



Protecting Migrant Workers' Rights in Overseas Work Accidents under Article 17(1) Permenaker No. 18/2018

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Abstract: This study examines the regulations governing work accident insurance claims issued by BPJS Employment, which serves as a stakeholder for Indonesian Migrant Workers (PMI) in their host countries. Often, PMIs encounter difficulties in claiming the Work Accident Insurance (JKK). The purpose of this research is to elucidate the procedures for filing work accident claims for PMIs. This study adopts a normative juridical method. The findings indicate that there are two stages involved in claiming JKK for PMIs in the host country. The first stage must be carried out within a maximum of seven days after the work accident occurs, accompanied by the required supporting documents. The second stage must be completed within a maximum of seven days after the worker has fully recovered. Furthermore, PMIs who are already in the host country but cannot claim their work accident benefits particularly those requiring treatment in Indonesia are entitled to compensation as stipulated in Article 17 paragraphs (2) and (4) of Minister of Manpower Regulation Number 18 of 2018.

Keywords : Indonesian Migrant Workers; Work Accident Insurance; BPJS Employment.

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1. Introduction

Work holds significant importance in human life, such that everyone requires effort in seeking it. Work can be regarded as a form of remuneration granted to an individual for resolving life's problems for themselves, their friends, and their family. It can also be viewed as a method of cultivating mindfulness, enabling people to feel that their lives have greater meaning for themselves, their families, and the wider community. Consequently, the choice to work constitutes a fundamental freedom inherent to every individual, which must be upheld and respected. The meaning and importance of work for each person is reflected in the 1945 Constitution of the Republic of Indonesia (UUD 1945). Article 27, paragraph (2) states, "Every Indonesian citizen has the right to employment and to a standard of living worthy of humanity." Nevertheless, limitations in the availability of employment opportunities have compelled many Indonesian citizens or Indonesian Migrant Workers (hereinafter referred to as PMI) to seek jobs overseas. From year to year, the number of PMIs working abroad continues to increase.¹

The state guarantees the fulfillment of citizens' freedom to secure both land tenure and a standard of living worthy of humanity, as stipulated in Article 27, paragraph (2) of the 1945 Constitution. This underscores the state's obligation to provide each citizen the option of working either within or beyond the territory of the Republic of Indonesia, ensuring that all citizens can participate in a dignified human life.

In order to guarantee citizens' freedom to choose employment and a decent standard of living, the government has enacted a directive, namely Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers (hereinafter referred to as the PPMI Regulation). This legislation introduced several unprecedented changes regarding PMIs, including the following: the state must provide every citizen with a position that allows them to exercise their right to obtain employment abroad more easily with an administrative approach; it must not prevent Indonesian citizens from becoming PMIs; it must treat PMIs as dynamic subjects endowed with tranquility and human values; it must clearly separate obligations and responsibilities related to the security of Indonesian Workers Abroad; it must establish a One-Stop Integrated Service (LTSA) for Indonesian Migrant Workers at Provincial and Regency/City Governments to offer simple, straightforward, and accountable administrative positions and guarantees to PMIs.² Meanwhile, the state grants certification of a state social security system through a Social Security Framework, thereby offering legal, social, and monetary protection for PMIs. Moreover, every prospective Indonesian

¹ Mairida Mairida and Muhammad Iqbal Fahlevi, "Kembali Bekerja Sebagai Bentuk Jaminan Kecelakaan Kerja Pada Badan Penyelenggara Jaminan Sosial (Bpjs) Ketenagakerja Cabang Meulaboh," *PREPOTIF: JURNAL KESEHATAN MASYARAKAT* 6, no. 3 (2022): 1985–92, <https://doi.org/10.31004/prepotif.v6i2.4764>.

² Dori Gusti Alex Candra et al., "Analysis of Factors Affecting the Students' Acceptance Level of E-Commerce Applications in Yogyakarta Using Modified UTAUT 2," *IJID (International Journal on Informatics for Development)* 12, no. 1 (n.d.): 2.

