



## Certainty Law For Health Workers In Health Services

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**Abstract** Health services aim to maintain and improve the quality of health, as well as prevent and treat diseases in the community. This study aiming to analyze the legal certainty for health workers in health services, using the normative legal method. The data source comes from a literature review. The results of this study indicate that Law Number 17 of 2023 regarding Health brings significant changes to the legal certainty for health workers in Indonesia in terms of health services. Previously, legal certainty for health workers was spread across various separate laws. However, with the enactment of Law Number 17 of 2023, this legal protection has become more integrated and comprehensive. Updates regarding the protection of health workers include increasing the rights of health workers, including affirmation of compliance with professional standards and ethics. There are improvements in rights, salary, performance allowances, health insurance, and opportunities for self development. This protection is strengthened by giving health workers the authority to stop services if there is a violation of ethics. It is necessary to strengthen operational procedures and work standards that can be a reference for health workers in carrying out their duties, thereby reduce the risk of negligence that can result in criminal sanctions and additional regulations are also needed to ensure a fair legal mechanism for health workers in facing accusations of negligence, by considering ethics and professional aspects in their work.

**Keywords:** Legal Certainty, Health Workers, Health Services

### 1. INTRODUCTION

Service health aiming For guard And increase quality of health, as well as carrying out prevention and treatment of diseases in middle public. Every inhabitant country Indonesia entitled to obtain servicesafe, quality and affordable health care, as regulated in constitution. Both individuals and groups of people have the right to determine action service health Which considered important. Commitment This push sector health in Indonesia For Keep going innovate And improve the service system. The goal is for the community to become more understanding the importance of health, increasing expectations for services, and development infrastructure And innovation maintenance health (Soekiswati, S., Rahayu, UB, Pristianto, A., & Maulida, S. R,2021).

Along with development era, challenge in service health the more diverse. Public now demand access Which more easy And fast, balanced with quality service Which still awake. In sideIn addition, the government continues to encourage collaboration between the private and public sectors. to create a more inclusive health service ecosystem, in order to reach all levels of society without exception. Quality of service The health perceived by patients is predicted to increase patient satisfaction. Good quality of service will hypnotize patient satisfaction to become consumers or customers of health facilities. The better the quality of service Which given so patient will the more feel satisfaction toservice Which given (Octavariny,2022)

Of course, in health services, the role of health workers is needed. health. Power health own role Which very important in service health, Because they is guard at the forefront in give service medical to society (Gegen, G., & Aris Prio Agus Santoso, 2021) Power health responsible for maintaining, improving and restoring health patients through various preventive, curative and rehabilitative measures (Bahder Johan Nasution, 2005) . In addition In addition, health workers also have an obligation to provide education to public about importance guard health, prevent diseases, as well as providing information about healthy lifestyles. Energy health consists of from power psychology clinical, nursing, midwifery, pharmacy, public health, environmental health, nutrition, therapy physics, medical engineering, biomedical engineering, traditional health and human resources other health services as determined by the Minister have a special role in accordance with with his field (Yohnly Boelian The Dachban, 2023). each .

On implementation service health, power health must ensure that every action Which done in accordance with standard ethicsprofession and applicable laws and regulations. Health workers sued For always follow development knowledge knowledge And technologyin the health sector in order to be able to provide appropriate services and quality. In addition, interprofessional collaboration within the health team is very important. It is important to ensure that every patient receives the care they need. comprehensive And holistic.

Role power health No only limited on House Sick or clinic,but Also expand until to community. They play a role active in program-program health public, like immunization, campaign prevention infectious diseases, and environmental health programs. Health workers in level community Also often times become a source main information for community in terms of health, helping to bridge the gap in accessto health services, especially in remote areas. Thus, power health play a role important in reach objective system health nationally, namely achieving the highest level of health for all over people.

