



Card Legal Review of Social Security Providing Agency Health (BPJS Kesehatan) is a Mandatory Requirement for Administration in Notarial Buying Agreement

Dwi Rimadona^(✉), Aprilianti, and Nurul Riski Yanti

Law Department, Lampung University, Bandar Lampung, Lampung, Indonesia
dwi.rimadona@gmail.com, aprilianti@unila.ac.id,
dianne.eka@fh.unila.ac.id

Abstract. Covid-19 currently has 2 (two) categories with each variant. The VoI category consists of Mu, Eta, Iota, Kappa, and Lambda variants. Then the VoC category consists of variants of Delta, Alpha, Beta, Gamma and the latest is Omicron. The Indonesian government always strives to increase the distribution of insurance cards, namely the Health Social Security Administering Body participant cards, as a form of government protection for the Indonesian people. Currently the Health Social Security Administering Agency card (BPJS Kesehatan card) is a mandatory requirement for administration in all aspects of public services, including the process of Notary Sales and Purchase Agreements. Based on Presidential Instruction Number 1 of 2022 concerning Optimizing the Implementation of the National Health Insurance Program (Inpres No.1/2022) and the Letter of the Directorate General of Determination of Rights and Land Registration of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Number HR.02/153-400/II/2022 dated 14 February 2022 concerning BPJS Kesehatan Participant Card as a Requirement for Application for Registration Service for the Transfer of Land Rights or Ownership Rights to Flat Units Due to Sale and Purchase (SE Director General of PHPT Ministry of ATR/BPN No. HR.02/153-400/II/2022). This study aims to determine the legal basis for the implementation of the BPJS Kesehatan card as a mandatory administrative requirement in a Notary sale and purchase agreement, and the correlation of the BPJS Kesehatan card with the Notary Sale and Purchase Agreement. This research uses normative law research and a statute approach. This study examines the 1945 Constitution (UUD 1945), Presidential Instruction No. 01/2022, SE Director General of PHPT Ministry of ATR/BPN No. HR.02/153-400/II/2022, and other rules related to research. Data collection was carried out through interviews and focus group discussions with Notaries, BPJS Kesehatan Bandar Lampung Branch, and the community so that they got answers to the main problems. This writing concludes that the BPJS Kesehatan card is a mandatory requirement for administration in all aspects of public services, including the process of a Notary sale and purchase agreement based on the Preamble to the 1945 Constitution which has been agreed to be the basis for the nation's ideology to have lofty ideals. However, the BPJS Kesehatan card which is used as a mandatory administrative requirement has no correlation in all positive legal

aspects in the process of buying and selling agreements, transfer of names, and others.

Keywords: Presidential Instruction · BPJS Kesehatan Card · Notary Sale-Purchase Agreement

1 Introduction

The easing of the Implementation of Community Activity Restrictions (PPKM) imposed by governments around the world to people in each country, has actually made the number of cases of Covid-19 sufferers increase throughout the world's population. Even now, Covid-19 has 2 (two) categories with each variant, the category consists of the VoI category and the VoC category. The VoI category consists of variants of Mu, Eta, Iota, Kappa, and Lambda, then the VoC category consists of variants of Delta, Alpha, Beta, Gamma and the latest is Omicron. With the development of the Covid-19 case, all governments in the world have also issued policies in an effort to help and protect their people, including the distribution of insurance cards. The Indonesian government has also increased the distribution of insurance cards as a form of government protection to the people of Indonesia. The insurance card distributed by the Indonesian government is the participant card of the Health Social Security Administering Body (BPJS Kesehatan). The distribution of BPJS Kesehatan cards is carried out by the Government of Indonesia in various sectors, including the BPJS Kesehatan card as a mandatory administrative requirement in the application process for making a Driving License (SIM), Vehicle Number Certificate (STNK), Police Record Certificate (SKCK), buying and selling process Notary collateral, Umrah registration, and others.

