



THE PRESIDENT
REPUBLIC INDONESIA

GOVERNMENT OF THE REPUBLIC OF INDONESIA REGULATION

NUMBER 37 OF 2021

CONCERNING

IMPLEMENTATION OF JOB LOSS BENEFIT PROGRAM

WITH THE GRACE OF THE GOD ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : whereas in order to implement the provisions of Article 82 and Article 185 letter b of of Law Number 11 of 2020 concerning Job Creation, it is necessary to stipulate a Government Regulation on the Implementation of the Job Loss Benefit Program;

In view of :

1. Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 13 of 2003 concerning Manpower (State Gazette of the Republic of Indonesia Year 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
3. Law Number 40 of 2004 concerning National Social Security System (State Gazette of the Republic of Indonesia Year 2004 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 4456);
4. Law Number 24 of 2011 concerning Social Security Administering Bodies (State Gazette of the Republic of Indonesia Year 2011 Number 116, Supplement to the State Gazette of the Republic of Indonesia Number 5256);



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5. Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia Year 2020 Number 245, Supplement to State Gazette of the Republic of Indonesia Number 6573);

HAS DECIDED:

To stipulate : GOVERNMENT REGULATION CONCERNING THE IMPLEMENTATION OF JOB LOSS BENEFIT PROGRAM.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Government Regulation what is meant by:

1. *Jaminan Kehilangan Pekerjaan* (Job Loss Benefit), hereinafter abbreviated as JKP, shall be a social security provided for a worker/laborer whose employment is terminated, in the forms of cash benefits, access to labor market information, and vocational training.
2. Worker/Laborer shall be any person who works by receiving wages or other forms of remuneration.
3. Employer shall be:
 - a. individuals, associations, or legal entities operating their own company;
 - b. individuals, associations, or legal entities independently operating companies that do not belong to them;
 - c. individuals, associations, or legal entities who are in Indonesia, representing companies as referred to in



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letters a and b which are domiciled outside the territory of Indonesia.

4. Wages shall be workers'/laborers' rights received and expressed in cash as compensation from the employer to workers/laborers, set and paid according to an employment agreement, agreement, or laws and regulations, including allowances for Workers/Laborers and their families for a job and/or service that has been or will be performed.
5. Termination of Employment shall be the termination of an employment relationship due to certain matters resulting in the termination of rights and obligations between Workers/Laborers and their employers.
6. JKP Participants, hereinafter referred to as Participants, shall be Workers/Laborers who are in an employment relationship with the employer and have registered and paid contributions.
7. *Jaminan Kesehatan* (Health Insurance), hereinafter referred to as JKN, shall be an insurance in the form of health protection to allow Participants receive benefits of health care and protection in meeting their basic health needs provided to everyone who has paid health insurance contributions or whose health insurance contributions are paid by the National Government or Local Governments.
8. *Jaminan Kecelakaan Kerja* (Occupational Accident Benefit), hereinafter referred to as JKK, shall be a benefit in cash and/or health services provided when a Participant has an occupational accident or disease caused by the work environment.
9. *Jaminan Hari Tua* (Old-Age Benefit), hereinafter referred to as JHT, shall be a benefit in cash paid in lump sum when Participants reach the retirement age, die, or have permanent



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total disability.

10. *Jaminan Pensiun* (Pension Benefit), hereinafter referred to as JP, shall be a social security which aims to maintain a decent standard of living for Participants and/or their heirs by providing income after Participants reach the retirement age, have permanent total disability or die.
11. *Jaminan Kematian* (Death Benefit), hereinafter referred to as JKM, shall be a benefit in cash provided for the heirs when a Participant dies not due to an occupational accident.
12. Employment Social Security Administering Body, hereinafter referred to as BPJS Employment, shall be a public legal entity established under Law Number 24 of 2011 concerning Social Security Administering Bodies.
13. Health Social Security Administering Body, hereinafter referred to as BPJS Health, shall be a public legal entity established under Law Number 24 of 2011 concerning Social Security Administering Bodies.
14. Employment Information System shall be a digital ecosystem that becomes a platform for all types of public services and activities in the field of manpower, both at the national and local levels.
15. Vocational Training shall be all activities to provide, obtain, improve and develop job competence, productivity, discipline, attitudes and work ethic at a certain skill and expertise level according to the level and qualification of an occupation or job.
16. Vocational Training Center shall be a government agency and legal entity that meets the requirements to provide Vocational Training.