Legal certainty for power health in health services refer to on guarantee that every action And decision Which taken bypower health protected by law And follow provision Which valid (Theresa Louise Pesulima, And Josiah Hetharie,2020). Constitution Number 17 Year 2023 about Health set framework law Which arrange right And obligation power health, including standard service, not quite enough answer profession, as well as legal protection in carrying out their duties. This legal certainty aims to provide a sense of security and clarity for health workers so that they can work calmly and professionally without worry face sanctions law Which No fair.

Health Law No. 17 of 2023 regulates that health workershealth must carry out their

duties in accordance with established standards determined, and have the appropriate competence in their field. Law This give protection for power health from demands law Which No based on If they has act in accordance with procedure Which applicable And standard profession. Besides That, Constitution This Also confirm right powerhealth to obtain legal protection in the event of a dispute or legal action related to the services they provide, as long as they act in legal framework Which applies.

The implementation of this Health Law ensures that health workers health not only obtains certainty in terms of legal protection, but also in terms of recognition of competence and qualifications. This is It is important to improve the quality of health services and ensure that the community receives services that meet established standards determined. With the existence of legal certainty, it is hoped that health workers can operate his profession with full not quite enough answer, temporary The public can also feel safer and more confident with the quality of services. health Which they accept.

During time pandemic COVID-19, power health face various challenges in carrying out tasks. In addition to facing violence due to delays in handling COVID-19 patients, other problems including Not yet paid for incentive For volunteers power health COVID-19. In fact, in more severe cases, there is discrimination from communities that refuse to accept health workers infected with COVID-19 carry out self-isolation in the residential environment. This phenomenon shows that there are problems in providing legal protection for power health in Indonesia Which potential No ensure certaintylaw, so arrangement power health will difficult done in a way effective.No existence certainty law in arrangement power health result in protection law to power health Also No guaranteed, in the end the health services implemented by health workers in Indonesia become No effective.

## **2. METHOD**

Study This use method study legal normative ( *normative legal research* ) with a legislative approach. Method Normative legal research is research that is carried out by studying laws and regulations that apply or are applied to a problem law certain (Soejono And Abdul Rahman, 2003). Study normative often called library research, because the object of study is regulatory documents legislation And material library. Approach Constitution used for reviewing legal certainty for personnel health in service health.

### 3. RESULTS AND DISCUSSION

#### Theory Certainty Law

Gustav Radbruch, stated that legal certainty is one of the three basic objectives of law, besides justice and utility. Radbruch emphasized that the law must be predictable, clear, and consistent so that individual can understand right And his obligations. Hans Kelsen, through theory *The building* or pyramid law, confirm that legal certainty is related to a hierarchy of orderly norms, where every lower norm must conform to a higher norm tall, so that it doesn't happen chaos in implementation law (Dara Manista Harwika, 2021).

On service health, certainty law power health means that there are clear and definite rules regarding rights and obligations power health in carry out his duties. Power health need guarantee that action Which they do in accordance with applicable professional standards and laws. Law No. 17 of 2007 2023 on Health provides a clear legal basis for health workers in carrying out their profession. This certainty includes legal protection for health workers as long as they work in accordance with with standard And professional ethics.

Certainty law Also important For protect patient as well as ensure that the right to obtain health services is quality can fulfilled. The existence of certainty law, Good power health and patients have clarity regarding their rights, obligations, and procedures Which applicable, so that reduce the potential for conflict and error in practice health. This create flavor safe for power health For carry out his job without Afraid will implications law Which No clear or changeable.

There are several criteria that must be met in order to guarantee certainty law that is:

- 1) Regulation the law Which clear
- 2) Have meaning as A regulation No determination, position the law must clear, arrange with in a way detailed And bound with power health
- 3) Prohibiting arbitrary actions from occurring various party.

Legal certainty is one of the main pillars in the system law that guarantees that the rights and obligations of each individual can be protected as well as guaranteed in a way fair And consistent. According to various expert law, certainty law can classified to in a number of type. Following is explanation of the types certainty law:

#### 1) Certainty Law Formal

Formal legal certainty relates to technical aspects and procedural in the legal system. According to Hans Kelsen, the certainty of law formal emphasize importance structure law Which systematic, clear, written rules that are accessible to all party. Matter This ensure that law applied in a way consistent without existence deviation or interpretation Which

subjective (Mertokusumo, S, 2003).

