

The National Health Social Guarantee System in the Perspective of Legal Justice

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ABSTRACT

Constitutionally, health is a human right, so the government is obliged to provide adequate health facilities in accordance with the concept of the right to health. The concept of the right to health is a concept contained in the law that provides justice for society. The Act as a written law that regulates the health social guarantee system is a guideline for the government in making policies. The problem is that every policy made by the government by increasing the contributions of the Social Security Administration Agency will provide a sense of justice for the community. The research method uses normative legal research methods. The results of the study explain that presidential regulations which are policies made by the government are not in line with the law, and justice in question is justice according to the law, because the law made has provided justice, especially in obtaining the right to health. The community has the right to good health provided by the government, including adequate health services.

Keywords: Social Guarantee, Legal Justice, Presidential Regulation

I. INTRODUCTION

Health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian people and is constitutionally guaranteed in Article 28H paragraph (1) of the 1945 Constitution. that allows everyone to live productively socially and economically. Thus, every activity in an effort to maintain and improve the highest degree of public health is carried out based on non-discriminatory, participatory and sustainable principles in the framework of forming Indonesian human resources, as well as increasing the nation's resilience and competitiveness for national development. Health development is part of national development, in health development the goal to be achieved is to increase the optimal degree of public health (Yudithia, et al., 2018). The government is required to be able to provide and increase the

needs of the community in the health sector, namely the need to improve the quality of health services so that they are able to overcome health problems that occur in the community. The need for the Indonesian people for health is increasing, if it cannot be fulfilled it will lead to a decrease in the standard of living of the people which has an impact on the spread of diseases in the community and other health problems.

The government is obliged to guarantee the health of its citizens by establishing a health insurance program to provide health insurance for all Indonesian people. Health insurance is a guarantee in the form of health protection so that participants get the benefits of health care and protection in meeting basic health needs provided to everyone who has paid contributions or whose contributions are paid by the government (Kementerian Kesehatan Republik Indonesia, 2014). The existence of the right to health protection obliges the government to make arrangements so that everyone's health as a right holder is safe from threatening dangers. This obligation is part of the regulatory task carried out by the government (Kurnia, 2007).

The government made various laws and regulations in the health sector, including Law Number 24 of 2011 concerning the Social Security Administering Body which has the aim of providing certainty of social protection and welfare for all people and to realize the goals of a national social security system. This Health Social Security Organizing Agency is to provide national social security in meeting proper health needs for all levels of society based on the principles of humanity, benefits and justice. Health Social Security Administrative Body is an institution that provides health insurance services using an insurance premium system. This insurance premium requires each participant to pay dues in accordance with the chosen class/group.

Implementation of Law Number 24 of 2011, the government made a policy in the form of Presidential Regulation Number 82 of 2018

concerning Health Insurance. The purpose of Health Insurance is health protection so that participants receive health care benefits and protection in meeting basic health needs provided to everyone who has paid health insurance contributions or whose health insurance contributions are paid by the central government or local government. Therefore, the position of the government apparatus in public services is very strategic because it will greatly determine the role of the government in providing the best possible service to the community (Putri & Murdi, 2019). Furthermore, Presidential Regulation Number 82 of 2018 was replaced with Presidential Regulation Number 75 of 2019 concerning Amendments to Presidential Regulation Number 82 of 2018 concerning Health Insurance. Presidential Regulation Number 75 of 2019 is to improve the quality and sustainability of the health insurance program so that it is necessary to adjust rates by increasing premiums or paying insurance.

