

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 86 OF 2013

ON

PROCEDURES FOR THE IMPOSITION OF ADMINISTRATIVE SANCTIONS TO
NON-STATE ADMINISTRATOR EMPLOYERS AND ANY PERSON, OTHER THAN
EMPLOYERS, WORKERS AND CONTRIBUTION AID RECIPIENTS IN
ADMINISTRATION OF SOCIAL SECURITY

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in implementing the provision of Article 17 section (5) of Law Number 24 of 2011 on Social Security Agency , it is necessary to issue a Government Regulation on Procedures for the Imposition of Administrative Sanctions to Non-State Administrator Employers and Any Person other than Employers, Workers and Contribution Aid Recipients in the Administration of Social Security;

Observing :
1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 24 of 2011 on Social Security Agency (State Gazette of the Republic of Indonesia of 2011 Number 115, Supplement of the State Gazette of the Republic of Indonesia Number 5256);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON PROCEDURES FOR THE IMPOSITION OF ADMINISTRATIVE SANCTIONS TO NON-STATE ADMINISTRATOR EMPLOYERS AND ANY PERSON OTHER THAN EMPLOYERS, WORKERS AND CONTRIBUTION AID RECIPIENTS IN THE ADMINISTRATION OF SOCIAL SECURITY.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Social Security Agency for Health (Badan Penyelenggara Jaminan Sosial Kesehatan) hereinafter abbreviated as BPJS Kesehatan means a legal entity established to administer Health Security programs.
2. Social Security Agency for Employment (Badan Penyelenggara Jaminan Sosial Ketenagakerjaan) or hereinafter abbreviated as BPJS Ketenagakerjaan, means a legal entity established to administer Employment Injury Security program, Old-Age Security, Pension Security, and Death Security.
3. Member means any person including a foreigner national who works for at least 6 (six) months in Indonesia, who has paid contributions.
4. Worker means any person who works and earns a salary, a wage, or other forms of remuneration.
5. Non-State Administrator Employer means:
 - a. an individual, a partnership, or a legal entity that runs its own company;
 - b. an individual, a partnership, or a legal entity that independently runs it's a non-self-owned company;
 - c. an individual, a partnership, or a legal entity located in Indonesia and representing a company as referred to in point a and point b that is domiciled outside the territory of Indonesia.
6. Family means a husband or wife and a maximum of 3 (three) legal children.

Article 2

- (1) BPJS is a public legal entity which is directly responsible to the President.
- (2) BPJS as referred to in section (1) consists of:
 - a. BPJS Kesehatan; and
 - b. BPJS Ketenagakerjaan;

Article 3

- (1) Non-State Administrator Employers are obligated to:
 - a. register themselves and their workers as members in BPJS in phases pursuant to the social security program that they participate in; and
 - b. provide complete and accurate data of themselves and their Workers along with their family members to BPJS.
- (2) Complete and accurate data of themselves and their Workers as referred to in section (1) point b include:
 - a. data of workers and their family members who are registered with the data of workers who are employed;
 - b. salary data reported pursuant to wages received by workers;
 - c. membership data in the social security program

- according to the phases of membership; and
- d. changes in employment data;
- (3) The changes in data as referred to in section (2) point d at least include:
- a. company address;
 - b. company ownership;
 - c. company management;
 - d. type of business entity;
 - e. the number of workers;
 - f. data of workers and their family members; and
 - g. change in the amount of salary per worker.
- (4) Changes in data as referred to in section (3) are reported to the Non-State Administrator Employers to BPJS not later than 7 (seven) workdays since the changes occur;

Article 4

- (1) Any person, other than employers, Workers, and contribution aid recipients who meet the provisions of legislation must:
- a. register themselves and their family as members to BPJS; and
 - b. provide complete and accurate data of themselves and family members to BPJS.
- (2) The data of themselves and family members as referred to in section (1) point b include:
- a. data of registered family members that must be in accordance with the actual data;
 - b. membership data in the social security program that must be in accordance with the phases of membership; and/or
 - c. changes in the data of themselves and family members.
- (3) The changes in data as referred to in section (2) point c at least contain:
- a. home address;
 - b. type of occupation; and
 - c. the number of family members.
- (4) The changes in data as referred to in section (3) are reported by any person, other than employers, Workers, and contribution aid recipient to BPJS not later 7 (seven) working days since the changes occur;