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17. National Government shall be the President of the Republic of Indonesia who holds the governmental power of the Republic of Indonesia, assisted by the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.
18. Labor Inspectors shall be civil servants who are fully assigned for the duties, responsibilities, powers and rights by the authorized official to conduct the activities of assisting, examining, testing, investigating and developing the labor inspection system in accordance with the provisions of laws and regulations.
19. Minister shall be the minister administering the government affairs in the manpower sector.

Article 2

- (1) Employers shall be required to enroll their Workers/Laborers to be Participants in the JKP program.
- (2) The JKP program as referred to in paragraph (1) shall be implemented to maintain a decent standard of living in the event that Workers/Laborers lose their jobs.

Article 3

The JKP as referred to in Article 2 shall be administered by BPJS Employment and the National Government.



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CHAPTER II

PARTICIPATION AND PROCEDURE FOR REGISTRATION

Part One

Participation

Article 4

- (1) Participants shall consist of:
 - a. Workers/Laborers who have been enrolled by their Employers in the social security programs; and
 - b. Workers/Laborers who are just registered by their Employers with the social security programs.
- (2) The participants as referred to in paragraph (1) shall meet the following requirements:
 - a. Indonesian citizens;
 - b. less than 54 (fifty four) years old at the time of registration; and
 - c. within an employment relationship with an employer.
- (3) In addition to the requirements as referred to in paragraph (2), they shall also meet the following conditions:
 - a. Workers/Laborers who work for large and medium enterprises shall be enrolled in the JKN, JKK, JHT, JP, and JKM programs; and
 - b. Workers/laborers who work for small and micro



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enterprises shall be enrolled at least in the JKN, JKK, JHT, and JKM programs.

- (4) The participants of the JKN program as referred to in paragraph (3) shall be wage-receiving workers for a business entity.

Part Two

Procedure for Registration

Article 5

- (1) Workers/Laborers who have been enrolled by their employers with the social security programs as referred to in Article 4 as of the date of the promulgation of this Government Regulation shall automatically be Participants.
- (2) The employers as referred to in paragraph (1) shall be provided with a JKP program participation certificate by BPJS Employment.
- (3) Workers/Laborers as referred to in paragraph (1) shall be provided with proof of participation in the JKP program by BPJS Employment.

Article 6

- (1) Employers who register their Workers/Laborers with the JKP program shall be required to submit a completely and correctly filled-in registration form to BPJS Employment no later than 30 (thirty) days from the date the Worker/Laborer



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starts working.

- (2) The registration form as referred to in paragraph (1) shall at least contain:
 - a. ID number;
 - b. Worker's/Laborer's date of birth; and
 - c. number and/or date of commencement and expiration of employment agreement.
- (3) BPJS Employment shall be required to provide participation number no later than 1 (one) day after the completely and correctly filled-in registration form is received and the first contribution is paid in full to BPJS Employment.
- (4) The employers as referred to in paragraph (1) shall be provided with the JKP program participation certificate by BPJS Employment.
- (5) Workers/Laborers as referred to in paragraph (1) shall be provided with the JKP program participation proof by BPJS Employment.

Article 7

The JKP program participation proof for Workers/Laborers as referred to in Article 5 paragraph (3) and Article 6 paragraph (5) shall be integrated in 1 (one) participation card of social security program of BPJS Employment.



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Article 8

- (1) Workers/laborers who are in employment relationships with more than 1 (one) employer shall be registered with the JKP program by each of the employers.
- (2) Having been registered as Participants, Workers/Laborers as referred to in paragraph (1) shall choose one of the companies as the place of work registered for the JKP program to BPJS Employment.

Article 9

In the event of a change in company name, office address, business scale, Wage data, Worker/Laborer data, and other data changes related to the JKP program participation, the employers shall be required to submit the changes to BPJS Employment no later than 7 (seven) working days after the changes occur.