2) Certainty Law Material (Substantive)

Material legal certainty ensures that the law does not only clear and consistent formally, but also fair and appropriate with moral values and social justice. Thus, law can not only predicted, but also accepted moral by public.

3) Certainty Law External

Certainty external law related with perception And trust public to system law. This covers belief that the law will be enforced fair and unfair taking sides. External legal certainty is important for building trust public to institution law And ensure that public feel safe And protected by law.

4) Certainty Law Procedural

Procedural legal certainty focuses on the enforcement processtransparent and fair law. According to John Rawls, the importance of procedure Which fair in application the law ensures that every individual get chance Which The same For defendself And that decision law taken based on procedure Whichhas set. This prevent abuse power And ensure justice in implementation law (Indrati, M. F, 2007).

5) Certainty Law in Implementation

Certainty law in implementation includes consistency And sustainability in the application of legal norms by law enforcement officers law. Matter This means that law must applied in a way consistent in various case And No may happen discrimination or injustice in its implementation

6) Certainty Law in Change Law

A good legal system must be able to carry out reforms and changes in structured, so that the law remains relevant with the development of society while maintaining stability and its predictability.

### **Certainty Law For Power Health in Service Health**

Implementation development health covers effort health and its resources which must be carried out in an integrated manner and sustainable in various sector. Progress knowledge And technology has play a role big in increase welfare society and awareness of the importance of a healthy lifestyle. This condition participate influence increasing request to service health, both in terms of quantity and quality of personnel, facilities, and infrastructure. By because That, required regulation Which appropriate use protectparty giver and recipient service medical (Risk Darwaman , 2023).

In its development, law has become a means for public For do various changes. Matter This

because of development society Which based on on existence planning, namely choose various alternative method in reach purpose of his life. This fact leads us to an understanding that law is a need for public, Where Law ultimately works by providing behavioral guidelines. behavior towards humans in fulfilling their needs. Health law often related to the protection of human rights, such as the right to health, the right to fair medical services, and the right to privacy patients. Legal institutions ensure that these rights are protected and enforced through various mechanism law, including court And supervisory body (Andrew Win Java Laksana , 2024)

Service health is a series effort Which provided by medical institutions and health workers to maintain, improve, as well as restore health individual And public. Service This covers various aspect, start from effort preventive like vaccination And health education, to curative such as diagnosis, treatment, and treatment of disease. Health service providers can be House Sick, clinic, health center, or practice doctor independent, Which Work in accordance with standard medical And professional ethics .

Service health divided become a number of levels, that is service health primary, secondary, And tertiary. Service primary usually provided by community health centers or family doctors, which aims to For handle problem health general And prevent disease. Service secondary involving maintenance in House Sick with specialization certain, like surgery or disease in, temporary Tertiary services are services with high technology and specialization, like transplant organ or treatment cancer.

Health services in Indonesia are regulated in Law No. 17 of 2003. 2023 in Article 26, then regarding Primary Health Services in Chapter 30 - 35. Whereas about Service Health Advanced, There is on Article 37 - 39 of Law No. 17 of 2023. Protection for health workers is a vital element in the health system, especially related to aspects professionalism and safety of health workers. This includes guarantee to aspect professional, safety, as well as protection law, Which designed For increase trust public towards health workers and ensure the safe implementation of tasks and effective. Previously, protection of health workers is regulated in various regulation Which different, However Then integrated to in Law Number 17 Year 2023 about Health.

In addition to providing more comprehensive legal protection, Law Number 17 of 2023 also strengthens the position of human resources health by emphasizing the importance of compliance with standards profession And ethics. This No only aiming For protect power health, but also to ensure the quality of services provided to the community. This regulation allows health workers to work in a safe environment, with guarantees that include wages, allowance, guarantee health, as well as chance development professional. Ultimately,

this regulation is expected to improve quality service health in a way overall with createtrust Which greater than public And power health.

