

## ANALYSIS OF THE DPR'S POLICY IN REJECTING BPJS HEALTH'S INCLUSION IN THE HEALTH LAW

**Hamid Noor Yasin, Ade Saptomo**

Universitas Borobudur, Indonesia

Email: hamidnooryasin99@gmail.com adesaptomo@univpancasila.ac.id

### ABSTRACT

#### KEYWORDS

function, legislation,  
DPR, BPJS, rejection of  
the law

The House of Representatives (DPR) as a legislative institution in Indonesia has a very important role in drafting and formulating laws, including approval of laws. In this article, an in-depth analysis will be carried out regarding the DPR's policy in rejecting the inclusion of BPJS Health in the Health Law in Indonesia. The DPR can consider alternative policies or improvements to the health insurance system to make it more effective and sustainable in providing health services to the community. The research aims to provide an insight into the legislative process, policy-making dynamics, and the potential consequences for public health administration and policy. The study will be conducted by combining primary, secondary, and tertiary legal materials (which are secondary data) with primary data obtained in the field, namely DPR Policy Analysis.

### INTRODUCTION

The Constitution of the Republic of Indonesia of 1945 (UUD 1945) is the highest law in the nation and state where the Constitution of the Republic of Indonesia of 1945 (UUD 1945) regulates the relationship between the government and its state and the relationship between government institutions so that the Constitution The Republic of Indonesia of 1945 (UUD 1945) can be said to be the constitution of the Republic of Indonesia. The constitution of a country regulates the following things: a) Determines the limitations on the power of state organs, b) Regulates the relationship between one state institution and another, and Regulates the power relationship between state institutions and citizens (Soemantri, 2006). c) The things that are generally regulated in the constitution are the implementation of the purpose of the formation of the country, where every country in the world is formed to have different plans, namely the goals of the nation in state life. The goals of the country vary according to the people's views on the nation and the outlook on life that underlies them (Priyadi, 2014).

Generally, the objectives of the State are stipulated in the constitution or basic law of the State concerned (Aust, 2015; Taitorina et al., 2020; Tarr, 2018), one of which is that the objectives of the formation of the Indonesian state are stated expressly in the preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945) which is contained in the fourth paragraph which states: 1) protect the entire Indonesian nation and all of Indonesia's bloodshed; 2) promoting general welfare; 3) enlighten the nation's life; and 4) participate in implementing world order. In the 1945 Constitution of the Republic of Indonesia (UUD 1945), the scope and limitations of the meaning of law are not very clear. Article 20 of the 1945 Constitution only states the DPR's authority to form laws with mutual agreement with the government. Article 24 C paragraph (1) only determines that the Constitutional Court has the authority to review laws against the Constitution (Asshiddiqie, 2001). Therefore, to create a rule of law, the state must make standard rules regarding laws, procedures, and mechanisms for the formation of statutory regulations. In Indonesia, there are several regulations regarding the regulation of the formation of statutory regulations, namely TAP MPRS Number XX/MPRS/1966 concerning Sources of Legal Order, TAP MPR Number

III/MPR/2000, and refined with Law Number 10 of 2004 concerning the Formation of Legislative Regulations. Feeling that the previous regulations were incomplete, on 12 August 2011 the government enacted Law Number 12 of 2011 as a replacement for Law Number 10 of 2004 concerning the Formation of Legislative Regulations (Perundang, 2007).

Law Number 12 of 2011 contains new provisions, namely the re-entry of the MPR TAP in the hierarchy of statutory regulations. In Article 7 paragraph (1) it is stated that the hierarchy of statutory regulations consists of the 1945 Constitution, TAP MPR, UU/Perpu, government regulations, presidential decree, provincial regulations, and district rules (Isra, 2010). The House of Representatives (DPR) as a legislative institution in Indonesia has a very important role in drafting and formulating laws, including approval of laws. The legislative function of the DPR in the process of drafting bills up to ratification and approval of laws is an integral part of efforts to regulate and supervise the public health sector in Indonesia.