Article 10

- (1) Registration as referred to in Article 5 and Article 6, as well as data changes as referred to in Article 9 shall be made online or offline.
- (2) Further provisions regarding the procedure for registration shall be regulated in a Ministerial Regulation.

CHAPTER III

CONTRIBUTION AND PROCEDURE FOR CONTRIBUTION
PAYMENT



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Part One

Contribution

Article 11

- (1) The JKP program contribution shall be paid monthly.
- (2) The contribution as referred to in paragraph (1) shall be 0.46% (zero point forty six percent) of the monthly Wages.
- (3) The contribution of 0.46% (zero point forty six percent) as referred to in paragraph (2) shall come from contributions paid by the National Government and JKP funding sources.
- (4) The contribution paid by the National Government as referred to in paragraph (3) shall be 0.22% (zero point twenty two percent) of the monthly Wages.
- (5) The JKP funding sources as referred to in paragraph (3) shall be a recomposition of the contributions for JKK and JKM programs, with the following conditions:
 - a. the JKK contribution shall be recomposed at 0.14% (zero point fourteen percent) of the monthly Wages, to make the JKK Contribution for each risk level group into:
 1. very low risk level at 0.10% (zero point ten percent) of the monthly Wages;
 2. low risk level at 0.40% (zero point forty percent) of the monthly Wages;
 3. moderate risk level at 0.75% (zero point seventy



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- five percent) of the monthly Wages;
4. High risk level at 1.13% (one point thirteen percent) of the monthly Wages; and
 5. very high risk level at 1.60% (one point sixty percent) of the monthly Wages;
- b. The JKM contribution shall be recomposed at 0.10% (zero point ten percent) of the monthly Wages, to make the JKM contribution 0.20% (zero point twenty percent) of the monthly Wages.
- (6) The wages used as the basis for calculating the contribution as referred to in paragraph (2) shall be the Workers/Laborers' last Wages reported by the Employer to BPJS Employment and do not exceed the upper limit of Wages.
 - (7) The upper limit of Wages as referred to in paragraph (6) for the first time shall be set at IDR 5,000,000.00 (five million rupiah).
 - (8) In the event that a Wage exceeds the upper limit of Wages as referred to in paragraph (7), the Wage used as the basis for calculating the contribution shall be the upper limit of Wages.

Article 12

- (1) The contribution rates and upper limit of Wages as referred to in Article 11 paragraph (2) and paragraph (7) shall be periodically evaluated every 2 (two) years by taking both the national economic conditions and the calculation of the adequacy of actuarial obligations into account.
- (2) The evaluation as referred to in paragraph (1) shall be conducted by the ministry administering the government



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affairs in the manpower sector in coordination with the ministry administering the government affairs in the financial sector and the National Social Security Council.

- (3) The contribution rates and upper limit of Wages resulting from the evaluation as referred to in paragraph (1) shall be stipulated by a Government Regulation.

Article 13

- (1) The monthly wages as referred to in Article 11 which are used as the basis for calculating the contribution payment shall consist of basic wages and fixed allowances.
- (2) In the event that the Wages in a company do not use the components of basic Wages and fixed allowances, the basis for calculating the contribution payment shall be the Wages without allowances.
- (3) In the event that the Wages in a company consist of basic Wages and non-fixed allowances, the basis for calculating the contribution shall be the basic Wages.

Part Two

Procedure for Contribution Payment

Article 14

The contribution as referred to in Article 11 shall be paid to BPJS Employment based on participation data from the BPJS Employment.



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Article 15

- (1) Participation data as referred to in Article 14 shall be integrated with BPJS Health participation data.
- (2) For data integration as referred to in paragraph (1), the BPJS Health shall submit the participation data as referred to in Article 4 paragraph (4) to the BPJS Employment.
- (3) The participation data as referred to in paragraph (1) shall be verified and validated by BPJS Employment.
- (4) The verified and validated data as referred to in paragraph (1) shall be submitted to the Minister.

