

Juridical Review of National Health Law in the Perspective of Health Law No. 7 of 2023

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Abstract. Basically, Law No. 7 of 2023 on Health also emphasizes the importance of education and training for healthcare professionals. Article 70 states that the government must provide continuous education programs for healthcare workers to ensure they are always up-to-date with the latest developments in the medical field and capable of providing the best services to the public. Article 75 of Law No. 7 of 2023 strengthens the role of the private sector in the provision of healthcare services. The government is encouraged to collaborate with the private sector in various forms, including the provision of healthcare facilities, healthcare worker training, and health research. This collaboration is expected to accelerate the improvement of healthcare services quality in Indonesia. In the global context, Article 80 of Law No. 7 of 2023 regulates international cooperation in the field of health. This type of research is normative research. A conceptual approach and a statutory approach are used. The data source used is secondary data qualitatively descriptive. Drawing conclusions was done deductively. This study indicated that Law No. 7 of 2023 on Health represents a significant step forward in strengthening the healthcare system in Indonesia by covering various important aspects. With a comprehensive legal framework, it is hoped that Indonesia's healthcare system can become more responsive, inclusive, and just.

Keywords: Juridical Review, National Health Law, Perspective of Law No. 7 of 2023 on Health

1 Introduction

Indonesia, as a country that upholds human rights, including the right to health, continues to strive to improve the quality of health services for all its citizens. This is reflected in Health Law No. 7 of 2023, which is the basis for a new law in the governance of the health sector in the country. This law was drafted with the aim of optimizing a comprehensive, fair and quality national health system. Article 1 Wellbeing Regulation No. 7 of 2023 stresses that each resident has the privilege to acquire quality and safe wellbeing administrations. It is in accordance with the order of Article 28H Section (1) of the 1945 Constitution which expresses that each individual has the option to reside in physical and profound flourishing, to have a spot to live, and to have a decent and solid living climate and the option to get wellbeing administrations[1].

Article 4 Health Law No. 7 of 2023 regulates the government's obligation to provide adequate health facilities and infrastructure and ensure an even distribution of health workers throughout Indonesia. This aims to close the access gap between urban and rural areas, as well as the western and eastern parts of Indonesia, to health services. Furthermore, Article 9 of the Health Law No. 7 of 2023 regulates the rights and obligations of health workers. Health workers have the right to legal protection, training, and adequate recognition for their dedication and professionalism. On the other hand, they also have an obligation to provide health services in accordance with applicable professional and ethical standards. Article 12 Health Law No. 7 of 2023 underlines the importance of promotive and preventive efforts in the national health system. The government is required to improve public health programs aimed at preventing disease and promoting healthy lifestyles. It includes immunization campaigns, nutrition education, and environmental cleanliness programs[2].

The public authority has the position to disavow showcasing approval and request the withdrawal from course of drug items and clinical gadgets that have gotten advertising approval, which are subsequently viewed as not to meet quality as well as security and additionally adequacy prerequisites, and might be seized and obliterated as per the arrangements of the legislation. Article 108 of Regulation No. 36 concerning Wellbeing makes sense of drug works on including producing including quality control of drug arrangements, security, obtainment, stockpiling, and dissemination of medications, drug apportioning by professionally prescribed, drug data administrations, as well as medication improvement, restorative materials, and traditional medicines must be carried out by Health professionals who have competence and authority in accordance with the provisions of the legislation. And the provisions regarding the implementation of pharmaceutical practices as referred to are determined by government regulations. In Article 98 passage (1) of Regulation No. 36 concerning Wellbeing states that drug items and clinical gadgets should be protected, solid/valuable, and of value, and open, then, at that point, any individual who doesn't have skill and authority is disallowed from acquiring, putting away, handling, advancing, and disseminating medications and materials that have restorative adequacy. The arrangements in regards to obtainment, capacity, handling, advancement, and circulation of drug items and clinical gadgets should fulfill the quality guidelines of drug store administrations specified by unofficial laws. The public authority is obliged to encourage, manage, control, and regulate the obtainment, stockpiling, advancement, and circulation as alluded to in Article 98 section (3) of the Wellbeing Regulation.[3]