Currently, the Government of Indonesia is starting to enforce a rule that the BPJS Kesehatan card is a mandatory administrative requirement in the process of notarizing collateral sales, based on Presidential Instruction Number 1 of 2022 concerning Optimizing the Implementation of the National Health Insurance Program (Inpres No. 01/2022) and Circular Letters. Directorate General of Determination of Rights and Land Registration of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) Number HR.02/164-400/II/2022 dated 16 February 2022 concerning BPJS Kesehatan Participant Cards as a Requirement for Application for Transfer of Rights Registration Services On Land or Ownership of Flat Units Due to Buying and Selling (SE Director General of PHPT Ministry of ATR/BPN No. HR.02/164-400/II/2022). The government seeks to encourage all people to be registered in the National Health Insurance program in the form of BPJS Kesehatan. Starting March 1, 2022, the BPJS Kesehatan card is a mandatory requirement in registering the transfer of land rights due to buying and selling. Based on the provisions of Article 1457 of the Civil Code (KUH-Perdata), buying and selling is confirmed as an agreement in which one party binds himself to deliver an object, and the other party pays the promised price. This research focuses on 2 (two) basic things, namely:

- What is the legal basis for the implementation of the BPJS Kesehatan card as a mandatory administrative requirement in the Notary Sale and Purchase Agreement?

- What is the correlation of the BPJS Kesehatan card with the Notary Sale and Purchase Agreement?

This research is directed to take an inventory of the policies and regulations that form the legal basis for the implementation of the BPJS Kesehatan card as a mandatory administrative requirement in the Notary Sale and Purchase Agreement, examine the correlation of the BPJS Kesehatan card to the Notary Sale and Purchase Agreement, and find out the procedures applied to Legal Entities that become Legal Subjects in a Notary Sale and Purchase Agreement. It is hoped that through all policies and Government Regulations regarding the mandatory administrative requirements in the Notary Sale and Purchase Agreement, it will result in the following:

- Realizing and enforcing the mandate of the law by helping the government run the Health Insurance– Indonesian Health Card (JK-KIS) program, through the distribution of BPJS Kesehatan cards.
- The legal consequences that occur will help improve the discipline of the Notary in administrative order, especially regarding the completeness of administrative documents in the process of the Notary Sale and Purchase Agreement.

The findings that are expected from this research are the disclosure of the legal basis for the implementation of the BPJS Kesehatan card as a mandatory administrative requirement in the Notary Sale and Purchase Agreement, the answers to Indonesian people's questions regarding the correlation of the BPJS Kesehatan card to the Notary Sale and Purchase Agreement, and knowing the procedures applied to legal entities. Which is a Legal Subject in a Notary Sale and Purchase Agreement. So that it can improve the discipline of the Notary in administrative order, especially regarding the completeness of administrative documents in the process of the Notary Sale and Purchase Agreement. The contribution to education is to become a new reference in civil law and notary science to be used as a reference for sustainable research.

2 Literature Review

A. *Presidential Instruction*

The president is both head of state and head of government. In a presidential system of government, the president as head of state is the official symbol of Indonesia's existence in the world. Meanwhile, as head of government, the president does not carry out his duties alone, but is assisted by the vice president and his ministers. [1] Article 7 (paragraph 1) of Law Number 12 of 2011 concerning the Establishment of Legislation (UU Formation of PerUU) states that the types and hierarchy of Legislations consist of:

- a. 1945 Constitution.
- b. Decree of the People's Consultative Assembly (TAP MPR)
- c. Laws/Government Regulations in Lieu of Laws.
- d. Government Regulation (PP)

- e. Presidential Regulation (Perpres)
- f. Provincial Regulation (Provincial Regulation)
- g. Regency/City Regional Regulation (Regency/City Regulation)

The president can form presidential instructions, in addition to the formation of presidential decrees or presidential regulations. The presidential instruction is not a binding decision by the general public (everyone). Presidential instructions are orders from superiors to subordinates that are individual, concrete and final, so they cannot be classified in PerUU Regulations (wetgeving) or policy regulations (beleidsregel, pseudo-wetgeving). Presidential instructions can only bind the Minister, Head of Non-Departmental Government Institutions, Government Officials who are located under the president in carrying out the Administration of Government [2].