Article 16

- (1) In the event that the contribution recomposition as referred to in Article 11 paragraph (5) is delayed, the National Government shall not pay the contributions.
- (2) In the event of the implementation of contribution recomposition as referred to in Article 11 paragraph (5), the arrears have been paid, the National Government shall pay the unpaid contributions in accordance with the month of payment of the contributions in arrears.

Article 17

- (1) Further provisions regarding the procedure for payment of contributions paid by the National Government shall be regulated by a Regulation of the minister administering the



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government affairs in the financial sector.

- (2) Further provisions regarding the procedure for the implementation of contribution recomposition shall be regulated by a Ministerial Regulation.

CHAPTER IV
JKP BENEFITS

Part One

General

Article 18

JKP benefits shall be in the forms of:

- a. cash;
- b. access to labor market information; and
- c. Vocational training.

Article 19

- (1) JKP benefits shall be provided for Participants whose Employment is terminated, for the employment relations based on both employment agreements for an unspecified period of time or employment agreements for a specified period of time.



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- (2) In addition to meeting the condition as referred to in paragraph (1), JKP beneficiaries shall be willing for re-employment.
- (3) JKP benefits may be claimed after the Participants have contributed at least 12 (twelve) months in 24 (twenty four) months and have paid contributions for at least 6 (six) consecutive months to BPJS Employment prior to termination of employment.

Article 20

- (1) JKP benefits for Participants whose Employment is terminated shall be exempted for the Employment Termination under the following reasons:
 - a. resignation;
 - b. permanent total disability;
 - c. retirement; or
 - d. death.
- (2) The JKP benefits for Participants whose employment relationship is based on an employment agreement for a specified period of time shall be provided if the Employment is terminated by the employers prior to the expiration of the employment agreement for a specified period of time.
- (3) The termination of employment relationship as referred to in paragraph (1) shall be proven by:
 - a. proof of acceptance of the Employment Termination by the Workers/Laborers and receipt of a report on the Employment Termination from the office administering



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the district/city government affairs in the manpower sector;

- b. a collective agreement that has been registered with the industrial relations court and a collective agreement registration certificate; or
- c. excerpt or decision of industrial relations court with permanent legal force.

Part Two

Benefits in Cash

Article 21

- (1) Benefits in cash shall be provided monthly for a maximum of 6 (six) months of Wages with the following conditions:
 - a. 45% (forty five percent) of the Wages for the first 3 (three) months; and
 - b. 25% (twenty five percent) of the Wages for the next 3 (three) months.
- (2) The wage used as the basis for the payment of the benefit in cash shall be the Worker's/Laborer's last wage reported by the Employer to BPJS Employment and does not exceed the established upper limit of Wages.
- (3) The upper limit of wages for the first time shall be set at IDR 5,000,000.00 (five million rupiah).
- (4) In the event that the Wage exceeds the upper limit of Wages, the Wage used as the basis for the payment of the benefit in cash shall be the upper limit of Wages.



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Article 22

- (1) The amount of upper limit of Wages as referred to in Article 21 paragraph (3) shall be evaluated every 2 (two) years.
- (2) The adjustment of the amount of upper limit of Wages as referred to in paragraph (2) shall be stipulated by the minister administering the government affairs in the manpower sector in coordination with the ministry administering the government affairs in the financial sector and the National Social Security Council.
- (3) The amount of upper limit of wages resulted from the evaluation as referred to in paragraph (1) shall be stipulated by a Government Regulation.

Article 23

In the event of Termination of Employment and the Worker's/Laborer's Wage reported as referred to in Article 21 paragraph (2) does not match the actual Wage leading to underpayment of benefit in cash, the Employer shall be required to pay the unpaid benefit in cash to the Worker/Laborer in lump sum.

Article 24

The provision of benefits in cash shall be administered by BPJS Employment.

Part Three



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Benefits of Access to Labor Market Information

Article 25

- (1) The benefits of access to labor market information as referred to in Article 18 letter b shall be provided in the form of services of:
 - a. labor market information; and/or
 - b. vocational counselling.
- (2) The services as referred to in paragraph (1) shall be provided by employment officers (*pengantar kerja*) and/or employment staff (*petugas antarkerja*) through the Employment Information System.