Presidential Regulation Number 75 of 2019 was then subjected to a judicial review to the Supreme Court and the Supreme Court granted a judicial review of Presidential Regulation Number 75 of 2019 concerning Health Insurance. The Supreme Court canceled the increase in health premiums in Supreme Court Decision Number 7 P/HUM/2020. The reason for canceling the Presidential Regulation was due to the high need for the Indonesian people for health, if it could not be met it would lead to a decrease in the standard of living of the people affected by the outbreak of diseases in the community and other health problems. All people have the right to get health services, the health facilities they need without any difficulties and people don't have to think about how to pay for them. This is in accordance with the conceptual framework stated by the World Health Organization (WHO) that "The WHO's conceptual framework suggests three broad dimensions of UHC: population coverage, service coverage, and financial coverage" (Suprianto & Mutiarin, 2017).

Subsequent government policy made Presidential Regulation Number 64 of 2020 concerning the Second Amendment to Presidential Regulation Number 82 of 2018 concerning Health Insurance. Presidential Regulation Number 64 of 2020 is to replace Presidential Regulation Number 79 of 2019 which was canceled by the Supreme Court. The purpose of enacting Presidential Regulation Number 64 of 2020 is to maintain the quality and sustainability of the health insurance program, including contribution policies, which need to be synergized with state financial policies in a proportional and fair manner and by taking into

account the considerations and recommendations of the Supreme Court Number 7P/Hum/2020. There are three dimensions that need attention from Presidential Regulation Number 64 of 2020. First, universal coverage, according to WHO, is the number of people whose health services are guaranteed. Second, the completeness of guaranteed health services. Third, the proportion of direct costs borne by recipients of health services. These three dimensions are interrelated because the more people who receive health services, the more comprehensive the health service package, so that the amount of costs that must be borne by the community becomes smaller (Firdaus & Wondabio, 2019).

Indonesia has laws that regulate health and health insurance, although the formation of the law itself cannot be separated from politics. The role of political forces sitting in political institutions is very decisive in the process of forming the rule of law by political institutions. However, if the legal position is more decisive than politics, then political activity is regulated by and must be in accordance with the rule of law. On the other hand, when politics is more decisive than law, law is a product of political wills that interact and even compete with one another (Salam, 2015). If the law is more inclined towards politics, then the sense of justice from the law does not exist. Article 2 of Law Number 40 of 2004 stipulates, "The National Social Security System is administered based on the principles of humanity, the principle of benefit, the principle of social justice for all Indonesian people." Justice is an important thing in life, including in the life of the nation and state. In a country, justice is something that must be considered. Thus, there is a problem, namely whether Presidential Regulation Number 64 of 2020 as a policy in regulating the health social security system will provide legal justice for the community because of the increase in contributions that must be paid by the community.

II. RESEARCH METHODS

The research method used is normative legal research, namely regarding the application of normative legal provisions in action to any particular legal event that occurs in society (Muhammad, 2004). Normative legal research is carried out using an approach based on the main raw materials, namely examining theoretical matters concerning legal principles, legal conceptions, views and legal doctrines, regulations and the legal system using secondary data. Secondary data examines the principles, rules, norms and legal rules contained in laws and

regulations and other regulations, studies books, laws and regulations and other documents that are closely related to research (Soekanto, 2006).

III. RESULTS AND DISCUSSION

Theory of Justice in Legal Perspective

Justice and law are two things that cannot be separated, justice is one of the goals of law, with law justice should be achieved. The purpose of law is not only justice, but also legal certainty and expediency (Darmodihardjo & Sidarta, 2008). Justice must be placed higher than legal certainty and expediency. In contract law, the parties can achieve their will, but are limited by the will and interests of other parties. Justice is a condition of moral truth regarding a matter, whether it concerns objects or people. According to most theories of justice has a great degree of importance. John Rawls, the American philosopher who is considered one of the leading political philosophers of the 20th century, stated that justice is the first virtue of social institutions, as is truth in systems of thought (Fauzan & Prasetyo, 2006).