B. *Health Social Security Administering Agency*

Article 1 of Law Number 40 of 2004 concerning the National Social Security System (National Social Security System Law) states that:

1. Social security is a form of social protection to ensure that all people can fulfill their basic needs for a decent life.
2. The National Social Security System is a procedure for administering social security programs by several social security administering bodies.
3. Social insurance is a mandatory mechanism for collecting funds from contributions in order to provide protection against socio-economic risks that befall participants and/or their family members.

BPJS Kesehatan is a Public Legal Entity that is directly responsible to the President and has the task of administering National Health insurance for all Indonesian people, especially for Civil Servants (PNS), PNS Pension Recipients and the Indonesian National Army/Indonesian National Police (TNI/POLRI.), Veterans, Pioneers of Independence and their families, other Business Entities, and ordinary people. BPJS Kesehatan is the organizer of the social security program in the health sector which is one of five programs in the National Social Security System (SJSN), namely Health Insurance, Work Accident Insurance, Old Age Security, Pension Security, and Death Insurance as stated in the Insurance System regulations. National Social [3].

Article 5 of the regulation of the National Social Security System, states that:

1. The Social Security Administering Body must be established by law.
2. Since the enactment of this Law, the existing social security administering bodies are declared as Social Security Administering Bodies according to this Law.
3. The Social Security Administering Body as referred to in paragraph (1) is:
 - a. Company Company (Persero) Labor Social Security
 - b. (JAMSOSTEK)
 - c. Persero Savings Fund and Civil Service Insurance
 - d. (TASPEN)

- e. Persero Social Insurance Armed Forces of the
- f. Republic of Indonesia (ASABRI)
- g. Persero Health Insurance Indonesia (ASKES).

C. *Notary Sale and Purchase Agreement*

Sale and purchase is an agreement, where one party binds himself to deliver an object and the other party to pay the price of the object that has been agreed (Article 1457 of the Civil Code). Sale and purchase agreements are the most widely held in people's lives. An agreement is simply an agreement recognized by law. This agreement is a basic interest in the business world, and forms the basis of most trade transactions, such as buying and selling of goods, land, granting credit, insurance, transportation of goods, the formation of business organizations, and so far it is also related to labor [4]. Every legal subject Those who are authorized to carry out legal actions (*rechts bevoegd*) are the bearers of legal rights and obligations, including contract law. For the establishment of a contractual legal relationship, it is required to have or take a legal action that moves the authority [5].

The standard conditions in the contract are regulated in Article 2.19 of the 1994 UPICCs which stipulates:

1. If one party or both parties use standard conditions, general rules regarding the formation of contracts shall apply subject to Article 2.20 to Article 2.22.
2. Standard conditions are rules that have been prepared in advance to be used by one party without negotiating with the other party.

Furthermore, according to Article 2.21 of the 1994 UPICCs, in the event of a conflict between a standard contract and non-standard terms, the latter shall prevail, in accordance with the doctrine of the last shot which can be applied by the parties appropriately if they clearly demonstrate that the use of these terms Standard conditions are an important condition in making a contract. Then, contracts that occur on the basis of agreed terms and on standard conditions whose substance is familiar (*knock out doctrine*).

There are still many people who do not know what important things are needed in the process of making the Deed of Sale and Purchase (AJB) of land and houses, including:

- a) *Documents to be prepared by Seller*
 - 1) Photocopy of Personal Identity Card (KTP) (if not married) or KTP of husband and wife (if married) Copy of Family Card.
 - 2) Copy of marriage certificate if married.
 - 3) Original land certificate.
 - 4) Deposit Receipt (STTS) Land and Building Tax (PBB).
 - 5) Letter of approval from husband/wife (can be given in the deed of sale and purchase of land).
 - 6) Original death certificate if husband/wife has died.
 - 7) Original heir certificate if the husband/wife has died and there are children born from their marriage.
- b) *Documents to be prepared by the Buyer*

- 1) Photocopy of Personal Identity Card (KTP) (if not married) or KTP of husband and wife (if married)
- 2) Copy of marriage certificate if married
- 3) Photocopy of Taxpayer Identification Number (NPWP).
- c) *Approval of Husband or Wife*

If the seller is married, then the seller must include proof of consent from the husband or wife. This is because in a marriage there is a mixture of joint assets between husband and wife, including land rights. Later, the husband and wife must put their signature in signing the deed of sale and purchase of land. Then what if the husband or wife has died? If this is the case, the husband or wife must present a Death Certificate from the kelurahan office. After that, the rights of the deceased husband or wife will be transferred to the rights of the children as heirs. Thus, if the husband or wife has died, the child of the seller must be present and give their consent. Consent of husband or wife is not required if the couple has entered into a separation agreement at the time of marriage.

