

INHERITANCE RIGHTS OF THE DEATH BENEFIT UNDER THE SOCIAL INSURANCE EMPLOYMENT AGENCY

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Abstract

The urgency that the BPJS Employment program is held with the aim of providing death benefits to the heirs and benefits so that the heirs can meet the basic needs of a decent life when the participant dies. This research is a normative legal. The results showed that in the provision of death benefits to the heirs must have the status of a spouse (widow or widower) or child of the participant. If the spouse or child does not exist, the heirs are blood descendants in a straight line up and down to the second degree or siblings or in-laws or parties designated in the will by the participant. This is in line with the inheritance system according to the Civil Code, where there are two ways to obtain inheritance, namely first, obtaining inheritance based on the provisions of the law and second, obtaining inheritance based on the will.

Keywords: BPJS employment; Inheritance rights; Death benefit.

Abstrak

Urgensi bahwa program BPJS Ketenagakerjaan diselenggarakan dengan tujuan untuk memberikan santunan kematian kepada ahli waris dan manfaat agar ahli waris dapat memenuhi kebutuhan dasar hidup yang layak ketika peserta meninggal dunia. Penelitian ini merupakan penelitian yuridis normatif (*normative legal research*). Hasil menunjukkan bahwa dalam pemberian manfaat jaminan kematian kepada ahli waris harus berstatus sebagai pasangan (janda atau duda) atau anak dari peserta. Jika pasangan atau anak tidak ada, ahli waris adalah keturunan sedarah menurut garis lurus ke atas dan ke bawah sampai derajat kedua atau saudara kandung atau mertua atau pihak yang ditunjuk dalam wasiat oleh peserta. Hal tersebut sejalan dengan sistem pewarisan menurut KUHPerdara yang mana terdapat dua cara memperoleh warisan, yaitu pertama, memperoleh warisan berdasarkan ketentuan undang-undang dan kedua, memperoleh warisan berdasarkan wasiat.

Kata Kunci: Ketenagakerjaan BPJS; Hak waris; Jaminan kematian.

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INTRODUCTION

The Social Insurance Employment-Agency, hereinafter abbreviated as BPJS, is a legal entity established to administer social insurance programs. In the Law of the Republic of Indonesia Number 24 of 2011 concerning the Social Security Organizing Agency describes the formation and scope of the BPJS itself, namely BPJS Health and BPJS Employment. BPJS Health organizes health insurance programs while BPJS Employment organizes work accident insurance programs, old age insurance, pension insurance and death insurance, which were later added to the new program, namely the job loss insurance program.

In the preamble of the 1945 Constitution of the Republic of Indonesia, it is mandated that the purpose of the state is to improve the welfare of the people. In the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia, this goal was further emphasized by developing a social security system for the welfare of all people. The national social security system is a state program that aims to provide certainty of social protection and welfare for all people as mandated in Article 28H paragraph (1), paragraph (2) and paragraph (3) and Article 34 paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

Social protection for workers is one of the important aspects in creating welfare and economic stability. BPJS Employment or BPJamsostek, as a social security organizing agency in Indonesia, has various programs designed to provide protection for workers, one of which is the Death Insurance (JKM) program. It is emphasized that this program aims to provide financial benefits to the heirs of workers who die, either due to work accidents or other causes. The importance of JKM lies not only in the financial assistance provided, but also in the guarantee that the families of workers left behind do not experience significant economic difficulties due to the loss of the family's backbone. Therefore, an understanding of inheritance rights in the context of JKM is very important, considering that these rights will determine who is entitled to receive the death benefit.

METHOD

This research is a normative legal research using a statute approach, case approach and conceptual approach¹. Analysis of legal materials is carried out by collecting and processing specific legal materials including terms related to the topics discussed, such as inheritance rights, employment social security programs, death insurance and worker protection. The main source of this research is the report on the management of the BPJS Employment death guarantee program which is systematically arranged to find solutions to legal issues using content analysis.

