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Refusal of BPJS Health Patient Services at Community Health Center as a Legal Event from the Perspective of Legal Theory

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Abstract: This article discusses the refusal of services to BPJS Kesehatan patients at community health centers (Puskesmas) as a legal event from a legal theory perspective. BPJS Kesehatan was established to ensure fair and equitable access to health services for all citizens as part of fulfilling social rights guaranteed by the constitution. However, in practice, cases of refusal of services at primary health facilities are still found due to administrative, procedural, and institutional limitations. This condition raises legal issues related to the fulfillment of patient rights, the obligations of health service providers, and the state's responsibility in providing public services. This study uses a normative juridical method by examining relevant laws and regulations, legal doctrine, and legal theories, particularly the theory of legal protection and social justice. A real-life case study in Tebing Tinggi, North Sumatra, is used as an illustration to strengthen the legal analysis. The results of the study indicate that the refusal of BPJS Kesehatan patients at community health centers is a legal event that has the potential to cause administrative violations and undermine the principles of legal certainty and justice in health services.

Keyword: BPJS Kesehatan, Refusal of Health Services, Legal Event, Legal Theory, Puskesmas

INTRODUCTION

Health care is a fundamental human right inherent in every citizen. In the context of a state governed by the rule of law, the fulfillment of the right to health is not only seen as a moral obligation of the state, but also as a legal obligation that must be guaranteed through effective public service policies and systems. The Indonesian Constitution expressly places the right to health as part of the constitutional rights of citizens, as regulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to receive health care. (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 28H ayat (1) This provision emphasizes that the state has an active responsibility to ensure the provision of appropriate, fair and non-discriminatory health services.

As a manifestation of the implementation of this constitutional mandate, the government established the National Social Security System (SJSN), one of whose main pillars is health insurance. This system is then administered by the BPJS Kesehatan (Social Security

Agency for Health), a public legal entity tasked with ensuring access to health services for all Indonesians. Through the National Health Insurance (JKN) program, BPJS Kesehatan is designed to eliminate economic and social barriers to accessing health care, ensuring that every citizen can access healthcare services tailored to their medical needs. (Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional) Thus, BPJS Kesehatan not only functions as a health financing mechanism, but also as a state instrument in realizing social justice in the health sector.

In its implementation, Primary Health Facilities (Faskes I), such as Community Health Centers (Puskesmas), play a crucial role. Puskesmas are the frontline of healthcare services and the primary gateway for BPJS Kesehatan participants to obtain medical services. In addition to functioning as healthcare institutions, Puskesmas are also part of the public service providers, subject to the principles of state administrative law, such as legality, legal certainty, and good service. Therefore, every action or decision by Puskesmas in providing or refusing services to patients has legal consequences. (Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik)

However, the practice of providing healthcare services at community health centers (Puskesmas) has not fully aligns with the ideal goals of the National Health Insurance (JKN) system. In various regions across Indonesia, cases of refusal of services to BPJS Kesehatan patients, particularly at primary healthcare facilities, are still being identified. These refusals are generally based on administrative reasons, such as not having a physical BPJS card, system verification issues, limited service quotas, or other internal reasons. This situation raises legal issues because it significantly hinders the fulfillment of patients' rights to healthcare, which should be guaranteed by the state.

One concrete example occurred at the Tanjung Marulak Community Health Center in Tebing Tinggi City, North Sumatra, where a BPJS Kesehatan patient was reportedly denied care because he did not bring his BPJS card to treatment, even though his membership identity could be verified through population documents. The case drew public attention and prompted the local Health Office to take disciplinary action and dismiss the officer involved. The incident also drew scrutiny from public service watchdogs due to alleged maladministration in the provision of health services. (Ombudsman Republik Indonesia, 2022) This case shows the gap between legal norms that guarantee the right to health and service practices in the field.

