PRESIDEN
REPUBLIK INDONESIA

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 37 OF 2021
ON
ADMINISTRATION OF JOB LOSS SECURITY PROGRAM

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provisions of Article 82 and Article 185 point b of Law Number 11 of 2020 on Job Creation, it is necessary to issue a Government Regulation on Administration of Job Loss Security Program;

Observing :
1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39 , Supplement to the State Gazette of the Republic of Indonesia Number 4279);
3. Law Number 40 of 2004 on National Social Security System (State Gazette of the Republic of Indonesia of 2004 Number 150 , Supplement to the State Gazette of the Republic of Indonesia Number 4456);
4. Law Number 24 of 2011 on Social Security Agency (State Gazette of the Republic of Indonesia Number 116of 2011, Supplement to the State Gazette of the Republic of Indonesia Number 5256);

5. Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON ADMINISTRATION OF JOB LOSS SECURITY PROGRAM.

CHAPTER I
GENERAL PROVISIONS
Article 1

In this Government Regulation:

1. Job Loss Security (*Jaminan Kehilangan Pekerjaan*), hereinafter abbreviated as JKP, means a social security provided to Workers/Labourers who experience Termination of Employment Relation in the form of cash benefits, labour market information access, and Job Training.
2. Worker/Labourer means any person who works and receives Wages or other forms of compensation.
3. Employer means:

a. an individual, a partnership, or a legal entity that runs its own company;

b. an individual, a partnership, or a legal entity that independently runs it's a non-self-owned company;

c. an individual, a partnership, or a legal entity located in Indonesia and representing a company as referred to in point a and point b that is domiciled outside the territory of Indonesia.

4. Wage means right of a Worker/Labourer that is received and stated in the form of money as compensation from the employer or entrepreneur to the Worker/Labourer which is set and paid in accordance with an employment contract, consensus, or legislation, including allowance for worker/labourer and their family for a work and/or service which has been performed or will be performed.

5. Termination of Employment Relation means a termination of employment relation due to a certain reason which causes the end of rights and obligations between Worker/Labourer and Employer.
6. JKP Member, hereinafter referred to as Member, means Worker/Labourer having a employment relation with an Employer and have registered and paid contributions.
7. Health Security (*Jaminan Kesehatan*), hereinafter referred to as JKN, means an insurance in the form of health protection so that Members receive health care benefits and protection in fulfilling basic health needs provided to every person who has paid health insurance contributions or whose health insurance contributions are paid by the Central Government or Local Governments.
8. Employment Injury Security (*Jaminan Kecelakaan Kerja*), hereinafter referred to as JKK, means a benefit in the form of cash and/or health services provided when a Member experiences a employment injury or an occupational disease.
9. Old-Age Security (*Jaminan Hari Tua*), hereinafter abbreviated as JHT, means a cash benefit that is paid at once when Members enter retirement age, die, or experience permanent total disability.
10. Pension Security (*Jaminan Pensiun*), hereinafter abbreviated as JP, means a social security which aims to maintain a decent standard of life for Members and/or their heirs by providing income after Members enter retirement age, experience permanent total disability, or die.
11. Death Security (*Jaminan Kematian*), hereinafter referred to as JKM, means a cash benefit given to the heirs when the Member dies not due to an employment injury.
12. Social Security Agency for Employment (*Badan Penyelenggara Jaminan Sosial Ketenagakerjaan*), hereinafter referred to as BPJS Ketenagakerjaan, means a public legal entity established under Law Number 24 of 2011 on Social Security Agency.

13. Social Security Agency for Health (*Badan Penyelenggara Jaminan Sosial Kesehatan*), hereinafter referred to as BPJS Kesehatan, means a legal entity established to organize the Health Security program.
14. Employment Information System means a digital ecosystem that becomes a platform for all types of public services and activities in the field of employment, both in central and regional levels.
15. Job Training means all activities to provide, obtain, improve, and develop work competence, productivity, discipline, attitudes and work ethic at a certain skill and expertise level in accordance with the level and qualification of a position or job.
16. Job Training Institution means government institution and legal entities that meet the requirements to organize Job Training.
17. Central Government means the President of the Republic of Indonesia who holds the governmental power of the Republic of Indonesia, assisted by the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.
18. Labour Inspector means a civil servant who is given the full duties, responsibilities, authorization and rights by the authorized official to perform the activities of guidance, examining, assessing, investigating, and developing the labour inspection system in accordance with the provisions of legislation.
19. Minister means the minister administering government affairs in the field of manpower.