In the Criminal Code itself, Criminal Acts are divided into two, namely offenses and crimes, each of which is contained in Book III and Book II of the Criminal Code. Offenses carry lighter penalties compared to crimes. Many terms are used to refer to the concept of strafbaarfeit, various terms and interpretations used by experts are based on rational reasons and considerations from the perspective of each expert. To determine the existence of a criminal act, it is generally formulated in criminal legislation regulations regarding prohibited acts and accompanied by sanctions. In the interim, the components of objectivity allude to components connected with conditions, to be specific the conditions under which the activities of the culprit should be done. The components of a lawbreaker act are divided into several aspects, namely: The emotional components of a lawbreaker act are purpose and carelessness: 1. Carelessness (dolus or culpa) 2. Purpose or voornemen in an endeavor or poging as alluded to in Article 53 passage 1 of the Lawbreaker Code. 3. a variety of intentions or oogmerk, such as those found,

for instance, in crimes like theft, fraud, extortion, and forgery; 4. Deliberation or *voorbodachte raad* as found, for instance, in the wrongdoing of homicide as per Article 340 of the Lawbreaker Code; 5. Sensations of dread or *vrees* as found, among others, in the definition of criminal demonstrations as per Article 380 of the Lawbreaker Code.[4]

Article 15 of Health Law No. 7 of 2023 also emphasizes the importance of research and development in the field of health. The government is expected to support various research related to disease management, drug development, and health technology innovation to improve the quality of medical services in Indonesia.

In the regulatory context, Article 20 of Health Law No. 7 of 2023 stipulates that every health facility, whether owned by the government or private, must meet the standards set by the government. It includes technical and managerial requirements, and patient safety standards that must be met to obtain operational permits.

Health Law No. 7 of 2023 also has significant implications for law enforcement in the health sector. Article 27 of this law regulates sanctions for violations in the health sector, including practicing medicine without a license, drug abuse, and professional ethics violations. These sanctions include administrative fines, permit revocation, and criminal penalties by applicable regulations.

Furthermore, Health Law No. 7 of 2023 also considers the aspect of justice for patients. Article 30 regulates patients' rights, including the right to clear and transparent information regarding their health conditions and the medical procedures to be performed. Patients also have the right to give consent or refuse certain medical procedures after receiving comprehensive explanations from healthcare professionals. Article 33 of Health Law No. 7 of 2023 reaffirms the government's commitment to providing inclusive national health insurance. Through the National Health Insurance (JKN) program, it is expected that all citizens, without exception, can access the healthcare services they need without being burdened by high costs. In addition to regulating healthcare services, Health Law No. 7 of 2023 also pays attention to environmental health issues. Article 37 of this law mandates the government to monitor environmental factors that can have negative impacts on public health, such as air, water, and soil pollution. Health Law No. 7 of 2023 also includes provisions regarding corporate social responsibility (CSR) in the health sector. Article 42 requires large companies to contribute to public health programs, either through funds, facilities, or health programs for employees and the surrounding community.[5].

It has been explained in the elements of criminal acts "every person" found in articles 196-198 of Law Number 36 of 2009 concerning Health that the subject of the crime of counterfeiting drugs is a person or individual who is responsible and legally competent according to the laws and regulations, however, in Article 201 Paragraph (1) the possibility of the subject of the criminal act can be a corporation is allowed. It is logical considering the development of criminal acts that often occur today are often committed by corporations, especially in the case of drug counterfeiting crimes where the production and distribution of counterfeit drugs are almost impossible to be done alone, it requires an organization and adequate human resources so that the production of counterfeit drugs will be easier. In the case where the subject of the criminal act is a corporation, imprisonment and fines are threatened against the corporate

executives, while the corporation can be subject to fines and additional criminal sanctions, this is regulated in Article 201 Paragraphs (1) and (2).