The goal of the Indonesian state is to protect the entire Indonesian nation and all of Indonesia's bloodshed, promote public welfare, educate the nation's life and participate in carrying out world order based on freedom, eternal peace and social justice (Kusuma, 2009). This goal is spelled out in the 1945 Constitution, and its implementation is in the form of various laws and regulations as immovable law which in the form of moving law becomes the rule of law (government based on law) (Priyambodo & Awangga, 2016). Furthermore, according to Aristotle, legal justice is synonymous with general justice, namely justice must be understood in terms of equality. Aristotle however makes an important distinction between numerical equality and proportional equality. Numerical equality gives rise to the principle that all people are equal before the law, while proportional equality gives rise to the principle of giving each person what is due (Bakir, 2009). Aristotle's opinion in the context of numerical similarity is intended to state that there is no difference for anyone in the effort to obtain justice and proportionally is meant as granting rights to anyone seeking justice that is considered appropriate and worthy of receiving it.

Justice must be realized in order to be able to interpret the rule of law, eliminate legal impartiality and remain in the entity of justice (Prastyo & Tanya, 2011). Van Apeldoorn stated that there is a theory that teaches that law only wants justice. Theories that teach this are called ethical theories because according to these theories the

content of law must solely be determined by our ethical awareness of what is fair and what is unjust (Soemitro, 2004). So, justice is an abstract value about how many rights a person must receive based on achievement or justice is every right that must be received by a person in proportion to the obligations he has been given. Rights are special, while general justice is that everyone is seen as equal regardless of their services, achievements or obligations, so that justice is the crown of law. So far, law has only adhered to procedural justice, not substantial justice. In this case, procedural justice is justice that refers to the sound of the law, as long as the sound of the law is realized, formal justice is achieved (Hoesein, 2013).

National Health Social Security System

With the enactment of Law Number 40 of 2004 concerning the National Social Security System, the Indonesian people already have a Social Security system for all Indonesian people. In order to realize the objectives of the national social security system, it is necessary to establish an administrative body in the form of a public legal entity based on the principles of mutual cooperation, non-profit, openness, prudence, accountability, portability, mandatory participation, trust funds, and the results of the management of the Social Security Fund are used entirely for program development and for the benefit of the participants. As mandated by Law Number 40 of 2004 concerning the National Social Security System, a Social Security Administering Body was formed through Law Number 24 of 2011 concerning Social Security Administering Bodies. Under Law Number 24 of 2011, 2 (two) Social Security Administering Bodies were formed, namely the Health Social Security Administering Body and the Employment Social Security Administering Body. The Health Social Security Administering Body began operations organizing the Health Insurance Program on January 1, 2014 and is an institutional transformation of PT Askes (Persero) (Kementerian Kesehatan Republik Indonesia, 2014b). The entire population of Indonesia has a national health insurance to benefit from health care and protection in meeting their basic health needs, which is administered by a reliable, superior and trustworthy Health Social Security Administering Body.

The purpose of implementing this National Health Insurance program is to meet the decent public health needs that are given to everyone who has paid contributions or whose contributions have been paid by the Government. Health insurance participants are everyone,

including foreigners who work for a minimum of 6 (six) months in Indonesia, who have paid contributions. Benefits are social security benefits that are the rights of participants and/or their family members. Each participant has the right to obtain comprehensive health insurance. The benefits of this guarantee are given to participants in the form of comprehensive health services based on medical needs in accordance with medical service

standards. Health facilities are health facilities used in carrying out individual health service efforts, whether promotive, preventive, curative or rehabilitative carried out by the government, regional government and/or the community. To obtain these health services, participants are required to pay contributions from the Health Social Security Organizing Body that has been determined by the government.