Worker is expected to possess the skills required for the position they wish to hold, as a primary prerequisite for exercising their choice to work.³

The rising number of PMIs is due to various factors, such as domestic unemployment, a shortage of accessible jobs in Indonesia, disparities in global or regional economic development, advances in transportation and information technology, and the option to work abroad. Protection is a cycle, methodology, or act of ensuring safety. In the current context, the Government of the Republic of Indonesia acts as the protector of its citizens, including those working domestically and those abroad. Protection for those working overseas is especially crucial as part of the state's duty to safeguard their citizens' dignity. The state's commitment can be interpreted as providing insurance to PMIs employed abroad. Ensuring the welfare of all citizens essentially means guaranteeing their security and freedom from poverty. Consequently, the state is also obliged to promote public assistance. However, public assistance remains incomplete to date and continues to pose a challenge for state authorities.⁴

One reason for the increased interest in migrating to certain countries is the shortage of essential, open positions and entry points domestically. This shortage, combined with intense competition in the local labor market, as well as the more lucrative earning prospects abroad, has encouraged many individuals to seek employment overseas. Labor refers to anyone capable of performing work to produce services and goods to meet the needs of themselves and the surrounding community. In Indonesia, work is a major driver of economic life and constitutes a highly abundant resource. Present indicators can be seen in Indonesia's high unemployment rate and the low or effectively negligible – number of open positions available.⁵

Sending PMIs to various countries can significantly impact economic development, both for the workers themselves and their families, as well as for the country of origin. As a result, sending PMIs overseas is considered one viable response to these limitations, as it enables the state to offer more employment options. Challenging domestic conditions and rising unemployment rates in Indonesia have ultimately turned the country into one of the largest exporters of temporary labor in Asia and globally.⁶ The large number of PMIs working abroad has, however, resulted in numerous issues for Indonesian laborers overseas. Various modes of long-distance communication frequently highlight cases in which PMIs are mistreated by their

³ Oktaviana Nawang Ardi and Budi Prabowo, "Implementasi Manfaat Program Jaminan Kecelakaan Kerja (Jkk) Pada Bpjs Ketenagakerjaan Surabaya Karimunjawa," *KARYA: Jurnal Pengabdian Kepada Masyarakat* 4, no. 2 (July 7, 2024): 163–69.

⁴ Audia Rahma Desti and Ria Anggraini, "The Effect of Product Quality and Service Quality in Creating Customer Satisfaction: The Case of BPJS Ketenagakerjaan Batam Nagoya," in *Sixth International Conference on Applied Economics and Social Science (ICAESS 2024)* (Atlantis Press, 2024), 287–98, <https://www.atlantis-press.com/proceedings/icaess-24/126007686>.

⁵ Amalia Dianing Ayu, "Akibat Hukum Lewatnya Batas Waktu Penyampaian Laporan Kecelakaan Kerja Pekerja Migran Indonesia (Analisis Yuridis Pasal 26 Peraturan Menteri Ketenagakerjaan Republik Indonesia Nomor 18 Tahun 2018 Tentang Jaminan Sosial Pekerja Migran Indonesia)" (Sarjana, Universitas Brawijaya, 2019), <https://repository.ub.ac.id/id/eprint/169566/>.

⁶ Nadya Zerlinda Febrianti and Wiwik Afifah, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Yang Mengalami Kekerasan Di Luar Negeri," *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 191–203, <https://doi.org/10.53363/bureau.v3i1.174>.

employers, experience work-related accidents, or endure other unfortunate treatment.⁷

The Minister of Manpower Regulation Number 18 of 2018 on Federal Pension Assistance Provisions for Indonesian Workers (Permenaker Number 18 of 2018) stipulates that PMIs must be registered with the BPJS Employment program, which provides three forms of protection: Work Accident Insurance (JKK), Death Benefits (JKM), and Old Age Security (JHT), each with distinct features. Under BPJS Employment, PMIs may register themselves (independently) or through a Job Placement Agency and will receive various benefits. If registered individually, participants will be covered only during and after employment; on the other hand, those who register comprehensively through a PMI Placement Company will receive coverage before, during, and after their period of employment.⁸

