

Rights and Obligations of the Community in Health Services towards Justice from the Perspective of Law Number 17 of 2023 Concerning Health

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Abstract. Law No. 17 of 2023 on Health establishes a legal framework for health services based on the principle of justice. It emphasizes the rights and obligations of the community in achieving fair, quality, and affordable health services. Ensuring justice and equality in health service provision is crucial for all communities. The stagnation of legal justice and access in Indonesia highlights the need for improvements in the legal system and service quality. Social justice, encompassing education, health, economy, and politics, is a key state goal. Health, as a basic right, must be fulfilled by the state to ensure community quality of life. This study investigates how community rights and obligations in health services, as regulated by Law No. 17 of 2023, impact justice in access and service quality and how to reduce discrimination in health services. Employing a qualitative approach with normative-descriptive analysis, the study found that Indonesia's Constitution guarantees the right to health services and a healthy life. These right mandates the state to commit to directing and implementing health services as a protected order.

Keywords: Rights, Law Number 17 of 2023 concerning Health, Obligations, Community, Health Services.

1 Introduction

Indonesia has attempted to work on the quality and availability of wellbeing administrations for all degrees of society. This reality should be visible from the public authority's endeavors in giving Regulation Number 17 of 2023 Change Regulation Number 36 of 2014 concerning Wellbeing, which expects to give major areas of strength for a premise to the execution of an impartial, fair and quality wellbeing framework. In addition to establishing the rights of the community to access high-quality health services, the law, but also emphasizes the obligations of the community in maintaining the health of themselves, their families, and the environment. In this context, the understanding and implementation of community rights and obligations are crucial in ensuring the realization of justice in health services in Indonesia.

Health is defined in Article 1 paragraph (1) of Law No. 17 of 2023, an amendment to Law No. 36 of 2014, as a person's state of physical, mental, and social well-being. and not just free from disease to enable him to live productively. Meanwhile, Article 1 paragraph (3) reads that health services are all forms of activities and / or on the other hand a progression of

administrations gave straightforwardly to people or the local area to keep up with and further develop general wellbeing status as promotive, preventive, corrective, rehabilitative, and/or palliative.

The objectives of health management are crucial in driving continuous improvement in the healthcare sector. These objectives aim to enhance the culture of healthy living, improve the accessibility and quality of health services and resources, and ensure the effective and efficient management of human resources. They also focus on meeting the community's health service needs, enhancing health resilience during outbreaks, and ensuring transparent, effective, and equitable funding. Furthermore, these objectives promote the development and sustainable use of health technology, and provide insurance and assurance to patients, clinical staff, health workers, and the community.

Public health services, as Hondgetts and Cascio point out, are designed to be accessible to all. Their main objective is to maintain and improve health, prevent disease, and their target is primarily groups and communities. This accessibility ensures that everybody has the privilege of acquiring protected, quality, and affordable health services, providing a sense of reassurance and care to the community.

The 1945 Constitution of the Republic of Indonesia ensures that all individuals and residents can reside in success, obviously physical and mental flourishing, and have a fair and sound spot to reside or house. Each people group or resident of the Republic of Indonesia has the privilege to live in a decent and sound climate. At that point, each resident of the Republic of Indonesia can acquire a wellbeing administration. The Government of the Republic of Indonesia guarantees that every citizen obtains health services, meaning that the Government provides health facilities that every citizen or community can access. The presence of the State in terms of the Government of the Republic of Indonesia is needed by every citizen or community. The community needs health services, especially those provided by the Government. Although the private sector also provides health services, health services organized by the private sector are almost unreachable to the community because of the high cost. This is not affordable for both the middle-class and lower-class communities.

The Republic of Indonesia's 1945 Constitution should be implemented, particularly in the provisions of Article 28H passage (1), according to Regulation Number 17 of 2023 Change Regulation Number 36 of 2014 regarding wellbeing. One of the aspects of government assistance that should be recognized in accordance with the Indonesian nation's goals, as outlined in Pancasila and the 1945 Constitution, is wellbeing, which is a fundamental right. Every activity is carried out in an effort to maintain and improve the highest degree of public health, based on the principles of nondiscrimination, participation, and sustainability in the context of the formation of Indonesian human resources as well as increasing the nation's resilience and competitiveness for national development.. In this manner, all that causes medical issues locally will cause extraordinary financial misfortunes for the nation, and a huge amount of energy to work on the level of general wellbeing likewise implies interest in the nation's turn of events.