RESULT AND DISCUSSION

1. BPJS Employment Death Assurance Program

The national social security system is a state program that aims to provide certainty of social protection and welfare for all Indonesian people. Through this program, every resident is expected to be able to meet the basic needs of a decent life in the event of things that can result in loss or reduction of income, due to illness, having a Work Accident, losing a job, entering old age, or retiring.

¹ Irwansyah. 2021. *Legal Research, Choice of Methods and Practice of Article Writing*. Revised Edition. Yogyakarta: Mitra Buana Media.

In Law No. 24 of 2011, precisely Article 6 paragraph 2 concerning the Social Security Provider Agency and Job Creation Law No. 11 of 2020, BPJS has 5 programs with great benefits for BPJS Employment participants. Workers in the wage earning sector or formal workers who participate in the BPJS Employment program get the following benefits:² 1) Benefits of the Work Accident Insurance program which includes compensation and rehabilitation for workers who experience work accidents, 2) Death Insurance program benefits in the form of funeral costs and compensation, given to the heirs of BPJS Ketenagakerjaan participants who die not as a result of work accidents. 3) Benefits of the Old Age Security program, fund collection as a saving of money in old age that can be taken when you stop working or have reached the age of 56 without any administrative costs and will even develop above bank deposit interest, 4) Benefits of the Pension Guarantee program, a program that can only be followed by workers in the wage earning sector with the aim that if the worker has retired, he will still get a number of income replacement money, 5) Benefits of the Job Loss Guarantee program, this new program is intended for workers who are suddenly dismissed by the company. BPJS Employment cooperates with the Ministry of Manpower to provide job training and provide information on new job vacancies for workers affected by layoffs.

It becomes in line if juxtaposed with Law Number 24 of 2011, which emphasizes that the authority of BPJS Employment is: (1) collecting contribution payments, (2) placing government-supported pension assets for current and long-term ventures with adequate liquidity, solvency, fairness, security, and return in mind, (3) completing supervision and checking the consistency of members and managers; (4) pursuing agreements with welfare offices referring to standard rates set by public authorities; (5) making or dismissing employment contracts with the welfare office, (6) giving regulatory approvals to members and supervisors who do not fulfill their commitments, and (7) reporting businesses working in skilled authorities that are importantly non-compliant in paying commitments or in fulfilling different prerequisites as per arrangements.

Labor is one of the steps of economic development, which has a significant role in all national activities, specifically the national economy in terms of increasing productivity and welfare. Abundant labor as a driver of economic life and is an abundant resource. Therefore, there is a need for jobs that can accommodate all workers, workers who have the appropriate skills and expertise can increase company productivity.³ The role of workers/laborers in national development is increasing, with the risks, responsibilities and challenges they face. Therefore, to them It is necessary to provide protection, maintenance, and improvement of welfare so that in turn it will be able to increase work productivity.⁴

Social security can be defined as protection provided by society for certain risks or events with the aim of avoiding the occurrence of these events which can result in the loss or decrease of a large part of income and to provide medical services and / or financial guarantees against economic consequences and the occurrence of these events, as well as for family and child benefits. It can be

² Hiah, W, N, F., Nafi'ah, B, A. (2023). Implementation of the Employment Social Security Program for Formal Workers at BPJS Ketenagakerjaan Tanjung Perak. *Public Inspiration: Journal of Public Administration*, 8(2); 67-75. DOI: <https://doi.org/10.22225/pi.8.2.2023.67-75>.

³ Zainal Asikin, et al. 2010. *Basics of Labor Law*. Jakarta: Rajawali Press.

⁴ Fahrul Ramdan Suwandi, et al. 2022. Legal Aspects of the Applicability of BPJS Employment to Work Protection and Security. *Sibatik Journal* (Vol. 2 No. 1 (2022): December): Pages 251-262.

interpreted that by implementing social security for company workers, the company has implemented one of the principles of good corporate governance.⁵

To realize the commitment of the social security system, Law Number 40 of 2004 concerning the National Social Security System has been passed as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law and Law Number 24 of 2011 concerning the Social Security Provider Agency as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. With the enactment of these two laws, the implementation of the national social security system must be carried out in a complete social protection frame to protect Participants from social risks both at work and non-work.

