

Diskusi ILO
8 September 2022



JOB LOSS BENEFIT Updated Review

P. Agung Pambudhi
APINDO

1. Legal Basis

Laws

- Law No 40 of 2004 concerning National Social Security System, as amended with Law No 11 of 2020 concerning Job Creation;
- Law No 24 of 2011 concerning Social Security Administering Body, as amended with Law No 11 of 2020 concerning Job Creation;
- 2 November 2020

Government Regulations

- GR No 37 of 2021 concerning Administration of JKP Program
- 2 February 2021

Ministerial Regulations

- MoM Regulation No 7 of 2021 concerning Procedure for Registration of Participants and Recomposition Implementation
- 28 July 2021

Ministerial Regulations

- MoM Regulation No 15 of 2021 concerning Procedure Payment of JKP Benefit
- 28 July 2021

Ministerial Regulations

- Minister of Finance Regulation No 148/PMK.02/2021 concerning Procedure for Provision, Disbursement, Use and Accountability of Initial Funds and Accumulated Contributions for the JKP Program
- 25 October 2021

2. Participation:

It needs a clearer starting position

- The universal reference for JKP participation needs to be clearer: Workers/Employees(*karyawan/pegawai*) in the categories of the BPS National Labor Force Survey (Sakernas).
- Policy directions regarding targets, priorities, and staging of participation also need to be clearer, to be used as guidelines, both in operating activities of the Administering Body and in monitoring and evaluation activities by DJSN and relevant Ministries/Agencies.

Participation:

Workers/Employees (*karyawan/pegawai*) as JKP Participation Universe

Main employment status	Total (Sakernas BPS February 2022)	Profile of BPJS Employment members	Total (July 2022)
Self-employed	26.912.779	Total active members	34.075.631
Self-employed assisted by temporary worker	22.276.875	Total active wage earner members (PPU)	21.843.986
Self-employed assisted by permanent worker	4.483.950	Total active large and medium enterprise (PPU-BU) members	10.032.776 (year 2021)
Employee	49.798.221	Total small and micro PPU-BU members	10.516.937 (year 2021)
Casual agriculture worker	5.505.304	Total active PPU JHT members	16.726.820
Casual non-agriculture worker	6.921.999	Total active PPU JP members	13.722.429
Unpaid worker/Family worker	19.712.767	Total active JKP members	12.037.926
TOTAL	135.611.895	% Total active JKP members of total active PPU JHT members	71,97%

Potential Medium and Large Enterprises

Number of business units of medium and Large Enterprises according to BPS:

- 2019: 87,944
- 2020: 87,602

Number of business unit participating in Employment BPJS Program, 2021:

- Large Enterprises : 6,548
- Medium Enterprises : 76,507

Number of PPU-BU of Medium and Large Enterprises:

- 2017: 13,676,242
- 2018: 13,793,276
- 2019: 13,941,431
- 2020: 13,932,240
- 2021: 10,032,776

Potensi Usaha Mikro dan Kecil

Number of Micro and Small business units according to BPS:

- 2019 : 4,302,859
- 2020 : 3,963,086

Number of business unit participating in Employment BPJS Program,
2021:

- Micro enterprises : 155,339
- Small Enterprises : 445,284

Number of PPU-BU of Micro and Small Enterprises:

- 2017: 2,392,211
- 2018: 5,633,874
- 2019: 6,233,041
- 2020: 5,654,855
- 2021: 10,516,937

3. Benefit Receipt

- After April 2022, no public information sources can be found regarding the number of beneficiaries.
- JAKARTA, KOMPAS.com (29/4/2022) - BPJS Employment (BP Jamsostek) reports, so far the beneficiaries of the Job Loss Benefit (JKP) in the first quarter of 2022 are 1,076 participants.

Roswita Roswita (Director of Services of BPJS Employment) detailed that, of the participants who have received benefits, 820 have been assessed. Then, 280 participants are taking career counseling, while 37 people are in the interview processes for new jobs.

