJS Health must be borne jointly by employers and workers, while BPJS Employment contributions have a similar scheme, depending on the type of social security program being participated in. However, in its implementation, the company's obligation to register workers in the BPJS program faces various obstacles, especially at the compliance level, especially in the informal sector and micro, small and medium enterprises (MSMEs). Many companies do not fulfill this obligation for economic reasons, such as the belief that paying BPJS contributions is an additional burden on the company's finances. For example, in the case of PT When one of the workers suffers a serious work accident, the cost of treatment becomes the worker's personal responsibility, because the company does not provide social security which should be the worker's right. This ultimately triggered an industrial relations dispute which was submitted by the workers to the industrial relations court. Cases like this show that non-compliance with Article 14 and Article 15 of Law Number 24 of 2011 concerning BPJS has the potential to create inequality in social protection. This law regulates the obligation of companies to register their workers as participants in BPJS Health and BPJS Employment, and that workers have the right to protection including health insurance, work accidents, old age, pensions and death. This non-compliance also violates the principles of social justice as stated in Article 27 paragraph (2) of the 1945 Constitution, which emphasizes the right to work and a decent living. (Suhardjo, 2007)

The company's lack of understanding of the benefits of the BPJS program worsens the situation. This program actually provides protection not only for workers, but also supports company sustainability. By providing health and work accident insurance, companies can reduce the negative impact of workforce absenteeism due to health risks, which ultimately increases productivity and operational stability. However, the perception that BPJS contributions are additional expenses often makes companies reluctant to register their workers. To overcome this problem, stricter supervision is needed from the government and BPJS, as regulated in Article 36 of Law Number 24 of 2011, which gives BPJS the authority to collaborate with related agencies in carrying out supervision and imposing administrative sanctions on companies that violate them. These sanctions can take the form of written warnings, fines, and termination of certain public services, such as business permits. In the case of PT (Then Husni, 2008)

Apart from supervisors, more effective outreach efforts are also needed to increase companies' understanding of the benefits of the BPJS program. The government can work with employers' associations and educational institutions to provide training on the importance of social security. In the MSME sector, the government can also offer incentives or subsidies to ease the burden of contribution costs, as mandated in Article 24 of the BPJS Law, which allows for subsidies from the government to encourage wider participation. With these steps, it is hoped that inequality in social protection for workers can be minimized, and every worker in Indonesia can enjoy the right to adequate social security in accordance with the principles of social justice in the constitution and applicable regulations. (Kertonegoro, Sentanoe, 2018)

Apart from supervisors, another solution that can be implemented to increase company compliance with the obligation to register workers with BPJS is providing

incentives to small companies that face financial constraints. One form of incentive that can be implemented is reducing contribution rates or providing subsidies from the government, as regulated in Article 24 of Law Number 24 of 2011 concerning BPJS, which states that the government can provide contribution assistance for certain community groups. With this step, small companies, especially in the informal sector and MSMEs, can more easily fulfill their obligations without feeling economically burdened. Apart from incentives, another effort that is no less important is increasing socialization and education about the benefits of social security programs for companies and workers. The government needs to intensify outreach programs through mass media, seminars or training involving employers' associations, trade unions and community organizations. With better understanding, companies will be more aware that the BPJS program is not just a legal obligation, but also provides long-term benefits, such as improving workforce welfare, maintaining company operational stability, and reducing the risk of loss due to work accidents or worker health problems. (Ministry of Health. 2013)

When companies comply with the obligation to register workers with BPJS, they contribute to the creation of an inclusive and sustainable social protection system. This system not only provides direct protection for workers through health insurance, work accident insurance and pension guarantees, but also strengthens the competitiveness of the national economy. Adequate labor protection can create a more productive and stable work environment, which ultimately has a positive impact on economic growth. However, on the other hand, non-compliance with this obligation will create serious social vulnerabilities. Workers who are not registered with the BPJS program risk losing access to important social protection, such as health services or compensation for work accidents. This is contrary to the principles of social justice as mandated in Article 27 paragraph (2) of the 1945 Constitution, which guarantees the right of every citizen to work and a decent living. This non-compliance can also trigger wider social inequality, which has the potential to disrupt the stability of society. (Jamsostek, PT (2019)

Therefore, the company's obligation to register workers in BPJS must be carried out seriously. The government needs to ensure that there is effective supervision, as regulated in Article 36 of the BPJS Law, which gives BPJS the authority to cooperate with related agencies in carrying out supervision and law enforcement. Strict supervision, accompanied by the application of strict administrative sanctions for companies that do not comply, will provide a deterrent effect while encouraging broader compliance. Through a combination of incentives, education, strict supervision and law enforcement, it is hoped that all workers in Indonesia can enjoy their rights to adequate social protection. Good implementation of these obligations not only supports the welfare of the workforce, but also contributes to achieving national development goals, including reducing social inequality and increasing overall labor productivity.

