

Scope of the Legal Position of Health in the Legal Order in Indonesia

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Abstract. To achieve the objectives of health law, the role of health services cannot be separated. Health services are all actions taken to prevent and maintain general public health. The methodology utilized is a subjective methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively. Concluding is carried out using a deductive method from general to detailed, especially those related to the research topic, namely the Scope of the Legal Position of Health in Indonesia. This exploration brought about the finding that in Indonesia wellbeing regulation has created alongside the elements of human existence, it controls legitimate relations more in wellbeing administrations, and all the more explicitly, wellbeing regulation directs wellbeing administrations between specialists, medical clinics, wellbeing focuses, and other wellbeing laborers with patients. Since it is a fundamental right that should be satisfied, wellbeing regulation is managed, Indonesia made a guideline in regards to this regulation, specifically by-passing Regulation Number 23 of 1992 concerning Wellbeing Regulation as corrected by Regulation Number 36 of 2009 With respect to Wellbeing. In its domain, wellbeing regulation is all legitimate guidelines that are straightforwardly connected with the arrangement of wellbeing and its application to common regulation, regulatory regulation, and criminal regulation.

Keywords: Scope, Legal Position of Health, Law in Indonesia

1 Introduction

To achieve the objectives of health law, the role of health services cannot be separated. Health services are all actions taken to prevent and maintain public health in general. The success of health efforts depends on the availability of health resources such as infrastructure and administrative staff in adequate quantity and quality. Clergyman of Wellbeing Guideline Number 9 of 2014 concerning Centers expresses that Facilities are wellbeing administration offices that give individual wellbeing administrations that give essential and additionally expert clinical benefits. A wellbeing specialist 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 kinds expects power to do wellbeing endeavors. One of the objectives of laws, regulations, declarations, or health codes of ethics is to protect the interests of patients in addition to developing the professional quality of doctors or health workers. Harmony

between the interests of patients and the interests of health workers is one of the pillars of successful health system development [1].

Health law, including the "*lex specialis*" law, specifically protects the duties of health professions (providers) in human health service programs towards the goal of the declaration "health for all" and specifically protects patient "receivers" to obtain health services. This wellbeing regulation itself manages the privileges and commitments of each specialist co-op and administration beneficiary, both as people (patients) or local gatherings. The Indonesian Wellbeing Regulation Relationship in its articles of affiliation states "Wellbeing regulation is all legitimate arrangements that relate straightforwardly to wellbeing support/administrations and their execution as well as the privileges and commitments of the two people and all degrees of society as beneficiaries of wellbeing administrations and wellbeing specialist co-ops in all parts of the association; facilities for national/international medical guidelines, law in the field of medicine, jurisprudence and science in the field of medical health. What is meant by medical law is the part of health law that concerns medical services [2].

To achieve the objectives of health law, the role of health services cannot be separated. Health services are all actions taken to prevent and maintain public health in general. The success of health efforts depends on the availability of health resources such as infrastructure and administrative staff in adequate quantity and quality. Clergyman of Wellbeing Guideline Number 9 of 2014 concerning Centers expresses that Facilities are wellbeing administration offices that give individual wellbeing administrations that give essential and additionally expert clinical benefits. Wellbeing laborers are anybody who devotes themselves to the wellbeing area and has information or potentially abilities through schooling in the wellbeing area, which for particular sorts expects position to do wellbeing endeavors. Hospitals have several types and classifications. Based on Article 18 of Law No. 44 of 2009, hospitals can be divided based on the type of service and management. Based on the types of services provided in Article 19, it is explained that hospitals are categorized into general hospitals and special hospitals. General clinics are clinics that give wellbeing administrations in all fields and sorts of sicknesses, while exceptional emergency clinics are emergency clinics that offer essential types of assistance in one specific field or kind of illness in light of discipline, age bunch, organ, sort of infection, or strength [3].

In Article 20 of Law No. 44 of 2009, hospital management can be divided into public hospitals and private hospitals. Public hospitals are hospitals that can be managed by the Government, Regional Government, and non-profit legal entities. Meanwhile, private hospitals in Article 21 are described as hospitals managed by legal entities to make a profit in the form of a Limited Liability Company or Persero. Article 24 Law no. 44 of 2009 states that in the context of providing health services in a tiered manner and as a referral function, general hospitals and special hospitals are classified based on the hospital's facilities and service capabilities. One of the objectives of laws, regulations, declarations, or health codes of ethics is to protect the interests of patients in addition to developing the quality of the profession of doctors or health workers. Harmony between the interests of patients and the interests of health workers is one of the factors that support the success of developing a health system. Therefore, the health law that regulates health services for patients is very closely related to the problems that will arise in the relationship between the doctor and the patient, and/or negligence and mistakes made by the doctor, which will have legal consequences, whether civil or criminal law [4].

