

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
NUMBER 49 OF 2023

ON

SECOND AMENDMENT TO GOVERNMENT REGULATION NUMBER 44  
OF 2015 ON ADMINISTRATION OF EMPLOYMENT INJURY SECURITY AND  
DEATH SECURITY PROGRAMS

BY THE BLESSINGS OF ALMIGHTY GOD,

PRESIDENT OF THE REPUBLIC OF INDONESIA

- Considering :
- a. that in order to provide social security that can increase protection for workers/labourers from socio-economic risks, both while working and when employment is terminated or ended, social security has been developed in the form of a job loss security program in the nature of social insurance based on Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law;
  - b. that to support the administration of the job loss security program and increase the utilization of employment injury security and death security contributions, it is necessary to recompose the employment injury security and death security contributions, the administration of which is adjusted to the provisions of Article 46E section (1) point b of Law Number 40 of 2004 on National Social Security System as amended by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law

Number 2 of 2022 on Job Creation to Become Law;

- c. that in order to increase the certainty of protection for members, it is necessary to adjust the arrangements for membership, providing benefits for suspected Employment Injury and suspected occupational disease, reporting, as well as promotive and preventive activities in the administration of employment injury security and death security programs;
- d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to issue a Government Regulation on the Second Amendment to Government Regulation Number 44 of 2015 on Administration of Employment Injury Security and Death Security Programs;

- Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 40 of 2004 on the 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) as amended by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856);
3. Law Number 24 of 2011 on Social Security Agency (State Gazette of the Republic of Indonesia of 2011 Number 116, Supplement to State Gazette of the Republic of Indonesia Number 5256) as amended by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856);
4. Government Regulation Number 44 of 2015 on Administration of Employment Injury Security and Death

Security Programs (State Gazette of the Republic of Indonesia of 2015 Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 5714) as amended by Government Regulation Number 82 of 2019 on Amendment to Government Regulation Number 44 of 2015 on Administration of the Employment Injury Security and Death Security Programs (State Gazette of the Republic of Indonesia of 2019 Number 231, Supplement to the State Gazette of the Republic of Indonesia Number 6427);

HAS DECIDED:

To issue : SECOND AMENDMENT TO GOVERNMENT REGULATION NUMBER 44 OF 2015 ON ADMINISTRATION OF EMPLOYMENT INJURY SECURITY AND DEATH SECURITY PROGRAMS.

#### Article 1

Several provisions in Government Regulation Number 44 of 2015 on the Administration of Employment Injury Security and Death Security Programs (State Gazette of the Republic of Indonesia of 2015 Number 154, Supplement to State Gazette of the Republic of Indonesia Number 5714) as amended by Government Regulation Number 82 of 2019 on Amendment on Government Regulation Number 44 of 2015 on the Administration of Employment Injury Security and Death Security Programs (State Gazette of the Republic of Indonesia of 2019 Number 231, Supplement to the State Gazette of the Republic of Indonesia Number 6427), are amended as follows:

1. The provisions of section (2) of Article (2) are amended and added 1 (one) section, namely section (3) so that Article 2 reads as follows:

#### Article 2

- (1) JKK (Employment Injury Security) and JKM (Death Security) programs are administered by BPJS Ketenagakerjaan (Social Security Agency

for Employment).

- (2) JKK and JKM programs for Workers who work for state administrators who have the status of prospective civil servants, civil servants, government employees with employment contract, Indonesian National Defense Forces, members of the Indonesian National Police, state officials, student soldiers Indonesian National Defense Forces, and police student of the Indonesian National Police are administered in accordance with the provisions regulated by a separate Government Regulation.
- (3) JKK and JKM programs for Workers who work for state administrators except the Workers as referred to in section (2) are administered by BPJS Ketenagakerjaan in accordance with the provisions of legislation.