Crime is a real portrait of the development of community life directly or indirectly, and community life certainly has vulnerabilities that have the potential to produce individuals with deviant behavior. In society, there is a mingling of interests that are not always fulfilled in the right way, meaning there are wrong ways and violations of the law committed by individuals or groups of people to fulfill their interests. Economic problems in Indonesia have shown negative effects with the increasing number of people who engage in wrongful acts solely to meet their livelihood needs. Nowadays, to meet their needs, a person does not think about the reasons for their actions. It is contrary to the moral values in Pancasila.[6] Even for some criminals, they do not fear the law enforcement agencies that regulate public security and order. Criminal law, which is "regulatory and coercive" in nature, seems to have been sidelined and unable to cope with the increasingly rampant crimes in this era. From a legal perspective, with the proliferation of all types of crimes occurring nowadays, it seems very necessary to study the application of criminal law against perpetrators and analyze the criminological aspects of the causes of these crimes.

From the perspective of criminal law, the Health Law No. 7 of 2023 also refers to the Criminal Code (KUHP) for law enforcement against serious violations in the health sector. For example, Article 44 of this law regulates that violations causing significant losses or death can be subject to criminal sanctions by the provisions of the Criminal Code. Regarding the protection of healthcare workers, Article 48 of the Health Law No. 7 of 2023 emphasizes that any act of violence or threat against healthcare workers while performing their duties will be legally processed. It is important to provide a sense of security and protection for healthcare workers in carrying out their professional duties. In the end, the Health Law No. 7 of 2023 is a significant step in the Indonesian government's efforts to improve the quality and accessibility of healthcare services. With a comprehensive legal framework oriented towards social justice, it is expected that this law can realize a better, fairer, and more equitable healthcare system for all Indonesians.[7]

The provision in Article 1 Paragraph (1) of the Criminal Code (KUHP) states that no act can be punished unless it is regulated by legislation. Distributing pharmaceutical products without a distribution permit is considered a criminal act as regulated in the Health Law. The main requirement for the imposition of punishment is the existence of an act (by a human) that fulfills the elements of a crime as stipulated in the law, which is a consequence of the principle of legality. These elements of a crime are essential; as a principle of certainty, criminal law must be definite, clearly stating what is prohibited or commanded and whether it is worthy of being considered a criminal act. When related to the position of the case discussed, the elements of Article 197 of the Health Law are met. The criminal elements in Article 197 of the Health Law are fulfilled. The elements in Article 197 of the Health Law are as follows: 1. Every person, referred to as "every person" here, anyone who, as a subject of criminal law, supports rights and obligations, is accused of committing a criminal act and has the ability or competence to be held accountable for the punishment. 2. Intentionally producing or distributing pharmaceutical products and/or medical devices without a distribution permit. In this case, the defendant does not have the authority or expertise or does not have permission to distribute drugs.[2].

2 Method

This sort of exploration is Standardizing research. The methodologies utilized are a legal methodology and a reasonable methodology. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively[8]. The conclusion is drawn using the deductive method, which involves concluding what is general to what is specific, especially related to the research topic of Juridical Review of National Health Law in the Perspective of Health Law No. 7 of 2023. Subjective information investigation is performed when the experimental information got comprises of an assortment of words and not a progression of numbers, and can't be sorted out into information classes. It tends to be gathered in different ways (perception, interviews, archive examination, and tape accounts). Typically, it is handled first prior to being utilized in subjective exploration, including interview records, information decrease, examination, information understanding, and triangulation.[9].

3 Result and Discussion

3.1 Implications of the Juridical Review of the National Health Law in the Perspective of Health Law No. 7 of 2023

Health Law No. 7 of 2023 not only emphasizes the provision of quality healthcare but also ensures that the services are inclusive and accessible to all layers of society, including vulnerable groups such as the elderly, children, and people with disabilities. Article 50 asserts that the government is obliged to provide special attention and extra protection to these vulnerable groups in every health program implemented. Article 55 of Health Law No. 7 of 2023 strengthens the importance of cooperation between the central and regional governments in the provision of healthcare services. In the context of decentralization, regional governments are given the authority to regulate and manage healthcare services in their respective areas in line with national policies. It aims to ensure that health programs can be tailored to local needs and be more responsive to local community conditions.