Article 2

(1) Employers are obligated to include Workers/Labourers as Members in the JKP program.
(2) The JKP program as referred to in section (1) is administered to maintain a decent standard of life when a Workers/Labourers loses their jobs.

Article 3

The JKP as referred to in Article 2 is administered by BPJS Ketenagakerjaan and the Central Government.

CHAPTER II
MEMBERSHIP AND REGISTRATION PROCEDURES

Part One
Membership

Article 4

(1) Members consist of:
   a. Workers/Labourers who have been included by the Employer in the social security program; and
   b. Workers/Labourers who have just been registered by the Employer in the social security program.

(2) Members as referred to in section (1) must meet the requirements:
   a. Indonesian citizens;
   b. have not reached the age of 54 (fifty-four) years at the time of registering; and
   c. have a employment relation with the Employer.

(3) In addition to the requirements as referred to in section (2), they must also fulfill the provisions:
   a. Workers/Labourers who work for large and medium-sized enterprises, are included in the JKN, JKK, JHT, JP, and JKM programs; and
   b. Workers/Labourers who work for micro and small enterprises, are included at least in the JKN, JKK, JHT, and JKM programs.

(4) Members of the JKN program as referred to in section (3) are workers who receive Wages at a business entity.

Part Two
Registration Procedures

Article 5

(1) Workers/Labourers who have been included by Employers in the social security program as referred to in Article 4 as of

the date this Government Regulation is promulgated, will immediately become Members.

(2) Employers as referred to in section (1) are given a JKP program membership certificate by BPJS Ketenagakerjaan.

(2) Workers/Labourers as referred to in section (1) are provided with proof of the JKP program membership by BPJS Ketenagakerjaan.

Article 6

(1) Employers who register Workers/Labourers in the JKP program are obligated to submit a complete and correct filled out registration form to BPJS Ketenagakerjaan not later than 30 (thirty) days from the date the Worker/Labourer starts working.

(2) The registration form as referred to in section (1) contains at least:
   a. citizenship number;
   b. Worker's/Labourer's birth date; and
   c. number and/or date of start and end of employment contract.

(3) BPJS Ketenagakerjaan is obligated to provide a membership number not later than 1 (one) work day after the registration form is received completely and correctly and the first contribution is paid in full to BPJS Ketenagakerjaan.

(4) Employers as referred to in section (1) are given a JKP program membership certificate by BPJS Ketenagakerjaan.

(5) Workers/Labourers as referred to in section (1) are provided with proof of the JKP program membership by BPJS Ketenagakerjaan.

Article 7

Proof of the JKP program membership for Workers/Labourers as referred to in Article 5 section (3) and Article 6 section (5) is integrated in 1 (one) social security program membership card at BPJS Ketenagakerjaan.

Article 8

(1) Workers/Labourers having employment relation with more than 1 (one) Employer, are obligated to be included in the JKP program by each Employer.

(2) Workers/Labourers as referred to in section (1) after being registered as Members, choose one of the companies as a place of work that is registered in the JKP program to BPJS Ketenagakerjaan.

Article 9

In the event of a change in company name, office address, business scale, Wage data, Worker/Labourer data, and other data changes related to the JKP program membership, the Employer is obligated to convey the change to BPJS Ketenagakerjaan not later than 7 (seven) work days after the change occurs.

Article 10

(1) Registration as referred to in Article 5 and Article 6, as well as changes to data as referred to in Article 9 are implemented online or offline.

(2) Further provisions regarding the registration procedure are regulated in a Ministerial Regulation.

CHAPTER III

CONTRIBUTION AND CONTRIBUTION PAYMENT PROCEDURES

Part One

Contributions

Article 11

(1) The JKP program contributions are obligated to be paid every month.

(2) The contribution as referred to in section (1) is 0.46% (zero point forty-six percent) of the monthly Wages.

(3) The contribution of 0.46% (zero point forty-six percent) as referred to in section (2) comes from contributions paid by the Central Government and JKP funding sources.

(4) The contribution paid by the Central Government as referred to in section (3) is 0.22% (zero point twenty-two percent) of the monthly Wages.