Article 26

- (1) The labor market information services as referred to in Article 25 paragraph (1) letter a shall be provided in the form of provision of data on job vacancies.
- (2) The provision of data on job vacancies as referred to in paragraph (1) shall be implemented in accordance with the provisions of laws and regulations.

Article 27

Vocational counselling services as referred to in Article 25 paragraph (1) letter b shall be provided in the forms of:

- a. self-assessment; and/or



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- b. career counseling.

Article 28

Participants who have received the benefits of access to labor market information and jobs matching with their interests, talents, and competencies shall report their placement through the Employment Information System no later than 7 (seven) days after they are employed.

Article 29

The benefits of access to labor market information shall be provided by the ministry administering the government affairs in the manpower sector.

Part Four

Benefits of Vocational Training

Article 30

- (1) The benefits of Vocational Training as referred to in Article 18 letter c shall be provided in the form of competency-based training.
- (2) The benefits of Vocational Training as referred to in paragraph (1) may be provided through the integration of access to labor market information and the BPJS Employment information system in the Employment Information System.



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- (3) The benefits of Vocational Training may be provided online and/or offline.

Article 31

- (1) Vocational training shall be provided through government-owned, private, or corporate Vocational Training Centers.
- (2) The Vocational Training Centers as referred to in paragraph (1) shall meet the requirements of at least:
 - a. providing job competency-based training in accordance with the needs of the labor market by taking into account national, international, or special job competency standards;
 - b. being registered and verified in the Employment Information System;
 - c. being accredited by an accreditation agency for Job Training Centers as evidenced by an accreditation certificate; and
 - d. being approved by the Minister.
- (3) Further provisions regarding the procedure for registration, selection of types of training, training centers and training utilization shall be regulated by a Ministerial Regulation.

Article 32

- (1) the Vocational Training Centers may cooperate with a professional certification agency to organize competency certification through competency tests.



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- (2) The professional certification agency as referred to in paragraph (1) shall be a professional certification agency licensed by the national professional certification body.

Article 33

- (1) Participants who have received the benefits of Vocational Training shall report the training they have completed through the Employment Information System no later than 7 (seven) working days after the completion of the training.
- (2) Participants as referred to in paragraph (1) may reuse the services of access to labor market information through the Employment Information System to be employed.

Article 34

- (1) The benefits of Vocational Training shall be provided by the ministry administering the government affairs in the manpower sector.
- (2) Further provisions regarding the financing of the benefits of Vocational Training shall be regulated by a regulation of the minister administering the government affairs in the financial sector.

Part Five

Implementation of the provision of JKP Benefits



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Article 35

The right to JKP benefits shall be claimed for a maximum of 3 (three) times during the working age under the following conditions:

- a. the first JKP benefit shall be claimed by the Participants no earlier than the completion of the contribution and participation period as referred to in Article 19 paragraph (3);
- b. the second JKP benefit shall be claimed by the Participants no earlier than the completion of contribution period of 5 (five) years after the receipt of the first JKP benefit; and
- c. the third JKP benefit shall be claimed by the Participants no earlier than the completion of the contribution period of 5 (five) years after the receipt of the second JKP benefit.

Article 36

JKP benefits for Participants with employment relationships with more than 1 (one) Employer shall be provided if the Participants' employment is terminated.

Article 37

- (1) In the event that an employer does not enroll a Worker/Laborer in the JKP program and a termination of employment occurs, the employer shall fulfill the rights of the Worker/Laborer in the forms of:



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- a. benefit in cash with the calculation of benefits as referred to in Article 21 paragraph (1) paid in lump sum; and
 - b. benefit of vocational training as referred to in Article 30.
- (2) The obligation to fulfill the rights of Workers/Laborers as referred to in paragraph (1) shall be exempted for Employers in micro enterprises.

Article 38

The right to JKP benefits cannot be transferred, pawned or confiscated as an implementation of a court decision.