Table: 1.
 Contribution Rates for the National Health Social Security Administrative Body

Presidential Regulation Number 111 of 2013	Presidential Regulation Number 19 of 2016	Presidential Regulation Number 28 of 2016
Class I : Rp 59.500	ClassI: Rp 80.000	Class I: Rp80.000
Class II : Rp 42.500	ClassII: Rp 51.000	Class II: Rp51.000
Class III : Rp 25.500	ClassIII: Rp 30.000	Class III: Rp25.500

Table: 2.
 Contribution Rates for the National Health Social Security Administrative Body

Presidential Regulation Number 82 of 2018	Presidential Regulation Number 75 of 2019
Class I : Rp 80.000	Class I: Rp 160.000
Class II : Rp 51.000	Class II: Rp 110.000
ClassIII : Rp 25.500	Class III: Rp 42.000

The government needs to make changes to the contribution costs of the Health Social Security Administering Body because based on actuarial calculations that have been carried out by the government with the contributions stipulated in Presidential Regulation Number 82 of 2018 concerning health insurance or previous regulations it is necessary to make adjustments. In this case the Health Social Security Administrative Body only carries out what has been determined by the government, where there is a change in the collection of Health Social Security Administering Body contributions which were previously regulated in Presidential Regulation Number 82 of 2018 concerning Health Insurance and then regulated in Presidential Regulation Number 75 of 2019 concerning Health Insurance in which there is a change in the collection of contributions. However, with the increase in the contributions of the Social Security Administrative Body for Health, health facilities and services have not changed or been repaired. The enactment of Presidential Regulation Number 75 of 2019 in fact

there is no change to the facilities or health services provided.

This relates to the theory of utilitarianism, which was initiated by Jeremy Bentham, which states that the purpose of law is to provide the greatest benefit and happiness to as many citizens as possible. Judgment of good or bad, whether this law is fair or not really depends on whether the law is able to give happiness to humans or not, and benefit is interpreted the same as happiness (Ali, 2002). The basic principles of Bentham's teachings have a legal purpose, namely that law can guarantee happiness to individuals, then to the masses, that "the greatest happiness of the greatest number". This principle must be applied quantitatively, because the quality of pleasure is always the same. To achieve individual and societal happiness, legislation must achieve four objectives: to provide subsistence (to provide a living), to provide abundance (to provide abundant food), to provide security (to provide protection), and to attain equity (to reach equality)(Ali, 2002).

The increase in contributions and the lack of adequate health facilities resulted in the legal

products issued by the government being inappropriate because they did not provide benefits and happiness for the community in this case to obtain health facilities. The government should improve or improve existing health facilities, but in fact this cannot be realized as evidenced by the gap in health facilities provided by the Health Social Security Administrative Body, which in this case are in type B, C and D hospitals, it can be seen that the fulfillment of the improvement of health services by the Health Social Security Administering Body as a counterweight to the interests of the community cannot be fulfilled.

Judicial Review of Presidential Regulation Number 75 of 2019

Judicial review is a mechanism for examining certain laws and regulations by a judge. The review is carried out on a statutory provision against a higher statutory regulation or against the constitution as the highest law. The Supreme Court is given the authority to examine statutory regulations under statutes (Marzuki, 2004). Judicial review was carried out by the Indonesian Dialysis Patient Community to the Supreme Court because they felt very burdened by the issuance of Presidential Regulation Number 75 of 2019 concerning Health Insurance. One of the reasons for the judicial review is Presidential Regulation No.75 of 2019 is a government policy that has increased the BPJS Kesehatan contribution rate by 100% in 2020. The increase in the contributions of the Social Security Administering Body without a clear basis and logical calculations, which is only to cover losses incurred as a result of errors and negligence in the administration of the Social Security Administrative Body, so that the people must be burdened with paying more expensive contributions. Lower and middle classes people who actually only have low purchasing power. The increase in contributions for the Social Security Administrative Body by 100% cannot be justified and accepted with logical thinking because it contradicts the principles of implementing national health insurance which is a Pure Non-Profit Institution in accordance with Article 4 letter b Law Number 40 of 2004 concerning the Insurance System National Social Security Agency and Article 4 letter b Law Number 24 of 2011 concerning Social Security Administering Bodies.