The development of law in the field of medicine and health can be studied regarding its meaning, position of scientific development, and projections. Often there is doubt about which terms to use to choose the terms medical law health law or medical-health law. Criminal law experts are familiar with the terms judicial medicine and/or forensic medicine, namely science that produces investigative materials through medical knowledge to help resolve and prove criminal cases involving human victims. Therefore, in terms of understanding legal regulations regarding health service activities according to medical science, it will be felt more harmonious to use the term Health Medical Law (HKK). The use of the compound word medical-health law has a background in the formulation of the sentence "health based on medical science" as stated in the general explanation of the former Law on health matters no. 9/1960. So far, further consideration has been developed in the field of health regarding family/social relations about population, the scope of the legal regulations are compiled in the family planning and population law administered by the BKKBN.

In its function as a 'social engineering' tool (controlling whether the law has been adhered to by its objectives), law about solving problems in the field of medicine/health is necessary, because the function of law applies generally so it also applies in Health Law and Medical Law. The need for harmony and compatibility to be built between the interests of patients and the interests of health workers is one of the supports for achieving success in health system development. One of the aims of regulating legal norms or health codes of ethics is to protect the interests of patients as well as develop the professional quality of doctors or health workers [5]. In this manner, issues emerge from the connection among specialists and patients, medical attendants and patients, whether because of carelessness or missteps of the gatherings. Wellbeing regulation is all legitimate guidelines that are straightforwardly connected with the arrangement of wellbeing and its application to common regulation, regulatory regulation, and criminal regulation. Wellbeing regulation is all lawful arrangements that relate straightforwardly to wellbeing support/administrations and their execution. This concerns the privileges and commitments of the two people and all degrees of society as beneficiaries of wellbeing implementers as well as the coordinators in all viewpoints, organizations, facilities, standard guidelines for medical services, health science, judges, and other sources. Health law consists of many disciplines, including medical law, nursing law, pharmaceutical law, dispensary law, public health law, medicine law, and others. Each of these disciplines generally has professional ethics that its members must practice. Likewise, hospitals as an institution in health services also have ethics which in Indonesia are collected in Indonesian hospital ethics.

In Indonesia, wellbeing regulation creates alongside the elements of human existence, it manages more legitimate connections in wellbeing administrations, and all the more explicitly, wellbeing regulation controls wellbeing administrations between specialists, emergency clinics, local area wellbeing focuses, and other wellbeing laborers and patients. Since an essential right should be satisfied, the wellbeing regulation is managed, Indonesia made a guideline with respect to this regulation, specifically by passing Regulation Number 23 of 1992 concerning Wellbeing Regulation as changed by Regulation Number 36 of 2009 concerning Wellbeing. Wellbeing regulation in Indonesia is supposed to be more adaptable (adaptable and ready to follow advancements in science and innovation in the clinical field. One of the aims of laws, regulations, declarations, or health codes of ethics is to protect the interests of patients in addition to developing the professional quality of doctors or health workers [6]. Harmony between the interests of patients and the interests of health workers is one of the supports for

the success of developing a health system. Therefore, health law that regulates health services for patients is very closely related to problems that will arise in the relationship between doctors and patients, and/or negligence and mistakes made by doctors, which have legal consequences, whether civil or criminal law. Wellbeing regulation can presently be isolated into 2 (two) sections, to be specific general wellbeing regulation and clinical regulation. General wellbeing regulation zeros in more on general wellbeing administrations or incorporates emergency clinic wellbeing administrations, though clinical regulation, likes or manages wellbeing administrations for people or only one individual, yet everything revolves around wellbeing administrations.

In its domain, wellbeing regulation is all legitimate guidelines that are straightforwardly connected with the arrangement of wellbeing and its application to common regulation, regulatory regulation, and criminal regulation. Wellbeing regulation is all legitimate arrangements that relate straightforwardly to wellbeing support/administrations and their execution. This concerns the rights and obligations of both individuals and all levels of society as recipients of health implementers as well as the organizers in all aspects, organizations, facilities, standard guidelines for medical services, health science, judges, and other sources. Health law consists of many disciplines, including: medical law, nursing law, pharmaceutical law, dispensary law, public health law, medicine law, and others. Each of these disciplines generally has professional ethics that its members must practice. Likewise, hospitals as an institution in health services also have ethics which in Indonesia are collected in Indonesian hospital ethics.[7].