When associated with legal protection of workers, legal protection of workers is a basic right inherent and protected by the constitution as stipulated in Article 27 paragraph (2) of the 1945 Constitution “Every citizen has the right to work and a livelihood worthy of humanity”, and Article 34 paragraph (2) of the 1945 Constitution “The State develops a social security system for all people and empowers the weak and incapable in accordance with human dignity.” Violation of basic rights protected by the constitution is a violation of human rights.⁶

The National Social Security System confirms that death insurance is organized nationally based on the principle of social insurance and death insurance is organized with the aim of providing death benefits paid to the heirs of participants who die.

The JKM program is organized nationally based on a social insurance mechanism characterized by the following:

1. it is a compensation guarantee given to the family or legal heirs when the participant dies.
2. it is a compulsory social life insurance program for participants/workers in the formal and informal sectors.
3. the funding comes from the employer's contribution.
4. paid at once to the heirs if the participant dies.

If reviewed from the academic paper of the SJSN Bill in 2004, it explains in more detail the JKM Program, which is a program that pays a sum of cash to the legal heirs after the participant dies of natural causes or accidents that are not related to work. The benefits of this death guarantee are expected to ease the burden on the heirs of the participants left behind, which can be used to pay for the burial or other needs related to the death of the participant.⁷

In organizing the social security system, BPJS Ketenagakerjaan/BPJamsostek is based on the principles, objectives and principles of implementation. BPJamsostek organizes the national social security system based on 3 principles. The principles of humanity, benefits and social justice for all Indonesian people. The principle of humanity is related to respect for human dignity. The principle of benefits is an operational principle that describes efficient and effective management. Meanwhile, the principle of social justice for all Indonesian people is an idiotic principle. The BPJS Ketenagakerjaan

⁵ Zaeni Asyhadie. 2013. *Employment Law in the Field of Employment Relations*. 3rd ed. Jakarta: PT. Raja Grafindo Persada.

⁶ Rachmat Trijono. 2014. *Introduction to Labor Law*. Depok: Papas Sinar Sinanti.

⁷ Asih Eka Putri. 2020. *Understanding JKK and JKM Work Accident Insurance and Death Insurance*. Jakarta: Friedrich Ebert-Stiftung.

itself aims to realize the implementation of providing guarantees for the fulfillment of the basic needs of a decent life for each Participant and / or his family members.

Regarding the principles of its implementation, BPJamsostek organizes a national social security system based on the principles of mutual cooperation, non-profit, openness, prudence, accountability, portability, compulsory membership, and trust funds. The results of fund management Social security is used entirely for program development and for the greatest interests of participants.

What is meant by the principle of basic necessities of life is the essential needs of every person in order to live properly, for the realization of social welfare for all Indonesian people. What is meant by the principle of mutual cooperation is the principle of togetherness among Participants in bearing the burden of Social Security costs, which is realized by the obligation of each Participant to pay contributions in accordance with the level of salary, wages, or income. What is meant by the principle of non-profit is the principle of business management that prioritizes the use of fund development results to provide the greatest possible benefits for all Participants. The principle of openness is the principle of facilitating access to complete, correct, and clear information for each Participant. The principle of prudence is the principle of managing funds carefully, thoroughly, safely, and orderly. The principle of accountability is the principle of program implementation and financial management that is accurate and accountable. The principle of portability is the principle of providing sustainable guarantees even though Participants change jobs or residences within the territory of the Unitary State of the Republic of Indonesia. The principle of compulsory participation is the principle that requires the entire population to become Social Security Participants, which is implemented in stages. Furthermore, what is meant by the principle of trust funds is that contributions and the results of their development are entrusted funds from Participants to be used to the greatest extent for the benefit of Social Security Participants.

Death Insurance is organized nationally based on the principle of social insurance. It is emphasized that death insurance is organized with the aim of providing death benefits paid to the heirs of participants who die. Death insurance participants are everyone who has paid contributions. Death insurance benefits in the form of cash are paid no later than 3 (three) working days after the claim is received and approved by the Social Security Organizing Agency. The amount of death insurance benefits is determined based on a certain nominal amount.