CHAPTER II ADMINISTRATIVE SANCTIONS

Part One The Imposition of Administrative Sanctions

Article 5

1. Non-State Administrator Employers which violate the provisions as referred to in Article 3 and any person, other than employers, Workers, and contribution aid Recipients who violates the provisions as referred to in Article 4 are subject to administrative sanctions;
2. The administrative sanctions as referred to in section (1)

may be in the forms of:

- a. written warning;
- b. fines; and/or
- c. denial of certain public services.

Article 6

- (1) The imposition of written warning sanction as referred to in Article 5 section (2) point a is provided at the most 2 (two) times each for a maximum period of 10 (ten) workdays.
- (2) The written warning sanction as referred to in section (1) is imposed by BPJS.

Article 7

- (1) The imposition of fines as referred to in Article 5 section (2) point b is given for the term of not later than 30 (thirty) days as of the expiration of the second written warning sanction.
- (2) The fines as referred to in section (1) are imposed by BPJS.
- (3) The fines as referred to in section (2) are another revenue of the social security fund.

Article 8

- (1) The imposition of the sanction for the denial of certain public services as referred to in Article 5 section (2) point c is imposed by the Government, provincial government, or regency/municipal government at the request of BPJS.
- (2) In requesting the imposition of the sanction for the denial of certain public services as referred to in section (1), BPJS coordinates with the Government, provincial government or regency/municipal government.
- (3) The Government, provincial government, or regency/municipal government imposes the sanction for the denial of certain public services to:
 - a. Non-State Administrator Employers which violate the provisions as referred to in Article 3 section (1) point a and any person, other than Employers, Workers and contribution aid Recipients which violate the provisions as referred to in Article 4 section (1) point a, it is carried out by requiring them to complete the identity of social security membership in obtaining certain public services; and
 - b. Non-State Administrator Employers which violate the provisions as referred to in Article 3 section (1) point b and any person, other than Employers, Workers, and contribution aid Recipients which violate the provisions as referred to in Article 4 section (1) point b, it is carried out after receiving a letter of request for the imposition of sanctions from BPJS.

Article 9

- (1) The sanction for the denial of certain public services that is subject to the Non-State Administrator Employers includes:
 - a. business-related licensing;
 - b. permits required in participating in project tenders;
 - c. permits to employ foreign workers;
 - d. employer/labor service provider company license;
 - e. Building Permit, *Izin Mendirikan Bangunan* (IMB).
- (2) The sanction for the denial of certain public services that is subject to any person, other than employers, Workers and contribution aid recipients that meet the membership requirements in social security program includes:
 - a. Building Permit, *Izin Mendirikan Bangunan* (IMB);
 - b. Driving License, *Surat Izin Mengemudi* (SIM);
 - c. land certificate;
 - d. passport; or
 - e. Vehicle Registration Certificate, *Surat Tanda Nomor Kendaraan* (STNK);
- (3) The imposition of the sanctions for denial of certain public services is carried out by the public service unit from the Government institutions, provincial government, or regency/municipal government;

Part Two

Procedures for the Imposition of Sanctions to Non-State Administrator Employers

Article 10

- (1) Non-State Administrator Employers which violate the provisions as referred to in Article 3 are subject to the first written warning for a maximum period of 10 (ten) days by BPJS;
- (2) If until the end of the 10 (ten) day period of the first written warning, the Non-State Administrator Employers as referred to in section (1) do not carry out their obligations, BPJS imposes a second written warning sanction for a period of 10 (ten) days.
- (3) Fine is imposed if after the imposition of the second written warning sanction ends, Non-State Administrator Employers as referred to in section (1) do not carry out their obligations.
- (4) The fine as referred to in section (3) is imposed in the amount of 0.1% (zero point one percent) each month of the contribution that should be paid and calculated from the end of the second written warning.
- (5) The fine as referred to in section (4) is paid to BPJS together with the payment for the following month.
- (6) If the sanction in the form of fine as referred to in section (4) and section (5) is not fully paid, Non-State Administrator Employers are subject to the sanction in the form of the denial of certain public services.
- (7) The sanction for the denial of certain public services as referred to in section (6) is revoked, if:

- a. the fine as referred to in section (5) has been fully paid to BPJS and Non-State Administrator Employers which violate the obligations as referred to in Article 3 section (1) point a have registered themselves and their worker as members to BPJS in phases according to the social security program that they participate in for; or
 - b. Non-State Administrator Employers which violate the obligations as referred to in Article 3 section (1) point b have provided complete and accurate data of themselves and their Workers along with their family members to BPJS.
- (8) The proof of full payment of fines, registration of membership and proof of providing complete and accurate membership data become the basis for the revocation of the sanction for the denial of certain public services.

Part Three

Procedures for the Imposition of Sanctions to Any person, other than Employers, Workers and Contribution Aid Recipients

Article 11

- (1) Any person, other than employers, Workers and contribution aid recipients who violate the provisions by not registering themselves and their family as members to BPJS as referred to in Article 4 section (1) point a are subject to the sanction for denial of certain public services by the Government, provincial government, or the regency/municipal government pursuant to the requirements specified as referred to in Article 8 section (3) point a.
- (2) The sanction for denial of certain public services as referred to in section (1) is revoked if any person, , other than employers, workers, and contribution aid Recipients have registered themselves and their family to BPJS as evidenced by showing a social security membership card or registration receipt letter from BPJS along with proof of full payment contribution.

Articles 12

- (1) Any person, other than employers, Workers and contribution aid recipients who violate the provisions of not providing complete and accurate data about themselves and their family members to BPJS as referred to in Article 4 section (1) point b are subject to a first written warning for a maximum period of 10 (ten) work days by BPJS.
- (2) If until the end of the 10 (ten) workday period of the first written warning sanction, any person, other than employers, Workers, and contribution aid recipients as referred to in section (1) do not carry out their obligations, BPJS imposes a second written warning sanction for a period of 10 (ten) days.

- (3) The sanction in the form of denial of certain public services is imposed if after the imposition of the second written warning sanction ends on Any person, other than employers, Workers, and contribution aid recipients as referred to in section (1) do not carry out their obligations.
- (4) The sanction in the form of denial of certain public services as referred to in section (3) is revoked if any person, other than employers, Workers, and contribution aid recipients as referred to in section (1) have provided complete and accurate data of themselves and their family members to BPJS.
- (5) The proof of social security membership registration and receipt of complete and accurate membership data from BPJS is used as the basis to revoke the sanction in the form of denial of certain public services by the Government, provincial government, or regency/municipal government.

Part Four
Supervision and Examination

Article 13

- (1) The imposition of administrative sanction to the Non-State Administrator Employers and any person, other than employers, Workers, and contribution aid recipients who meet the membership requirements in social security program is carried out based on the supervision and examination of the compliance in the administration of social security program.
- (2) The supervision and examination of compliance as referred to in section (1) are also carried out to all members of social security.
- (3) The supervision and examination as referred to in section (1) are carried out by BPJS against:
 - a) the compliance of membership of Non-State Administrator Employers to:
 - 1) register themselves and their workers as members to BPJS in phases according to the social security program that they participate in;
 - 2) provide complete and accurate data on themselves and their workers and their family members to BPJS.
 - b) Compliance of any person, other than employers, Workers and contribution aid recipients to:
 - 1) register themselves and their family as members to BPJS; and
 - 2) provide complete and accurate data on themselves and their family members to BPJS.
- (4) The supervision and examination as referred to in section (1) can be carried out by BPJS based on complaints from the public and workers.
- (5) In implementing supervision and examination of compliance for Non-State Administrator Employers in fulfilling their obligation to pay contribution or other

obligations, BPJS reports any incompliance of the Non-State Administrator Employers to the institution responsible for manpower affairs in accordance with the provisions of legislation.