Previously, based on Law Number 36 of 2014, power health own a number of right Which must guaranteed in implementation practice. Rights the covers protection lawmoment carry out duties in accordance with professional standards, services, and applicable operational procedures. In addition, health workers have the right get information Which complete And accurate from patient or his family, as well as accept compensation Which in accordance with their work. Health workers also have the right to safety and health Work, as well as right For treated with respect to dignity And dignity man. Right For develop professionalism, refusing requests that go against standards profession, code ethics, standard service, procedure operational, or regulationlegislation is also part of the guaranteed rights. Power health Also entitled to obtain rights other according to the provisions law Which applies.

Terms and Conditions previously has No applicable And has replaced by Law Number 17 of 2023. In this law law In this case, health workers have various rights, such as the right to legal protection during carry out tasks according to standards profession, service standards, operational procedures, and professional code of ethics, And fulfil need health patient. Power health Also entitledaccept information Which accurate And complete from patient or his family, reward service Which in accordance with rule Which applicable, as well as protection related to occupational safety, health and security, including guarantees health And employment.

In addition, health workers are guaranteed the right to receive fair treatment. does not respect human dignity, morals, decency, and socio-cultural values. They also have the right to receive awards and opportunities for self-development. If the patient requests or party other contradictory with standard profession, service, procedure operational, or code ethics, power health own right For reject it. In side That, If power health face treatmentWhich No in accordance with values the, including violence, harassment, or bullying, they have the right to stop the service. health.

Theory certainty law related close with effort For give clarity, order, And security law for every individuals or groups in society. This theory emphasizes that law must formulated in a way clear, firm, And consistent so that canunderstood and followed by all parties. Legal certainty provides guarantee that the rights and obligations of citizens are clearly regulated, and any actions that violate the law will be subject to sanctions Which in accordance. On service health, certainty law become runaway important For ensure that all action power health is at in framework law Which clear, so that No happendoubt in carry out task.

For health workers, legal certainty is an important aspect Which ensure that they can

operate task with protection Which in accordance with standard profession And ethics. Law- Law Number 17 of 2023, for example, provides a legal basis for clear about rights and responsibility answer power health in provide services to patients. There is legal certainty, human resources health can work without worrying about being subject to sanctions. No appropriate or treated in a way No fair, during they carry out duties in accordance with applicable regulations. This certainty too includes legal protection against potential conflicts that may arise arise between patient And power health.

Legal certainty also serves to protect health workers from various forms of violence, harassment, or inappropriate treatment with human dignity and honor in health services. If health workers feel that rights they have been violated or ignored, they own base law For take action Which required, including stop service If the situation endanger. Certainty law This No only give protection for health workers, but also creates a sense of security And trust in operate his profession.

On phenomenon pandemic COVID-19 a number of year Which Then, rejection to procedure Which given by paramedic especially by The doctor clearly gave birth to some legal consequences. Especially those who were rejected This is related to patients who have been confirmed to have COVID-19. In relation to this, several sanctions are imposed on those who do rejection:

1. Article 359 or 360 of the Criminal Code, this article discusses negligence which results in serious injury or loss life somebody. Transmission disease can categorized as negligence if not comply procedure health.
2. Article 14 Invite Invite Number 4 year 1984 about the Plague Disease Infectious And or Chapter 93 Constitution Number 6 year 2018 regarding Quarantine Health. In chapter That interpreted that individual Which No follow protocol health can charged sanctions
3. If incitement as grain 2 in on realize with spreading hoax news, then it can be under Article 390 of the Criminal Code. If incitement with news hoax spread out via media information electronic, can charged Chapter 45A Constitution 19 year 2016 regarding Information Technology Electronic.

In Law No. 17 of 2023, Articles 273-275, the three points above have been summarized in form right And obligation power medical. On Chapter 273 contains the rights of medical personnel and health workers. While on Chapter 274 containing about obligation power medical And power health. Then Chapter 275 containing about action emergency-emergency.