2. The provisions of Article 5 are amended to read as follows:

Article 5

- (1) Members of JKK and JKM programs consist of:
  - a. Wage Recipient Members who work for state administrators in accordance with the provisions of legislation;
  - b. Wage Recipient Members who work for non-state administrator Employers; and
  - c. Non-wage recipient Members.
- (2) The Wage recipient members who work for non-state administrator Employers as referred to in section (1) point b include:
  - a. Workers in a company;
  - b. Workers for individuals; and
  - c. foreigners who work in Indonesia for at least 6 (six) months.
- (3) The Non-wage recipient Members as referred to in section (1) point c include:
  - a. non-state administrator Employers;

- b. Workers without the employment relations or independent Workers; and
  - c. Workers not included in point b who are non-Wage recipients.
3. Between Article 16 and Article 17, 1 (one) article is inserted, namely Article 16A so that it reads as follows:

Article 16A

- (1) The JKK Contribution as referred to in Article 16 section (1) is recomposed into a job loss security benefit of 0.14% (zero-point fourteen percent), so that the JKK Contribution for each risk level group becomes:
  - a. very low risk level of 0.10% (zero-point ten percent) of a monthly Wage;
  - b. low risk level of 0.40% (zero-point forty percent) of a monthly Wage;
  - c. medium risk level of 0.75% (zero-point seventy five percent) of a monthly Wage;
  - d. high risk level of 1.13% (one point thirteen percent) of a monthly Wage; and
  - e. very high-risk level of 1.60% (one-point sixty percent) of a monthly Wage.
- (2) The amount of JKK Contribution as referred to in section (1) applies to Wage recipient Members who are obligated to be registered as Members in the job loss security program.
- (3) The amount of JKK Contributions as referred to in Article 16 section (1) is not recomposed and remains valid for:
  - a. Wage recipient Members who are not registered as Members in the job loss security program; or
  - b. Wage recipient Members whose contributions are still in arrears by non-state administrator Employers until the promulgation of this Government Regulation and have not been paid

in full to BPJS Ketenagakerjaan.

4. Between Article 18 and Article 19, 1 (one) article is inserted, namely Article 18A so that it reads as follows:

Article 18A

- (1) The JKM contribution as referred to in Article 18 section (1) is recomposed into a job loss security contribution of 0.10% (zero-point ten percent) so that the JKM Contribution becomes 0.20% (zero-point twenty percent) of a monthly Wages.
  - (2) The amount of JKM Contribution as referred to in section (1) applies to Wage recipient Members who are obligated to be registered as Members in the job loss security program.
  - (3) The amount of JKM Contribution as referred to in Article 18 section (1) is not recomposed and remains valid for:
    - a. Wage recipient Members who are not registered as Members in the job loss security program; or
    - b. Wage recipient Members whose contributions are still in arrears by non-state administrator Employers until the promulgation of this Government Regulation and have not been paid in full to BPJS Ketenagakerjaan.
5. Between Article 25 and Article 26, 2 (two) articles are inserted, namely Article 25A and Article 25B so that they read as follows:

Article 25A

- (1) Health services for suspected Employment Injury before getting a conclusion or determining the status as an Employment Injury or not an Employment Injury are insurance in advance by BPJS Ketenagakerjaan.
- (2) Insurance of health services for suspected Employment Injury as referred to in section (1) is

carried out until the status of the suspected Employment Injury is concluded or determined to be an Employment Injury.

- (3) The conclusion or determination of the status of an Employment Injury or not an Employment Injury is carried out no later than 30 (thirty) days after the stage I report is received by BPJS Ketenagakerjaan.
- (4) Health services for Members for suspected Employment Injury as referred to in section (1) can be provided at health service facilities that collaborate or do not collaborate with BPJS Ketenagakerjaan and/or the Social Security Agency for Health in accordance with the provisions of legislation.
- (5) In the event that a suspected Employment Injury as referred to in section (1) has been concluded or determined to be an Employment Injury, all health service costs become JKK benefits paid by BPJS Ketenagakerjaan in accordance with the provisions of legislation.
- (6) In the event that a suspected Employment Injury as referred to in section (1) has been concluded or determined not to be an Employment Injury, all health service costs are borne by the Members, the Social Security Agency for Health, or other insurance providers in accordance with the provisions of legislation.
- (7) The provision of health services as referred to in sections (1) to sections (6) is coordinated between BPJS Ketenagakerjaan and Members, Social Security Agency for Health, or other insurance providers in accordance with the provisions of legislation.
- (8) Provisions regarding procedures for concluding or determining the status of an Employment Injury as referred to in section (3) are regulated by a Ministerial Regulation.