(5) The source of JKP funding as referred to in section (3) is a recomposition of the JKK and JKM program contributions, provided that:

a. the JKK contribution is recomposed at 0.14% (zero point fourteen percent) of the monthly Wage, so the JKK contribution for each risk level group becomes:

1. very low risk level at 0.10% (zero point ten percent) of monthly Wages;
2. low risk level at 0.40% (zero point forty percent) of monthly Wages;
3. medium risk level at 0.75% (zero point seventy-five percent) of the monthly Wage;
4. high risk level at 1.13% (one point thirteen percent) of the monthly Wages; and
5. very high risk level at 1.60% (one point sixty percent) of the monthly Wages;

b. the JKM contribution is recomposed at 0.10% (zero point ten percent) of the monthly Wages, so that the JKM contribution becomes 0.20% (zero point twenty percent) of the monthly Wages.

(6) The wage used as the basis for calculating the contribution as referred to in section (2) is the latest Worker/Labourer Wage reported by the Employer to BPJS Ketenagakerjaan and does not exceed the ceilling Wages.

(7) The ceilling Wages as referred to in section (6) for the first time is set at Rp5,000,000.00 (five million rupiah).

(8) In the event that the Wages exceed the ceilling Wages as referred to in section (7), then the Wages used as the basis for calculating the contributions are the same as the ceilling Wages.

Article 12

(1) The amount of contribution and the ceilling Wages as referred to in Article 11 section (2) and section (7) are

evaluated periodically every 2 (two) years by considering national economic conditions and the calculation of the adequacy of actuarial obligations.

(2) The evaluation as referred to in section (1) is implemented by the ministry administering government affairs in the field of manpower in coordination with the ministry administering government affairs in the field of finance and the national social security council.

(3) The amount of contribution and the ceilling Wages resulting from the evaluation as referred to in section (1) are stipulated by a Government Regulation.

Article 13

(1) The monthly Wage as referred to in Article 11 which is used as the basis for calculating the payment of contributions, consists of the basic Wage and a fixed allowance.

(2) In the event that the Wages in the company do not use the components of the basic Wage and fixed allowances, then the basis for calculating the contribution payment is Wages without allowances.

(3) In the event that the Wages in the company consist of the basic Wage and non-fixed allowances, then the basis for calculating the contribution is the basic Wage.

Part Two

Contribution Payment Procedure

Article 14

The contributions as referred to in Article 11 are paid to BPJS Ketenagakerjaan based on membership data from BPJS Ketenagakerjaan.

Article 15

(1) The MEMBERSHIP data as referred to in Article 14 is integrated with BPJS Kesehatan membership data.

(2) For data integration as referred to in section (1), BPJS Kesehatan must submit membership data as referred to in Article 4 section (4) to BPJS Ketenagakerjaan.

(3) The membership data as referred to in section (1) is verified and validated by BPJS Ketenagakerjaan.

(4) The data that has been verified and validated as referred to in section (3) is submitted to the Minister.

Article 16

(1) In the event that the implementation of contribution recomposition as referred to in Article 11 section (5) is experiencing delays, then the Central Government does not pay the contributions.

(2) In the event that the implementation of contribution recomposition as referred to in Article 11 section (5) has been paid in arrears, the Central Government pays the unpaid contributions in accordance with the month of payment of the outstanding contributions.

Article 17

(1) Further provisions regarding the procedure for payment of contributions paid by the Central Government are regulated in a Regulation of the Minister administering government affairs in the field of finance.

(2) Further provisions regarding the procedure for implementing the recomposition of contributions are regulated in a Ministerial Regulation.

CHAPTER IV

JKP BENEFITS

Part One

General

Article 18

JKP benefits are in the form of:

a. cash;

b. labour market information access; and

c. Job Training.

Article 19

(1) JKP benefits are given to Members who experience Termination of Employment Relation, both for work relations based on employment contract for an unspecified period of time or a employment contract for a specified period of time.

(2) In addition to fulfilling the provisions as referred to in section (1), JKP beneficiaries must be willing to work again.

(3) JKP benefits may be submitted after Members have contributed at least 12 (twelve) months in 24 (twenty-four) months and have paid contributions for at least 6 (six) consecutive months to BPJS Ketenagakerjaan prior to termination of employment or ending of employment relations.

Article 20

(1) JKP benefits for Members who experience Termination of Employment Relation are exempted for reasons of Termination of Employment due to:
   a. resignation;
   b. permanent total disability;
   c. pension; or
   d. death.