The people group as residents has the privilege to acquire wellbeing administrations. Nonetheless, there are as yet numerous individuals from the local area who don't have any idea or even comprehend that really getting wellbeing administrations is the right of each and every resident. In this instance, the provisions of Article 28H paragraph 1 of the Republic of Indonesia's 1945 Constitution and Article 4 paragraph 1 letter c of Law Number 17 of 2023 Amendment to Law Number 36 of 2014 Concerning Health make it abundantly clear.

However, in practice, there are still various challenges that hinder the fulfillment of these rights and obligations. Factors such as low levels of understanding, inequality in access to health

services, and lack of awareness of the importance of maintaining health are some of the things that need attention and solutions.

Wellbeing laborers play a significant part in working on the nature of most extreme wellbeing administrations to the local area so the local area can expand mindfulness, eagerness, and capacity to live sound so the most extensive level of wellbeing will be acknowledged as a speculation for the improvement of socially and financially advantageous HR and as one of the components of public government assistance as alluded to in the Prelude of the 1945 Constitution of the Republic of Indonesia is the way of thinking in Regulation Number 17 of 2023 Alteration to Regulation Number 36 of 2014 concerning Wellbeing.

The preceding explanation serves as the basis or foundation for health professionals to provide the community with the best and most affordable health services, so that it is hoped that there will be no more reports and news in the public that reports that there are people who are difficult or do not get health services because they do not have the economic ability and discrimination. This argument serves as the foundation for the formulation of the research problem: How is the implementation of the community's rights and obligations in health services regulated by Law No. 17 of 2023, and to what extent can this implementation affect the level of justice in access and quality of health care? and how to decrease prejudice in health care, which is one of the most important goals in achieving justice.

2 Methodology

The examination, which was carried out in a legal setting and was recorded in hard copy, is legal. Essential legal and auxiliary legal materials serve as the sources of legitimate materials for this investigation. Books on legal science were used as the materials. Legislative approaches, comparative legal research approaches, case studies, and legal analysis approaches are the methods utilized in this study. The analytical method of data processing is essential because it enables a comprehensive comprehension of the legal materials and is then described in descriptive-analytical writing.

3 Results and Discussion

Indonesia is a state of law, and one of the dimensions that must be realized in the Constitution is to make Indonesia a prosperous, just and prosperous society (*Welfare State*). Wellbeing as a feature of the satisfaction of common freedoms should be acknowledged through giving different wellbeing endeavors to all degrees of society through the execution of value wellbeing improvement and reasonable by the local area.

State strategy in shaping regulations in the wellbeing area is a juridical premise that can make rules for the local area overall and wellbeing laborers specifically. The Republic of Indonesia's 1945 Constitution, in Article 34, paragraph 3, reads: "The state is responsible for the provision of proper health care facilities and public service facilities".

The definition of a right is the power to receive or do something that should be received or can be said to be something that is always done and others cannot take it away either by force or not. In terms of citizenship, this right means that citizens are entitled to a decent life, security, and legal protection and so on. The definition of obligation is something that must be done in order to obtain rights or authority. Obligations are things that must be done because they have

earned rights. As a citizen, you must carry out your role as a citizen according to your ability in order to get your rights as a good citizen.[3]

The implementation of citizens' rights in the 1945 Constitution of the Republic of Indonesia (UUD 1945) is directly linked to obligations, because it does have a relationship, therefore the formulation of rights and obligations is included in one article such as Article 27 paragraph (1) which reads "All citizens shall be equal before the law and government and shall uphold the law and government with no exception." [4]

All types of funds, personnel, medical supplies, pharmaceutical preparations, medical devices, health service facilities, and technology used to organize public authority and local state-run administrations' health efforts are considered resources in the health sector, instructing, and the local area. The public authority manages the preparation, acquirement, use, direction, and oversight of wellbeing laborers' nature in coordinating wellbeing administrations.

In health services, there are two interrelated ethical issues from the articles, namely the right or right of everyone to obtain health services on the one hand, on the other hand, are the duties or responsibilities of the state to provide health facilities. The doctrine of rights states that all duties entail other people's rights, and all rights entail other people's duties. In other words, it is the responsibility of the state to fulfill citizens' right to obtain health services by providing health care facilities. The state's fairness in enforcing citizens' rights to health care raises additional ethical questions due to the diverse circumstances of citizens, including geographical and socioeconomic factors. This 'equity of the state' alludes to the fair and evenhanded dissemination of medical care assets and administrations, as treating individuals inconsistent can prompt states of shamefulness. Because it is a fundamental right that the state must uphold and fulfill, the right to health occupies the same position as other fundamental rights.[5]

The state's role in meeting the needs of its people, particularly in the context of comprehensive health services, is a requirement. Health is recognized as a fundamental right, a set of rights inherent in the nature and existence of man as a creation of God, the Almighty. This divine gift should be respected by the governing body and every individual for the honor and protection of human dignity. Health, as a fundamental right, is the entitlement of every individual, with the state bound to respect, maintain, and safeguard the rights of each person.