PMIs who receive JKK benefits are individuals who have been repatriated to Indonesia. According to the Minister of Manpower, Ida Fauziyah, several perspectives related to administrative matters in the implementation of government-managed pension funds for Indonesian migrant workers remain unresolved, including: “PMIs not being registered in the government-backed insurance program, discrepancies in contribution payments for the government-backed pension insurance for PMIs on contracts under two years (aligned instead with a two-year employment contract), demands to extend the validity period of insurance coverage before employment due to PMI’s temporary placement status, disagreements between BPJS Employment and governmental/private institutions concerning coverage provisions for underprivileged individuals or those not covered by BPJS Employment, lack of detailed reports from BPJS Employment to the Minister of Manpower on the implementation of the federal pension system, lack of insurance coverage for PMIs who experience workplace accidents and need treatment in the host country, additional requirements beyond what is stipulated in Permenaker 18/2018 for filing claims, limitations on contributions for PMIs wishing to extend their membership from within their job placement country, as well as the manual nature of the coverage system, which complicates monitoring the progress of claims applications.”⁹

In light of the foregoing, the issues to be examined in this article include the mechanisms for handling work accident claims for PMIs pursuant to Permenaker Number 18 of 2018 on Social Security for Indonesian Migrant Workers, and the protection for PMIs who already hold BPJS Employment yet cannot access their

⁷ Anita Kartika Dewi, Cyndi Yuniarti, and Sigit Santoso, “Peranan Bpjs Ketenagakerjaan Dalam Pelaksanaan Program Jaminan Kecelakaan Kerja (JKK) Bagi Mitra Ojek Online,” *Jurnal Pelayanan Dan Pengabdian Masyarakat Indonesia* 2, no. 4 (December 8, 2023): 228–35, <https://doi.org/10.55606/jppmi.v2i4.850>.

⁸ Rafiatun Shaliha and Ufran Ufran, “Tinjauan Yuridis Perlindungan Hukum Jaminan Sosial Bagi Pekerja Migran Berdasarkan Undang - Undang Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia,” *Indonesia Berdaya* 4, no. 1 (2023): 389–96, <https://doi.org/10.47679/ib.2023428>.

⁹ Lalu Adi Adha, Zaeni Asyhadie, and Rahmawati Kusuma, “Kebijakan Jaminan Sosial Pekerja Migran Indonesia,” *Jurnal Risalah Kenotariatan* 1, no. 2 (December 30, 2020), <https://doi.org/10.29303/risalahkenotariatan.v1i2.13>.

entitlements because they reside abroad, as stipulated in Article 17, paragraph (1) of Permenaker Number 18 of 2018.

2. Method

The type of research employed in this study is normative legal research. Normative legal research focuses on examining legal doctrines and principles within the field of law.¹⁰ In this review, there is a noticeable gap in the existing standards for ensuring workplace accident protection for Indonesian Migrant Workers (PMIs) who remain abroad. To explore this issue, a legal methodology is applied by reviewing all regulations and guidelines relevant to the legal matters at hand, and a case-based approach is adopted by examining real-world cases.

3. Regulatory Framework for Work Accident Claims for Indonesian Migrant Workers (PMI) Under Minister of Manpower Regulation Number 18 of 2018 on Social Security for Indonesian Migrant Workers

There are three types of old-age benefit programs for Indonesian Migrant Workers (PMI) provided by BPJS Employment, namely Work Accident Insurance (JKK), Death Benefit (JKM), and Old-Age Security (JHT). Prospective PMIs (those who apply through government channels or individually) are expected to register for JKK and JKM, while JHT is optional. This means that PMIs may either opt to register for JHT or choose not to. For transient workers employed in the destination country, it is crucial to understand the procedures and regulations to ensure work accident security.¹¹

Pursuant to Article 26 of Minister of Manpower Regulation Number 18 of 2018 (Permenaker 18/2018), it is stipulated that:

“The initial notification of a work accident experienced by a PMI at the workplace shall be reported through the BPJS Employment institution no later than 7 (seven) working days from the date of the accident.”