Decision-making in the field of health policy has always been a topic that attracts public attention. One of the policies currently in the spotlight is the refusal of the Health Social Security Administration (BPJS) to be included in the Health Law which is being discussed by the House of Representatives (DPR). The decision raises various pros and cons among various parties and raises questions about the implications and reasons behind the rejection. In this article, an in-depth analysis will be carried out regarding the DPR's policy in rejecting the inclusion of BPJS Health in the Health Law.

BPJS Health has become one of the main instruments in providing health insurance for the Indonesian people. With broad coverage, BPJS Health aims to provide affordable access to health services for the entire population of Indonesia (Erniaty & Harun, 2020; Habibie et al., 2017; Ratnawati & Kholis, 2020). However, in recent years, BPJS Health has faced various challenges, including financial problems and the quality of services received by participants. It has given rise to debate about the need for reform in the national health insurance system, including in the form of a revision of the Health Law which is being discussed by the DPR.

The People's Representative Council (DPR) in Indonesia has rejected the inclusion of BPJS Health in the Health Law, highlighting the complex relationship between its legislative function and health policy. The DPR's main function is to formulate laws that regulate public life, including the health sector. It also has a supervisory function over government policies, including health sector policies. The rejection of BPJS Health could be due to factors such as conceptual incompatibility, differing views on the health insurance model, or financial considerations. The DPR must consider these factors before approving a policy decision-making process. The rejection could have a direct impact on people's access to affordable health services and trigger health system reform. The DPR can consider alternative policies or improvements to BPJS Health to make it more effective and sustainable in providing health services to the community.

Thus, the relationship between the DPR's legislative function and the refusal of BPJS Health to be included in the Health Law in Indonesia is a representation of the DPR's role in overseeing health policies that have a direct impact on community welfare. A decision-making process that is transparent, proportional, and based on in-depth analysis will be the key to maintaining the effectiveness and sustainability of the national health system.

A decision-making process that is transparent, balanced, and based on in-depth analysis is a crucial aspect of maintaining the effectiveness and sustainability of the national health system. A transparent decision-making process refers to openness and accountability in every stage of the decision taken. Information related to health policies and decision-making processes must be publicly available so that the public can understand the reasons behind decisions taken by relevant parties. Transparency also helps minimize the risk of conflicts of

interest or corrupt practices in the formation of health policies. In this way, the decisions taken will be more acceptable to society at large.

A balanced decision-making process requires representation from the various parties involved in the process. The opinions and interests of various stakeholders, such as the public, health experts, health organizations, and so on, must be taken into account fairly. By ensuring balance in the decision-making process, the resulting health policy will better represent the needs and aspirations of all parties involved, so that it can support the achievement of national health goals holistically. By maintaining a decision-making process that is transparent, balanced, and based on in-depth analysis, the national health system will have a strong foundation for achieving effectiveness and sustainability in the provision of health services to the community. Decisions taken transparently, taking into account various points of view and supported by in-depth analysis, will support the creation of quality, sustainable health policies and have a positive impact on the welfare of the entire community.

The researcher aims to analyze the DPR's Policy in Rejecting BPJS Health's Inclusion in the Health Law. By doing so, the study may shed light on the legislative process, policy-making dynamics, and the potential consequences for public health administration and policy.

## RESEARCH METHOD

The method used in writing this applied paper is a descriptive-analytical method, namely by using data that clearly describes problems directly in the field, the analysis is carried out, and then conclusions are drawn to solve a problem (Nilamsari, 2014). The data collection method is through observation and literature study to obtain solutions to problems in preparing this paper. In line with the research objectives to be achieved, the domain of this research is included in the realm of qualitative research, thus a qualitative approach method will be used (Sugiyono, 2019). According to Soerjowinoto (2006), the qualitative method is a method that emphasizes the process of the researcher's understanding of the problem formulation to construct a complex and holistic legal phenomenon.