Article 39

- (1) Employers who are in arrears for JKK and JKM contributions which are sources of funding for the JKP program for up to 3 (three) consecutive months and termination of employment occurs, BPJS Employment shall be required to pay benefits in cash as referred to in Article 21 paragraph (1) to Participants.
- (2) In the event that BPJS Employment has paid the benefits in cash as referred to in paragraph (1), the Employers shall be required to pay the contributions in arrears.
- (3) Employers who are in arrears for JKK and JKM contributions which are sources of funding for the JKP program for more than 3 (three) consecutive months and termination of employment occurs, the Employers shall pay in advance the benefits in cash as referred to in Article 21 paragraph (1) to



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Participants.

- (4) In the event that Employers have paid all contributions in arrears and fines to which they are required, the Employers may request reimbursement of benefits in cash that have been paid as referred to in paragraph (3) to BPJS Employment.
- (5) Employers shall submit the request for reimbursement of benefits in cash to BPJS Employment no later than 3 (three) months after the Employers paid the Participants' rights.
- (6) BPJS Employment shall be required to pay the reimbursement of benefits in cash as referred to in paragraph (4) no later than 7 (seven) working days after the receipt of the complete and correct request letter and supporting documents by BPJS Employment.

Article 40

The right to JKP benefits as referred to in Article 18 shall be lost in case the Workers/Laborers:

- a. do not claim for JKP benefits for 3 (three) months after the termination of employment occurs;
- b. have found a job; or
- c. die.

Article 41

Further provisions regarding the procedures for providing JKP



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benefits shall be regulated by a Ministerial Regulation.

CHAPTER V
SOURCES OF FUNDING

Article 42

- (1) JKP funding sources shall come from:
 - a. initial capital from the Government;
 - b. recomposition of social security program contributions;
and/or
 - c. BPJS Employment operating funds.
- (2) The initial capital as referred to in paragraph (1) letter a shall be initial funds sourced from the state budget for funding the JKP program.
- (3) The initial funds as referred to in paragraph (2) shall not be separated state assets.
- (4) The initial funds may be used in the event that the program contributions received are not sufficient to pay program benefits.
- (5) Further provisions regarding the initial funds shall be regulated by a Regulation of the Minister administering the government affairs in the financial sector.

Article 43



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The operating funds as referred to in article 42 paragraph (1) letter c may be used for the JKP program funding in the event that the program contributions received and the initial funds are not sufficient to pay the JKP program benefits.

CHAPTER VI
LABOR INSPECTION

Article 44

The labor inspection of the implementation of the provisions of this Government Regulation shall be performed by the labor inspectors of the ministry administering the government affairs in the manpower sector and/or the offices administering the provincial government affairs in the manpower sector.

CHAPTER VII
DISPUTE SETTLEMENT

Article 45

- (1) Disputes in the implementation of the JKP program between Participants and BPJS Employment and/or between Participants and Employers may be settled by deliberation among the disputing parties.
- (2) The disputes as referred to in paragraph (1) shall be disputes in the civil sector and the disputes on the rights in accordance with the provisions of laws and regulations shall be fully in



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control of the disputing parties and the disputes on which according to the provisions of laws and regulations peace may be made.

- (3) In the event that the settlement as referred to in paragraph (2) fails to make, the settlement shall be made through mediation in accordance with the provisions of laws and regulations.
- (4) In the event that the mediation mechanism as referred to in paragraph (3) fails to be implemented, the settlement may be applied to the district court in accordance with the provisions of laws and regulations.

CHAPTER VIII

ADMINISTRATIVE SANCTIONS

Article 46

- (1) Employers who violate the provisions of Article 2 paragraph (1), Article 6 paragraph (1), Article 8 paragraph (1), Article 9, Article 23, Article 37 paragraph (1), and/or Article 39 paragraph (3) shall be subject to administrative sanctions in the forms of:
 - a. written reprimands; and/or
 - b. being not provided with certain public services;
- (2) The imposition of administrative sanctions as referred to in paragraph (1) shall be implemented in stages.
- (3) The written reprimands as referred to in paragraph (1) letter a shall be written reprimands for a violation committed by an



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Employer.

- (4) Being not to be provided with certain public services as referred to in paragraph (1) letter b shall be a sanction imposed by certain public service units on Employers who do not perform their obligations in accordance with the provisions of laws and regulations.

