

The Role of Law in Realizing National Health Security

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ABSTRACT

National health security is a condition that enables the Indonesian nation to face and overcome various health threats, both originating from within the country and abroad. This research aims to analyze the role of law in realizing national health security. This research uses normative research methods. Data was collected through literature studies of legal regulations, books, journals and scientific articles related to law and health. The data analysis technique used is qualitative analysis. The research results show that law has an important role in realizing national health security, including its role in creating a just and equitable health system, protecting people's health rights, improving the quality of health services, ensuring the availability of safe and affordable medicines and health equipment, encouraging health research and development.

Keywords: Law, Health Security, National Health

INTRODUCTION

Indonesia as an archipelagic country with a large and diverse population has its own challenges in ensuring the welfare and health of its people. Various health problems such as infectious diseases, non-communicable diseases, environmental health crises, and other public health problems are the main focus for the government and stakeholders in the health sector (Emilia & Prabandari, 2019). Therefore, efforts in realizing national health security are becoming increasingly important.

National health security is the ability of a country to maintain its health system in the face of various threats, including global health threats such as pandemics, natural disasters, and climate change (Wijayanti, 2016). Health Security System Transformation is one of the pillars in Indonesia's health transformation which aims to maintain a good health system amid global health threats.

The national health security system also includes capacity building in dealing with health threats, including through increased research and development of pharmaceutical preparations and medical devices, as well as strengthening supply chain governance (Hergianasari & Hadiwijoyo, 2021). A resilient health system is one that has the capacity to take preventive measures, prepare for preparedness, adapt, respond, and be able to recover after facing various threats, including natural disasters, non-natural emergencies such as pandemics, crises, and other public health problems on a global scale (Sukrisno, n.d.).

The implementation of strengthening the national health security system is expected to increase the availability of quality health services and strengthen Indonesia's position in facing various global health threats. However, even under normal conditions, Indonesia's health system often has difficulty in overcoming the challenges of equitable public health services.

Previous research by (Sudrajat, 2020) examined legal protection and fulfillment of workers' rights within the framework of the national health insurance program. The results of the study show that the transition from the Labor Social Security (Jamsostek) program to BPJS Kesehatan affects the implementation of health insurance and services for workers. BPJS Kesehatan develops procedures that can gradually increase the accessibility of worker participants to health services, ranging from basic to advanced health service facilities. However, there are several legal issues that arise in the implementation of the National Health Insurance (JKN) program, including problems related to membership, use of health cards, and health care coverage.

Another study by (Lardo, 2020) examines national health and resilience development strategies from the perspective of the nation's fighting power. The results show that the nation's health fighting power, viewed from a structural and participatory point of view, depends on the ability to mobilize leadership, metabolic health communities, and change agents who meet high organizational reliability standards (HRO). The reliability created will inspire a spirit of innovation and an unconventional approach to form the networking needed to achieve change, so that it manifests as a reliable professional performance to improve the nation's health potential and national resilience. The integration between the National Health System (SKN) and the Defense Health System (Siskeshan) is an interrelated foundation to support efforts to empower national health strategic values.

The novelty of this research lies in the object of its research, which is to examine the role of law in realizing national health security that has never been studied before. This research can provide a deeper understanding of how the law can play an important role in supporting national health security. This can help in formulating a more comprehensive theory of the factors affecting public health and how the law can be used as a tool to achieve health goals. This study aims to analyze the role of law in realizing national health security.

RESEARCH METHODS

This study used normative research methods. Normative research methods are research methods that focus on the study of norms or rules that apply in society and become a reference for everyone's behavior. This method focuses on the inventory of positive law, legal principles and doctrines, legal findings in cases in concreto, legal systematics, levels of synchronization, comparative law, and legal history (Ani Purwati et al., n.d.). Data was collected through literature studies of laws and regulations, books, journals, and scientific articles related to law and health. The data analysis technique used is qualitative analysis, where data collected from these sources are analyzed in depth to identify key themes, trends, and patterns related to the role of law in the national health context. This qualitative analysis involves a process of data reduction, data presentation, and conclusions, where researchers interpret the information found to understand the role of law in promoting national health security, as well as its implications for health policies and practices at the national level.

RESULTS AND DISCUSSION

Indonesia as a country that upholds the law, this is affirmed in Article 1 Paragraph 3 of the 1945 Constitution which states that Indonesia is a state of law, which means placing the law as the main foundation in various aspects of public life, statehood, and government. The existence of the article clarifies Indonesia's commitment as a country that prioritizes law. This implies that the actions of the state apparatus must be based on the law, and every citizen is expected to obey the applicable legal provisions (Biroli, 2015).