The significance of health as a fundamental right and an essential condition for fulfilling other rights has been recognized internationally. The 'right to health' is not just about access to healthcare but also about the conditions that promote health, such as clean water, nutritious food, and safe working conditions. It includes the right to a healthy life and work, healthcare services, and special maternal and child health attention. According to Article 25 of the Universal Declaration of Human Rights (UDHR), 'everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family,' which includes food, clothing, housing, medical care, and the necessary social services. Additionally, 'everyone has the right to security in the event of unemployment, sickness, disability, widowhood, or other lack of livelihood in circumstances beyond his control.' [7]

This demonstrates that every person has the right to a life that is satisfactory for the wellbeing and prosperity of himself and his family. This includes the right to food, clothing, shelter, and essential health and social services. It also demonstrates that every person has the right to safety in the event of unemployment, illness, handicap, partner abandonment, advanced age, or other circumstances that result in a decrease in expectations for everyday comforts that are unchangeable for him.

The type of the State's endeavors in giving wellbeing administrations is by sending off the Public Health care coverage Program (JKN). This program is coordinated by BPJS

(Government managed retirement Arranging Organization) which is a foundation laid out under Regulation Number 24 of 2011 concerning BPJS which is commanded in Regulation Number 40 of 2004 concerning the Public Government managed retirement Framework (SJSN). The Public Medical coverage (JKN) is utilized as an administration work to safeguard little networks who have experienced issues getting wellbeing administrations.

As a form of protection for the right to health, Article 58 of Law Number 17 of 2023 Amendment to Law Number 36 of 2014 concerning Health also provides the rights of a person harmed in the event of an error or negligence in health services provided by health service providers. In this case, the victim can claim damages as compensation for errors or omissions committed by health service providers. However, the claim for compensation does not apply to health workers who perform life-saving measures or prevent someone's disability in an emergency.

In the framework of law enforcement against the arrangement of legislation, sanctions play a crucial role. According to Black's Law Dictionary, a sanction is a component of a law that is intended to ensure enforcement by imposing a penalty or rewarding compliance. In general, sanctions are laws in the form of pain due to violations of legal rules. In law, civil, criminal, and administrative sanctions are known. Civil sanctions are due to unlawful acts committed by someone that harm others. Therefore, the person who caused the loss is obliged to pay compensation for losses. Criminal sanctions relate to violations of the provisions of criminal law (public interest/order) and administrative sanctions concerning violations of administrative law provisions stipulated by state administrative officials in organizing service affairs to the community.

With the enactment of Law Number 17 of 2023, an amendment to Law Number 36 of 2014, pertaining to Health, the regulation of the right to health outlined in the 1945 Constitution, which mandates further regulation by law, has been put into action. However, it is also inextricably linked to the issue of how fully the state fulfills its responsibilities, particularly the government's obligation to uphold the right to health. The regulation of the Health Law is the personification of the state's role in enforcing the right to health, and the government must be aware of this. Legal, political, economic, and social responsibility can all be interpreted as state responsibility for the realization of the right to health: [8]

1. As the most significant party in the realization of the right to health for any reason, the State bears legal responsibility. In the event that the right to health is not upheld, the state may be subject to legal prosecution on the grounds of intent or negligence. Criminal law, civil law, state administrative law, constitutional law, and international law all serve as bases for legal responsibility.
2. In this instance, the State bears the political responsibility of implementing all policies that support the right to health through the existing political channels. Based on the political interests of national law, the state, as an organization of power and politics, must take political steps to support and strengthen health policies. Political responsibility will demonstrate the seriousness with which the state fulfills the right to health in accordance with the state's goals outlined in the 1945 Constitution in this setting.
3. In this instance, the state is also responsible for preparing and providing all facilities and infrastructure for health services in order to fulfill the right to health, which is an economic responsibility. In the State Budget (APBN) and Regional Budget (APBD), the state must provide an adequate budget for the construction and upkeep of health facilities. The state has the primary responsibility for ensuring that the right to health is fulfilled, with outside assistance serving as a complement.