Presidential Regulation Number 75 of 2019 concerning Health Insurance also contradicts the provisions of Article 2 of Law Number 40 of 2004 concerning the National Social Security System which states that "The National Social

Security System is organized based on the principles of humanity, the principle of benefit, and the principle of social justice for all people. Indonesia." With the increase in contributions, the Health Social Security Administrative Body (BPJS) does not consider these various principles. Presidential Regulation Number 75 of 2019 concerning Health Insurance also contradicts Article 4 in conjunction with Article 5 paragraph (2) of Law Number 36 of 2009 concerning Health which states that every individual, family and community has the right to receive health protection, and the state is responsible for ensuring fulfillment of the right to healthy life for its inhabitants. Article 5 paragraph (2) of Law Number 36 of 2009 concerning Health states that "everyone has the right to obtain safe, quality and affordable health services." Presidential Regulation Number 75 of 2019 concerning Health Insurance also contradicts Article 2 of Law Number 24 of 2011 concerning Social Security Administering Bodies which states that, "Social Security Administering Bodies (BPJS) administer a national social security system based on the principles of humanity, social benefit and justice. for all Indonesian people." Based on these provisions, it can be concluded that the state is obliged and responsible for the provision of proper health service facilities and public service facilities, as well as for implementing a national social security system based on the principles of humanity, the principle of benefit, and the principle of social justice for all Indonesian people.

The request for judicial review submitted by the Indonesian Dialysis Patient Community (KPCDI) was partially granted in the Supreme Court Decision Number 7 P/HUM/2020 on the grounds that: (a) Article 34 paragraph (1) and paragraph (2) of Republic of Indonesia Presidential Regulation Number 75 of 2019 concerning Amendments to Presidential Regulation Number 82 of 2018 concerning Health Insurance, contradicts higher statutory provisions, namely Article 2 of the Law of the Republic of Indonesia Number 40 of 2004 concerning the National Social Security System and Article 2 of the Law of the Republic of Indonesia Number 24 of 2011 concerning the Social Security Administrative Body, and (b) Article 34 paragraph (1) and paragraph (2) of the Presidential Regulation of the Republic of Indonesia Number 75 of 2019 concerning Amendment to Presidential Regulation Number 82 of 2018 concerning Health Insurance does not have binding legal force. Accordingly, the Registrar of the Supreme Court is to send a copy of this decision to the State Printing Office to be included

in the State Gazette by ordering the Respondent to pay court costs of Rp. 1,000,000.00 (one million rupiah).

The granting of the request for judicial review explained that Presidential Regulation Number 75 of 2019 concerning Health Insurance is a legal product made by the government without regard to various kinds of regulations above it, so that Presidential Regulation Number 75 of 2019 concerning Health Insurance conflicts with many other legal regulations and also lead to conflict of norms in society. This relates to the theory of legal certainty that when a regulation is made and promulgated it is certain because it regulates clearly and logically so that it does not conflict or cause a conflict of norms.

Implementation of Presidential Regulation Number 64 of 2020

The government ultimately regulates policies related to adjusting the amount of contribution and compliance with payments for participants in the Health Insurance program with Presidential Regulation Number 64 of 2020 as an effort to improve and maintain the ecosystem sustainability of the National Health Insurance program (JKN). This is in line with the decision of the Supreme Court No. 7P/HUM/2020 by making Presidential Regulation Number 64 of 2020 concerning National Health Insurance. Basically, Presidential Regulation Number 64 of 2020 regulates:

1. Review and propose the amount of contribution.
2. Amount of contribution for Non-Paid Participants (PBPU) and Non-Workers (BP)
 - a. Class I contribution of IDR 150,000 per person per month is paid by Non-Paid Participants (PBPU) and Non-Workers (BP) or other parties on behalf of Participants
 - b. The Class II contribution, which is IDR 100,000 per person per month, is paid by Participants who are not Paid Recipients (PBPU) and Non-Workers (BP) or other parties on behalf of the Participant.
 - c. The Class III contribution for 2020 is Rp. 25,500 (Rp. 42,000 minus the Government subsidy of Rp. 16,500), in 2021 and the following year it will be Rp. 35,000.
3. Contribution for Participants of Contribution Aid Recipient(PBI)

The amount of contribution for PBI Health Insurance participants is IDR 42,000 per person per month, and the contributions are paid by the Government.

