



## Legal Protection for Increasing Insurance to Firefighters which Experiences Work Risk in the Field

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### ABSTRACT

*The implementation of social protection is one of the responsibilities of the state which is adjusted to the state's financial condition. Social protection is called Jamsostek (Labor Social Security). Jamsostek provides an assurance and protection against socio-economic risks, which can arise due to workplace accidents, disability, illness, old age and death. Protection of security for workers in order to concentrate more on increasing motivation and work productivity is the main thing that must be prioritized by employers. The legal basis must provide a sense of justice, certainty, and legal benefit to firefighters who experience work risks in the field.*

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### 1. Introduction

National development is aimed for developing Indonesia's human resources as a whole. The development of Indonesian HR aims to create a prosperous, just and prosperous society, which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

Along with the amount of population growth, national development has also increased. Precisely, this has a positive value in terms of demography. However, on the other hand, the state should experience the uncertainty risk ahead.

The shelter will increase. A densely populated environment will also emerge. The social environment density can have a negative impact. Fire hazards for example, these case could threaten residential areas, due to increasingly dynamic human activities. Fire is a threat to the safety of the human soul, property, and residential environment.

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By the rapid development and progress of the construction itself, the risk of fire is certainly increasing. A denser housing, the construction of office buildings, the industrial estates can cause vulnerability.

The fire is one of the calamities which cannot be predicted. The density of population occupancy and high risk of fire require the existence of securities which can overcome the risk of loss of property and casualties. The security on the form of compensation is called insurance.

Not only residents of residential areas who must follow insurance programs but also the firefighters who extinguish fires. This insurance protection is called "social protection".

The implementation of social protection is one of the responsibilities of the state which is adjusted to the state's financial condition. Social protection is called Jamsostek (Labor Social Security).

Jamsostek is a government program, to provide basic protection for workers. Firefighters as the occupation in Indonesia are entitled to this program. Jamsostek provides an assurance of protection and protection against socio-economic risks, which can arise due to workplace accidents, disability, illness, old age and death.

In a global perspective, social security is part of the component of Human Rights (HAM). *Universal Declaration of Human Rights (UDHR)* which was established by the United Nations (UN) in 1948, and the convention of the International Labor Organization (ILO) No. 102 of 1992.

In Indonesia, the 1945 Amendment to the 1945 Constitution, article 34 second paragraph, provided the foundation that the state develops a social security system for all people and empowering people who are weak and unable to comply with human dignity.

Furthermore, the participation of the Social Security program is regulated in Law No. 3 of 1992 concerning Workers' Social Security. Meantime, the implementation rules are contained in Government Regulation (PP) Number 14 of 1993; Presidential Decree (Keppres) Number 22 of 1993 and Minister of Labor Regulation (Candy) Number: Per.05/MEN/1993. In 2004, the Government re-issued Law No. 40 of 2004 concerning the National Social Security System (SJSN).

All the basic of legal rules above provide benefits for protecting workers to be more concentrated in increasing motivation and work productivity. However, has the legal basic above provided justice, certainty, and legal benefits to firefighters who experience work risks in the field?

## **2. Method**

This study used an normative juridical approach, which is a method or procedure used to solve problems by first examining existing secondary data, the research was methods were used with prescriptive analytical.<sup>2</sup>

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<sup>2</sup> Soemitro, R.H. (1998). *Metodologi Penelitian Hukum*. Jakarta: Ghalia Indonesia, p. 10.

### 3. Discussion

#### 3.1. The Implementation of Insurance Protection for Firefighters

The implementation of insurance protection for firefighters who experience work risks in the field, agreed on two insurance programs, namely the Health Insurance Program; Ekawarsa and Personal Accident Insurance Program.

1. Health Insurance Program. An insurance program which provides benefits for a certain amount of money if the participant gets sick to be hospitalized and operated on (surgery) in the hospital.
2. Ekawarsa and Personal Accident Insurance Program. Providing benefits in the form of death compensation due to illness or due to workplace accidents, permanent disability compensation or partly due to workplace accidents, as well as reimbursement of medical expenses due to workplace accidents.

According to the insurance company which handles insurance claims, the two insurance programs have four types of claims which can be submitted as of the obligation to pay premiums are fulfilled or already implemented by completing the claim document requirements as follows:

Inpatient insurance claims and surgical operations, conditions submission:

1. letter claims from insurance participants;
2. Photocopy of the participant's proof, in this case the National Identity Card (KTP);
3. Receipts and hospital care documents; and the
4. Photocopy of the health participant insurance certificate.

Hospitalization is someone who is sick due to an illness or due to an accident and hospitalized continuously, for a minimum of six hours.

Surgical surgery is a medical action performed by a doctor or team of doctors on an illness or emergency action due to a work accident that needs to force through a surgical operation.

Submission of claim for death benefit, the condition:

1. Letter of claim submission from policy holder;
2. Letter of death from the competent authority;
3. Original certification when it has been issued;
4. Certificate from the police regarding accidents including post *mortem* in the event of death from a work accident;
5. Hospital certificate (*Visum Et Repertum*) if he dies in the hospital; and the photo of the
6. The photocopy of the insurance participant ID Card.

Submission of claims for permanent or partial permanent disability benefits due to workplace accidents, conditions:

1. Letter of claim filing from the insurance policy holder;
2. Doctor's certificate, the following is an explanation of the defective part and the large percentage of loss of function or organ defects.
3. Photograph of the ID card of the insurance participant.