D. *Conditions for Making Land Purchase Deed*

- 1) The presence of sellers and prospective buyers at the time of making the AJB of land. If one of the parties is unable to attend, it can be represented by a person who has been authorized by proof of an official power of attorney.
 - 2) The process of recording and making the deed of sale and purchase of land must be attended by several witnesses with at least two people. Witnesses can come from village officials such as the sub-district head or at least two notary employees if the land sale and purchase deed is processed through a PPAT notary.
- E. *Land Certificate Making Time*

If there is no land dispute, the process of making a land sale and purchase deed will take approximately one month. This can be calculated from a period of about 14 (fourteen) days of processing file processing through a Notary/PPAT and 14 (fourteen) days of the transfer of names carried out at the Office of the National Land Agency (BPN).

3 Research Methods

A. *Problem Approach*

This study uses normative law research and a statute approach by reviewing the Civil Code, Circular Letter of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Number HR.02/153-400/II/2022 dated February 14, 2022 (SE Ministry of ATR/BPN No. HR.02/153-400/II/2022), and Presidential Instruction No. 01/2022 on Optimizing the Implementation of the National Health Insurance Program (Inpres No.01/2022) [5]. The subject of the study is the law which is conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behavior. So that normative legal research focuses on an inventory of positive law, legal principles and doctrines, legal findings in cases in concreto, legal systems, synchronization levels, legal comparisons and legal history.

4 Research Result and Discussion

A. *Legal Aspects of Notary Sale and Purchase Agreements*

Based on Article 1457 of the Civil Code, buying and selling is an agreement in which one party binds himself to deliver an item and the other party pays the promised price. So it can be concluded that buying and selling is an agreement process, both orally and in writing. It is emphasized that in the process of buying and selling, the first party binds himself to deliver the agreed object to the second party, and the second party pays the price of the object as agreed by the parties.

The legal aspects in the notarial sale and purchase agreement that must be fulfilled are as follows:

1) *Legal Subject*

The parties to the agreement are legal subjects by themselves as the subject of the agreement, where in the agreement there are parties who are entitled to achievements on the other hand there are parties who are obligated.¹¹ Based on several principles and instruments that must be fulfilled in an agreement, the things that need to be considered in making an agreement are the subject of the agreement. The terms of the legal subject in the agreement, namely:

- The parties must be capable of carrying out legal actions, meaning adults and not those who are legally under guardianship/guardianship. A person who is not yet an adult or is under guardianship/guardianship, in making an agreement must be represented by a guardian/guardian.
- The identity of the parties and their positions must be clear.
- The place and time of the agreement must be stated clearly in the agreement.
- Based on Article 1234 of the Civil Code that every engagement is to give something, to do something, or not to do something. The terms of the object of the agreement, namely:
 - The agreed object already exists when the contract is executed.
 - Including assets owned and lawfully used.
 - Must be able to be submitted after the agreement.

2) *Legal Object*

Based on Article 1234 of the Civil Code that every engagement is to give something, to do something, or not to do something. The terms of the object of the agreement, namely:

- a. The agreed object already exists when the contract is executed.
- b. Including assets owned and lawfully used.
- c. Must be able to be submitted after the agreement.

3) *Legal Event*

In the circumstances and events, every act in the law is a legal event. The agreement is regulated in Article 1313 of the Civil Code that an agreement is an act by which one or more people bind themselves to one or more other people. In Article 1320 of the Civil Code for the validity of an agreement, 4 (four) conditions are required, namely:

- a. Their agreement binds him.
- b. The ability to make an engagement.
- c. Certain subject matter.
- d. Reason that is not forbidden.

4) *Legal Relationship*

Legal relations are actions that have legal consequences. Legal relations are usually also called reciprocal because the parties who enter into legal relations each have rights and obligations. In legal relations, usually one party has rights, while the other party has obligations.