(2) JKP benefits for Members whose employment relation are based on a employment contract for a specified period of time is given if Termination of Employment Relation by the Employer is made before the termination of the employment contract for a specified period of time.

(3) The Termination of Employment Relation as referred to in section (1) is proven by:
   a. proof of receipt of Termination of Employment Relation by the Worker/Labourer and receipt of a report on Termination of Employment Relation from the office that administers government affairs in the field of regency/municipal manpower;

b. collective agreement that has been registered at the industrial relations court and deed of proof of collective agreement registration; or

c. excerpt or decision of the industrial relations court which has permanent legal force.

Part Two
Cash Benefits

Article 21

(1) Cash benefits are given every month for a maximum of 6 (six) months of Wages with the following conditions:
   a. in the amount of 45% (forty-five percent) of the Wages for the first 3 (three) months; and
   b. in the amount of 25% (twenty-five percent) of the Wages for the next 3 (three) months.

(2) The Wage used as the basis for payment of cash benefits is the Worker's/Labourer's last Wage reported by the Employer to BPJS Ketenagakerjaan and does not exceed the fixed ceilling Wages.

(3) The ceilling Wages for the first time is set at Rp 5,000,000.00 (five million rupiahs).

(4) In the event that the Wage exceeds the ceilling Wage, then the Wage used as the basis for the payment of cash benefits is in the amount of the ceilling Wage.

Article 22

(1) The amount of the ceilling Wages as referred to in Article 21 section (3) is evaluated every 2 (two) years.

(2) Evaluation of the amount of the ceilling Wages is implemented by the ministry administering government affairs in the field of manpower in coordination with the ministry administering government affairs in the field of finance and the national social security council.

(3) Evaluation of the amount of the ceilling Wagesas referred in section (2) is stipulated by a Government Regulation.

Article 23

In the event of Termination of Employment Relation and Worker/Labourer Wages reported as referred to in Article 21 section (2) are not in accordance with the actual Wages so that there is a shortage of cash benefit payments, the Employer is obligated to pay the shortage of cash benefits to Workers/Labourers at once.

Article 24

The provision of cash benefits is organized by BPJS Ketenagakerjaan.

Part Three

Benefits of Labour Market Information Access

Article 25

(1) The benefits of labour market information access as referred to in Article 18 point b are provided in the form of services:
   a. labour market information; and/or
   b. job assistancce.
(2) The service as referred to in section (1) is implemented by employment placement service officers and/or employment placement service officers through the Employment Information System.

Article 26

(1) The labour market information service as referred to in Article 25 section (1) point a is provided in the form of providing job vacancy data.
(2) The provision of data on job vacancies as referred to in section (1) is implemented in accordance with the provisions of legislation.

Article 27

Job assistance services as referred to in Article 25 section (1) point b are provided in the form:

a. self-assessment; and/or
b. career counseling.

Article 28

Members who have benefited from labour market information access and jobs according to their interests, talents, and competencies must report their placement through the Employment Information System not later than 7 (seven) work days from the time they are accepted for work.

Article 29

The benefits of labour market information access are administered by the ministry administering government affairs in the field of manpower.

Part Four

Benefits of Job Training

Article 30

(1) The benefits of Job Training as referred to in Article 18 point c are provided in the form of competency-based training.
(2) The benefits of Job Training as referred to in section (1) can be implemented through the integration of labour market information access and the BPJS Ketenagakerjaan information system in the Employment Information System.
(3) Benefits of Job Training can be held online and/or offline.

Article 31

(1) Job training is implemented through government-owned, private, or corporate Job Training Institutions.
(2) The Job Training Institutions as referred to in section (1) must meet the minimum requirements:
    a. have work competency-based training in accordance with the needs of the labour market by considering the national, international, or special job competency standards;

b. registered and verified in the Employment Information System;
c. accredited from an accreditation agency for Job Training Institutions evidenced by an accreditation certificate; and
d. received the Minister's approval.

(3) Further provisions regarding the procedure for registration, selection of types of training, training institutions, and training utilization are regulated in a Ministerial Regulation.

Article 32

(1) Job Training Institutions may cooperate with professional certification institutions to implement certificate of competence through competency tests.
(2) The professional certification institution as referred to in section (1) is a professional certification institution that has obtained a license from the Indonesian Professional Certification Authority.

Article 33

(1) Members who have received the benefits of Job Training must report the training that has been completed through the Employment Information System not later than 7 (seven) work days from the completion of the training.
(2) Members as referred to in section (1) can re-use the labour market information access services through the Employment Information System for work.