The primary stage of reporting a work accident requires attaching the following supporting documents:

1. A copy of the BPJS Employment membership card or an electronic/advanced signed card;
2. A photocopy of an ID card, visa, or other form of identification;
3. A statement from the Indonesian Embassy or Indonesian Economic and Trade Office (KDEI) in the destination country;

¹⁰ Bambang Teguh Handoyo, “Metode Penemuan Hukum Oleh Hakim,” *Jurnal Ilmiah Hukum Dan Dinamika Masyarakat* 14, no. 2 (2018), <http://jurnal.untagsmg.ac.id/index.php/hdm/article/view/632>.

¹¹ Yunita Ratna Sari, “Analisis Kebijakan Manfaat Jaminan Sosial Pekerja Migran Indonesia,” *Jurnal Jamsostek* 1, no. 2 (2023): 179–97, <https://doi.org/10.61626/jamsostek.v1i2.16>.

4. A statement from a medical practitioner or healthcare facility that examined and treated the PMI.

Following the initial report, a second report must be submitted to BPJS Employment within 7 (seven) days after the migrant worker is declared recovered, disabled, or deceased. The details for both the first and second reports can be completed by the Indonesian migrant worker, an appointed successor or representative, or through the local Indonesian representative office or the representative office in the destination country, including a designated agency or consular office. The second report of the work accident must also include supporting documents, such as proof of payment (for verification purposes) and a photocopy of the PMI's or legal heir's bankbook.¹²

When PMIs register for the BPJS Employment program, they enjoy several benefits, particularly coverage for accidents that may occur during the planning or preparatory period, while in the destination country, and even after returning to Indonesia post-employment. Additional benefits under the work accident insurance program extend to injuries sustained during professional training and incidents involving violence and assault; BPJS Employment handles coverage until the individual fully recovers. PMIs are eligible for benefits up to IDR 100,000,000 (one hundred million rupiah) in the event of a work accident.¹³

Several examples exist of PMIs who have received migrant worker insurance claims. One such case reported by BP2PMI concerned:

“Rusminah, the mother of a PMI from Semparuk Subdistrict, Sambas Regency, who worked at a plywood processing company in Malaysia. She visited the Placement and Protection Service Office for Indonesian Workers (P4TKI) under the authority of her child, who experienced a work accident in Malaysia in May 2019. Rusminah signed the migrant worker insurance claim handover documents. The insurance payment would be transferred non-cash to the insured's bank account by Astindo Insurance. Rusminah's child worked as a machine operator for PT. Mafan Samudera Jaya in Malaysia, a company registered with the Foreign Employment Computerization System (SISKOKTLN). The work accident involved the loss of the ring finger on the right hand and one joint of two other fingers.”

The P4TKI interprets this as the state's active presence in ensuring that PMIs receive government supervision benefits, while PMIs themselves must proactively register for the occupational insurance program. As of now, based on Permenaker 18/2018, BPJS

¹² Martin Tamba, “Implementasi Program Jaminan Kecelakaan Kerja (JKK) di Kantor BPJS Ketenaga Kerjaan Cabang Tanjung Morawa Kabupaten Deli Serdang” (Thesis, Universitas Medan Area, 2024), <https://repositori.uma.ac.id/handle/123456789/26133>.

¹³ Evita Permatasari and Arinto Nugroho, “Analisis Peran Balai Pelayanan Pelindungan Pekerja Migran Indonesia Dalam Pemenuhan Jaminan Sosial Ketenagakerjaan Bagi Pekerja Migran Indonesia Di Jawa Timur,” *NOVUM: JURNAL HUKUM*, January 10, 2023, 122–34, <https://doi.org/10.2674/novum.v0i0.50658>.