From a legal perspective, the refusal of healthcare services to BPJS Kesehatan patients at a Community Health Center (Puskesmas) can be classified as a legal event, as it results in legal consequences in the form of a violation of patient rights and the potential for legal liability for healthcare providers. This legal event is relevant for analysis using legal theory, specifically the theory of legal protection and the theory of justice. The theory of legal protection emphasizes that the law must provide guarantees and effective protection for citizens against arbitrary actions by officials or public service providers. Meanwhile, the theory of justice demands that healthcare, as a basic need, be provided fairly and equally without discrimination based on social or administrative status. (Satjipto Rahardjo, 2014)

Based on this description, this research is crucial in examining the refusal of BPJS Kesehatan patient services at community health centers as a legal event from a legal theory perspective. This study is expected to provide a deeper understanding of the legal implications of refusal of health services and serve as a basis for improving the health care system to be more equitable and oriented towards protecting patient rights.

METHOD

This research uses a normative juridical method, a legal research method that focuses on the study of applicable legal norms, both those contained in legislation and in legal doctrine and theory. This method is used to analyze the refusal of services to BPJS Kesehatan patients

at community health centers as a legal event that has legal consequences for both patients and healthcare providers.

The normative juridical approach was chosen because this research does not focus on collecting field data, but rather on legal analysis of the rules and legal principles that regulate the right to health services. (Peter Mahmud Marzuki, 2017)

The approaches used in this research include a statutory approach and a conceptual approach. The statutory approach is conducted by examining various legal regulations related to national health insurance, BPJS Kesehatan (Indonesian Health Insurance), public services, and human rights in the health sector. Meanwhile, the conceptual approach is used to examine legal concepts and theories, particularly the theory of legal protection and the theory of justice, which are relevant in analyzing the denial of health services to BPJS Kesehatan patients.

RESULTS AND DISCUSSION

Refusal of BPJS Patient Services at Community Health Centers as a Legal Incident

The refusal of services to BPJS Kesehatan patients at a Community Health Center (Puskesmas) is an event that cannot be viewed solely as an administrative or technical issue in healthcare services. From a legal perspective, this event can be classified as a legal event, because the refusal has legal consequences in the form of disruption or even violation of the patient's rights to healthcare services guaranteed by law. An event is said to be a legal event if it has legal consequences for the legal subjects involved, whether in the form of rights, obligations, or legal responsibilities. (Sudikno Mertokusumo, 2019)

In the context of healthcare services, BPJS Kesehatan patients are legal subjects with the right to healthcare services, while Community Health Centers (Puskesmas) act as public service providers with a legal obligation to provide services in accordance with legal standards and provisions. When services are refused without a valid medical or legal basis, this incident has legal consequences in the form of potential violations of patient rights and administrative responsibilities for the healthcare provider. Therefore, the refusal of BPJS Kesehatan patients at Community Health Centers is not only a matter of service ethics but also a legal issue that deserves normative analysis.

BPJS Patient Rights and Community Health Center Obligations in the National Health Insurance System

Under the National Health Insurance system, BPJS Kesehatan participants have the right to receive safe, high-quality, and non-discriminatory health care. This right is part of the social rights guaranteed by the state and must be realized through the provision of effective and equitable health services. The Law on the National Social Security System affirms that every participant has the right to receive health insurance benefits according to their medical needs. (Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional, Pasal 19)

On the other hand, Community Health Centers (Puskesmas), as first-level healthcare facilities, have a legal obligation to provide services to the public, including BPJS Kesehatan participants, in accordance with established service standards. As public service institutions, Puskesmas are also subject to public service principles, such as legal certainty, transparency, professionalism, and non-discrimination. (Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik, Pasal 4) Thus, refusal of services without a clear legal basis can be seen as a violation of the legal obligations of the Community Health Center as a public service provider.

This imbalance between patient rights and the fulfillment of Community Health Center obligations often triggers legal conflicts in BPJS Kesehatan service practices. This demonstrates a gap between ideal legal norms and the reality of implementation on the ground.

