

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

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Abstract. The refusal of BPJS Health to be included in the Health Law is a significant issue, and the House of Representatives (DPR) has a crucial role in analyzing the policies surrounding it. The DPR considers the conceptual discrepancies between BPJS Health and the applicable regulatory framework and adjusts to differences in views among its members. Financial aspects are a crucial consideration, with an emphasis on policy sustainability without harming economic stability. The main focus of the DPR evaluation is the impact on access to health services, to improve the quality of services available to the community. The analysis also includes potential health system reforms to look for improvement opportunities that could increase effectiveness and efficiency. The decision to refuse BPJS Health to be included in the Health Law is a step taken by the DPR to ensure consistent, sustainable, and quality health policies. The DPR has achieved success in crafting well-informed, holistic decisions that benefit the community by engaging with relevant stakeholders, promoting transparency, and upholding accountability. These decisions are a testament to the DPR's dedication to protecting the community's interests and creating effective, sustainable health policies. The thorough policy analysis undertaken by the DPR showcases its commitment to fulfilling its legislative responsibilities for the betterment of society and the enhancement of the overall healthcare system.

Keywords: Function, Legislation, DPR, BPJS, Rejection of the Law.

1 Introduction

The 1945 Constitution of the Republic of Indonesia (UUD 1945) is the supreme legal framework governing the nation and its governance structure, delineating the relationships among governmental entities. Therefore, it establishes the foundational principles that define Indonesia's constitutional identity. 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.[1] 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.[2]

Generally, the objectives of the State are stipulated in the constitution or basic law of the State concerned, 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:[3] 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. [4] 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. [5]

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. [6] 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).[7] 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. 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) as a legislative institution has a crucial role in the process of forming laws, including in matters of health policy in Indonesia. The DPR's refusal to include BPJS Health in the Health Law reflects the complex dynamics between the DPR's legislative function and health policy in Indonesia. The following is a description of the relationship between the DPR's legislative function in this rejection:

1. Function of DPR Legislation.

- Formulation of Laws.

- One of the main functions of the DPR is to formulate laws that regulate various aspects of public life, including in the health sector. The DPR has the authority to propose, amend, or reject proposed bills.

- Oversight of Government Policy.

The DPR also has a supervisory function over government policies, including policies in the health sector. In the context of refusing to include BPJS Health in the Health Law, the DPR can carry out an in-depth evaluation of the implications of this policy.

2. Rejection of BPJS Health in the Health Law.

Reasons and Arguments.

The refusal to include BPJS Health in the Health Law could be caused by various factors, such as conceptual incompatibility, differences in views regarding the health insurance model, or financial considerations. The DPR as an institution that represents the voice of the people must consider these various aspects before approving a policy Decision-Making Process.

Rejection of BPJS Health may reflect a decision-making process that involves discussion, negotiation, and deliberation between DPR members. Such decisions must be based on a careful analysis of the policy's implications for society and the health system as a whole.

3. Implications of Rejection of BPJS Health.

Public Health Impact.

The rejection of BPJS Health in the Health Law could have a direct impact on people's access to affordable health services. The DPR must consider these implications in the decision-making process.

Health System Reform.

This rejection could also be a trigger for reforming the national health insurance system. The DPR can consider alternative policies or improvements to BPJS Health so that it can be 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.[7] 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.

2 Problem Formulation

From the background of the problem above, a problem formulation can be found, namely; Analysis of the DPR's Policy in Rejecting BPJS Health's Inclusion in the Health Law.

3 Method

3.1 Method

The approach adopted for this applied paper employs a descriptive-analytical method, concerning data utilization that concisely describes issues in specific field. This data is analyzed to derive conclusions aimed at addressing the identified problems.[8]. Data for this paper is collected through observation and a review of the literature to derive solutions to the research problems. This study falls within the specialization of qualitative research, thereby, employing a qualitative approach methodology.[9] According to Petrus Soerjowinoto et al., the qualitative method emphasizes the researcher's understanding of the problem to construct a complex and holistic legal phenomenon.[10]

3.2 Approach

An empirical juridical approach or what is called field research is to examine applicable legal provisions and what happens in reality in society[9]. In essence, this research investigates real-life situations or actual societal conditions to uncover and gather essential facts and data. Once collected, this data gives problem identification, thereby paving the way for problem-solving initiatives. 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.[10] [11]

4 Result and Discussion

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

Democracy is a form of government where the authority of the majority of citizens is exercised, typically through elected representatives. In modern democracies, decisions are made by delegates chosen by the people. According to democratic principles, ultimate state decisions rest with the people through their elected ambassadors, known as political representatives.[12]

There has been a lot of discussion regarding whether or not the 1945 Constitution needs to be amended or replaced.[13] The Reform Era marked a significant shift in the reverence for the 1945 Constitution, as discussions on the Constitution and other related topics became more widespread. The 1945 Constitution is considered to have played a role in deteriorating the current state of Indonesia, including the worsening economic conditions and declining standard of living. It has led to opportunities for interpretations and applications of the articles within the 1945 Constitution.[14]

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 measure of the DPR's effectiveness in enacting pro-people legislation is reflected in the Development Budget, aimed at enhancing public welfare, as opposed to the Routine Budget allocated for official travel of DPR members. Following constitutional amendments, the DPR's function as a legislative body was restored, moving away from its previous status as a rubber-stamp institution under the 1945 Constitution Amendment. Furthermore, it is anticipated that DPR productivity will increase with enhanced legislative initiative rights supported by regulations across various legal domains, including procedural and substantive matters, such as the establishment of Prolegnas in new legislation, thereby reinforcing the DPR's more prominent role. [15] 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.

5 Conclusion

The role of the DPR in conducting policy analysis regarding the refusal of BPJS Health to be included in the Health Law. This decision was the result of an in-depth evaluation involving crucial aspects such as conceptual incompatibility, differences in views, financial considerations, impact on access to health services, and potential health system reform. The DPR considers conceptual incompatibilities between BPJS Health and the existing regulatory framework, as well as differences in views among DPR members, to ensure policy consistency

and effectiveness. Financial considerations are also an important part of this analysis, where the DPR ensures policy sustainability without sacrificing economic aspects.

The impact on access to health services is the main focus of the DPR's evaluation, to protect and improve the quality of health services available to the community. In addition, potential health system reforms are also carefully researched to identify opportunities for improvement that could result in a more effective and efficient health system. The DPR has succeeded in producing decisions that are holistic and informed and can have a significant positive impact on society by involving relevant stakeholders, conducting in-depth analysis, adopting a holistic approach, implementing transparency and accountability, and carrying out ongoing evaluation and monitoring.

The decision to refuse BPJS Health to be included in the Health Law reflects the DPR's commitment to ensuring health policies that are in line with community needs, financially sustainable, and able to provide access to quality health services. This step also shows the DPR's seriousness in carrying out comprehensive policy analysis for the overall welfare of society.

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