To obtain JKM benefits from both Wage Earners (PU) and Non-Wage Earners (BPU), participants first register through the website channel, through branch offices, registration through Social Security Activator Agents (PERISAI) or to cooperation partners. Registration through the website channel is carried out by registering through the BPJS Ketenagakerjaan website www.bpjsketenagakerjaan.go.id, select the Participant Registration Button then select Non-Recipient of Wages (BPU), enter the email address and captcha code, click REGISTER, check email and click registration activation, fill in individual data (BPU Workers), make contribution payments after the contribution code is received via email, the membership card is received no later than 7 (seven) days after payment of contributions. Registration through the branch office begins with filling out the form and completing the 1A membership registration document, taking the queue number for registration services, being called by an officer, receiving information on the amount of contributions to be paid, receiving a receipt of registration documents and contribution payment code, making contribution payments, participant cards are received no later than 7 (seven) days after payment, conducting satisfaction assessments through e-survey.

Registration through the Social Security Activator Agent (PERISAI), begins with preparing documents, visiting the nearest PERISAI agent, the shield agent will help check the completeness of the file and carry out membership administration to the BPJS Ketenagakerjaan branch office, pay contributions according to the calculation and contribution payment code through the Shield Agent, proof of membership is given by the Periasi Agent after payment of contributions. Finally, register through cooperation partners, namely through BRI LINK, BNI46, POS, Pospay, Grab, GOJEK, Shopee, i.saku, Bukamitra, Bukalapak, SRC, SIPP Mitra.

There are 2 registration documents required by caon participants, namely having a Population Identification Number (NIK) or Identity Card (KTP) and an email address. The amount of contribution calculation for BPU is Rp 6,800 while for PU is 0.3% of a month's wage. The requirements for claiming the BPJamsostek Death Assurance (JKM) program are by completing the following documents:

- a. BPJS Employment Participant Card
- b. Family Card of Workers and Heirs
- c. KTP of the Worker and Heirs
- d. Marriage Book (if the heir is the legal wife/husband of the participant)
- e. Death certificate from an authorized official
- f. Certificate of heirs from an authorized official
- g. Work Reference
- h. Savings Book
- i. NPWP (Balance of more than 50 Million Rupiah)

Then proceed with checking the status of the claim through:

- a. Open the website www.bpjsketenagakerjaan.go.id/tracking
- b. Enter the KPJ number
- c. Click on Claim Status Information



Figure 1. JKM Service Procedure at Branch Office

Source: <https://www.bpjsketenagakerjaan.go.id/penerima-upah.html>

In a series of claim steps that must be fulfilled by heirs and families, starting with reporting the death of participants to BPJamsostek by bringing death documents, preparing and collecting the necessary documents, filling out forms, submitting claims until the payment of benefits. besides at

branch offices, the JKM service procedure can also be accessed on the <https://pom.bpjsketenagakerjaan.go.id/pu> service portal for PU. The benefits to be obtained include cash benefits provided to the heirs when the participant dies not due to work accidents or occupational diseases.

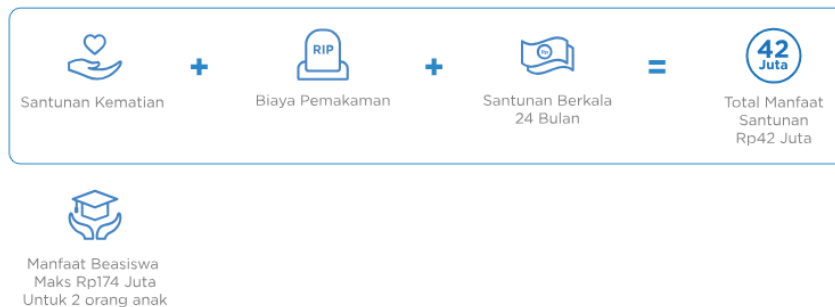


Figure 2. Form of Benefits of JKM BPJS Ketenagakerjaan

Source: <https://www.bpjsketenagakerjaan.go.id/penerima-upah.html>

The form of BPJS Employment JKM benefits is provided in the form of cash in the form of death benefits, periodic compensation, funeral expenses and child education scholarships. The JKM benefits are provided if the participant dies during the active participation period, consisting of:

- a. Death benefit of Rp. 20,000,000.00 (twenty million rupiah);
- b. Periodic compensation paid in a lump sum of Rp. 12,000,000.00 (twelve million rupiah);
- c. Funeral expenses in the amount of Rp. 10,000,000.00 (ten million rupiah); and
- d. Scholarship for a maximum of 2 (two) children of the participant and is given if the participant has a minimum of 3 (three) years of service and dies not as a result of a work accident or illness with the following conditions:
 - 1) Given periodically every year in accordance with the child's education level with the following details:
 - a) Kindergarten education amounting to Rp. 1,500,000.00/person/year, maximum 2 (two) years;
 - b) Elementary / equivalent education amounting to Rp. 1,500,000.00/person/year, maximum 6 (six) years;
 - c) Junior high school education / equivalent amounted to Rp. 2,000,000.00 / person / year, maximum 3 (three) years;
 - d) High school education / equivalent amounted to Rp. 3,000,000.00 / person / year, maximum 3 (three) years;
 - e) Higher education maximum Strata 1 (S1) or training at Rp. 12,000,000.00/person/year, maximum 5 (five) years.
 - 2) Submission of scholarship claims is done annually.
 - 3) For children of participants who have not entered school age up to elementary school when the participant dies or experiences permanent total disability, the scholarship is given when the child enters school age.
 - 4) The scholarship ends when the participant's child reaches the age of 23 (twenty-three) years or is married or working.

In achieving the target coverage of participation, it is necessary to expand the participation of the workforce, one of which is by socializing the BPJS Ketenagakerjaan program and benefits (Gurusinga et al. 2023). Workers are required to pay BPJS Ketenagakerjaan premiums regularly every month. Premium payments can be made through the post office, bank, or via the mobile banking application. If workers do not pay premiums regularly, they will lose social security protection from BPJS Ketenagakerjaan. In addition to paying premiums regularly, workers must also pay attention to the provisions that apply to BPJS Ketenagakerjaan. For example, if workers have a work accident, they must immediately report the incident to BPJS Ketenagakerjaan and submit a work accident insurance claim. By utilizing the benefits of BPJS Ketenagakerjaan, workers will feel safer and more protected from financial risks. They can also build savings habits and plan their future better. Therefore, for formal workers in Indonesia, registering with BPJS Ketenagakerjaan is an important step in obtaining complete social security protection.⁸

2. Inheritance Rights in the BPJS Ketenagakerjaan Death Benefit Program

Inheriting means replacing the rights and obligations of someone who has died, which in general are only the rights and obligations in the field of property law. In the systematics of the Civil Code (Burgerlijk Wetboek), such rights and obligations are the rights and obligations regulated in Book 11 of the Civil Code concerning Objects and Book II of the Civil Code concerning Contracts. Thus, the rights and obligations regulated in Book 1 concerning Persons cannot be inherited, for example the rights and obligations as a husband.⁹

In the concept of Burgerlijk Wetboek which is another name for the Civil Code, the provisions relating to the inheritance of valuable assets from individuals who have died and transferred to another person who is called an heir is the definition of inheritance law. It can be said that this inheritance law can be said to be included in the components property law. Inheritance Law can also be interpreted as a set of regulations that discuss the transfer of property inherited by a deceased person to his heirs with the portion received. In other words, this inheritance law is a rule made to regulate the rights and obligations that can be received from the transfer of property when someone has died to another person who has become his heir who is still alive.

Article 830 of the Civil Code (BW) explains that inheritance only occurs when there is death. If there has been no death, then there has been no inheritance. Wiryono Prodjodikoro said: "inheritance is a matter of whether and how the various rights and obligations regarding a person's wealth at the time of his death will be transferred to another person who is still alive." Here it can be interpreted that inheritance will take place when the testator has died and the testator leaves behind an inheritance.