Article 34

(1) Benefits of Job Training are administered by the ministry administering government affairs in the field of manpower.
(2) Further provisions regarding the financing of Job Training benefits are regulated in a Ministerial Regulation administering government affairs in the field of finance.

Part Five
Implementation of Providing JKP Benefits

Article 35

The right to JKP benefits is submitted for a maximum of 3 (three) times during the working age period with provisions:

a. the first JKP benefit, is submitted by the Member not later than after the fulfillment of the contribution and membership period as referred to in Article 19 section (3);
b. the second JKP benefit, is submitted by the Member at least after the fulfillment of the contribution period of 5 (five) years since obtaining the first JKP benefit; and
c. the third JKP benefit, is submitted by the Member at least after the fulfillment of the contribution period of 5 (five) years since obtaining the second JKP benefit.

Article 36

JKP benefits for Members who have a employment relations with more than 1 (one) Employer are given if the Members experience Termination of Employment Relation.

Article 37

(1) In the event that an Employer does not include Workers/Labourers in the JKP program and there is a Termination of Employment Relation, the Employer is obligated to fulfill the Worker's/Labourer's rights in the form of:
    a. cash benefits by calculating the benefits as referred to in Article 21 section (1) which is given all at once; and
    b. the benefits of job training as referred to in Article 30.
(2) The obligation in fulfilling the rights of Workers/Labourers as referred to in section (1) is exempted for Employers in micro businesses.

Article 38

The right to JKP benefits cannot be transferred, mortgaged, or confiscated as an implementation of a court decision.

Article 39

(1) Employers who are in arrears for JKK and JKM contributions as a source of funding for the JKP program for up to 3 (three) consecutive months and Termination of Employment Relation occurs, BPJS Ketenagakerjaan is obligated to pay cash benefits as referred to in Article 21 section (1) to Members.

(2) In the event that BPJS Ketenagakerjaan has paid cash benefits as referred to in section (1), then the Employers are obligated to pay the arrears of contributions.

(3) Employers who are in arrears for JKK and JKM contributions as a source of funding for the JKP program for more than 3 (three) consecutive months and Termination of Employment Relation occurs, Employers are obligated to pay cash benefits to Members in advance as referred to in Article 21 section (1).

(4) In the event that the Employer has paid all arrears of contributions and fines that are their obligations, the Employer may request reimbursement of the cash benefits that have been paid as referred to in section (3) to BPJS Ketenagakerjaan.

(5) Employers submit a request for cash benefit reimbursement to BPJS Ketenagakerjaan not later than 3 (three) months after the Employers pay the Members' rights.

(6) BPJS Ketenagakerjaan is obligated to pay cash benefit reimbursement as referred to in section (4) not later than 7 (seven) work days after the request letter and supporting documents are received completely and correctly by BPJS Ketenagakerjaan.

Article 40

The right to JKP benefits as referred to in Article 18 is lost if a Worker/Labourer:

a. does not submit an application for a JKP benefit claim for 3 (three) months after the Termination of Employment Relation occurs;

b. has got a job; or

c. dies.

Article 41

Further provisions regarding the procedures for providing JKP benefits are regulated in a Ministerial Regulation.

CHAPTER V

SOURCES OF FUNDING

Article 42

(1) The source of JKP funding comes from:
   a. government initial capital;
   b. recomposition of social security program contributions; and/or
   c. BPJS Ketenagakerjaan operational fund.
(2) The initial capital as referred to in section (1) point a is the initial fund sourced from the State Budget for funding the JKP program.
(3) The initial fund as referred to in section (2) does not constitute separated state assets.
(4) The Initial fund may be used in the event that the program contributions received are not sufficient to pay for program benefits.
(5) Further provisions regarding initial funds are regulated in a Ministerial Regulation administering government affairs in the field of finance.

Article 43

The operational fund as referred to in Article 42 section (1) point c may be used for the JKP program funding in the event that the received program contributions and the initial funds are not sufficient to pay the benefits of the JKP program.

CHAPTER VI

LABOUR INSPECTION

Article 44

The labour inspection on the implementation of the provisions in this Government Regulation is implemented by the Labour

Inspector at the ministry administering government affairs in the field of manpower and/or the office administering government affairs in the field of provincial manpower.