B. Presidential Instruction Number 1 of 2022 concerning Optimizing the Implementation of the National Health Insurance Program

On February 23, 2022, the SE Ministry of ATR/BPN No.HR.02/153-400/II/2022 circulated which explained that the BPJS Health Card was a requirement in the application for registration services for the transfer of land rights or ownership rights to flat units due to sale- buy. This circular letter was inaugurated on the basis of Presidential Instruction No. 01/2022 which is addressed to all government agencies, legal entities, regional heads, and others in the context of optimizing the implementation of the National Health Insurance program, increasing access to quality health services, and to ensure the sustainability of the program. National health insurance. The presence of Presidential Instruction No. 01/2022 is a collaborative effort of the central government, local governments, high state institutions, and others to ensure that all Indonesian citizens are protected through the National Health Insurance Program for the Healthy Indonesia Card. In addition to encouraging mutual cooperation, the presence of Presidential Instruction No. 01/2022 will also improve access and quality of services, quality of membership data, validity of membership data as well as socialization and education of the National Health Insurance program for the Healthy Indonesia Card. Until now, there are still some people who misjudge the presence of Presidential Instruction No.01/2022. The government approved Presidential Instruction No. 01/2022 as a strategic step with a very important aim, so the government instructed 30 (thirty) ministries, state high institutions, legal entities, and others to require BPJS Health cards for various public service administration purposes. Ali Ghufron Mukti, as the President Director of BPJS explained that BPJS Health and all stakeholders also continue to collaborate in conducting measurable public education and outreach so that the public is aware of the importance of protected access to health services through the National Health Insurance Program for the Healthy Indonesia Card [10].

Basically BPJS Health is mandatory for all Indonesian citizens, BPJS health is one of the administrative requirements for citizens to get several public services. Currently, the public is obliged to become BPJS Health participants because if they do not receive services as citizens, this is illustrated after the government issued a new regulation through Presidential Instruction No. 01/2022. In the regulation, it is stated that every citizen is required to have a BPJS Health card because starting March 1, 2022 BPJS Health is a condition for starting public services. A number of activities are required to include BPJS Health for residents who receive government services, including buying and selling land in a notarial manner, taking care of letters at the police, namely Driver's Permits, vehicle number certificates and Police Records Certificates, including submissions for businesses such as business licenses. Even farmers who receive government assistance are required to have BPJS Health, so that registration for Hajj and Umrah also needs BPJS Health [11].

C. *Kartu Badan Penyelenggara Jaminan Sosial Kesehatan Sebagai Syarat Administrasi Perjanjian Jual-Beli Notariil*

There are also many criticisms and input from the community, people say that this rule seems to be forced and adds to the complexity of the administrative process in public services. Mrs. Dona, who is active as a housewife, argues that the hope of getting public services easily seems not to be heard by the government with a government regulation that applies the BPJS Card as a mandatory requirement in every public service administration process. He revealed that so far he, his husband, and 1 (one) child who is still 13 (thirteen) months old have used private insurance, so if you have to add another health insurance card, it means that you have to pay more every month just for the BPJS card. Health never used. Then Mrs. Dona also added that so far the family has never used BPJS Health because the facilities provided by the BPJS are less effective, starting from hospital facilities, the complicated administrative process must be referred here and there, especially if you want to seek treatment at an existing hospital. Outside the domicile, not all medicines are covered by BPJS health, and not all medical services are covered by BPJS Health. For example, treatment for skin diseases and treatment for pregnant program patients experienced by Mrs Dona [12].

Mrs. Ima, who works as an entrepreneur, feels the same way, he explains his experience in the process of transferring the name of the certificate of ownership obtained from the inheritance of his late father, the process must be carried out at the ATR/BPN office in Bandar Lampung, which has been hampered until now because as the buyer, he finds it difficult to take care of his BPJS Health arrears and his family members who have not paid BPJS Health contributions for more than 1 (one) year. There have been many obstacles in the implementation of public services since the enactment of Presidential Instruction No. 01/2022 which requires the BPJS card as an administrative requirement in every public service. This is experienced by several Notaries/PPAT in the city of Banda Lampung. Dwisia Maulida Putri, S.H., M.Kn., as a Notary/PPAT in the city of Bandar Lampung has experienced several obstacles in the process of notarizing public services. Among them are several processes of Deed of Sale and Purchase, Deed of Grant, Deed of Will, Deed of Articles of Association, and others being canceled and/or hampered because there are parties who are authorized to sign the deed apparently do not have

a BPJS Health card. These parties are individuals or legal entities represented by the President Director or individuals appointed in the company deed as representatives of the legal entity. There are various reasons that the party cannot continue the process of signing the deed, including:

1. Some parties have very large arrears in BPJS Health, because so far the BPJS Health card has never been used by him and his family for more than 1 (one) year, so he has very large arrears in BPJS Health. Moreover, there are parties in 1 (one) family consisting of 7 (seven) family members, so it is very difficult for him to incur additional costs to administer BPJS Health as a mandatory requirement in the process of signing the deed. Both the Deed of Sale and Purchase, Deed of Grants, Deed of Articles of Association, Transfer of Names, and others.
2. Many Chinese people do not use BPJS Health cards because they have been using private/independent insurance for years, so that some Chinese people are hampered in managing Grant Deeds, Company Deeds, and others.

Different things were explained by Rahma Diyanti, S.H, M.Kn, as a Notary/PPAT in the city of Bandar Lampung. He explained that until now the parties involved in the agreement have not had any difficulty in fulfilling the administrative requirements, especially the BPJS Health card [12]. Basically, as usual, every time there are new rules that apply, there must be obstacles at the beginning of the application of these rules. This is because the process of socializing the rules always takes time to be accepted and obeyed by the community. Moreover, the BPJS Health card which is used as a mandatory administrative requirement does not have a positive legal correlation in the process of buying and selling agreements, transfer of names, and others, so the Notary must always explain to the parties involved in the Notarial agreement process regarding the enactment of Presidential Instruction No. 01/2022 and SE of the Ministry of ATR/BPN No. HR.02/153-400/II/2022. The positive impact that is currently happening is that many parties involved in the agreement and public service process at the Notary's office already have BPJS Health cards. Moreover, currently making BPJS Health cards can be done online, so it doesn't take long in terms of administrative completeness for the public service process at the Notary's office.¹⁸ The same thing was experienced by Ilanur, S.H., M.Kn. as Notary/PPAT for the city of Bandar Lampung, he added an explanation that the existence of Presidential Instruction No. 01/2022 and SE of the Ministry of ATR/BPN No. HR.02/153-400/II/2022, actually the Government wants to ensure that all Indonesians are protected by health insurance comprehensive, fair and equitable. In accordance with the Preamble to the 1945 Constitution of the Republic of Indonesia (the Preamble of the 1945 Constitution) which has been agreed to be the basis of the nation's ideology, it has noble ideals, namely to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote general welfare, educate the nation's life and participate in implementing world order based on freedom, lasting peace and social justice. So as a public official, especially a Notary/PPAT, he must always support government programs, so that the impact that is felt now is that many people have BPJS Health cards [14].

5 Closing

A. *Conclusion*

On January 6, 2022, the President of the State of Indonesia ratified Presidential Instruction No. 01/2022 as a step to optimize the implementation of the National Health Insurance Program. These instructions are addressed to all government agencies, legal entities, regional heads, and various other sectors. This is done by the government in order to increase access to quality health services and to ensure the sustainability of the National Health Insurance program. Through the BPJS Health card program, the state is present in the community to ensure that all Indonesians are protected by comprehensive, fair and equitable health insurance. In accordance with the Preamble of the 1945 Constitution, which has been agreed to be the basis of the nation's ideology, it has noble ideals, namely to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life and participate in carrying out world order based on independence, eternal peace, and social justice.. The distribution of BPJS Health cards is carried out by the Government of Indonesia in various sectors, including the BPJS card as a mandatory administrative requirement in the application process for making a SIM, STNK, SKCK, notarial process of buying and selling collateral, umrah registration, and other public services. This is done by the Government as an effort by the Government to encourage all people to be registered in the National Health Insurance program in the form of BPJS Health.