There are several different expert opinions regarding inheritance law. One of them is Soepomo's opinion that: "Inheritance law contains regulations that regulate the process of continuing and transferring property and intangible goods (immateriele goederen) from one generation of humans (genetie) to their descendants" (Soepomo, 1996). In addition, another legal expert, R. Santoso Pudjosubroto, argues that: "What is meant by inheritance law is the law that regulates whether and how the rights and obligations regarding a person's property at the time of his death will be transferred to

⁸ Nurul Khofifah, et al. 2023. The Role of Employment Social Security in the Welfare of Workers in the Future in the BPJS Ketenagakerjaan Program. JIEB: Scientific Journal of Economics and Business (Volume 9 Number 3 November 2023): Pages 327-334.

⁹ Sulastri Yasim, 2024. Introduction to Marriage Law in Indonesia. Surabaya: Pustaka Aksara.

other people who are still alive" (R. Santoso, 1964). However, from the many differences of opinion regarding inheritance law, we can conclude that inheritance law is a set of rules that regulate the method or process of transferring assets from the testator to the heirs or other heirs.¹⁰

In the Civil Code, the elements of inheritance are divided into 3 points), including:¹¹

a. Heir

individual who has died, male or female, and leaves behind assets, rights, or obligations that were carried out during his/her lifetime can be called an Heir. It can also be interpreted that the heir is an individual who has died. and inherit his wealth. In order to receive an inheritance, the Civil Code has regulated the requirements for inheritance, as follows:

- 1) Inheritance occurs, there are requirements related to the heir, regulated in Article 830 of the Civil Code, namely regarding the difference between the death or passing of the Testator, namely:
 - a) An heir whose death is known to be vital with evidence that the five senses or vital organs of his body are no longer functioning and is declared to have truly died.
 - b) The testator dies by law with a statement given by the Court.
- 2) Inheritance occurs, there are requirements related to the heir, regulated in Article 830 of the Civil Code, namely regarding the life of the heir which is divided into 2 types, namely:
 - a) In essence, still declared alive through evidence that the five senses and vital organs of the body are still functioning properly.
 - b) Legally declared to be alive, but not known in reality. A baby in the womb is also declared like this.
- 3) The principles of inheritance regulated by the Civil Code are:
 - a) Inheritance that can be transferred to another party is referred to as open inheritance, this is regulated in Article 830 of the Civil Code.
 - b) The biological relationship that still exists between the testator and his heirs, does not include husband and wife. In Article 832 of the Civil Code, husband and wife are still heirs and heirs if when they die, they are still in the bonds of marriage.

b. Heirs

Family members who have the right to receive the transfer or transfer of assets from an individual who has died have a valid or invalid blood relationship, or a husband or wife who has outlived their deceased partner are referred to as heirs. The definition of heirs is regulated in Article 832 of the Civil Code. The requirements to become an heir are divided into 2, including:

- 1) Heirs stipulated in the Law.

Are individuals who have the right to receive inheritance based on the provisions and provisions of the relevant Laws and Regulations. In article 832 of the Civil Code, the heirs determined by law are family members with blood relations legitimate, husband and wife who are still in the bonds of marriage when they die. If there is no blood relative, husband or wife, the state has

¹⁰ David M L Tobing. 2023. Inheritance Rights for Children Who Are Still in the Womb Based on Islamic Inheritance Law in Indonesia. *Journal of Social Sciences and Education (JISIP)*. (Vol. 7 No. 3 July 2023) 2178-2187.

¹¹ Diana, et al. 2022. Inheritance System According to Civil Law. *Journal of Law, Politics and Social Sciences (JHPIS)*. (Vol.1, No.3 September 2022): Pages 204-214.

the right to accept the transfer of assets left by the testator, and is obliged to pay off the debts of the testator with the inheritance.

2) Heirs determined by a will

Article 875 of the Civil Code describes a will which has the meaning of an expression from a person regarding his wishes after his death which is stated in a deed. Then, for the party who receives the inheritance due to the existence of a deed or will from the testator, it is called the Heirs determined by the will. The requirements for receiving an inheritance are as follows:

- a) Death of the Testator
- b) When the Testator is declared dead, the heirs must be at the place where the testator was declared dead. Babies in the womb are also regulated by law as heirs, but if the baby dies at birth, the baby is considered never to have been on the list of heirs.
- c) An heir must be able and authorized to inherit, in the sense that the heir is not declared to be ineligible by law.

c. Inheritance

In the Burgerlijk Wetboek or Civil Code, the definition of inheritance is Property, assets or rights and obligations in the form of assets or liabilities with a monetary value that is to be transferred from the deceased testator to the heirs regardless of gender.