CHAPTER VII
DISPUTE RESOLUTION

Article 45

(1) Disputes in the implementation of the JKP program between Members and BPJS Ketenagakerjaan and/or between Members and Employers can be resolved through deliberation by the parties to the dispute.

(2) Disputes as referred to in section (1) constitute disputes in the civil sector and disputes concerning rights in accordance with the provisions of legislation are fully controlled by the disputing parties and disputes which according to the provisions of legislation can be made peace.

(3) In the event that the resolution as referred to in section (2) is not implemented, then the resolution is implemented through mediation in accordance with the provisions of legislation.

(4) In the event that the mediation mechanism as referred to in section (3) cannot be implemented, then the resolution can be submitted to the district court in accordance with the provisions of the legislation.

CHAPTER VIII
ADMINISTRATIVE SANCTIONS

Article 46

(1) Employers who violate the provisions of Article 2 section (1), Article 6 section (1), Article 8 section (1), Article 9, Article 23, Article 37 section (1), and/or Article 39 section (3) are subject to administrative sanctions in the forms of:

a. written warning; and

b. not getting certain public services.

(2) The imposition of administrative sanctions as referred to in section (1) is performed in stages.

(3) A written warning as referred to in section (1) point a is a written warning of a violation committed by an Employer.

(4) Not getting certain public services as referred to in section (1) point b is a sanction given by certain public service units to Employers who do not implement their obligations in accordance with the provisions of legislation.

Article 47

(1) The Minister, related ministers, governors, regents/mayors, or officials appointed in accordance with their respective authority impose the administrative sanctions as referred to in Article 46 section (1) on Employers.

(2) The imposition of administrative sanctions is given based on the results of the inspection conducted by the Labour Inspector originating from:
   a. complaint; and/or
   b. follow-up to the results of the labour inspection.

(3) The follow-up on the results of the inspection conducted by the Labour Inspector is contained in an examination note.

(4) In the event that an examination note is not implemented by the Employer, the Labour Inspector submits a report of non-compliance on the legislation along with the inspection note to the:
   a. director general in charge of labour inspection at the ministry administering government affairs in the field of manpower, for Labour Inspectors in the ministry administering government affairs in the field of manpower; or
   b. the head of the office administering government affairs in the field of provincial manpower, for the Labour Inspector at the office administering government affairs in the field of provincial manpower.

(5) The director general or the head of office as referred to in section (4) submits recommendations to the authorized official to impose administrative sanctions.

(6) The relevant minister, governors, regents/mayors, or appointed officials notify the implementation of the imposition of administrative sanctions to the Minister.

CHAPTER IX
CLOSING PROVISIONS

Article 48

(1) For JKP membership, BPJS Kesehatan and BPJS Ketenagakerjaan conduct JKP membership data integration.

(2) The data integration as referred to in section (1) is implemented not later than 6 (six) months after this Government Regulation comes into force.

(3) During the data integration period as referred to in section (2), BPJS Ketenagakerjaan may register JKP membership without considering to JKN membership.

(4) In the event that after the integration period and there is JKP membership that does not meet the JKN membership requirements, then the contribution that has been paid by the Central Government is calculated in the next JKP contribution payment.

Article 49

At the time this Government Regulation comes into force, the provisions regarding asset management of employment injury social security funds and death social security funds are regulated in Government Regulation Number 99 of 2013 on Employment Social Security Asset Management (State Gazette of the Republic of Indonesia of 2013 Number 256 , Supplement to the State Gazette of the Republic of Indonesia Number 5486) as amended by Government Regulation Number 55 of 2015 on Amendment to Government Regulation Number 99 of 2013 on Employment Social Security Asset Management (State Gazette of the Republic of Indonesia of 2015 Number 179 , Supplement to the State Gazette of the Republic of Indonesia Number 5724), applies to asset management of social security funds for job loss until the enforcement of legislation that regulate on the management of social security fund assets for job loss.

Article 50

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 2 February 2021

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

JOKO WIDODO

Promulgated in Jakarta
on 2 February 2021

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

Signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2021 NUMBER 47

Jakarta, 16 September 2021
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,

BENNY RIYANTO

MENTERI KETENAGAKERJAAN
REPUBLIK INDONESIA

ELUCIDATION OF
REGULATION OF THE GOVERNMENT THE REPUBLIC OF INDONESIA
NUMBER 37 OF 2021
ON
ADMINISTRATION OF JOB LOSS SECURITY PROGRAM

I. GENERAL

In Article 28H section (3) of the 1945 Constitution of the Republic of Indonesia, it is mandated that every person has the right to social security which enables his or her complete development as a dignified human being. The government is committed to carrying out the mandate of the 1945 Constitution of the Republic of Indonesia with the promulgation of Law Number 40 of 2004 on National Social Security System.