"When asked whether anyone reported having returned to work, based on our data from the formal sector or who returned to work at other companies, there are 6 participants," she explained.

This article was posted in [Kompas.com](https://money.kompas.com/read/2022/04/29/090000626/tiga-bulan-berjalan-penerima-manfaat-jkp-sudah-1.076-peserta-?page=all) 29/4/2022 entitled "Tiga Bulan Berjalan, Penerima Manfaat JKP Sudah 1.076 Peserta ", Click to read: <https://money.kompas.com/read/2022/04/29/090000626/tiga-bulan-berjalan-penerima-manfaat-jkp-sudah-1.076-peserta-?page=all>.

Benefit Receipt:

Assumption of termination rate needs to be stronger

- Regarding the number of workers who have been terminated, the Director General of IR and employment social security of the Ministry of Manpower has conveyed to the public that as of August 7, 2021, 538,305 people have been terminated (Kompas-tv, August 16, 2021), and there is still a potential for additional 143,065 people until the end of 2021 (beritasatu.com, 28 September 2021), which means there will be a total of 681,370 people in 2021. nevertheless, until today there has not been a single official document that confirms the reliability of these figures or proposes new, more reliable figures.
- If the figures provided by the Ministry of Manpower are correct, we can see a huge gap (between the number of employment termination and the number of JKP beneficiaries), and this gap certainly requires explanation – even though we know that many workers are not participants of BPJS Employment/JKP.

4. Eligibility of Benefit Receipt:

Article 40 of GR 37/2021 Which Needs Confirmation and Advocacy (1)

Right of the JKP Benefit will be lost if workers/laborers do not apply for claim of JKP benefit for 3 (three) months since the termination of employment occurs. (Article 40, letter a of GR 37/2021)

Eligibility of Benefit Receipt:

Article 40 of GR 37/2021 Which Needs Confirmation and Advocacy (2)

- Article 40 of GR 37/2021 is a bit of a dilemma when it is linked with a number of provisions in other laws and regulations governing Termination of Employment, namely GR 35/2021 concerning Employment Agreements for a Specified Period of Time, Outsourcing, Working Time and Rest Time, and Termination of Employment.
- Because, following the rules stipulated in GR 35/2021, workers/laborers are still given room to seek justice up to the level of the cassation court at the Supreme Court, which can take up to 161 days. It takes hard work so that the dispute on termination can be resolved at the conciliation or mediation level, which takes 67 days.

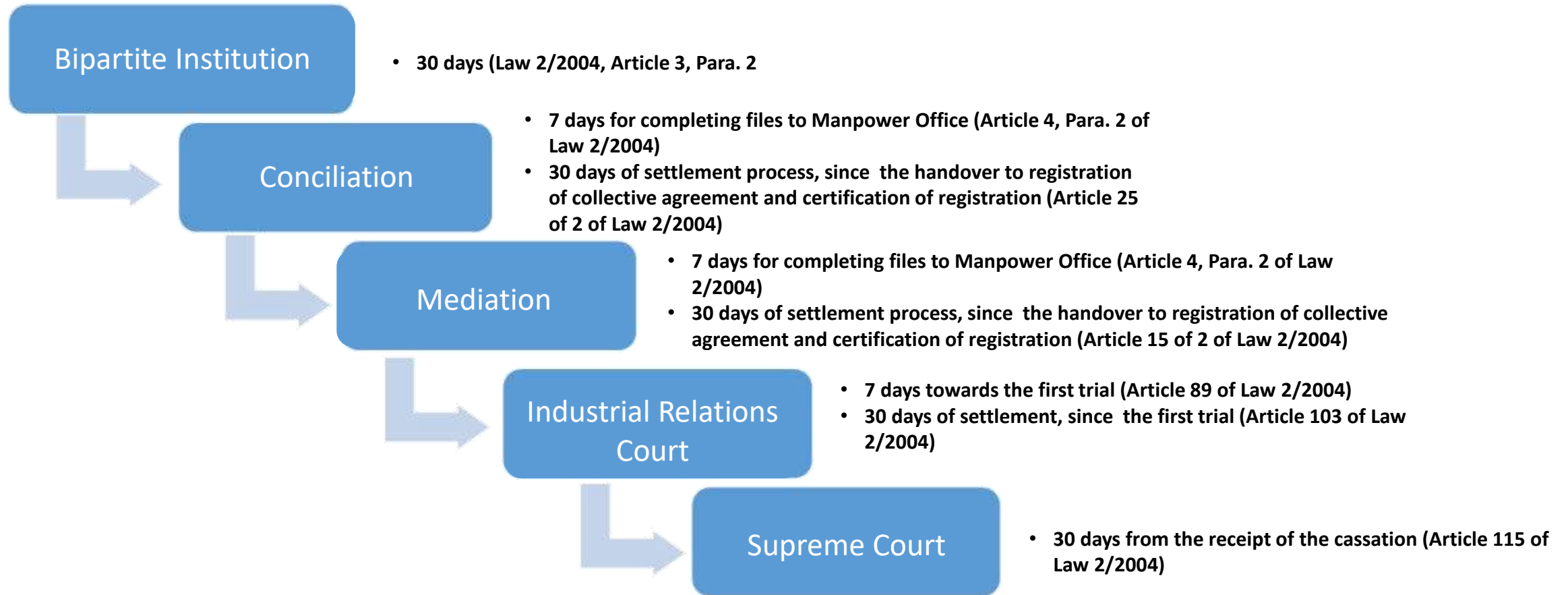
Eligibility of Benefit Receipt:

Article 40 of GR 37/2021 Which Needs Confirmation and Advocacy
(3)

No.	Level of settlement Institution	Total Time
1.	Settlement in the Bipartite level	30 days
2.	Settlement up to mediation or conciliation level	67 days
3.	Settlement up to Industrial Relations Court level	131 days
4.	Settlement up to Supreme Court level	161 days

Eligibility of Benefit Receipt:

Article 40 of GR 37/2021 Which Needs Confirmation and Advocacy (4)



Eligibility of Benefit Receipt:

Article 40 of GR 37/2021 and Business World's Views (5)

- If we follow the provisions for resolution of dispute on termination up to *inkracht*, according to the provisions, it takes a very long time, 161 days, even in many cases it can take up to more than 1 year
- So generally the business world takes guidelines for resolving disputes to the level of mediation or conciliation, which is 67 days, to decide on the termination of BPJS participation
- If the decision on the dispute on termination, that has been *inkracht* up to the Supreme Court level, turns out to be in favor of the worker, the company will fulfill the workers' rights, including BPJS participation

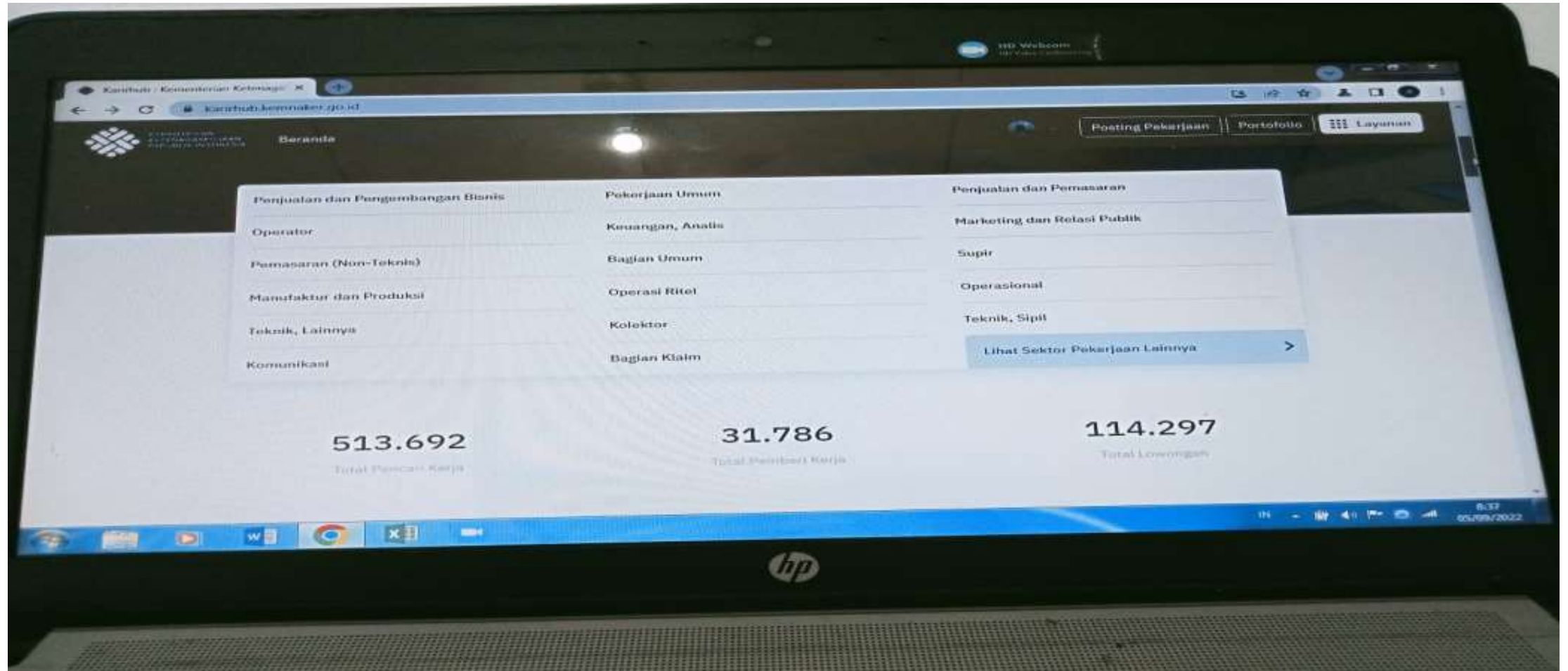
5. Labor Market Information:

what is still in the question mark

- One of the benefits of the JKP program is labor market information. But the question is, are labor market information products available? What do the labor market information products look like? **Is labor market information the same as job vacancies?** Do employment officer have sufficient competence to know and share information about the labor market and/or job vacancies? Or is the labor market information finally limited to information about job vacancies sites?
- Until now, we rarely get information about labor market information products, either by the Ministry of Manpower or by the Manpower Offices regarding the specific labor market of each local area. The absence of information and the absence of real labor market information products, will make the promise of the benefits of this program a mere gibberish.