Permanent or partial disability is a condition which participants experience total or partial permanent disability due to workplace accidents stated by two doctors in which one of the doctors is appointed by the insurance, which causes participants being unable to

carry out work which produces results that deserve to be obtained according to education, expertise, skills and experience.

Submission of treatment claims due to accidents, conditions:

1. Letter of claim filing from insurance policy holders;
2. Doctor's certificate from the hospital; and
3. Original receipts for medical expenses.

The medicinal treatment is a reimbursement of medical expenses due to an accident whose value equally receipts a maximum of 10% of the sum assured. While the accidents are events which happen suddenly, unexpectedly reaching from the will of the participant, such as undesirable violation and there are no intentional elements in the event that result in participants suffering from physical disability or death.

Events that can be considered as workplace accidents in this insurance are sudden poisoning due to the inclusion of gas, accidental vapors containing toxins in the body, or other consequences such as firefighters is crushed by the debris of the building.

Participants in this insurance are firefighters who fulfill membership requirements and are registered for insurance.

The system of premium payments agreed upon by both parties (an insurer and an insured), namely:

1. Premiums are paid singly with a total amount of Rp. 30,000,000 (thirty million rupiah) for 30 (thirty) firefighters, with details:
  - a. Health Insurance Program Premium (ASKES) of Rp. 27,000,000 (twenty seven million rupiah).
  - b. Ekawarsa Insurance and Personal Accident Rp. 3,000,000 (three million rupiah).
2. The amount of premium payments can be increased applicable with the escalation of insurance benefits.
3. The addition insurance of participants, the premium will be calculated based on the insurance period with the actuary as follows:
  - a. Insurance Period up to one month. The formula: premium equals 20% multiplied by one year premium.
  - b. Insurance period up to two months. The formula: premium equals 30% multiplied by one year premium.
  - c. Insurance period up to three months. The formula: premium equals 40% multiplied by one year premium.
  - d. Insurance period up to four months. The formula: premium equals 50% multiplied by one year premium.
  - e. Insurance period up to five months. The formula: premium equals 60% multiplied by one year premium.
  - f. Insurance period up to six months. The formula: premium equals 70% multiplied by one year premium.
  - g. Insurance period up to seven months. The formula: premium equals 80% multiplied by one year premium.
  - h. Insurance period up to eight months. The formula: premium equals 90% multiplied by one year premium.
  - i. Insurance Period Nine to eleven months. The formula: premium equals 100% multiplied by one year premium.

Premium is a sum of money which must be paid every month as an obligation of the insured for the participation in the insurance program. The amount of premiums for participation in insurance which must be paid has been determined by the insurance company taking into account the conditions of the insured.

### **3.2. The Support Factors and Inhibit the Implementation of Insurance Protection for Firefighters**

The high dedication and the sense of responsibility are possessed by firefighters on the tasks which can be classified as supporting factors for the implementation of insurance protection. The same goes for insurance companies who are able to work well with firefighters, in order to the implementation of insurance protection for officers can be carried out well and in a fast time process.

Another supporting factor is the presence of self-awareness from the fire department about the importance of safety when carrying out tasks in the field. The firefighters strongly support the existence of this insurance protection program, because the existence of this program can reduce the mental and material burden who are experienced by firefighters while serving in the field.

The implementation of insurance protection for firefighters indeed cannot be escaped from the inhibiting factors which results in the implementation or disbursement of funds which is still not optimal.

In this regard, the implementation of insurance protection for firefighters is only hampered by one problem, namely the problem of disbursing premium payment funds which sometimes does not go ahead, so that the implementation of insurance protection cannot run optimally.

For the problem of disbursing insurance premium funds, firefighters are usually constrained by premium payments to insurance companies. The parties who have the most important role is The Local Government in each region and usually argue because of the constraints of the budgeting process in the legislature which must await for the time of budget discussion. As a result, funds that are sometimes submitted by the fire department must wait for the disbursement of the premium funds to be paid to the insurance company.

Therefore firefighters cannot make maximum efforts to overcome these obstacles, because the firefighters themselves are related to external factors.

### **4. Conclusion**

The Implementation of insurance protection for firefighters who experience work risks in the field, agree on two insurance programs, namely the Health Insurance Program; Ekawarsa and Personal Accident Insurance Program. These two of insurance programs could be claimed with four types of insurance claims, such as: (1) Insurance claim for inpatient and surgery; (2) Submission of compensation claim for death; (3) Submission of compensation claim for physical defect permanently or partially because of the work accident; and (4) Submission of compensation claim for medical treatment as a consequence of work risks. The payment system which has been agreed from both of parties (ainsurer and an insured): the premium is paid singularly; Amount of payment can be enhanced as much as the benefit level of insurance itself; if the insurer wants to add the insured, the premium will be counted based on the insurance period of time.

The supporting factor for insurance protection implementation where the insurance party could cooperate adequately with the firefighter party, thus, the insurance protection

implementation for employee could be conducted adequately in concise sort of time. The other supporting factor is the existence of self-awareness from the firefighter parties about the importance of their salvation during working.

The implementation of insurance protection for the firefighters is delayed for one problem, which is the problem of fund disbursement that is sometimes neglected, therefore the implementation of insurance protection could not accomplish ideally. For the fund disbursement problem of insurance premium, the firefighters usually confront the constraint when the firefighters pay premium to insurance party. The party which occupy the most important role is the local government each regional that is usually equivocate as a caused of budgeting process in legislative which the legislative must await for budgeting discussion. Hence, the firefighter party could not overcome the constraint ideally because an external factor is existed.

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#### **Conflict of Interest Statement:**

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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