Protection law is various power fulfillment right And presenting help use share flavor



awake on witness and/or victims, legal protection for victims of crime as part of from protection to public, Can realized in matter models, for example the distribution of restitution, compensation, medical services, and legal aid (Harimurti, D. A, 2021). Article 28D paragraph (1) of the 1945 Constitution states that every Individuals have the right to recognition, guarantee, protection and certainty fair laws and equal treatment before the law. This matter in accordance with Article 5 paragraph (1) of Law no. 39/1999 regarding human rights as well write that each individual acknowledged as man personal Which entitled demand And to obtain treatment as well as protection Which No different in accordance with dignity his humanity in eyes of the law.

Chapter 27 paragraph (1) Law No. 17 Year 2023 about Health states that health workers have the right to receive compensation and protection law in carry out task in accordance his profession. Matter This emphasized in Chapter 57 letter a Law No. 17 Year 2023 about Health, Which mention that power health entitled obtain legal protection when carrying out duties in accordance with work general, service general, And function general professional. Regulation This give authority to government For carry out obligation law in give guarantee protection law for power health.

On Handling COVID-19, government obliged For protect and guarantee the rights of health workers, including compensation and protection of safety and health while working. In addition that, the government is also obliged provide health service facilities Which adequate for power medical in carry out his duties. Government center And area responsible answer For provide means service health in effort realize right health Which optimal. These provisions are stated in Article 6 of the Government Regulation Number 47 of 2016 concerning Health Service Facilities. Considering The COVID-19 pandemic has been declared a disaster based on the Decree Head National Disaster Management Agency Number 13 A Years 2020, all over apparatus government responsible answer operate task in accordance provision legislation invitation Which applies. Not quite enough answer the should realized by government This, including:

- 1) Help supply instrument health in field
- 2) Bear implementation rights public And for power health
- 3) Openness information explanation general

Citation strategy Which to observe dignity right basic man And democracy (Eco Dear Mr. Pujiyono, 2017).

Referring to Article 199 of Health Law No. 17 of 2007 2023 to say that power health in carry out implementation service health own certainty law between other:

- 1) Get protection law so far running task in accordance with public works, public service works, and procedures work operational
- 2) Get information Which intact And Correct from recipient service health or his family
- 3) Get deputy service
- 4) Get protection for occupational safety and health, appropriate behavior with human dignity, morals, ethics, and values religion.
- 5) Get chance For develop his career
- 6) Prevent the ambitions of health service recipients or other parties Which regarding with standard profession, code ethics, standard services, standard operating procedures, or regulatory provisions legislation; And
- 7) Get right other based on regulation legislation.

#### **4. CLOSING**

Based on the analysis and discussion that has been carried out, the research This concludes that Law Number 17 of 2023 concerning Health brings significant changes to legal certainty for health workers in Indonesia in terms of health services. Previously, certainty law for power health spread in various law- law Which separated. However, with validation Constitution Number 17 Year 2023, protection the law become more integrated and comprehensive. Updates about protection power health covers improving the rights of health workers, including affirmation of compliance towards professional standards and ethics. There are improvements in rights, salaries, performance allowances, health insurance, and opportunities for development self. Protection This reinforced with give authority to health workers to stop services if violations occur ethics.

Although Law Number 17 of 2023 brings many positive changes, there are a number of the problem that appeared, one of them is the ambiguity in Article 462 paragraph 1 which regulates sanctions criminal for power health on action negligence. Lack of limitation Which clear in provision the can threaten protection Which should given to power health. Situation This show the existence of legal uncertainty that is still felt by health workers. Recommendations to overcome these problems include strengthening operational procedures and work standards that can be used as a reference for human resources health in operate his duties, so that reduce risk the occurrence negligence Which can cause sanctions criminal And Also required additional arrangements that ensure the existence of a fair legal mechanism for power health in face accusation negligence, with consider ethical aspects And professionalism in his job.

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