Article 47

- (1) The Minister, relevant ministers, governors, regents/mayors, or officials appointed in accordance with their respective authorities shall impose the administrative sanctions as referred to in Article 46 paragraph (1) on Employers.
- (2) The imposition of administrative sanctions shall be implemented based on the results of the inspection conducted by the labor inspectors based on:
 - a. complaints; and/or
 - b. follow-up on the results of the labor inspection.
- (3) The follow-up on the results of inspection conducted by the labor inspectors shall be described in an inspection note.
- (4) In the event that an inspection note is not implemented by the employer, the labor inspector shall submit a report of non-compliance with laws and regulations along with the inspection note to:
 - a. the director general in charge of labor inspection in the ministry administering the government affairs in the manpower sector, for labor inspectors in the ministry



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administering the government affairs in the manpower sector; or

- b. the head of the offices administering the provincial government affairs in the manpower sector, for labor inspectors in the offices administering the provincial government affairs in the manpower sector.
- (5) The director general or the head of offices as referred to in paragraph (4) shall submit recommendations to the officials authorized to impose administrative sanctions.
 - (6) The relevant ministers, governors, regents/mayors, or appointed officials shall notify the implementation of administrative sanctions to the Minister.

CHAPTER IX

CLOSING PROVISIONS

Article 48

- (1) For JKP participation, BPJS Health and BPJS Employment shall integrate the JKP participation data.
- (2) The data integration as referred to in paragraph (1) shall be conducted no later than 6 (six) months since the entry of this Government Regulation into force.
- (3) During the period of data integration as referred to in paragraph (2), BPJS Employment may register for JKP participation without paying attention to JKN participation.
- (4) In the event that upon the expiration of the integration period there is JKP participation that does not meet the JKN



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participation requirements, the contribution that has been paid by the national government shall be calculated in the next JKP contribution payment.

Article 49

Upon the entry of this Government Regulation into force, the provisions regarding asset management of occupational accident social security funds and death social security funds regulated by the Government Regulation Number 99 of 2013 concerning Employment Social Security Asset Management (State Gazette of the Republic of Indonesia Year 2013 Number 256, Supplement to the State Gazette Republic of Indonesia Number 5486) as amended by Government Regulation Number 55 of 2015 concerning Amendment to Government Regulation Number 99 of 2013 concerning Employment Social Security Asset Management (State Gazette of the Republic of Indonesia Year 2015 Number 179, Supplement to the State Gazette of the Republic of Indonesia Number 5724), shall be applicable for asset management of job loss social security funds until the law and regulations governing the asset management of job loss social security funds come into effect.

Article 50

This Government Regulation shall come into force on the date of promulgation.

For public cognizance, ordering the promulgation of this Government Regulation by placing it in the State Gazette of the Republic of Indonesia.



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Stipulated in Jakarta

at 2 February 2021

THE PRESIDENT OF THE
REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta

at 2 February

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

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
YEAR 2021 NUMBER 47

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MINISTRY OF STATE SECRETARIATE

Deputy of Laws and Regulations

Lydia Silvanna DJaman



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EXPLANATION OF
GOVERNMENT OF THE REPUBLIC OF INDONESIA REGULATION
NUMBER 37 OF 2021
CONCERNING
IMPLEMENTATION OF THE JOB LOSS BENEFIT PROGRAM

I. GENERAL

In Article 28H paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is mandated that every person has the right to social security which enables him or her to completely develop as a dignified human being. The government is committed to implement the mandate of the 1945 Constitution of the Republic of Indonesia by promulgating Law Number 40 of 2004 concerning the National Social Security System.

The national social security system is basically a state program that aims to provide assurance of social protection and welfare for all Indonesian people. Through the national social security programs, every citizen is expected to be able to meet their basic need for a decent life in the case of events that may result in loss or reduction of income, due to illness, accident, loss of employment, reaching old age, retirement, or death.

In order to realize the referred national social security system, the Government has promulgated Law Number 24 of 2011 concerning Social Security Administering Bodies. In the Law Number 24 of 2011, 2 (two) social security administering bodies, namely BPJS Health and BPJS Employment are stipulated. BPJS Health administers the JKN program, while BPJS Employment administers the JKK, JHT, JP, and JKM programs.