Obtaining an inheritance is one of the consequences of a marriage relationship. What is meant by marriage/marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family or household based on the One Almighty God. Marriage is a legal relationship that has legal consequences, both for the parties or husband and wife, for property obtained during the marriage, and for the status and position of children born. Based on this, it is clear that a marriage is not merely to fulfill biological needs, but there are a number of rights that arise as a result the marriage takes place. The consequences of the marriage in question are the consequences for the husband and wife relationship, for children and for property.¹²

A legal relationship that has legal consequences for property means that property obtained during the marriage becomes joint property. The property brought by each husband and wife and property obtained by each as a gift or inheritance, is under the control of each as long as the parties do not determine otherwise. Regarding joint property, the husband or wife can act with the agreement of both parties. Regarding the property brought by each, the husband and wife have full rights to carry out legal acts regarding their property. If the marriage ends due to divorce, joint property is regulated according to their respective laws considering that the marriage can end due to divorce, court decisions and death.

Talking about death will touch on inheritance rights. In inheritance rights, there are 2 (two) legal subjects, namely the heir and the heir. The heir is the person who leaves behind the property. The heir is a family member who dies who replaces the position of the heir in the field of property law due to the death of the testator.¹³ Meanwhile, inheritance is wealth in the form of all assets and liabilities left by the testator and transferred to the heirs (boedel). However, the Law imposes restrictions on certain parties who are not entitled to inherit, resulting in the elimination of the right to inherit.

¹² Sulastris, et al. 2022. Elimination of Inheritance Rights for the Criminal Act of Forgery of Wills, *Alauddin Law Development Journal (ALDEV)* (Volume 4 Number 3 November 2022): Pages 771-781.

¹³ Ahmad Rofiq. 2013. *Islamic Civil Law in Indonesia*. Jakarta: Rajawali Pers.

Table 1. Number of Participants and Claims for the BPJS Ketenagakerjaan JKM Program, West Sulawesi Branch Office, January-June 2024 Period.

Participants in the BPJS Employment JKM Program	Claim BPJS Employment JKM Program
164,918 Participants	923 Claims

Source: processed from primary data.

From Figure 3 above, it provides the fact that the number of participants in the BPJS Ketenagakerjaan JKM program is 164,918 participants and the number of claims or workers who died is 923 claims. Death insurance benefits are given based on the contributions that have been paid by workers or employers while the worker is in the BPJS program Employment with a focus on providing predetermined benefits to the heirs of deceased workers

In the Civil Code, there are two ways to obtain inheritance, namely, first, obtaining inheritance based on the provisions of the law and second, obtaining inheritance based on a will (Darmabrata, 2004). Inheriting based on the law is a form of inheritance where blood relations are a determining factor in the inheritance relationship between the testator and the heirs. In inheriting based on the Law, there are 2 (two) ways to inherit, namely, first, inheriting based on one's own position (uit eigen hoofed). Those who are called to inherit based on their own rights/position or inheriting head by head with equal shares (Article 852 Paragraph (2) of the Civil Code).

The second way to obtain inheritance is by inheriting based on replacement where the heir replaces the heir who is entitled to receive the inheritance who has died before the testator. In inheriting based on the replacement of the heir's place, it means that those who inherit stake by stake (Article 852 Paragraph (2) of the Civil Code). Furthermore, Article 841 of the Civil Code stipulates that replacement of place gives rights to a person who replaces in degree and in all rights and the person who is replaced must meet the requirements must be a legitimate descendant of the person replaced, alive when the inheritance is opened and not a person who is declared not worthy of inheriting. The legitimate heirs due to death are called to inherit according to order. There are 4 types of order called heir groups. The 4 groups of heirs are:¹⁴

- a. First group, children and their descendants and husband or wife.
- b. Second group, parents, brothers, sisters and their descendants.
- c. Third group, blood relatives in a straight line above, after the parents.
- d. d. The fourth group, other blood relatives in a straight line sideways as the sixth degree.