Benefit of Labor Market Information:

Not well-maintained Portal



Benefit of Labor Market Information

- Opening siapkerja.kemnaker.go.id or karirhub.go.id on 04/03/2022 at 10.26 WIB, it was written that there were 4,084 companies, with many job vacancies: public work 8,765 vacancies, accounting and finance 7,025 vacancies, sales and marketing 2,329 vacancies, human resources 194 vacancies, IT & software 64 vacancies, media & creative 34 vacancies, management and consulting 24 vacancies, and administration and coordination 0 vacancy. But if we click on the actual vacancies, there were only 12 vacancies. (Probably need an explanation about this).
- Reopening siapkerja.kemnaker.go.id or karirhub.go.id on 5/9/2022 at 07.30 WIB, it was written that there were a total of 513,692 job seekers, total of 31,786 employers, total of 114,297 job vacancies. There were 18 headings in it: sales and business development, operator, marketing (non-technical), manufacturing and production, other engineering, communications, public works, finance, general division, retail operations, collectors, claim division, sales and marketing, marketing and public relations, drivers, operations, civil engineering, and other employment sectors. But if we click on each heading, the information that comes out is the same, namely a total of 114,103 job vacancies and a total of 903 companies, where the 903 companies and the 114,103 job vacancies could not be traced. What available was only a list of a small number of companies, and a very small number of vacancies from these companies.
- At the end, according to the report of the Minister of Manpower in the Public Hearing Meeting with Commission IX of the Indonesian Parliament, collaboration was made with 34 partners providing labor market information, consisting of 13 local government job portals, 14 private job portals, 1 private job portal specifically for disability, 4 headhunters, and 2 job service centers. The description of how many vacancies are available through these job portals, types of positions, and in what sector it spread, is not yet known.