Article 25B

- (1) Health services for suspected occupational disease before getting a conclusion or determination of status as occupational disease or not occupational disease are insurance in advance by BPJS Ketenagakerjaan.
- (2) The insurance of health services for suspected occupational disease as referred to in section (1) is carried out until the status of the suspected occupational disease is concluded or determined to be an occupational disease.
- (3) The conclusion or determination of the status of an occupational disease or non-occupational disease is carried out no later than 30 (thirty) days after the stage I report is received by BPJS Ketenagakerjaan.
- (4) The health services for Members for suspected occupational disease as referred to in section (1) can be provided at health service facilities that collaborate or do not collaborate with BPJS Ketenagakerjaan and/or Social Security Agency for Health in accordance with the provisions of legislation.
- (5) In the event that the suspected occupational disease as referred to in section (1) has been concluded or determined to be an occupational disease, all health service costs become JKK benefits paid by BPJS Ketenagakerjaan in accordance with the provisions of legislation.
- (6) In the event that the suspected occupational disease as referred to in section (1) has been concluded or determined not to be an occupational disease, all health service costs are borne by Social Security Agency for Health in accordance with the provisions of legislation.
- (7) The provision of health services as referred to in



sections (1) to sections (6) is coordinated between BPJS Ketenagakerjaan and Social Security Agency for Health.

- (8) Provisions regarding procedures for concluding or determining the status of occupational disease as referred to in section (3) are regulated by a Ministerial Regulation.
6. Between Article 43 and Article 44, 1 (one) article is inserted, namely Article 43A so that it reads as follows:

Article 43A

- (1) Members, the Member's family, the Trade union/labour union at the Employer's location, and/or health facilities that provide health services have the right to notify suspected Employment Injury or suspected occupational disease experienced by Wage recipient Members to the Employer, BPJS Ketenagakerjaan, Social Security Agency for Health, provincial office in charge of manpower, local Labor Inspection units, or central/local government work units in charge of personnel.
- (2) Employers, BPJS Ketenagakerjaan, Social Security Agency for Health, provincial offices in charge of manpower, local Labor Inspection units, or central/local government work units in charge of manpower that receive notification as referred to in section (1) are obligated to ensure the health services insurance are served on when receiving a notification.
- (3) The notification as referred to in section (1) does not relieve the Employer's obligation to report Employment Injury or occupational disease.
- (4) In the event that the notification as referred to in section (1) and section (2) is submitted to Social Security Agency for Health, the Social Security Agency for Health is obligated to coordinate with

BPJS Ketenagakerjaan as the first guarantor while ensuring that health services are provided by health facilities to Members.

7. Between Article 44 and Article 45, 1 (one) article is inserted, namely Article 44A so that it reads as follows:

Article 44A

- (1) Trade Unions/labour unions of which non-Wage Recipient Members are their members, certain institutions or groups, and/or health facilities that provide health services have the right to notify suspected Employment Injury or suspected occupational disease experienced by non-Wage Recipient Members to BPJS Ketenagakerjaan, the Social Security Agency for Health, the provincial office in charge of manpower, or the local Labour Inspection unit.
  - (2) BPJS Ketenagakerjaan, Social Security Agency for Health, the provincial office in charge of manpower, or the local Labour Inspection unit that receives the notification as referred to in section (1) is obligated to ensure that health services are provided when receiving the notification.
  - (3) The notification as referred to in section (1) does not relieve the obligation of Non-wage Members and/or their families to report Employment Injury or occupational disease.
  - (4) In the event that the notification as referred to in section (1) and section (2) is submitted to Social Security Agency for Health , Social Security Agency for Health is obligated to coordinate with BPJS Ketenagakerjaan as the first guarantor while ensuring that health services are provided by health facilities to Members.
8. The provisions of section (2) of Article 50 are amended

and between section (1) and section (2), 1 (one) section is inserted, namely section (1a) so that Article 50 reads as follows:

Article 50

- (1) Non-state administrator Employers are obligated to make preventive efforts through promotive and preventive activities in collaboration with BPJS Ketenagakerjaan.
- (1a) BPJS Ketenagakerjaan can carry out promotional and preventive activities for Non-wage recipient Members and Indonesian migrant workers.
- (2) Provisions regarding promotive and preventive activities as referred to in section (1) and section (1a) are regulated by Ministerial Regulations.