4. Participant contributions for Government-Owned Public Companies (PPU)/other Business Entities

The amount of contribution for PPU Government/other Business Entities participants has not changed, while the stipulation is that the maximum limit for salaries and allowances is Rp.12,000,000 and the lowest limit is based on the District Minimum Wage.

5. Contribution for newborns

This new regulation also regulates contributions for newborns, which are paid by participants or other parties on behalf of participants when registering no later than 28 days after birth.

The contribution amount will be reviewed every 2 (two) years at the latest by using social security actuarial standard practices that are generally accepted. The increase in rates will take into account a number of factors, including inflation, the cost of health insurance needs, and the ability to pay contributions. The amount of contribution is proposed by the Chairman of the National Social Security Council to the President with a copy to the Minister of Finance who administers government affairs in the financial sector, while the rate will take effect from 1 July 2020. In addition, Presidential Regulation No.64 of 2020 also regulates changes regarding residents registered by the local government. Currently, Contribution Assistance Recipient participants are in accordance with the Integrated Social Welfare Data (DTKS), so that for 2020 beneficiary residents who are registered by the local government, their contributions will follow the provisions that apply to Non-Wage Recipient Participants (PBPU) and Non-Working Participants (BP) for class III. From 2021 onwards, for residents who meet the criteria for being poor and unable, their membership will be added as part of the Contribution Assistance Recipient (PBI) participants, while those who do not meet the Contribution Assistance Recipient (PBI) participation criteria will become Contribution Assistance Recipients (PBI) with service benefits in the treatment room and fees in Class III.

Presidential Regulation Number 64 of 2020 encourages the role of local governments in supporting the National Health Insurance (JKN) program as a national priority program. One of the basic substances regulated in this presidential regulation is related to the budgeting of Health Insurance contributions which are the responsibility of the local government, including the obligation to

contribute as an employer for Village Heads/Apparatuses. In order to support the role of the regional government referred to, attention is needed from the Government Internal Supervisory Apparatus (APIP) for the Health Insurance Contribution at the Regional Government through review and supervision activities at the planning stage, risk-based supervision, or audit activities with a specific purpose. The Government Internal Supervisory Apparatus (APIP) must also supervise the health insurance contribution program at the local government in three ways, namely review and supervision activities at the planning stage, risk-based supervision, and audit activities (Novrizaldi, 2021).

Government policy by making Presidential Regulation No.64 of 2020 regarding the increase in BPJS Health contributions, it is still considered that the government's concern for the low-income people should be questioned again, because the people's constitutional right to a healthy life has been reduced. Therefore, some are of the opinion that Presidential Regulation Number 64 of 2020 must be repealed, arguing that the government can be considered disobedient to the Supreme Court decision Number 7/P/HUM/2020 which canceled Presidential Decree Number 75 of 2019. There are those who argue that by issued a new Presidential Regulation which also contained an increase in the contributions of the Social Security Administering Body (BPJS), the government was deemed to have opposed the court decision. In fact, the Supreme Court's decision is final and binding on everyone, including the President (DPRRI, 2020). Presidential Regulation No. 64 of 2020 simultaneously strengthens executive power which goes far beyond the legislature and judiciary. In fact, in a democratic country, the executive, legislative and judiciary have the same high position. Therefore, the decisions of the three institutions must reinforce each other, not ignore each other. At present, it is not yet timely to increase the contributions of the Health Social Security Administration Agency (BPJS) (DPRRI, 2020).