6. Benefit of Vocational Training:

- The basis of labor market analysis as a macro TNA (training needs analysis) needs to be enriched.
- There is at least one reliable study, namely the 2017-2030 Labor Market Projection, which was held in collaboration with the Employment Planning Center of the Ministry of Manpower and the International NGO Forum on Indonesian Development (INFID), for 5 months in 2017.
- Further studies are needed to confirm the validity of these findings.

Benefit of Vocational Training:

“treatment” is needed towards strategic competence

List of Industrial Era 4.0 Strategic Competencies according to the 2017 – 2024 Labor Market Projection by the Ministry of Manpower’s Employment Planning Center and INFID:

1. Data Analyst
2. Computer Systems Analyst
3. Sales and Marketing Expert
4. Persuasion and Mediation Expert
5. Management Analyst
6. Environmental Impact Analyst
7. Market Analysts and Researchers
8. Social Media Manager
9. Digital Marketing

Benefit of Vocational Training:

Favorite training programs are still not too integrated with strategic competencies

Ten (10) Favorite Training Programs recorded by the Ministry of Manpower from BLKs are :

1. Graphic Design
2. Computer Operators
3. Barista
4. English Course
5. Sewing Clothes
6. Beauty/Hairstyling
7. Digital Marketing
8. Housekeeping
9. Office Administration
10. Injection Motorcycle Repairing

7. Funding

Funding Sources

- Government Initial Fund
- Government Contribution
- Recomposition of JKK Contributions and JKM Contributions
- BPJS Employment Operational Fund
- (Article 42 paragraph 1 of GR 37/2021)

1. Government Initial Fund

- It is an initial fund sourced from the State Budget and is not a separated state asset. Used when the contributions received are not sufficient to pay the benefits. (Article 42 paragraph 2 of GR 37/2021)
- Amount at least Rp. 6 trillion (Article 42 paragraph 2 of Law 24/2011 on BPJS as amended by Article 83 of the Job Creation Law)

2. Government Contribution

- Central Government's Contribution 0.22% (Article 11 of GR 37/2021)

3. Recomposition of JKK and JKM Contributions

- Recomposition of JKK Contribution (0.14%) and JKM Contribution (0.10%) (Article 11 of GR 37/2021)

4. Operational Fund of BPJS Employment

- Can be used if contribution and initial fund are not enough to pay the benefits (Article 43 of GR 37/2021)

Funding:

Is 6 Trillion Excessive

- The Government's initial funding of 6 trillion could be excessive. The number of termination of employment and beneficiaries this year will be an important indication. However, by looking at the trend of only 1,076 beneficiaries in the first quarter of 2022, it can be seen that the initial funding was excessive.
- Given the rather risky financial health of the Death benefit (JKM), a recomposition is worth considering.

Financial Report:

As of 30 April 2022

INCOME	Amount (Rp.)
Income from re-composition fund	391.856.983.674
Income from Central Government contribution	358.390.929.760
Income from interest	68.115.233.335
Income from profit sharing	1.244.722.824
Other income	22.399.143
TOTAL INCOME	819.630.268.736

LIABILITIES	Amount (Rp.)
JKP liabilities	2.567.994.478
Technical reserve liabilities	146.135.334.137
Investment liabilities	14.901.862.467
Other liabilities	105.283.081
TOTAL LIABILITIES	163.700.474.163
TOTAL COMPREHENSIVE INCOME	655.929.794.573

ASOSIASI PENGUSAHA INDONESIA



THANK YOU

Permata Kuningan Building, 10th Fl.
Kuningan Mulia Kav. 9C, Guntur – Setiabudi
Jakarta 12980 – Indonesia
Phone : (021) 8378 0824
Fax : (021) 8378 0823/ 8378 0746
Website : www.apindo.or.id