- (6) The institution responsible for manpower affairs based on the report as referred to in section (5) examines the Non-State Administrator Employers of which the implementation is carried out in accordance with the provisions of legislation.
- (7) In addition to being based on the report as referred to in section (6), the institution responsible for manpower affairs can also examine the Employers of which the implementation is carried out in accordance with the provisions of legislation.

Article 14

- (1) In carrying out supervision and examination of the compliance in the administration of social security programs, BPJS assigns examiner.
- (2) Further provisions regarding procedures for supervision and examination work mechanisms as referred to in section (1) are regulated by a BPJS Regulation.

Article 15

Supervision of the compliance of the Government, provincial governments, and regency/municipal governments in imposing the sanction in the form of denial of certain public services to Non-State Administrator Employers and any person, other than employers, Workers and contribution aid Recipients is carried out in accordance with the provisions of legislation.

CHAPTER III CLOSING PROVISIONS

Article 16

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 24 December 2013

PRESIDENT OF THE REPUBLIC OF
INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 24 December 2013

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2013 NUMBER 238

Jakarta, 14 September 2023
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION
OF
REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
NUMBER 86 OF 2013
ON
PROCEDURES FOR THE IMPOSITION OF ADMINISTRATIVE SANCTIONS TO
NON-STATE ADMINISTRATOR EMPLOYERS AND ANY PERSON, OTHER THAN
EMPLOYERS, WORKERS AND CONTRIBUTION AID RECIPIENTS IN THE
ADMINISTRATION OF SOCIAL SECURITY

I. GENERAL

In the preamble of the 1945 Constitution of the Republic of Indonesia, the mandate of the state's goal is to improve people's welfare. In the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia, this goal is further emphasized by developing a social security system for the welfare of all people.

Law Number 24 of 2011 on Social Security Agency stipulates 2 (two) Badan Social Security Agencies namely BPJS Kesehatan dan BPJS Ketenagakerjaan to implement national social security programs. BPJS Kesehatan implements a health security programs while BPJS Ketenagakerjaan implements an employment injury security, old-age security, pension security, and death security programs to all employers, wage recipient workers and non-wage recipient workers and their family members.

The expectation of the implementation of the 5 (five) social security programs in the national social security system is that external and sustainable membership can be reached so that all of them can adequately meet the basic needs of the entire population.

For compliance with provisions regulating social security programs in the administration of social security by Non-State Administrator Employers and any person, other than employers, Workers and contribution aid recipients, Article 17 section (5) of Law Number 24 of 2011 on Social Security Agency states that, non-state administrator employers who do not implement the provisions as referred to in Article 15 section (1) and section (2) and any person, other than employers, Workers, and contribution aid recipients who do not implement the provisions as referred to in Article 16 are subject to administrative sanctions. Administrative sanctions can be in the form of written warnings, fines, and/or denial of certain public services.

The imposition of administrative sanctions has the aim to make the Non-State Administrator Employers and any person, other than employers, Workers, and contribution aid recipients comply with their obligations in order to protect the workers' rights in the membership of social security programs. In line with the above considerations, it is necessary to issue a Government Regulation on Procedures for the Imposition of Administrative Sanctions for Non-State Administrator Employers and Any Person, Other Than Employers,

Workers and Contribution Aid Recipients in the Administration of Social Security.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Section (1)

The term “provisions of legislation” means legislation regulating on membership phases.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Section (1)

The term “written warning” means the form of a letter issued by BPJS and delivered to Non-State Administrator Employers and any person, other than Employers, Workers, and contribution aid recipients in the administration of social security to fulfill their obligations in implementing social security programs.

Section (2)

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

The term “institution responsible for manpower affairs” means an institution that carries out government affairs in the field of manpower within the Government, provincial governments and regency/municipal governments pursuant to their authority.

The term “other obligations” means:

- a. the obligation to register themselves and their Workers as Members;
- b. report membership data including changes in salary or wages;
- c. number of Workers and their families;
- d. Worker' address; and
- e. Worker status.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.