Employment, in conjunction with the SISKOKTLN system administered by BNP2TKI, facilitates this enrollment.¹⁴

Under the newly established BP2MI (Agency for the Protection of Indonesian Migrant Workers), the strategic objective is to protect PMIs, particularly by combating non-procedural deployments. Among its primary targets are expanding protection and state assistance for PMIs and their families and improving large-scale public services. There is a commitment to fully guarantee PMI protection and state assistance by arranging for skilled and competent PMIs, recognizing PMIs and their families as national assets, and implementing sound governance that is efficient, effective, and accountable—based on Articles 17 and 19 of Government Regulation of the Republic of Indonesia Number 3 of 2013 on the Protection of Indonesian Workers Abroad.

Based on the above provisions, BNP2PMI is authorized to provide protection for PMIs, including in the area of labor insurance, in cooperation with BPJS Employment. Since 2018, Permenaker 18/2018 has offered further explanation regarding PMI protection under social security programs. Prior to learning about the regulations on work accident claims for PMIs, prospective PMIs must register with BPJS Employment before departure. For PMIs already abroad, BPJS Employment collaborates with labor attachés or labor officers in the destination country to facilitate membership registration, as set forth in Article 6 of Permenaker 18/2018. The procedures for BPJS Employment registration are governed by Articles 7 through 10 of that regulation.¹⁵

1. Registration
 - a. Done through the BPJS Employment channel
 - b. It is mandatory to provide complete personal and family member data.
2. Registration Documents
 - a. For CPMI, it is mandatory to attach: Photocopy of Resident Identity Card (KTP), Photocopy of Family Card (KK)
3. Issuance of BPJS Employment Cards

Article 9 of Minister of Manpower Regulation 18/2018 explains the method of protection from BPJS Employment

 - (1) "BPJS Employment is required to issue a participant number no later than 1 (one) working day from when the registration form is received completely and correctly and the contribution is paid in full in non-cash to BPJS Employment.
 - (2) BPJS Ketenagakerjaan will distribute membership cards for Prospective Indonesian Migrant Workers or Indonesian Migrant Workers no later than 2 (two) working days from when the

¹⁴ Mohammad Andik Juliantoro, Santi Wijaya, and Dian suluh K. D, "Analisis Peraturan Menteri Ketenagakerjaan Nomer 18 Tahun 2018 Tentang Jaminan Sosial Pekerja Migran Indonesia," *Jurnal Ilmu Politik dan Pemerintahan* 6, no. 1 (May 1, 2020): 1-14, <https://doi.org/10.37058/jipp.v6i1.1418>.

¹⁵ Wulan Nur Fath-Hiah and Binti Azizatul Nafi'ah, "Sosialisasi Program Jaminan Sosial Ketenagakerjaan Kepada Pedagang Sentra Wisata Kuliner (Swk) Siola Kota Surabaya," *Jurnal Pengabdian Masyarakat Mandiri (JPMM)* 1, no. 02 (December 20, 2023): 202-8, <https://doi.org/10.556442/jpmm.v1i02.484>.

registration form is received as referred to in paragraph (1) to Prospective Indonesian Migrant Workers or Indonesian Migrant Workers or Placement Implementers.

- (3) The membership card as referred to in paragraph (2) may be: physical; or electronic or digital.
- (4) In the case of a membership card in the form of a physical membership card as referred to in paragraph (3) letter a, the Placement Implementer is obliged to directly deliver the membership card to the Prospective Indonesian Migrant Worker or Indonesian Migrant Worker who has been registered.
- (5) In the case of a membership card in the form of an electronic or digital membership card as referred to in paragraph (3) letter b, the card is delivered directly to the Prospective Indonesian Migrant Worker or Indonesian Migrant Worker or can be delivered via the Placement Agent to the Prospective Indonesian Migrant Worker or Indonesian Migrant Worker via electronic media.
- (6) The membership of Prospective Indonesian Migrant Workers or Indonesian Migrant Workers in BPJS Employment shall be effective from the time the membership number as referred to in paragraph (1) is issued."