2 Methodology

This type of research is descriptive. The approach used is a qualitative approach and a conceptual approach. The data source used is secondary data. Data analysis was carried out descriptively and qualitatively [8]. Conclusions are drawn using a deductive method, namely concluding from general to specific, especially those related to the research topic, namely law enforcement regarding National Health. Subjective information examination is completed in the event that the exact information got is as an assortment of words and not a progression of numbers and can't be set up into classes. Information can be gathered in different ways (interview perceptions, archive cases, and recording tapes) [9]. It is normally handled first prior to being utilized in subjective exploration, including the aftereffects of interview records, information decrease, examination, information translation, and triangulation.

3 Results and Discussion

3.1 Implications of the scope of the position of health law in the legal system in Indonesia

In Indonesia, wellbeing regulation creates alongside the elements of human existence, it manages more legitimate connections in wellbeing administrations, and all the more explicitly, wellbeing regulation controls wellbeing administrations between

specialists, emergency clinics, local area wellbeing focuses, and other wellbeing laborers and patients. Since it is an essential right that should be satisfied, wellbeing regulation is managed, Indonesia created a regulation regarding this law, namely by passing Law Number 23 of 1992 concerning Health Law as amended by Law Number 36 of 2009 about health. Health law in Indonesia is expected to be more flexible (flexible and able to follow developments in science and technology in the medical field. One of the objectives of laws, regulations, declarations, or health codes of ethics is to protect the interests of patients in addition to developing the professional quality of doctors or health workers. Harmony between The interests of patients and the interests of health workers is one of the factors that support the success of developing a health system[2].

Wellbeing regulation can presently be isolated into 2 (two) sections, to be specific general wellbeing regulation and clinical regulation. General wellbeing regulation zeros in more on general wellbeing administrations or incorporates emergency clinic wellbeing administrations, while clinical regulation likes or directs wellbeing administrations for people or people, however everything revolves around wellbeing administrations. Wellbeing is a condition of wellbeing. flourishing of body, soul, and society which empowers everybody to carry on with a socially and financially useful life. Wellbeing upkeep is a work to survive and forestall medical conditions that require assessment, therapy, or potentially care, including pregnancy and childbirth. Health education is the process of helping people, acting individually or collectively, to make decisions based on knowledge about matters that affect their health and that of others.

The development of law in the field of medicine and health can be studied regarding its meaning, position of scientific development, and projections. Often there is doubt about which term can be used to choose the term medical law health law or medical-health law. Criminal law experts are familiar with the terms judicial medicine and/or forensic medicine, namely science that produces investigative materials through medical knowledge to help resolve and prove criminal cases involving human victims. Therefore, in terms of understanding legal regulations regarding health service activities according to medical science, it will be felt more harmonious to use the term "medical health law" abbreviated as HKK.

One of the most important elements of a country's development is a good health index for its citizens, for this reason, every country must have a system for regulating the implementation of the health sector so that the goal of making society healthy is achieved. This regulatory system is outlined in the form of statutory regulations which can later be used as juridical guidelines in providing health services to citizens [3]. For this reason, understanding health law is very important not only for health professionals and the public as consumers of health services but also for academics and legal practitioners. Laws are statutory regulations made by authorized institutions, to regulate social life in society to be obeyed by the entire community. The meaning of Wellbeing Regulation is the Law of the Republic of Indonesia no 23/1992 concerning Wellbeing Regulation is all legitimate arrangements that are straightforwardly connected with wellbeing upkeep/administrations. This concerns the freedoms and commitments of getting wellbeing administrations (the two people and levels of society) as well as the execution of wellbeing administrations in the entirety of its angles, association, offices, clinical benefit norms, etc.

3.2 Urgency, Implications of the Scope of the Legal Position of Health in the Legal System in Indonesia

In Law Number 29 of 2004 concerning Medical Practice, the term MDTK is the Indonesian Medical Disciplinary Honorary Council (MKDKI) which receives complaints and has the authority to examine and decide whether or not there were mistakes made by doctors for violating the application of medical discipline and applying sanctions. If it turns out that there is a violation of medical ethics, the MKDKI will forward the complaint to the professional organization (IDI), then IDI will take action against the doctor. It's simply that the approvals given by the new MKDKI are as regulatory endorses, for example, giving composed alerts, suggestions for disavowal of enrollment authentications or practice licenses, or potentially the commitment to go to instruction or preparing at clinical training foundations. It does not rule out the possibility of civil or criminal charges from the patient or the patient's family.

