

Position Legal Protection for Health Workers in Home Health Services Sick Before and After Enactment Law of the Republic of Indonesia Number 17 of 2023 Concerning Health

Fajar Maulana¹, Sumarno²

^{1,2}UNPAB Health Law Masters Study Program

Email: [1fmaulana475@gmail.com](mailto:fmaulana475@gmail.com), [2benerno14@gmail.com](mailto:benerno14@gmail.com)

Abstract

The role of health workers is very important in service deep health do effort healing for patient at hospital not can avoidable from dispute law so required more protection put forward settlement on position power health the one that is more put forward settlement outside court . This research discuss about position legal protection for health workers before Law of the Republic of Indonesia Number 17 of 2023 concerning health and status legal protection for health workers after enactment law of the Republic of Indonesia Number 17 of 2023 Concerning Health. This research use method normative juridical. Research results find position protection law power health in context service health at home sick , well before coming into effect and after coming into effect Law of the Republic of Indonesia Number 17 of 2023 concerning health and health regulations government number 28 of 2024 contains significant differences . In the latest health law this focus main is under protection the law given to power health as well as implications from change regulation the to practice Health services that add affirmation protection law through Article 273 and the existence of role assembly Padal mediation as per Article 310.

Keywords: Status, Legal Protection, Health Workers, Health Services

INTRODUCTION

Implementation development health covering Health efforts and resources its power must done in a way integrated and sustainable in various field and progress knowledge knowledge and technology has increase level welfare society and awareness will life healthy. The availability of medical devices is one of the means required by manpower health Because can influence increasing need services and equity that include manpower, facilities and infrastructure good amount and quality. Therefore that required arrangement for protect giver and receiver service service medical. Health workers hold role important in organization service health at hospital. With existence ongoing regulation develop, such as Constitution Number 17 of 2023 concerning health (hereinafter referred to as Health) called Health Law) and Regulations Government Number 28 of 2024 concerning Regulation Implementation Constitution Number 17 of 2023 concerning health, for that researcher important for analyze how position law power health Because the change regulations and how to protect them law this moment. Article 28 G paragraph 1 of the 1945 Constitution: "Everyone has the right on protection self personal, family, honor, Dignity and Property under his power as well as entitled for a sense of security and protection from threat afraid for do or no do something that is right "basic". According to article 1 (7) of the health law, health workers are everyone who devotes self in health sector and own attitude professional, knowledge, and skills through education height for type certain need authority for carry out health efforts. As set up Article 199 of the health law details type health workers as following: (1) power psychology clinical ; (2) power nursing ; (3) power midwifery ; (4) power pharmacy ; (5) power health public ; (6) power health environment ; (7) energy gtrzi ; (8) power therapy physique ; (9) power technicality medical ; (10) power technique biomedical ; (11) power health traditional ; and (12) Other Health Workers determined by the Minister. Based on things the so writer do study with title "Position legal protection for health workers in home

health services sick before and after enactment "law of the republic of Indonesia number 17 of 2023 concerning health".

METHODOLOGY

For can answer formulation problem in this study, as for objective this study is following : (1) For review and analyze position legal protection for health workers before law of the republic of Indonesia number 17 of 2023 concerning health (2) For review and analyze position legal protection for health workers after enactment law of the republic of Indonesia number 17 of 2023 concerning health.

RESULTS AND DISCUSSION

For discuss this study writer use theory protection law Snellbecker to mean that "theory as device a symbolically integrated proposition and a theory besides functioning for explain facts, must also be capable predict or prove the facts are in the middle society". Purpose theory very clear, namely in general to question knowledge and explain connection between a symptom social and meaning from observations made. The framework the theory used in this study that is: Legal protection is all efforts made to guarantee legal certainty based on all the regulations or rules that exist in communal life. Soetjipto Rahardjo stated that "legal protection is an effort in a person's interests by means of power over him and one of the characteristics and objectives of the law itself is to provide protection to society, by being realized in the form of legal certainty so that society can enjoy the rights given as legal protection for society." Philipus M. Hadjon defines "that the principle of legal protection for the Indonesian people combines the ideology of Pancasila with the concept of legal protection of western people. In the concept of legal protection, there is recognition, protection of Human Rights (HAM), so that the principle of legal protection for the Indonesian people is the principle of recognition and protection of human dignity and honor which is based on Pancasila related to the principle of the rule of law". Legal protection is providing protection for human rights that are harmed by others and this protection is given to the community so that they can enjoy all the rights granted by law or in other words, legal protection is various legal efforts that must be given by law enforcement officers to provide a sense of security, both mentally and physically, from disturbances and various threats from any party. A protection can be said to be legal protection if it has the following elements: (a) The existence of protection from government to its citizens (b) Guarantee certainty law (c) Related with rights citizen (d) The existence of sanctions punishment for the party that violates it (e) In general, protection can be in the form of interest and object or goods.