An empirical juridical approach or what is called field research is to examine applicable legal provisions and what happens in reality in society (Sugiyono, 2019). In other words, it is research carried out on the actual situation or real conditions that occur in society to know and find the facts and data needed, after the required data is collected it then leads to problem identification which ultimately leads to solving the problem. So, the empirical juridical approach intended in this research is that in analyzing the problems that have been formulated it is carried out by combining primary, secondary, and tertiary legal materials (which are secondary data) with primary data obtained in the field, namely DPR Policy Analysis. In the refusal of BPJS Health to cancel entry into the Health Law in practice (Mohaimin, 2020; Soerjowinoto, 2006).

## RESULTS AND DISCUSSION

### **Analysis of the DPR's Policy in Rejecting BPJS Health's Inclusion in the Health Law**

Democracy is a government by the people where the power of the majority of citizens is exercised. In modern democracy, democracy is carried out through representation, where the people elect their representatives. According to the basis of democracy, the highest decisions in state government lie in the hands of the people through the intermediary of the Representative Body. The community members who represent these are called Political Representatives (Sanit, 1982).

There has been a lot of discussion regarding whether or not the 1945 Constitution needs to be amended or replaced (Budiardjo, 2007). After the Reform Era, the 1945 Constitution was no longer sacred, on the contrary, discourse about the Constitution in particular and other matters in general was widely opened. It is due in no small part to the contribution made by

the 1945 Constitution in destroying the living conditions of the Indonesian state as it is today, including the worsening economic climate and the decline in the standard of living of the people. Opportunities are open to carry out interpretations and implementation of the articles in the 1945 Constitution (Effendi, 2017).

Improving the DPR's legislative function is not only seen in quantity, namely the number of legislative products (in the form of laws/agreements/etc.) that it produces, but also in the quality of the legislative products it produces, in the form of the content of laws or policies that should be more pro-partisan in the interests of the wider community or other words pro-people policies. One indication of the policies resulting from the DPR's performance in the field of pro-people legislation is the Development Budget which aims to improve people's welfare compared to the Routine Budget which is intended for official travel for DPR members. After the amendment, the DPR's function as a legislative institution was returned, where the DPR's position was no longer a rubber-stamp institution after the change in authority in the 1945 Constitution Amendment. Apart from that, it is hoped that the DPR's productivity will increase due to the DPR's right to initiative which is supported by regulations in other laws both in authority and in terms of technical matters, for example the existence of Prolegnas in the new law so that the role of the DPR is more visible. Also, the function of checks and balances between the Executive and the legislature is more visible, unlike before the 1945 Constitution Amendment where at that time the President was very dominant in carrying out the legislative function.

The DPR's refusal to include BPJS Health in the Health Law was a decision that involved in-depth policy analysis. The following are several specific reasons regarding the DPR's policy analysis in this rejection:

1. Conceptual Incompatibility.

One of the main reasons for the refusal of BPJS Health to be included in the Health Law may be related to the conceptual incompatibility between BPJS Health and the existing health regulatory framework. The DPR needs to conduct an in-depth analysis of the extent to which BPJS Health can be integrated with applicable health regulations to ensure the consistency and effectiveness of the national health system.

2. Differences in Views.

Differences in views between DPR members regarding the ideal health insurance model can also be a factor in rejection. Policy analysis needs to be carried out to understand various perspectives and consider various points of view in determining the best health policy direction for society.

3. Financial Considerations.

The financial aspect is also an important factor in the DPR's policy analysis regarding the rejection of BPJS Health. The budget required to support the sustainability of BPJS Health needs to be evaluated carefully so as not to place an excessive burden on the government and society. The DPR must ensure that the health policies adopted are sustainable and efficient investments.

4. Impact on Access to Health Services.

Policy analysis must also consider the impact of refusing BPJS Health on people's access to health services. The DPR needs to ensure that the policies taken do not hinder public access, especially for groups who are vulnerable and need affordable health services.