Law is the entire rules and rules that apply in a common life that regulate behavior which in its implementation can be imposed by the presence of a sanction. Law governs legal relations consisting of bonds between individuals and society and between individuals themselves which are reflected in rights and obligations. Because Indonesia as a country of law, in people's lives cannot be separated from applicable rules, both written rules and unwritten rules (Lubis & Fahmi, 2021)

Some experts agree that law has different definitions, but although among legal experts there has not been a unity about the meaning of law, it can be concluded that law includes several elements cited in (Manan, 2014), as follows:

1. Law is a regulation regarding human behavior in society.
2. The rules are binding and coercive.
3. The regulation was held by official bodies.
4. Violation of such regulations is subject to strict sanctions.
5. Laws can also take the form of unwritten customs that apply in society.
6. The purpose of law is to establish safety, happiness and order in the life of society.

Based on the elements mentioned, one of the purposes of law is to establish safety, happiness, and order in people's lives. Then it can be explained that the function of law includes regulating aspects of the life of citizens, including health aspects. Health plays a major role in human life, as a key factor to maintain survival. The health benefits are enormous for each individual, and the success of various situational activities can be achieved best if health is maintained. With regard to the interests of the nation, health is considered an integral part of national development goals (Romansyah et al., 2017). Furthermore, health is considered as the base of human intelligence, productivity, and welfare, as well as an investment determining the success of a nation's development (Yustina & Yohanes Budisarwo, 2020).

If the prevailing health system in a country is disrupted, then this will also have an impact on the country's national resilience system (Prasanti & Fitriani, 2017). In this regard, the responsibility of the state in providing health for the community is reflected in the concept of national health security. The concept of national health security underlines the role of the state as a custodian and enhancer of the welfare of its citizens. This responsibility is considered a mandate that must be carried out by the state in earnest. Within this framework, the sustainability and stability of health systems is essential to maintaining overall national resilience.

National health security refers to a country's capacity to face and overcome health challenges, both on a small and large scale. According to (Ruskar et al., 2021) The urgency of national health security is very important because it reflects effectiveness in carrying out combat and preventive tasks through the health system as part of national defense. The country needs to be prepared to face a variety of dynamic health challenges that can threaten the integrity and stability of the country. The establishment of national resilience against disasters and national health strength is a very important aspect as support for national defense. National strength in the health sector needs to be managed sustainably through effective coaching and preparation. Its purpose is to support the country's defense activities and protect society from various threats.

According to Putri (2019), a country's health system is strongly influenced by health policies set by policy makers, both from the government and the private sector. Indonesia's national health system is based on three main foundations, namely the idyllic foundation (Pancasila), the constitutional foundation (the Indonesian State Constitution, especially

Articles 28 and 34), and the operational foundation (Law Number 17 of 2023 concerning health). The success of national health systems in facing challenges and ensuring public health depends largely on the alignment and implementation of legally regulated health policies in ideological, constitutional, and operational contexts. This means that the role of law is very significant in efforts to realize national health security,

The first role of law is the protection of public health rights, this right is affirmed in the Indonesian constitution, especially stipulated in Article 28 H and Article 34 paragraph (3) of the 1945 Constitution which states that every citizen has the right to get health services and the state is obliged to provide them. The inclusion of the right to health into this constitution makes the right to health officially a positive legal right that receives protection from the government. The government has an obligation to ensure the fulfillment of the health rights of its citizens through concrete and concrete efforts (Isriawaty, 2015). Meanwhile, in Law no. 17 of 2023 concerning health (hereinafter referred to as the Health Law) according to article 4 the rights of every citizen are listed, namely everyone has the right to:

1. Live healthy physically, mentally, and socially.
2. Get balanced information and education about responsible health.
3. Get safe, quality, and affordable health services to achieve the highest degree of health.
4. Get health care in accordance with health care standards.
5. Gain access to health resources.
6. Determine for yourself the necessary health services independently and responsibly.
7. Get a healthy environment to achieve a degree of health.
8. Accept or reject part or all of the relief measures after obtaining complete information.
9. Obtain confidentiality of personal health data and information.
10. Obtain information about his/her health data, including actions and treatments that have been or will be received from medical personnel and/or health workers.
11. Get protection from health risks.

The article outlines individual rights related to health. The right to health is not only interpreted as the right of everyone to be healthy or free from disease. However, the right to health is the right to obtain and enjoy the highest attainable standard of health for every person by the nature that every human being is born free and equal. The highest standard of health is defined as the level of health that can be enjoyed by each individual, which must include optimal health conditions and be supported by maximum resources. In addition, everyone has the right to receive and enjoy the services, facilities, and conditions necessary to prevent, recover, and reduce adverse health impacts (Komnas HAM 2021).

The next role of the law is to create a fair and equitable health system, which is affirmed in Article 10 (1) of the Health Law. The article states that the central and local governments are responsible for the equitable and equitable availability of health resources to all communities. This means that the law provides a clear foundation of the government's responsibility in managing and providing Health Resources in a fair and equitable manner. Fair and equitable here includes a balanced and equal distribution, regardless of region or certain stratum of society.