Case Analysis of BPJS Patient Rejection in Tebing Tinggi, North Sumatra

One concrete example of a denial of service to a BPJS Kesehatan patient at a community health center occurred at the Tanjung Marulak Community Health Center in Tebing Tinggi City, North Sumatra. In this case, a BPJS Kesehatan patient was reportedly denied service because he did not have a physical BPJS Kesehatan card, even though he could show identification that would have allowed for digital membership verification. This incident subsequently garnered public attention and went viral on social media, prompting the local Health Office to provide guidance and impose administrative sanctions on the officer in question. (Ombudsman Republik Indonesia Perwakilan Sumatera Utara, 2022)

When analyzed from a legal perspective, the reasons for refusing service do not fully align with the principles of public service and the objectives of the National Health Insurance (JKN) system. In the digital era, BPJS Kesehatan membership verification can be conducted through various alternative mechanisms, so refusing service simply because a person does not have a physical card potentially violates the principle of ease and accessibility of health services. This case also demonstrates maladministration in public services, namely actions or decisions by service providers that do not comply with applicable legal standards and procedures.

The incident in Tebing Tinggi emphasized that the rejection of BPJS patients at the Community Health Center can have real legal consequences, including administrative sanctions, institutional guidance, and supervision by state institutions such as the Republic of Indonesia Ombudsman.

Refusal of Service from the Perspective of Legal Protection Theory

According to the theory of legal protection, the law should function to protect the public against arbitrary actions by those in power or public service providers. Satjipto Rahardjo stated that legal protection aims to protect human interests by allocating power to the law so that it can act fairly. (Satjipto Rahardjo, 2014) In the context of health services, BPJS Kesehatan patients are structurally weaker than the service provider institutions.

The refusal of services at community health centers demonstrates the weakness of legal protection for patients, particularly for groups dependent on state social security programs. Therefore, the theory of legal protection demands effective legal mechanisms, both preventive and repressive, to ensure that patients' rights are protected in a concrete manner, not merely normatively.

Refusal of Service from the Perspective of Justice Theory

In addition to the theory of legal protection, the refusal of BPJS patient services can also be analyzed through the theory of justice. Justice in healthcare requires that every individual have equal access to services without discrimination based on economic or administrative status. John Rawls emphasized that social justice must provide the greatest benefit to the most disadvantaged groups in society. (John Rawls, 1999)

BPJS Kesehatan participants generally represent a group of people who require state protection to access healthcare services. Therefore, denying services to BPJS Kesehatan patients at community health centers contradicts the principles of social justice and the goals of the welfare state. The state, through its policies and apparatus, should ensure that healthcare services are provided fairly and humanely to all citizens.

CONCLUSION

Based on the results and discussion outlined above, it can be concluded that the refusal of services to BPJS Kesehatan patients at community health centers constitutes a legal event with real legal consequences for both the patient and the healthcare provider. This refusal

cannot be viewed simply as an administrative or technical service issue, but rather as an action that potentially violates citizens' constitutional rights to healthcare.

Under the National Health Insurance system, BPJS Kesehatan patients have a legal right to receive fair, appropriate, and non-discriminatory healthcare services. Meanwhile, Community Health Centers (Puskesmas), as primary healthcare facilities and public service providers, have a legal obligation to provide services in accordance with public service standards and principles. The discrepancy between patient rights and the implementation of Puskesmas' obligations demonstrates a gap between applicable legal norms and service practices in the field.

The case of denial of service at the Tanjung Marulak Community Health Center in Tebing Tinggi City, North Sumatra, demonstrates that denial of service to BPJS patients without a strong legal basis can have administrative consequences and violate the principles of legal certainty and social justice. This incident underscores the importance of understanding and complying with legal provisions governing health insurance and public services by healthcare providers.

From a legal theory perspective, particularly the theory of legal protection and justice, the denial of services to BPJS Kesehatan patients contradicts the legal objectives of protecting public interests and realizing social justice. Therefore, strengthening oversight mechanisms, improving legal understanding among healthcare workers, and enforcing strict administrative sanctions are necessary to ensure that BPJS Kesehatan patients' rights are effectively protected and that healthcare services at Community Health Centers (Puskesmas) operate in accordance with the principles of the rule of law and the welfare state.

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