Health is a human right, according to the development of international human rights law, the satisfaction of the right to wellbeing is the obligation of the public authority of every country. In this way, the public authority of every nation is obliged to give the right to wellbeing to its kin as specified in Articles 14-20 of Regulation No. 36 of 2009 concerning wellbeing. This is on the grounds that medications are utilized to save, reestablish, and keep up with wellbeing. In accordance with Health Law No. 36 of 2009, Article 1 Number 8: "Drugs are substances or combinations of substances, including biological products used to influence or investigate physiological systems or pathological conditions for diagnosis, prevention, treatment, recovery, health improvement, and contraception for humans." [4]"

The accountability in criminal law can be based on fault or without proving such fault (strict liability). Fault can be divided into two types: intent and negligence. Intent is the will directed towards the commission of an act as formulated in the law, while negligence is a milder

form of fault. Negligence usually occurs when the perpetrator acts carelessly. The normative view broadens the understanding of fault. Fault is not merely seen as a psychological issue of the actor. Consequently, intent and negligence are then regarded as indicators of fault, not the fault itself. As a result, in formulating criminal acts, there is no need to specify whether the act was committed intentionally or due to negligence.[2].

To enhance community participation in the health sector, Article 60 of Health Law No. 7 of 2023 regulates the formation of health committees at the national, provincial, and district/city levels. These committees serve as a platform for the community to participate in decision-making related to health policies, as well as a forum to express aspirations and complaints regarding health services. Article 65 of Health Law No. 7 of 2023 also regulates the protection of health data and information. Every healthcare facility and healthcare provider is required to maintain the confidentiality of patient data and only use such data for medical purposes. Violations of these provisions may be subject to sanctions by applicable law.[10]

3.2 The Urgency of the Juridical Review of the National Health Law in the Perspective of Health Law No. 7 of 2023

Health Law No. 7 of 2023 also emphasizes the importance of education and training for health workers. Article 70 states that the government is obliged to provide continuing education programs for health workers to ensure they are always up-to-date with the latest developments in the medical field and can provide the best service to the community.

Article 75 Health Law no. 7 of 2023 strengthens the role of the private sector in providing health services. The government is encouraged to establish partnerships with the private sector in various forms, including the provision of health facilities, training of health workers, and research in the health sector. It is expected that this collaboration can accelerate improvements in the quality of health services in Indonesia. In a global context, Article 80 of the Health Law No. 7 of 2023 regulates international cooperation in the health sector. The Indonesian government is expected to actively participate in various international forums to exchange knowledge and experience and establish partnerships with other countries in efforts to overcome global health problems such as pandemics, infectious diseases, and climate change which have an impact on health.[1].

Drug production requires certain expertise in the pharmaceutical field because it is related to the composition of the drug and the specific dose needed to cure the disease. For this reason, not just anyone is allowed to produce medicine. Even people who already have expertise in the pharmaceutical field cannot immediately produce medicines, they need authority given by the government, who are called health workers. A wellbeing laborer is any individual who commits themselves to the wellbeing area and has information or potentially abilities through training in the wellbeing area, which for particular sorts expects position to do wellbeing endeavors. Article 198 of Regulation Number 36 of 2009 concerning Health regulates the prohibition on carrying out pharmaceutical practice, in this case producing drugs, because without expertise there will be errors in drug production resulting in fake drugs, and expertise without authority will result in misuse of expertise for profit.[11]

The concept of an unlawful act (*onrechtmatige daad*) has evolved to encompass four criteria. First, it is contrary to the legal obligation of the perpetrator; second, it violates the subjective rights of others; third, it contravenes moral norms; fourth, it goes against the propriety, diligence, and caution that one should have in interacting with fellow members of society or towards the property of others. In the context of a doctor's liability in cases of medical malpractice, there is relevance to the unlawful act as stipulated in Articles 1366 and 1364 of the Common Code. The patient, first and foremost, should experience a misfortune; furthermore, there should be a misstep or carelessness (notwithstanding people, emergency clinics may likewise be at risk for the errors or carelessness of their representatives); thirdly, there should be a causal connection between the misfortune and the slip-up; and fourthly, the act must violate the law. If someone, at the time of committing an unlawful act, is fully aware that their actions will result in certain detrimental consequences to others, it can generally be said that they are liable. The condition to establish that someone is fully aware of the circumstances causing the likelihood of such consequences occurring must be met.[5].