Pursuant to the International Labor Organization Convention Number 102 of 1952, the government is required to provide complete social security protection for its



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citizens, leading to the continuous improvement of the implementation of social security. For this reason, through Law Number 11 of 2020 concerning Job Creation, improvements have been made to several provisions of Law Number 40 of 2004 concerning the National Social Security System and Law Number 24 of 2011 concerning Social Security Administering Bodies. The provisions of Article 82 of Law Number 11 of 2020 concerning Job Creation have completed Law Number 40 of 2004 concerning the National Social Security System by adding 1 (one) new program, namely JKP, so the overall social security programs include JKN, JKK, JHT, JP, JKM, and JKP. Furthermore, in Article 83 of Law Number 11 of 2020 concerning Job Creation, improvements have also been made to the provisions of Law Number 24 of 2011 concerning Social Security Administering Bodies which stipulate that BPJS Employment administers the JKK, JHT, JP, JKM and JKP programs.

The rationale for the birth of the JKP program is as a result of the absence of social security for Workers/Laborers whose employment is terminated, making them using the benefits of JHT to meet their daily needs, while in essence JHT is social protection when workers/laborers are unable to work because they reach old age or have total permanent disability.

The situation where Workers/Laborers lose their jobs will certainly affect the degree of their social status, especially the environment in which they live and the community in general. Therefore, the implementation of JKP aims to maintain a decent standard of living when a Worker/Laborer loses his or her job or is terminated of his or her employment so that it will motivate Workers/Laborers to be re-employed or to be self-employed.

This Government Regulation regulates the participation, contributions, benefits, and implementation of the JKP program that is integrated into an effective system, funding sources, and administrative sanctions.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.



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Article 2

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by “to maintain a decent standard of living” is that by receiving the JKP benefit, the Workers/Laborers are able to meet their basic need for a decent living when there is a risk of termination of employment and they are in effort to be re-employed.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Self-explanatory.

Article 7

Self-explanatory.

Article 8

Self-explanatory.

Article 9

Self-explanatory.



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Article 10

Self-explanatory.

Article 11

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Contributions paid by the National Government come from the state budget.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Article 12

Self-explanatory.



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Article 13

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Self-explanatory.

Article 16

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Self-explanatory.

Article 19

Paragraph (1)

Self-explanatory.

Paragraph (2)

What is meant by “willing for re-employment” is working as a wage receiving worker or self-employed.

Paragraph (3)

Self-explanatory.

Article 20

Paragraph (1)



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Letter a

Self-explanatory.

Letter b

What is meant by “permanent total disability” is a disability resulting in the inability of a person to perform any work.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Paragraph (1)

Self-explanatory.



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Paragraph (2)

What is meant by “employment officer” is a civil servant who is fully assigned for the duties, responsibilities, authorities and rights by the authorized official to perform employment services.

What is meant by “employment staff” is an officer with the competence to perform employment activities and is appointed by the authorized official to perform employment services.

Article 26

Self-explanatory.

Article 27

Letter a

What is meant by “self-assessment” is a description of the Participant’s self-potential obtained through online or offline assessment.

Letter b

What is meant by “career counseling” is consultation provided to Participants regarding information on the world of work including job specifications and vocational training required by the Participants.

Article 28

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31



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Paragraph (1)

What is meant by “government-owned vocational training centers” are vocational training centers owned by the national government or local governments.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Self-explanatory.

Article 35

What is meant by “working age period” is the period of time when a person starts working up to the age limit for receiving pension benefits in accordance with the provisions of laws and regulations.

Article 36

JKP benefits for participants who work for more than 1 (one) employer are still provided no more than 3 (three) times during the working age.

Article 37

Paragraph (1)



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The provisions in this article do not eliminate the employers' obligation to enroll their Workers/Laborers to be Participants of the JKP program.

Paragraph (2)

Self-explanatory.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Self-explanatory.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Self-explanatory.



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Article 47

Self-explanatory.

Article 48

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Self-explanatory.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 6649