4. Contributions and Payment Procedures

Article 12 of Minister of Manpower Regulation 18/2018 mentions contributions and payment procedures.

5. Protection Period

a. Before leaving for the country of placement

Protection is only provided for a maximum of 5 months before the CPMI departs for the destination country. If something undesirable happens and causes the CPMI to exceed the time period, the CPMI is required to pay the contribution again.

b. While in the country of placement

Meanwhile, the longest protection during work is 25 (twenty five) months with the following details:

- 1) The longest is 24 (twenty four) months in the destination country; and
- 2) Maximum 1 month during preparation for return to the destination country

6. Benefits of Guarantee That Can Be Claimed

Work accident insurance that can be claimed is regulated in Article 15 to Article 18 of Permenaker 18/2018. Work accident insurance is divided into two parts, namely,

a. Protection Before Work

Therapy in the JKK program is provided based on clinical needs, CPMI and PMI will receive remuneration in the form of cash along with assistance and professional preparation for CPMI or PMI who are disabled due to work accidents. Payment of this money is directed in

Article 16 paragraph (2) of the Minister of Manpower Regulation No. 18 of 2018

b. Protection During Work

As mentioned above, JKK has benefits for PMI as regulated in Article 17 paragraph (1) of Minister of Manpower Regulation 18 of 2018. Compensation can be claimed from BPJS Employment which can be done independently through the BPJS Employment electronic system channel or through a power of attorney represented by a family member in Indonesia.

7. Procedures for Reporting Work Accident Insurance

a. Procedures for reporting the JKK program before and after work

1) Reporting is done through the BPJS Ketenagakerjaan channel, for CPMI and PMI who have worked, it can be done by themselves or through their families to BPJS Ketenagakerjaan and the Provincial Office within 7 days of the work accident.

2) Reporting is done through the BPJS Employment channel, for CPMI and PMI who have worked who are not individuals or at P3MI, it is done by the local P3MI through BPJS Employment and the Provincial Office within 7 days of the work accident.

3) The first stage is carried out after the accident, a maximum of 7 days, and the second stage of reporting is carried out 7 days after recovery, with a maximum of 7 days.

b. Procedures for reporting JKK program during work

Procedures for reporting such as CPMI or PMI after work, there is only a difference in the people who make the report according to Article 26 paragraph (3) of Permenaker 18/2018, namely:

8. Procedures for Claiming Work Accident Insurance

a. Procedures for claiming the JKK program before and after work

The first stage of the work accident report is to attach requirements in the form of a photocopy of the BPJS Employment participant card or electronic (digital) participant card and a photocopy of the KTP, KK and passport.

b. Procedures for claiming the JKK program while working

Main Stage Work Minutes, which still meet the above requirements with the expansion of a will from Indonesia and the P3MI office, the country's position or government office responsible for employment and ratification from a specialist or medical clinic that sees or treats. Meanwhile, in the next stage, it is mandatory to attach proof of the first installment of transportation costs and a photocopy of the PMI account book or its legal replacement. To get reimbursement of transportation costs to the home and repatriation from the country of placement, it is mandatory to attach the requirements stipulated in Article 28 paragraph (4) and (5) of Permenaker 18/2018. The submission of a work accident claim will be cancelled if the CPMI or PMI does not submit a claim within 24 (twenty four) months since the work accident occurred. Payment from BPJS Ketenagakerjaan must be given to the

CPMI or PMI directly, but if the work accident causes death, the work accident insurance is paid to the heirs.