Through SE Director General of PHPT Ministry of ATR/BPN No. HR.02/164–400/II/2022, the Ministry of ATR/BPN also participates in distributing government programs according to Presidential Instruction No.01/2022. So that since March 1, 2022, the BPJS Health card has become a mandatory administrative requirement in the registration process for the transfer of land rights due to buying and selling. The government's legal basis for applying the BPJS Health card as a mandatory administrative requirement in all aspects of public services, including the requirements in the process of a Notary sale and purchase agreement is the Preamble of the 1945 Constitution which has been agreed to be the basis of the nation's ideology.

B. *Suggestion*

There are still many cons in the community in terms of making the BPJS Health card as a mandatory requirement for administration in all aspects of public services, it seems that the government needs to pay attention to the government's goals in terms of Optimizing the Implementation of the National Health Insurance Program can be implemented comprehensively, fairly, and evenly in all levels of society. Without any parties who are burdened with the implementation of these rules through Presidential Instruction No. 01/2022.

References

1. Busro, Achmad. 2011. Hukum Perikatan Berdasar Buku III KUH Perdata. Yogyakarta: Pohon Cahaya.

2. Marzuki, Peter Mahmud. 2008. Penelitian Hukum. Cet 2. Jakarta : Kencana.
3. Muhammad, Abdulkadir. 2004. Hukum dan Penelitian Hukum. Cet. 1. Bandung : PT. Citra Aditya Bakti. "Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-undangan 15." [Online]. Available: https://id.wikipedia.org/wiki/BPJS_Kesehatan.
4. Muhammad, Abdulkadir. 2006. Hukum Perjanjian. Bandung : PT. Alumni.
5. Muhammad, Abdulkadir. 2014. Hukum Perdata Indonesia. Bandung : PT. Citra Aditya Bakti.
6. Sutedi, Adrian. 2009. Perbankan Syariah (Tinjauan dan Beberapa Segi Hukum). Bogor: Ghalia Indonesia.
7. Syaifuddin, Muhammad. 2012. Hukum Kontrak – Memahami Kontrak Dalam Perspektif Filsafat, Teori, Dogmatik, Dan Praktik Hukum (Seri Pengayaan Hukum Perikatan). Bandung : Mandar Maju.
8. Wiranata, I Gede AB. 2017. Metodologi Penelitian Dan Penulisan Ilmiah Bidang Hukum, Pengantar Memulai Penelitian Dan Penulisan Ilmiah Bidang Hukum. Bandar Lampung : Zam-Zam Tower.
9. Instruksi Presiden Nomor 1 Tahun 2022 tentang Optimalisasi Pelaksanaan Program Jaminan Kesehatan Nasional.
10. Kitab Undang-Undang Hukum Perdata.
11. Surat Edaran Direktorat Jenderal Penetapan Hak dan Pendaftaran Tanah Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional Nomor HR.02/153- 400/II/2022 Tanggal 14 Februari 2022 Tentang Kartu Peserta BPJS Kesehatan Sebagai Syarat Dalam Permohonan Pelayanan Pendaftaran Peralihan Hak Atas Tanah atau Hak Milik atas Satuan Rumah Susun Karena Jual-Beli.
12. [https://www.bpjskesehatan.go.id/bpjs/post/read/2022/2204/InpresNomor-1-Tahun-2022-Dorong-Masyarakat-SadariPentingnya-JaminanKesehatan#:~:text=Jakarta%20\(24%2F02%2F2022,Selain%20mendorong%20gotong%20royong%20bersama%2C.BPJSKesehatan-Berita](https://www.bpjskesehatan.go.id/bpjs/post/read/2022/2204/InpresNomor-1-Tahun-2022-Dorong-Masyarakat-SadariPentingnya-JaminanKesehatan#:~:text=Jakarta%20(24%2F02%2F2022,Selain%20mendorong%20gotong%20royong%20bersama%2C.BPJSKesehatan-Berita).
13. <https://www.minerba.esdm.go.id/berita/minerba/detil/20121013-apa-beda-keppres-perpres-inpres>.
14. <https://www.rumah.com/panduan-properti/caramengurus-akta-jual-beli-tanah-yang-belum-bersertifikat7838>, Contoh Akta Jual-Beli Tanah dan Prosedur Melalui Notaris/PPAT.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