In its implementation, Health Law No. 7 of 2023 also emphasizes the importance of active participation from the community. Article 125 asserts that the community has the right and obligation to participate in health programs organized by the government. The participation can take the form of providing health information, participating in health campaigns, and supporting promotive and preventive programs in their environment. Active community participation is crucial to ensure the success of health programs and to create a community that is aware of the importance of maintaining health. Article 130 of the Health Law No. 7 of 2023 regulates the development of institutional capacity in health education. The government is required to improve the quality of education in medical faculties, nursing, pharmacy, and other health education institutions. This includes providing up-to-date curricula, adequate educational facilities, and scholarship programs to ensure that future healthcare workers have the necessary competencies to provide high-quality healthcare services.[2].

In addition, Health Law No. 7 of 2023 also emphasizes the importance of innovation in the field of health. Article 135 encourages the government and private sectors to put resources into innovative work of new wellbeing innovations, for example, telemedicine, high level clinical gadgets, and creative medications. These developments are supposed to further develop admittance to and nature of wellbeing administrations, particularly in far off regions that are difficult to reach. In efforts to enhance primary healthcare services, Article 140 of Health Law No. 7 of 2023 stipulates that the government must strengthen the role of community health centers (*Puskesmas*) as the frontline of health services at the grassroots level. *Puskesmas* should be equipped with competent healthcare personnel, an adequate supply of medicines, and sufficient medical facilities to provide comprehensive health services to the public.

To ensure the sustainability of health programs, Article 145 of Health Law No. 7 of 2023 regulates the importance of periodic monitoring and evaluation. The government is required to closely supervise the implementation of health programs and conduct routine evaluations to identify constraints and seek appropriate solutions. The results of these evaluations are also used to improve and refine health programs in the future. Finally, Article 150 of Health Law No. 7 of 2023 underscores the importance of sustainability and continuity in the healthcare system. The government must ensure that every health policy and program launched not only has short-

term impacts but also provides long-term benefits to public health. This requires careful planning, adequate resource allocation, and strong commitment from all relevant parties to achieve these goals.[12]

4 Conclusion

1. In conclusion, Health Law No. 7 of 2023 represents a significant step forward in strengthening the healthcare system in Indonesia. This law encompasses various important aspects, ranging from improving access to and quality of healthcare services and protecting the rights of patients and healthcare workers to the development of technology and innovation in the healthcare field. With a comprehensive legal framework, it is hoped that Indonesia's healthcare system can become more responsive, inclusive, and equitable.
2. However, the success of implementing Health Law No. 7 of 2023 heavily depends on the commitment and cooperation of all parties, including the central and regional governments, healthcare workers, the private sector, and the community. Active participation and support from all segments of society will be key to achieving the objectives of this law. Additionally, strict supervision and periodic evaluation are necessary to ensure that every healthcare program and policy launched can run effectively and provide maximum benefits to the public.
3. In the end, with the existence of Health Law No. 7 of 2023, Indonesia has a strong foundation to build a better and more resilient healthcare system. This law is expected to improve the quality of life for the people, reduce disparities in healthcare access, and create a healthy environment for all citizens. The effective enactment of this law will be a crucial step in Indonesia's journey towards an optimal and sustainable national healthcare system.

5 Suggestions

1. As a further step in optimizing the implementation of Health Law No. 7 of 2023, the government needs to ensure adequate and targeted budget allocation. The increased budget should be focused on providing quality healthcare facilities, fair distribution of medicines, as well as training and welfare for healthcare workers. The government also needs to develop transparent oversight mechanisms to ensure that allocated funds are truly used by the established goals and priorities.
2. Furthermore, increased collaboration between the public and private sectors is essential. The government should actively promote strategic partnerships with the private sector to expand the coverage and quality of healthcare services. This can be achieved through various initiatives, such as the construction of new healthcare facilities, the development of healthcare technology, and corporate social responsibility (CSR) programs focusing on public health. Additionally, clear

regulations and attractive incentives are needed for the private sector to invest in the healthcare sector.

3. Lastly, active participation of the community in healthcare programs must be continuously enhanced. The government needs to strengthen health education programs to increase public awareness of the importance of maintaining health and adopting a healthy lifestyle. Promotional and preventive programs, such as immunization campaigns, routine health check-ups, and education on balanced nutrition, should be consistently promoted. By actively involving the community, it is hoped that an environment supportive of optimal health will be created for all segments of society.

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