2. Legal Protection Efforts for Workers Through the Social Security Administering Agency

Legal protection efforts for workers through the Social Security Agency on Health (BPJS) are a concrete form of state implementation to ensure welfare and social protection for workers, in accordance with the principles of social justice mandated in Article 27 paragraph (2) of the 1945 Constitution. BPJS functions as the implementer of a national social security program that covers various aspects of protection, such as health insurance, work accident insurance, old age security, pension security, and death

security. This protection provides a sense of security to workers and their families against economic risks that could occur due to loss of income, whether due to work accidents, illness, retirement or death. The legal basis for implementing this protection is regulated comprehensively in Law Number 24 of 2011 concerning BPJS. In Article 14 paragraph (1), it is regulated that employers have a legal obligation to register their workers in the BPJS program, both BPJS Health and BPJS Employment. The right of workers to receive protection through BPJS is strengthened by Article 15, which states that every participant has the right to receive benefits according to the program they participate in, including protection from risks associated with their work. (I Made Udiana, 2015)

However, even though this legal framework is clear, its implementation still faces various obstacles. Many companies, especially in the informal sector and micro, small and medium enterprises (MSMEs), have not fully complied with this obligation. This non-compliance is often caused by the company's economic limitations, lack of understanding of the importance of social security, or even deliberate avoidance of legal obligations in order to reduce operational costs. This problem has a direct impact on workers, who lose their rights to the social protection they should receive. This non-compliance also creates social inequality which has the potential to reduce the quality of life of the workforce. The government, through BPJS and related agencies, has an obligation to ensure that the implementation of this obligation goes well. As regulated in Article 36 of the BPJS Law, BPJS is given the authority to supervise employers and can cooperate with related agencies in enforcing regulations. For companies that violate, Article 55 of the BPJS Law provides the legal basis for imposing administrative sanctions in the form of fines or limiting access to certain public services. This step aims to provide a deterrent effect and ensure company compliance in registering workers. (Zaeni Ashhadie, 2018)

As an additional measure, the government can also provide incentives to small companies or the informal sector that face economic obstacles in fulfilling this obligation. For example, through Article 24 of the BPJS Law, the government can provide subsidies or reduce contributions for certain companies to ease their financial burden. In addition, outreach programs regarding the importance of social security need to be increased to encourage awareness among employers and workers about the long-term benefits of social protection. Apart from supervision and incentives, legal protection for workers also includes resolving disputes related to BPJS benefits. Workers who feel that their rights are not being fulfilled can submit a complaint through the mechanism provided by BPJS. This procedure provides legal certainty for participants, while also encouraging BPJS to continue to improve the quality of its services. (Department of Manpower and Transmigration (2021),

A concrete example of the importance of legal protection through BPJS can be seen in the case of a construction worker in Surabaya who experienced a work accident. The worker suffered a serious injury while carrying out his duties, but the company where he worked did not register him in the BPJS Employment program, as required by Article 14 of Law Number 24 of 2011 concerning BPJS. As a result, all medical costs must be borne by the worker himself, which ultimately burdens his finances significantly. This case shows the failure of companies to fulfill their legal obligations and illustrates the real impact of violating regulations related to labor protection. Apart from that, this incident indicates weak supervision which can lead to inequality in social protection. The government has actually provided a clear legal basis through Government Regulation Number 44 of 2015 concerning the Implementation of Work Accident

Insurance and Death Benefit Programs, which regulates compensation and health assistance for workers who experience work accidents. If this program is implemented well, workers who are victims of work accidents will receive appropriate medical treatment and compensation, without having to worry about costs. (Kertonegoro, Sentanoe 2018)

To prevent similar incidents, supervision by the government must be strengthened as mandated in Article 36 of the BPJS Law, which regulates BPJS's obligation to cooperate with relevant agencies in monitoring company compliance. This increased supervision can be carried out through routine inspections of workplaces, the application of stricter administrative sanctions, and restrictions on licensing services for companies that do not comply, as regulated in Article 55 of the BPJS Law. Apart from that, the government can also provide incentives to small companies or the informal sector. those experiencing economic difficulties, as regulated in Article 24 of the BPJS Law, by providing subsidies or reducing BPJS contributions. This step not only helps companies fulfill their obligations, but also encourages collective awareness of the importance of social security. The Employment Social Security Program for Vulnerable Workers, for example, has provided assistance to many workers in the informal sector to obtain social protection. (Asri, 2014)

On the other hand, education and outreach efforts also need to be encouraged to increase the understanding of companies and the general public about the benefits of the BPJS program. This will not only improve compliance, but also ensure that the workforce feels more protected and valued. With adequate social security, companies will also benefit in the form of a healthier, more productive and loyal workforce. The success of the social protection system through BPJS will not only bring benefits to workers, but also to companies and society as a whole. With an effective system, Indonesia can realize more inclusive social welfare and create social justice in accordance with the mandate of Article 27 paragraph (2) of the 1945 Constitution. Integrated efforts between the government, companies and workers will be the main key in realizing real legal protection and sustainability for workers throughout Indonesia.

3. CONCLUSION

Legal protection efforts for workers through the Social Security Agency on Health (BPJS) are a strategic step in realizing social justice and worker welfare in Indonesia. With Law Number 24 of 2011 concerning BPJS, companies are required to register their workers in the social security program, including BPJS Health and BPJS Employment. This program is designed to protect workers from various risks such as work accidents, illness, death and retirement, while providing guarantees for their basic rights in accordance with Article 27 paragraph (2) of the 1945 Constitution. However, the implementation of this program is still facing challenges. challenges, especially related to the low level of company compliance, especially in the informal sector and MSMEs. Factors such as a lack of understanding of the benefits of social security programs and the perception that paying contributions is an additional burden are the main causes of non-compliance. This results in many workers not getting the social protection rights they should receive. The government has attempted to strengthen supervision through provisions in Article 36 of the BPJS Law, providing administrative sanctions to companies that violate them, as well as offering incentives and subsidies for small companies as regulated in Article 24 of the BPJS

Law. Apart from that, education and outreach programs continue to be promoted to increase awareness of companies and workers about the importance of this program. To ensure more effective protection, strong collaboration between government, companies and labor is needed. With stricter supervision, inclusive policies and consistent law enforcement, the social security system can become a key instrument in protecting the workforce from social and economic risks. Ultimately, the success of legal protection through BPJS will provide long-term benefits for workers, companies and the national economy, and contribute to the achievement of prosperity and social justice in Indonesia.

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