The community's economic capacity is considered low, with the issuance of Presidential Regulation Number 65 of 2020 it is believed that it will reduce the level of public trust in the government. Because Presidential Regulation Number 75 of 2019 was annulled on the basis of objections and a judicial review by the public, if later Presidential Regulation Number 64 of 2020 is challenged again at the Supreme Court, then the Supreme Court will be consistent with the previous decision which rejected the increase in premiums.

This of course will set a bad precedent, so that the level of public trust in the government will certainly decrease. The increase in contributions stipulated in Presidential Regulation Number 64 of 2020 does not necessarily solve the problem of the Health Social Security Administration Agency (BPJS) deficit. Moreover, this increase in contributions has not been accompanied by calculations and projections of the financial strength of the Social Security Administering Body (BPJS) after the increase, so this increase in contributions only solves the financial problems of the Social Security Administering Body (BPJS) for a moment (DPRRI, 2020).

The government feels the need to increase the BPJS Health premium due to considering the financial condition of the Social Security Administrative Body (BPJS) for Health, which since the implementation of the National Health Insurance Program has always experienced a deficit, and for the sustainability of the Social Security Administering Body (BPJS) itself. In order to overcome this deficit, the Government provided assistance in the form of National Investment of Rp. 5 trillion (2015) and Rp. 6.8 trillion (2016) as well as assistance in the form of expenditure assistance in the State Budget (APBN) of Rp. 3.6 trillion (2017) and Rp. 10.3 trillion (2018) (Kementerian Keuangan Republik Indonesia, 2020). If the government wants to increase the contributions of the Social Security Administering Body (BPJS) for Health for sustainable purposes, then it may not conflict with the interests of the community as explained in the Supreme Court decision Number 7 P/HUM/2020, because the Social Security Administering Body (BPJS) for Health needed by the community as a health service at a cost that can be reached by the community.

The government policy with Presidential Regulation Number 64 of 2020 is a government policy of increasing the Social Security Administration Agency (BPJS) contributions. Presidential Regulation Number 64 of 2020 does not change the previous government's policy, namely increasing the contributions of the Social Security Administration Agency (BPJS). Before increasing the contributions of the Social Security Administrative Body for Health (BPJS) for Health, the government should pay attention to legal justice, so that it does not conflict with the interests of the people who want to get the best possible health facilities. This is as explained by Aristotle in distributive justice, because it deals with the determination of rights and the fair distribution of rights in the relationship between society and the

state, in the sense of what the state should give to its citizens (Nasution, 2014). The basis of distributive justice is the acquisition of rights that arise solely from the circumstances in which a person is a member or citizen of a country. As long as the state is able to provide what its citizens need fairly, or in other words where there is distributive justice, then the situation will approach what is called the state of achieving social justice for society.

The concept of distributive justice is the duty of the government to its citizens to determine what citizens can demand in their country. Such a construction of justice imposes an obligation on legislators to pay attention to it in formulating the concept of justice into an act (law) (Rapar, 1993). Distributive justice can provide protection for citizens' rights, in this case the government can at least provide health protection and health facilities for members of the Health Social Security Administrative Body (BPJS) and their families according to what they are entitled to proportionally according to the ability of each citizen. The state is obliged to protect the rights of citizens to obtain health services and facilities by looking at the condition of each citizen.

IV. CONCLUSION

The government's policy by making government regulations to meet public health needs still does not provide a sense of justice, because every time the government makes a policy in the form of a government regulation it always increases contributions that are burdensome to the community. Presidential regulations which are policies made by the government are not in line with the law. Law Number 24 of 2011 concerning the Social Security Organizing Agency and Law Number 40 of 2004 concerning the National Social Security System and Law Number 36 of 2009 concerning Health provide guidelines or guidelines on how Indonesian people obtain health fairly. Therefore, the justice in question is justice according to the law, because the law provides justice in obtaining the right to health and this is a constitutional guarantee provided by the 1945 Constitution in the form of a law.

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