5. Health System Reform.

The refusal of BPJS Health to be included in the Health Law could also be a trigger for reforming the national health insurance system. Policy analysis needs to consider policy alternatives or improvements to BPJS Health to increase the effectiveness, transparency, and sustainability of the health insurance system in Indonesia.

In the context of the refusal of BPJS Health to be included in the Health Law, the policy analysis carried out by the DPR must cover various aspects such as conceptual incompatibility, differences in views, financial considerations, impact on access to health services, and potential for health system reform. In-depth analysis will assist the DPR in making informed decisions, have a positive impact on society, and support the creation of an effective, inclusive, and sustainable national health system.

The policy analysis carried out by the DPR must cover various aspects such as conceptual incompatibility, differences in views, financial considerations, impact on access to health services, and potential health system reform because this is an important step in a quality decision-making process that has a positive impact. The following is the purpose of covering these various aspects in policy analysis:

1. Conceptual Incompatibility.

Understanding the conceptual incompatibility between the proposed policy and the existing regulatory framework helps the DPR to evaluate the extent to which the policy can be implemented effectively and by the objectives to be achieved. By identifying conceptual incompatibilities, the DPR can adjust policies to be more consistent and appropriate to the existing context.

2. Differences in Views.

Taking into account differences in views between DPR members allows for in-depth and inclusive discussions in the decision-making process. By considering various perspectives, the DPR can reach a stronger agreement and represent the various interests that exist in society.

3. Financial Considerations.

Including financial considerations in policy analysis helps the DPR to ensure the sustainability and efficiency of proposed policies. An evaluation of the financial aspects will enable the DPR to make decisions that are not only socially and health effective, but also economically.

4. Impact on Access to Health Services.

Taking into account the impact of policies on people's access to health services helps the DPR to protect and improve the quality of health services available to the people. By understanding this impact, the DPR can take steps that support more equitable and affordable access to health.

5. Potential for Health System Reform.

Identifying potential health system reforms in policy analysis allows the DPR to design policies that are more innovative and adaptive to changes occurring in the health system. Health system reform is directed at improving the effectiveness, efficiency, and overall quality of health services.

By covering various aspects such as conceptual incompatibility, differences in views, financial considerations, impact on access to health services, and potential health system reform in policy analysis, the DPR can produce decisions that are more holistic, and informed, and can have a significant positive impact on society. The purpose of this approach is to ensure that policies taken take into account the various complex dimensions and implications in the national health context.

The DPR can produce decisions that are more holistic, and informed, and have a significant positive impact on society by following a structured approach and process oriented towards public policy excellence. The following are several ways that the DPR can do to achieve this:

1. Stakeholder Consultation and Involvement.

Involving various stakeholders such as health experts, health NGOs, medical practitioners and the general public in the decision-making process will ensure inclusive and

diverse representation. Opinions and input from various stakeholders will help the DPR understand different perspectives and enrich policy analysis.

2. In-depth Analysis.

Carry out a comprehensive and in-depth policy analysis of various relevant aspects, such as the social, economic, and health impacts of the decisions taken. By considering complex implications, the DPR can make more informed and evidence-based decisions.

3. Holistic Approach.

Paying attention to the relationship between health policy and other sectors such as education, the economy, and the environment will enable the DPR to make more holistic and sustainable decisions. This approach helps prevent undesirable side impacts and strengthens synergy between policies.

4. Transparency and Accountability.

Ensuring transparency in the decision-making process and accountability for every decision taken will increase public trust in the DPR. By providing clear and open information, the DPR can strengthen the legitimacy of the decisions taken.

5. Evaluation and Monitoring.

Evaluating the implementation of the policies that have been taken and continuing to monitor their impact on society will help the DPR to make necessary improvements or adjustments. This process ensures that the policies adopted remain relevant and effective in achieving desired health goals.

By implementing a collaborative approach, in-depth analysis, holistic approach, transparency, accountability, evaluation, and continuous monitoring, the DPR can produce more holistic decisions, be informed, and have a significant positive impact on society. These steps ensure that policies are created that take into account various perspectives, comprehensively meet community needs, and support the creation of an inclusive, effective, and sustainable health system.