The national social security system is basically a state program that aims to provide assurance of social protection and welfare for all Indonesian people. Through the national social security system, every resident is expected to be able to meet the basic needs of a decent life in the event of things that can result in loss or reduction of income, due to illness, accident, job loss, entering old age, retirement, or death.

In order to realize the national social security system, the Government has promulgated Law Number 24 of 2011 on Social Security Agency. In Law Number 24 of 2011, 2 (two) social security agencies have been established, namely BPJS Kesehatan and BPJS Ketenagakerjaan. BPJS Kesehatan administers the JKN program, while BPJS Ketenagakerjaan administers the JKK, JHT, JP, and JKM programs.

In accordance with the International Labour Organization Convention Number 102 of 1952, the Government is obligated to provide comprehensive social security protection for its citizens, so improvements in the implementation of social security are continuously implemented.

For this reason, through Law Number 11 of 2020 on Job Creation, several provisions have been made improvements in Law Number 40 of 2004 on National Social Security System and Law Number 24 of 2011 on Social Security Agency. The provisions in Article 82 of Law Number 11 of 2020 on Job Creation have improved Law Number 40of 2004 on National Social Security System by adding 1 (one) new program, namely JKP, so that the overall social security program includes JKN, JKK, JHT, JP, JKM, and JKP. Furthermore, in Article 83 of Law Number 11 of 2020 on Job Creation, improvements have also been made to the provisions in Law Number 24 of 2011 on Social Security Agency which stipulate that BPJS Ketenagakerjaan administers JKK, JHT, JP, JKM and JKP programs.

The base thought for the establishment of the JKP program as a result of the absence of social security for Workers/Labourers who experience Termination of Employment Relation, so that they use the benefits of JHT to fulfill their daily needs, while in essence JHT is social protection when Workers/Labourers are unable to work because they enter old age or have permanent total disability.

In a situation where a Worker/Labourer experiences a job loss, it will certainly have an impact on the degree of his or her social status, especially the environment in which he or she lives and the community in general. Therefore, the implementation of JKP aims to maintain a decent standard of living when a Worker/Labourer loses his or her job/is terminated so that it will motivate the Worker/Labourer to want to work again or try to be independent.

This Government Regulation regulates membership, contributions, benefits, the implementation of the JKP program which is integrated in an effective system, sources of funding, and administrative sanctions.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Section (1)

Sufficiently clear.

Section (2)

The term "to maintain a decent standard of life" means that by getting the JKP benefit, the Workers/Labourers can fulfill the basic needs of a decent life when there is a risk of Termination of Employment Relation and trying to get a job again.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The contribution paid by the Central Government comes from the State Budget.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

The term "willing to work again" means working as a worker who receives Wages or to have business independently or entrepreneur.

Section (3)

Sufficiently clear.

Article 20

Section (1)

Point a

Sufficiently clear.

Point b

The term "permanent total disability" means a disability that results in the inability of a person to perform job duties.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Section (1)

Sufficiently clear.

Section (2)

The term " employment placement service officers " means a civil servant who is given the full duties, responsibilities, authorities and rights by the authorized official to implement inter-work services.

The term " employment placement service officers " means an officer who has the competence to implement inter-work activities and is appointed by the authorized official to implement inter-work services.

Article 26

Sufficiently clear.

Article 27

Point a

The term "self-assessment" means a description of the Member's self-potential obtained through online or offline assessment.

Point b

The term "career counseling" means consultation provided to Members regarding information on the world of work including job specifications and Job Training needed by Members.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Section (1)

The term "Government-owned Job Training Institution" means a Job Training Institution owned by the Central Government and/or Local Governments.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

The term "working age period" means the period of time when a person starts working up to the age limit for receiving pension benefits in accordance with the provisions of legislation.

Article 36

JKP benefits for members who work for more than 1 (one) Employer are still given a maximum of 3 (three) times during the working age.

Article 37

Section (1)

The provisions in this article do not eliminate the obligation of Employers to include Workers/Labourers as Members in the JKP program.

Section (2)

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.