4. Protection for Indonesian Migrant Workers (PMI) who have BPJS Employment but cannot receive their rights because they are abroad according to Article 17 Paragraph (1) of the Minister of Manpower Regulation Number 18 of 2018

Attachment II of the Minister of Manpower Regulation 18 of 2018 explains the benefits of the JKK program for migrant workers who are working in the country of placement, namely reimbursement of transportation costs for participants who experience work accidents to the hospital and/or to their homes in the destination country of placement, including:

1. "If using land, river or lake transportation, the maximum is IDR 1,000,000 (one million rupiah);
2. If using sea transportation, the maximum is IDR 1,500,000 (one million five hundred thousand rupiah);
3. If using air transportation, the maximum is IDR 2,500,000 (two million five hundred thousand rupiah);
4. If you use more than one means of transport, you are entitled to the maximum fee according to the maximum provisions for each means of transport used as referred to in letters a, b and c."

In disability benefits, it includes:

1. "Partial anatomical defect = % according to table x Rp. 142,000,000,- (one hundred million four hundred and twenty million rupiah)
2. Partial functional disability = % reduced function x % according to table x Rp. 142,000,000,- (one hundred million four hundred and twenty million rupiah); or
3. Permanent total disability of Rp. 100,000,000,- (one hundred million rupiah);
4. Periodic compensation for permanent total disability is paid in a lump sum of Rp. 4,800,000 (four million eight hundred thousand rupiah);
5. Death benefits due to work accidents amounting to Rp. 85,000,000,- (eighty five million rupiah)".

The above rules have explained the claim procedures and the amount obtained when claiming work accident insurance, but it should be noted that not all PMI in the countries of placement have BPJS Employment, as can be seen from several news items below that highlight PMI who do not have BPJS Employment "BPJS Employment noted that there are hundreds of thousands of PMI in Malaysia who are identified as not being active BPJS Employment participants. Based on the data

that has been collected, there are 800,000 (eight hundred thousand) PMI who are registered to work in Malaysia and only 10% are active participants".¹⁶

This is because PMI already have insurance in the destination country, which in this case is mandatory for PMI who will depart for the destination country, so that BPJS Employment is additional insurance for them, reinforced by the news stating, "in general, the minimal number of PMI who register for BPJS Employment is because PMI do not get complete information or get information but registration access is very difficult and PMI already have insurance in the country of placement". Based on existing data, Indonesia is sending 9 million PMI, but there are around 6.9 million PMI who do not yet have a legal protection umbrella in the form of BPJS Employment. Data as of April, the number of BPJS Employment participants from the PMI sector is only 205,295 workers.¹⁷

There is other news that states that PMI do not want to register for BPJS Employment because.

1. "difficulty in fulfilling the mandatory requirements attached,
2. For migrant workers who already have BPJS Employment, there are also those who are lazy to extend their membership because they don't know how to extend it, even though the migrant worker has already left for the country of placement.
3. Migrant workers are not interested in registering for BPJS Employment because they feel that the social security provided is no better than their previous insurance in the country of placement.
4. "PMI find it difficult to obtain protection because they cannot access the guarantee claims in question, this is because they do not meet the requirements for valid population documents."

The last reason why migrant workers are reluctant to extend their membership is the unpreparedness of social security infrastructure, which is reflected in the absence of benefits that can be accessed abroad. Migrant workers cannot make claims in the country of placement when they need treatment for work accidents. Many reasons have been mentioned above regarding migrant workers who do not want to register for BPJS Ketenagakerjaan, or have registered but do not renew. One of the strongest reasons is because of the difficulty in making work accident claims in the country of placement, which is why the government is obliged to provide more protection to migrant workers by:

¹⁶ Berlianti Berlianti et al., "Kebijakan Jaminan Sosial Kepada Pekerja Migran Indonesia (PMI) Oleh Balai Perlindungan Pekerja Migran Indonesia (BP3MI)," *RISOMA: Jurnal Riset Sosial Humaniora Dan Pendidikan* 3, no. 1 (2025): 51–59, <https://doi.org/10.62383/risoma.v3i1.496>.