Position Legal Protection for Health Workers Before Law of the Republic of Indonesia Number 17 of 2023 concerning Health

Before coming into effect Republic of Indonesia Law Number 17 of 2023 concerning Health, position law power health regulated by the Republic of Indonesia Law Number 36 of 2009 concerning Health and more specific regulated by the Republic of Indonesia Law Number 36 of 2014 concerning health workers. This there is advantages and disadvantages that cause uncertainty minimal laws and protection against power health, especially in matter not quite enough answer professional and protection to action law with challenges faced as following :

- a. Legal Uncertainty : Lack of clear regulations about not quite enough Responsibilities and Rights health workers ;
- b. The low Legal Protection : Health workers often become object lawsuit law without existence adequate protection ;
- c. Quality Service : Ambiguity position law can influence quality services provided ;

Republic of Indonesia Law Number 36 of 2009 concerning health in general limited arrange source Power human beings who are included in understanding power health. The meaning of the term there is in field health as well as own knowledge and or skills through education in the field health for type certain need authority for do effort health. In general about condition agreement service service health started with coming patient to clinic / health center / hospital with coming patients who suffer disease, then by the officer registration will noted about identity patient and proven with number record medical, for do agreement the party patient know what will become contents agreement service service health that will done to himself, for example know action medical what will done to him, knowing the order of things action service service health, and knowing risk what can happen on action services provided by the party clinic / health center / hospital. One of support success development health is existence harmony connection between interest party patient with health workers in service health. Protection for health workers in article 27 (1) of the Republic of Indonesia Law Number 36 of 2009 concerning Health only mention that "Health workers entitled get rewards and protection law in carry out

task in accordance with his profession". Article in constitution this no confirm more carry on about form and manner his protection also included in explanation constitution this no found. Protection law in regulation other for power health found in Republic of Indonesia Law Number 36 of 2014 concerning health workers as following :

1. Article 4 regulates protection law for power health in practice.
2. Article 82 paragraph (2) regulates sanctions administration for facility service health that is not carry out provisions. Sanctions the in the form of warning written, fine administrative, etc.
3. Law Number 36 of 2014 also regulates provision more carry on about : (a) Procedures imposition sanctions discipline ; (b) Procedures for the evaluation process competence; (c) Utilization and practice power health foreign nationals; (d) Authority profession; (e) Implementation profession outside authority; (f) Delegation action; (g) Implementation standard profession, standard service professions, and standards procedure operational.

Position legal protection for health workers after enactment law of the republic of Indonesia number 17 of 2023 concerning health

Negligence power health and doctors in give service health to community / patient No can be punished. Because, in three package laws in the field of health not there is one the article also states that because negligence a power health including doctor can convicted as Republic of Indonesia Law Number 29 of 2004 concerning practice medicine, Law of the Republic of Indonesia Number 36 of 2009 concerning health, and law of the republic of indonesia number 44 of 2009 concerning hospital. With coming into effect Republic of Indonesia Law Number 17 of 2023 which was promulgated on August 8, 2023, then third constitution the no applicable again, but there is change significant position law health workers from corner protection the law. The law this give runway more laws clear and comprehensive for Health workers with add existence role assembly as set up in Article 308 (1) of the Republic of Indonesia Law Number 17 of 2023 concerning Health which states as following : Medical Personnel or Health Workers who are suspected do an act that violates law in implementation Health services that can charged sanctions criminal, especially formerly must requested recommendation from assembly as meant in Article 304. Position protection law other for health workers added in the health law, namely Article 310, states : " In Medical Personnel Matters or Health Workers suspected do error in operate his profession which caused loss to Patients, disputes that arise consequence error the completed moreover formerly through alternative settlement dispute outside court ".

Legal Protection

1. Professional Responsibility : This act set standard not quite enough more answers clear for power health, including aspect ethics and professionalism.
2. Protection Against Legal Action : Health workers get protection more laws good from lawsuit law that does not reasonable.
3. Improvement Quality Service : With existence certainty law, power health can more focus on improvement quality service without worry to risk law that does not based on .

Article 273 (1) letter a of the Law Number 17 of 2023 concerning health provides protection law to power health and energy medical who performs action medical in health services has emphasized that " Medical Personnel and Health Personnel in operate practice entitled to : get protection law throughout carry out task in accordance with standard profession, standard service profession, standard procedure operational, and ethics profession, as well as need Patient Health. Proven health workers negligent can charged sanctions law as meant in Article 440 paragraphs (1) and (2); However, before charged sanctions criminal, problem the must completed through non- judicial path as meant in Article 310 of the law. Medical personnel no charged sanctions if can give proof that his work and actions has in accordance with standard profession, standard service professional, standard procedure operational, ethics profession, and requirements patient. For that must balanced with professional health services as referred to in Article 274 letter a of the health law which states" Medical Personnel and Health Personnel in operate practice mandatory : to provide health services according to with standard profession, standard service profession, standard procedure operational, and ethics profession as well as patient health needs.

CONCLUSION

Change regulation this own impact positive to practice service health at hospital. Health workers can operate in framework more laws clear, which in turn can increase trust public to service health. Position protection law for power health at home Sick moment This has experience change significant with coming into

effect Republic of Indonesia Law Number 17 of 2023 concerning health, especially with existence the provisions of Article 273 (1) letter a, Article 308, Article 310 and also supported by coming into effect Regulation Government of the Republic of Indonesia Number 28 of 2024 concerning Implementation Constitution Number 17 of 2023 concerning health. With existence position protection more laws good in this regulation, can push power health for give more service quality, which in the end will benefit the community in accept service health at hospital and sector service health others in Indonesia. Therefore that's important for all party for understand respective rights and obligations as well comply existing regulations for the sake of creation system better health good.

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