4. As a social responsibility, this implies that the State is obligated to continue working toward the realization and advancement of the general welfare in order to fulfill the right to health. As a form of the state's social responsibility in realizing and promoting public welfare, if other stakeholders are unable or unwilling to fulfill the right to health, the state must act as the most responsible party.
5. If other responsibilities have not been fully and optimally implemented, the state has a moral obligation to always strive to fulfill the right to health as a moral responsibility of the state in this instance. Even in the worst of circumstances, such as war, natural disasters, riots, and so on, the state must work to educate and instill public awareness of the importance of the right to health.

Regarding the meaning of state responsibility in fulfilling the right to health, Indra Perwira mentions 3 (three) forms as follows:[9]

1. Legal protection entails the creation of health service standards, procedures, mechanisms, institutions, and guarantees for the community to be able to access health services based on these standards, as well as regulation and legislative efforts to fulfill the right to health.
2. Policies to fulfill the right to health, like financing, getting medicines, doctors and nurses, health education, controlling drugs, and so on. including guidelines for the construction of community-organized health care facilities.
3. The provision of the legal system known as "due process of law" for individuals whose rights have been violated or ignored by the state or by third parties.

Ces de Rover asserts that there must be responsibility for noncompliance with legal regulations in every law in relation to state responsibility. 9] Rover asserts that national law distinguishes between civil liability and criminal liability for intentional or negligent violations of the law. In contrast, in international law, responsibility is referred to as "responsibility," and it arises when international law-imposed obligations are broken.

Member of the Ombudsman of the Republic of Indonesia, Robert Na Endi Jaweng, said health services are the constitutional right of every citizen to get protection from the state. However, discrimination in health services continues to occur. According to Robert, in services at health facilities (faskes), patients with their own financing and insurance tend to be prioritized. Meanwhile, patients (users) of BPJS health are always neglected. Systemic improvements are needed in the future. The Ministry of Health, BPJS Health management and the Hospital Supervisory Agency (BPRS) are encouraged to more intensively supervise services at first-level health facilities (FKTP) and advanced health facilities (FKRTL). In addition, strict sanctions are also needed against violations of cooperation commitments, if there are serious violations, they must be dealt with so that there is a deterrent effect on repeated practices in the future. The Ombudsman of the Republic of Indonesia believes that the Ministry of Health and BPJS Kesehatan management do not regulate the service quota restrictions. However, the number of complaints about it shows that the practice is massive in the field.[10]

Equity and fairness in access to health facilities and health workers is critical to ensure that all people have equal rights to quality health care, regardless of where they live. It is important to ensure that there is no difference in service standards between urban and rural areas. Some steps that can be taken to achieve equity and justice in this regard are:

1. Infrastructure Improvement: Ensure that health facilities, such as hospitals, health centers, and clinics, are well constructed and managed throughout the region, including remote rural areas.

2. **Equitable Procurement of Medical Devices:** Ensure that medical devices required for diagnosis, treatment, and medical care are available in all health facilities, not only in major cities but also in villages.
3. **Deployment of Health Workers:** Encourage health workers, such as doctors, nurses, and midwives, to be posted in rural areas through government incentives and programs.
4. **Human Resource Quality Improvement:** Implement health programs that focus on disease prevention and health promotion at the local level, including in villages.
5. **Monitoring and Evaluation:** Conduct regular monitoring of access to and quality of health services in various regions to ensure that there is no discrimination or inequity in services.

Fulfillment of the right to health by the government objectively must be acknowledged as having been carried out and continues to be fulfilled. However, this situation has not really been achieved well, despite the results shown by the government from time to time. Problems related to basic services in general still occur frequently in almost all regions of Indonesia. In this case, the government admits that basic service problems are caused, among other things, by the high population. This has an impact on increasing the number of jobs, poverty, poverty and slum housing. In other words, the Government still has a lot of homework to do to improve people's welfare, increase employment opportunities, end poverty, improve education and health, improve infrastructure, and increase access to public services.[11] The right to health protection requires the government to make arrangements so that the health of every person as the right holder is safe from threatening dangers. This obligation is part of the duties of governing the government.[12]

Implementation of Law Number 17 of 2023 Amendments to Regulation Number 36 of 2014 concerning Wellbeing can fundamentally influence the degree of equity in access and nature of wellbeing administrations. There are several ways in which the implementation of community rights and obligations in health services can influence the level of justice:

1. **Equitable Access;** All citizens have equal right to quality health services without discrimination. By applying the principles of equitable access, effective implementation will ensure that no group is marginalized or neglected in access to health services.
2. **Society participation;** Implementation of the Health Law can encourage active community participation in health-related decision-making processes, such as the formation of health committees at the local level or participation in planning and evaluating health programs. This can increase accountability and ensure that community needs and aspirations are considered in the provision of health services.
3. **Fee Arrangements;** regulating health service costs to ensure that costs are affordable for all levels of society, especially the less fortunate. Effective implementation will ensure that a fair and sustainable payment system is implemented, so that health costs do not become a barrier to access to timely and quality services.
4. **Supervision and Law Enforcement;** Implementation of the Health Law will require close supervision and law enforcement to ensure that the rights and obligations set out therein are carried out properly. This includes enforcing discriminatory practices in the provision of health services as well as addressing violations of patient rights.
5. **Public Education and Awareness;** Implementation of the Health Law also involves education programs and public awareness about the rights and obligations of citizens in health services. By expanding's comprehension individuals might interpret

individuals' privileges, individuals can turn out to be more enabled in battling for equivalent access and working on the nature of wellbeing administrations.

By paying attention to and effectively enforcing the community's rights and responsibilities in health services in accordance with Law No. 17 of 2023, which amends Law No. 36 of 2014 regarding Health, there will be a greater possibility of achieving a better level of justice in access and quality of health services. However, successful implementation requires commitment and cooperation from various parties, including the government, health service providers, and the community itself.

Services that meet predetermined standards are something that needs to be looked at. Currently, it is often felt that even minimum service quality is still far from people's expectations. What is even more worrying is that the public has almost no clear understanding of the services they should receive and in accordance with standard service procedures provided by the government. People are reluctant to complain if they receive bad service, in fact they will almost certainly be resigned to receiving poor service. This kind of practice creates conditions that lower the bargaining position of the community as users of government services, thereby forcing the community to accept and enjoy inadequate services without protest. The government as a service provider for the community is required to provide quality services.

In order for the general public as consumers to be able to experience the services that are provided, health services are an important thing that must be maintained or improved in quality in accordance with applicable service standards. Service is essentially an effort to assist others in preparing everything they require and to satisfy customers in accordance with their expectations. Service is largely determined by the quality of the service provided, who performs the service, and consumers who evaluate a service based on their desired expectations are the three components involved in the service process.[13]

Clients, coordinators, and funders of health services are the three groups that should be considered when assessing the state of the field's evolution. The factors of staff responsiveness in addressing patient requirements, smooth correspondence between staff and patients, and concern and friendliness of staff serving patients are more closely associated with management quality for wellness administration clients. The dimensions of suitability of services provided with the most recent developments in science and technology and/or professional autonomy in providing health services are more important for health service providers and health service funders, respectively, while the ability of health services to reduce losses to health service funders is more important for health service funders.[14]

To create legal protection for people who are referred to as consumers or patients, the parties must understand the rights and obligations attached to them, including health service providers to be responsible for the profession provided to service recipients. The law provides protection for the option to get wellbeing administrations for the local area. This is important for the execution of the common freedoms of each and every resident which is commanded in the 1945 Constitution of the Republic of Indonesia (UUD 1945). Similar privileges and chances to acquire wellbeing administrations apply to everybody through wellbeing offices, for example, government clinics to give protected, quality and reasonable wellbeing administrations and the local area can use wellbeing assets given by the public authority and additionally neighborhood government.

4 Closing

4.1 Conclusion

Regulation Number 17 of 2023 Revision to Regulation Number 36 of 2014 concerning Wellbeing, gives major areas of strength for a premise to guarantee that the privileges of each individual in health services are respected and protected, and establishes an obligation for the community to actively participate in maintaining and improving the health system. By ensuring equal access, enforcement of non-discrimination, and strong community participation, this law supports the creation of a more equitable and inclusive health environment.

Compelling execution of the local area's privileges and commitments in wellbeing administrations as per Regulation Number 17 of 2023, Alteration to Regulation Number 36 of 2014 concerning Wellbeing, can create positive changes in accomplishing equity in access and nature of wellbeing administrations. Measures such as fair cost regulation, public education and awareness, law enforcement against discriminatory practices, and collaboration with communities are key to reducing inequalities and creating a health system that is more supportive of all communities.

4.2 Suggestion

The public needs to be given a deeper understanding of the health rights they have in accordance with Law Number 17 of 2023, Amendment to Law Number 36 of 2014 concerning Health. This can be done through comprehensive health outreach and education campaigns, both through mass media, social media and local government programs. By increasing awareness of their health rights, people will be better able to fight for their rights to obtain adequate and quality health services.

The government needs to improve supervisory management in field performance related to services so as not to create acts of discrimination against people who get poor health services, and evaluate health service facilities from existing reports, the government must ensure that adequate and quality health infrastructure is available in all regions, both urban and rural, in order to create a good legal system.

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