In line with the above, in obtaining JKM, namely cash benefits given to heirs when participants die not due to work accidents or work-related diseases, the provision of death insurance benefits to heirs must status as a spouse (widow or widower) or child of the participant. If there is no spouse or child, the heirs are blood descendants in a straight line up and down to the second degree or siblings or in-laws or parties designated in the will by the participant.

In law, in addition to the provisions of the law, the second way to obtain inheritance is based on a will. Inheritance based on a will (testament) is a deed that can contain a person's statement about what

¹⁴ Rosa Agustina, et al. 2022. Civil Law, South Tangerang, Open University.

is desired after he dies and therefore can be revoked (Article 875 of the Civil Code). Based on Article 931 of the Civil Code, it can be concluded regarding the form of a testament. 4 types of testament forms, as can be concluded from the article, are:¹⁵

a. Olographic will

Olographic Will A letter is a will made and written by the testator himself. Such a testament must be written by the testator himself and signed by him (Article 932 of the Civil Code). The will is taken to the Notary. The notary receives the olographic will, must be attended by 2 witnesses, and makes a deposit deed, signed by the testator, the witness and the notary (Article 932 Paragraph 3 of the Civil Code). This will has the same power as a will made before a notary (Article 932 of the Civil Code).

b. General will

A general will is a will made by the testator before a notary. This will is the most common form, and is recommended because the notary has the opportunity and is obliged to provide guidance and instructions so that the will can be carried out as closely as possible to the will maker's wishes.

c. Secret will

A secret will is a will made by the testator himself and then submitted to a notary in a closed manner. The notary who receives the will must make a deed of delivery in the presence of 4 witnesses.

d. Wills made in an emergency

What is meant by a Will made in an Emergency is related to what is stated in Article (Articles 946, 947, 948 of the Civil Code). Article 946 of the Civil Code. During war, soldiers and those who are members of the military and are in battle, are in a place in enemy warfare are allowed to make a will before an officer with the lowest rank of Lieutenant, if there is none, before someone who holds the highest authority in that place in the presence of 2 witnesses.

Article 947 of the Civil Code. Those who are on a voyage by sea are allowed to make a will before the captain or ship's mate or if there is none before someone who replaces him, in the presence of 2 witnesses.3) Article 948 of the Civil Code. Those who are in a place due to an infectious disease, considerations between that place and a prohibited place, are allowed to make a will, before a public official, in the presence of 2 witnesses.

Of course, it is important regarding the absolute portion (Diana, 2022), which is the portion of the testator's inheritance which is then handed over to the heirs according to the direct line of descent in accordance with the law. The absolute portion is contained in Article 914 of the Civil Code which stipulates the absolute portion that the heirs will receive, namely: 1. If there is only one child, the absolute portion is $\frac{1}{2}$ of the portion that must be received. 2. If there are two children, the absolute portion is $\frac{2}{3}$ of what must be received. 3. If there are three or more children, the absolute portion is $\frac{3}{4}$ of the portion they must receive according to the law.

¹⁵ Sulastrri, et al. 2022. Elimination of Inheritance Rights for the Criminal Act of Forgery of Wills, Lauddin Law Development Journal (ALDEV) (Volume 4 Number 3 November 2022): Pages 771-781.

CONCLUSION

In providing death benefits to heirs, they must have the status of a spouse (widow or widower) or child of the participant. If there is no spouse or child, the heirs are blood descendants in a straight line up and down to the second degree or siblings or in-laws or parties appointed in the will by the participant. This is in line with the inheritance system according to the Civil Code, where there are two ways to obtain inheritance, namely first, obtaining inheritance based on statutory provisions and second, obtaining inheritance based on a will. Education and socialization to the public regarding the importance of understanding inheritance law in the labor social security program should be an agenda that always goes hand in hand so that the rights and obligations of heirs can be easily fulfilled.

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