Society cannot be separated from health law. This is because, with the existence of health laws, people's safety can be guaranteed. One of the scopes of health law that will be discussed is medical law. Among all the scopes of Health Law, Medical Law is the one that is most often associated with Health Law. This is because in every discussion regarding Health Law, Medical Law always appears in the discussion. Clinical Regulation arose in the public eye to stay away from things that could be adverse to society itself. As of late, there has been a ton of clinical misbehavior. Clinical misbehavior is a specialist's misstep of not utilizing information and expertise levels by proficient principles which at last outcomes in patients being harmed, crippled, and, surprisingly, passing on. In light of Article 55 passage 1 of Regulation No. 23 of 1992 concerning wellbeing, "each individual has the option to remuneration because of mistakes or carelessness committed by wellbeing laborers". At this point, the Health Law is used, where if the doctor is proven to have committed malpractice, then the doctor will be subject to criminal sanctions. If you look at the first case of malpractice in Indonesia, namely the case of Dr. Setyaningrum, it is clear that medical malpractice has a relationship with Indonesian Health Law, which as a result of this case was the beginning of the emergence of Health Law in Indonesia [2].

Health services are a collaboration that requires mutual accountability along with the increasing formation of health service institutions. Therefore, legal regulations should receive more attention. This becomes important along with the increasing role of law in health services on the one hand. On the other hand, there is an increasing public need for health services and increasing attention to the rights that humans have to obtain health services. The very rapid growth in the field of medical technology is connected with the possibility of broader and deeper treatment of humans, so there is a need for specialization and division of labor. The existence of symptoms like that is what encourages people to try to find a juridical basis for health services. The actions carried out by health service implementers are legal acts that result in the emergence of legal relations, although this is often not realized by health service implementers at the time the relevant act is carried out [10].

In this case, the legal relationship that occurs between health services includes doctors and other competent health workers, so that a legal relationship is created that will be mutually beneficial or there will be losses. Public health services in Law No. 36 of 2009 concerning Health have regulated two important things, namely: Individual wellbeing administrations; what's more, General wellbeing administrations. General wellbeing administrations are pointed toward keeping up with and further developing wellbeing and forestalling illness in a gathering and local area. It is exceptionally certain that for any reason wellbeing laborers should focus on the assistance and security of the patient's life. As explained above, health services according to Law No. 36 of 2009 intended to provide health services to both individuals and the community. In several articles, it also very clearly states that to ensure public health the government is providing health services to the community as an effort to achieve a healthy Indonesian society. The forms of health services provided by the government are the provision of health service facilities, the provision of medicines, and the health services themselves[4].

4 Conclusion

1. In Indonesia, wellbeing regulation creates alongside the elements of human existence, it manages more legitimate connections in wellbeing administrations, and all the more explicitly, wellbeing regulation controls wellbeing administrations between specialists, clinics, local area wellbeing focuses, and other wellbeing laborers and patients. Since it is a fundamental right that should be satisfied, wellbeing regulation is directed, Indonesia made a guideline with respect to this regulation, in particular by-passing Regulation Number 23 of 1992 concerning Wellbeing Regulation as corrected by Regulation Number 36 of 2009 about wellbeing.
2. In its domain, wellbeing regulation is all legitimate guidelines that are straightforwardly connected with the arrangement of wellbeing and its application to common regulation, authoritative regulation, and criminal regulation. Wellbeing regulation is all lawful arrangements that relate straightforwardly to wellbeing support/administrations and their execution. This concerns the freedoms and commitments of the two people and all degrees of society as beneficiaries.
3. To achieve the objectives of health law, the role of health services cannot be separated. Health services are all actions taken to prevent and maintain public health in general. The success of health efforts depends on the availability of health resources such as personnel, infrastructure, and administration in adequate quantity and quality.

5 Suggestion

1. 1. Health law in Indonesia is expected to be more flexible (flexible and able to follow developments in science and technology in the medical field. One of the aims of

- health laws, regulations, declarations, or codes of ethics is to protect the interests of patients in addition to developing the professional quality of doctors or health workers. Harmony between the interests of patients and the interests of health workers is one of the factors that support the success of developing a health system.
2. 2. It is hoped that the need for harmony and compatibility between the interests of patients and the interests of health workers will be one of the things that support the achievement of health system development. One of the aims of regulating legal norms or codes of health ethics is to protect the interests of patients as well as develop the professional quality of doctors or health workers.
 3. 3. It is hoped that there will be harmony between the interests of patients and the interests of health workers, which is one of the supports for the success of developing a health system. Therefore, health law which regulates health services for patients is very closely related to problems that will arise between the relationship between doctors and patients, and/or negligence and mistakes made by doctors, which have legal consequences, whether civil or criminal law.

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