Article II

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 6 October 2023  
PRESIDENT OF THE REPUBLIC  
OF INDONESIA  
signed  
JOKO WIDODO

Promulgated in Jakarta,  
on 6 October 2023  
MINISTER OF STATE SECRETARIAT OF THE REPUBLIC OF INDONESIA,  
signed  
PRATIKNO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2023 NUMBER 128

Jakarta, 11 July 2024  
Has been translated as an Official Translation  
on behalf of the Minister of Law and Human Rights  
of the Republic of Indonesia  
DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION OF  
REGULATION OF THE GOVERNMENT OF THE REPUBLIC INDONESIA  
NUMBER 49 OF 2023  
ON  
SECOND AMENDMENT TO GOVERNMENT REGULATION NUMBER 44 OF  
2015 ON THE ADMINISTRATION OF EMPLOYMENT INJURY SECURITY AND  
DEATH SECURITY PROGRAMS

I. GENERAL

The national social security system is a state program which aims to provide certainty of social protection and welfare for all Indonesian people. Through this program, every resident is expected to be able to fulfil the basic needs of a decent life if things happen that could result in loss or reduction of income, due to illness, employment injury, loss of job, entering old age, or retirement.

To realize the commitment to the social security system, Law Number 40 of 2004 on National Social Security System as amended by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law and Law Number 24 of 2011 on Social Security Agency as amended by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law. With the enactment of these two Laws, the implementation of the national social security system must be carried out within a complete social protection framework to protect Members from social risks both while working and not working.

This Government Regulation is intended to provide social security protection for Members who experience the risks of Employment injuries. The impact of the Employment injuries will certainly result in the Members losing their livelihood, thereby impacting the cost of living for the Members and their families. However, paying attention to the dynamics of social

security protection that occur, loss of livelihood is not only interpreted as a result of an Employment injury but there are other situations that result in Members losing their livelihood, namely when there is termination of employment or termination of the employment relations before the end of the specified period agreed. Therefore, to provide certainty that social security for Members who lose their jobs can run optimally, Law Number 6 of 2023 has been ratified regarding the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation to Become Law one of which regulates social security for Members who experience termination of employment.

The form of social security for Members who experience termination of employment as regulated in Law Number 6 of 2023 on Enactment of Government Regulations in Lieu of Law Number 2 of 2022 on Job Creation into Law is in the form of a job loss insurance program. This program is implemented without increasing the burden of contributions for Workers or Employers, namely through the recomposition of contributions for the JKK program and JKM program. Recomposition of program contributions is carried out by diverting part of the JKK program and JKM program expenses for payment of job loss insurance program contributions, without reducing the benefits received by members.

In addition to the matters referred to above, several other arrangements such as membership coverage, provision of benefits for suspected Employment injuries and suspected occupational diseases, reporting, as well as promotive and preventive activities in the administration of the JKK and JKM programs also need to be adjusted to increase protection for Members.

In connection with the matters above, it is necessary to make adjustments to Government Regulation Number 44 of 2015 on 48 Administration of Employment Injury Security and Death Security Programs as amended by Government Regulation Number 82 of 2019 on Amendment to Government Regulation Number 44 of 2015 on Administration of Employment Injury Security and Death Security Programs.

II. ARTICLE BY ARTICLE

Article I

Point 1

Article 2

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "Workers who work for state administrators except the Workers as referred to in section (2)" includes leaders and members of non-structural institutions.

Point 2

Article 5

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term "Workers not included in point b who are non-Wage recipients" include job training participants, job training institute instructors, apprentices, practical work students, practical work students or talent and interest development education participants, honorary staff, or inmates who employed in the assimilation process at non-state administrator Employers.

Point 3

Article 16A

Section (1)

The term "is recomposed" means a reduction in the amount of JKK Contributions by a certain amount to be calculated as payment of job loss security Contributions.

The term "job loss security" means social security provided to workers/labourers who experience termination of employment in the form of cash benefits, access to labour market information, and job training.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Point 4

Article 18A

Section (1)

The term "recomposed" means a reduction in the amount of JKM contributions by a certain amount to be calculated as payment of job loss security Contributions.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Point 5

Article 25A

Sufficiently clear.

Article 25B

Sufficiently clear.

Point 6

Article 43A

Sufficiently clear.

Point 7

Article 44A

Sufficiently clear.

Point 8



Article 50

Sufficiently clear.

Article II

Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
NUMBER 6893