## CONCLUSION

The Department of Public Health (DPR) has refused to include BPJS Health in the Health Law, citing incompatibilities, differing views, financial considerations, and potential health system reform. The DPR's evaluation focuses on improving access to health services and researching potential reforms to enhance the system's efficiency. The decision to exclude BPJS Health reflects the DPR's commitment to ensuring health policies are community-oriented, financially sustainable, and provide quality services. The DPR's holistic approach, including stakeholder involvement, transparency, accountability, and ongoing monitoring, has resulted in decisions that have a positive impact on society. This decision demonstrates the DPR's commitment to comprehensive policy analysis for the welfare of society.

## REFERENCES

- Asshiddiqie, J. (2001). *Perihal undang-undang*. Rajawali Press.
- Aust, H. P. (2015). Fundamental rights of states: Constitutional law in disguise? *Cambridge International Law Journal*, 4(3). <https://doi.org/10.7574/cjicl.04.03.521>
- Budiardjo, M. (2007). *Dasar-dasar Ilmu Politik*. Gramedia.
- Effendi, S. (2017). Mencari Sistem Pemerintahan negara. *Orasi Ilmiah Universitas Pancasila*.
- Erniaty, E., & Harun, H. (2020). Understanding the impacts of NPM and proposed solutions to the healthcare system reforms in Indonesia: The case of BPJS. *Health Policy and Planning*, 35(3). <https://doi.org/10.1093/heapol/czz165>

- Habibie, W. L., Hardjosoekarto, S., & Kasim, A. (2017). Health reform in Indonesia towards sustainable development growth (case study on BPJS Kesehatan, Health insurance in Indonesia). *Review of Integrative Business and Economics Research*, 6(3).
- Isra, S. (2010). *Pergeseran Fungsi Legislasi: Menguatnya Model Legislasi Parlementer Dalam Sistem Presidensial*. Rajawali Press.
- Mohaimin, M. (2020). *Metode Penelitian Hukum*. Mataram University Press.
- Nilamsari, N. (2014). Memahami Studi Dokumen Dalam Penelitian Kualitatif. *Wacana*, 8(2).
- Perundang, M. F. I. S. (2007). *Ilmu Perundang-undangan Jenis Fungsi dan Materi Muatan*. Kanisius.
- Priyadi, Y. A. (2014). Tinjauan Yuridis Terhadap Fungsi Legislasi Dewan Perwakilan Rakyat Republik Indonesia Sebelum Dan Sesudah Perubahan Unfdang-Undang Dasar Negara Republik Indonesia 1945. *JOM Fakultas Hukum*, 1.
- Ratnawati, A., & Kholis, N. (2020). Measuring the service quality of BPJS health in Indonesia: a sharia perspective. *Journal of Islamic Marketing*, 11(4). <https://doi.org/10.1108/JIMA-07-2018-0121>
- Sanit, A. (1982). *Perwakilan Politik: Suatu Studi Awal dalam Pencarian Analisa Sistem Perwakilan Politik di Indonesia*. Universitas Nasional.
- Soemantri, S. (2006). *Prosedur dan Sistem Perubahan Konstitusi*. Alumnus.
- Soerjowinoto, D. P. (2006). *Buku Panduan Metode Penulisan Karya Hukum (MPKH) dan Skripsi*. Fakultas Hukum, UNIKA Soegijapranata.
- Sugiyono. (2019). *Metode penelitian kuantitatif, kualitatif, dan R&D*. Alfabeta.
- Taitorina, B. A., Baisalova, G. T., Assanova, A. A., & Bogatyreva, L. B. (2020). State control: issues of constitutional and legal regulation. *Bulletin of the Karaganda University "Law Series,"* 97(1), 6–11.
- Tarr, G. A. (2018). *Understanding state constitutions*. Princeton University Press.

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