¹⁷ Madiono Madiono, Ratnaningsih Ratnaningsih, and Naimah Naimah, "Perlindungan Hukum Jaminan Sosial Bagi Pekerja Migran Indonesia Dan Keluarganya," *IUS: Jurnal Ilmiah Fakultas Hukum* 11, no. 2 (December 11, 2023): 201–10, <https://doi.org/10.51747/ius.v11i2.1764>.

1. Internal protection, provided to CPMI and PMI is easier if they depart through P3MI because everything related to CPMI and PMI will be distributed through P3MI, so that no one is left behind in the news.
2. External protection, provided by the government to CPMI and PMI, includes collaborating with other agencies in handling work accident claims within and outside the country, external protection is divided into two, namely,
 - a. Preventive protection is protection provided by the government to prevent violations. In this case, the government can do:
 - 1) Further counseling regarding BPJS Employment at P3MI
 - 2) Improving the BPJS Employment integration system at home and abroad
 - 3) Making it easier for PMI to extend their BPJS Employment membership
 - 4) Make it easier for migrant workers to claim work accident insurance if a work accident occurs in the destination country.
 - 5) Reviewing the claim costs given to PMI
 - b. Strict Security Protection is the last guarantee as authorization such as fines, detention and additional penalties in the event of violations or debates. Article 40 of Permenaker 18/2018 states, in relation to the debate objective section, in particular, "as far as security before work or after work there are questions about Work Accidents and differences of opinion regarding how much JKK programs have not been fully determined by BPJS Business, Indonesian Travelers who will come or PMI can mention the guarantee of the Work Reviewer"¹⁸

For migrant workers who are already in the country of placement but are unable to claim their work accidents requiring treatment in Indonesia, they will receive compensation as regulated in Article 17 paragraph (2) and paragraph (4), because it cannot be denied that some countries are much better at handling medical problems and if seen from the level of difficulty in returning home, it is possible that migrant workers will undergo in-patient treatment in the country of placement, and currently, migrant workers also have much more confidence in the insurance offered in the country of placement than in participating in BPJS Employment.¹⁹

¹⁸ Istiqomah Istiqomah et al., "Analisis Yuridis Perlindungan Hukum Terhadap Pekerja Migran Indonesia Di Luar Negeri," *Action Research Literate* 7, no. 10 (October 30, 2023): 47-51, <https://doi.org/10.46799/ar.v7i10.181>.

¹⁹ Nadifah Ita Purnamasari, Endah Susilowati, and Nanda Wahyu Indah Kirana, "Analisis Penerapan Sistem Akuntansi Klaim Jaminan Kecelakaan Kerja Dan Jaminan Kematian Pada BPJS Ketenagakerjaan Cabang Juanda," *Journal of Economic, Bussines and Accounting (COSTING)* 7, no. 1 (August 13, 2023): 872-83, <https://doi.org/10.31539/costing.v7i1.6938>.

5. Conclusion

There are two stages in claiming PMI work accident insurance in the country of placement, namely the first stage is carried out a maximum of 7 days after the work accident occurs by attaching the documents mentioned, then the second stage is carried out a maximum of 7 days after recovery by attaching photos, proof of payment, etc. It is not necessary for the PMI to make the JKK claim, it can be represented by an heir who is given power of attorney. However, it should be noted that the submission of a work accident claim will be rejected if the CPMI or PMI does not submit a claim within 24 (twenty four) months since the work accident occurred.

For migrant workers who are already in the country of placement but are unable to claim their work accidents requiring treatment in Indonesia, they will receive compensation as regulated in Article 17 paragraph (2) and paragraph (4), because it cannot be denied that some countries are much better at handling medical problems and if seen from the level of difficulty in returning home, it is possible that migrant workers will undergo in-patient treatment in the country of placement, and currently, migrant workers also have much more confidence in the insurance offered in the country of placement than in participating in BPJS Employment.

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