Basically, the State as responsible for the safety of all its citizens, is required to guarantee and protect the health of the body and soul of all citizens and residents in its territory (Adiyanta, 2020). In an effort to realize this commitment, the government is responsible for the implementation of the National Health Insurance (JKN). JKN is part of the National Social Security System which is run through a compulsory social health insurance mechanism, in accordance with Law Number 40 of 2004 concerning the National Social

Security System. The aim is to meet the basic needs of decent public health and be given to everyone who has paid their dues or dues paid by the Government. Through the implementation of JKN by BPJS Kesehatan, it is hoped that all levels of society, especially those in economically disadvantaged conditions, can get decent and quality health services without being constrained by financial limitations (Karim et al., 2018).

The emphasis on equitable National Health Insurance reflects the principle that every level of society, not only the upper class, but also the middle and lower classes, has equal rights in getting access to and benefits from the health insurance system. Then it can be interpreted that there should be no discrimination or inequality in access to health services, regardless of social status, economy, or certain walks of life. This principle has implications for the government's efforts in formulating and implementing health insurance policies that cover the entire spectrum of society. This principle is then in line with human rights guaranteed by the government, namely the obligation to ensure the right of every individual to get health services, without discrimination.

The next role of the law is to improve the quality of health services, as stated in Article 7 (1) of the Health Law, the article affirms that the Central Government and Local Governments have the responsibility to improve and develop health efforts in order to improve access and quality of health services. Improving the quality of health services is an important way to improve the effectiveness of health systems in developing countries (Novira et al., 2020).

Efforts to improve the quality of health services can be done through service quality management, which involves efforts to minimize the gap between the level of services provided by the organization and the expectations and desires of the user community. The success of the service is not seen from the facilities (output) but from the direct benefits of the existence of these facilities for the community (outcome). Furthermore, performance monitoring needs to be carried out as a tool to evaluate whether health services and programs of health care provider organizations are in accordance with what the community needs. Performance monitoring can also be used to identify whether the level of quality of health services is better than before. The existence of continuous performance monitoring will actually help improve the quality of the health service organization itself (Rahman, 2017).

Furthermore, there is a legal role in ensuring the availability of safe and affordable medicines and medical devices regulated by the Health Law, especially in Article 314 and Article 318. Article 314 (1) states that the Central Government and Local Governments are responsible for the availability, equity, and affordability of Health Supplies needed to carry out Health Efforts. Medicine is one of the important aspects of health supplies. Governments, both at the central and local levels, must ensure that medicines are adequately available, equitably distributed, and accessible to the public. Furthermore, Article 318 gives authority to the Central Government to regulate and control the price of Health Supplies, especially Medicines and Medical Devices. This aims to prevent monopolistic practices or abuse of market forces that can make drug prices unaffordable for the public. This price setting can also help ensure adequate and affordable drug availability.

In an effort to reduce the risk of counterfeit drug circulation among the Indonesian people, the drug manufacturing process must follow the Good Manufacturing Practices (CPOB) standard. According to the Regulation of the Head of the Food and Drug Supervisory Agency (BPOM) Number HK.03.1.33.12.12.8195 of 2012 concerning the Application of Good Manufacturing Guidelines (CPOB), CPOB is a way of making drugs that aims to ensure the quality of drugs in accordance with the requirements and purposes of use. Quality assurance

in CPOB is needed to ensure that drugs are produced and controlled consistently in order to achieve quality standards that are in accordance with the intended use and requirements in distribution permits and product specifications (Gondokesumo & Amir, 2021).

The Food and Drug Supervisory Agency (BPOM) has an important role in ensuring the availability of safe medicines in Indonesia. As a non-departmental government institution established through Presidential Decree Number 116 of 2000, BPOM is the first line in control, supervision, and circulation of drugs in Indonesia. BPOM conducts testing on drugs and foods that are suitable for distribution in the community, and has duties, functions, and authorities in accordance with the Presidential Decree (Kemalasari, 2023). The legal basis of BPOM is stated in the Regulation of the Food and Drug Supervisory Agency Number 13 of 2022 concerning Amendments to the Regulation of the Food and Drug Supervisory Agency Number 21 of 2020 concerning the Organization and Work Procedures of the Food and Drug Supervisory Agency. Then, BPOM not only supervises drugs but also involves itself in supervising the quality of food and beverages.

The Health Law also pays special attention to the supervision of food and beverage quality. This is reflected in Article 64 of the Health Law, where the Central Government and Local Governments have the responsibility to ensure that foodstuffs are available evenly throughout the region, and can be accessed at affordable prices by the public. Then not only provide but also be responsible for maintaining food ingredients to meet nutritional quality standards in accordance with the provisions of laws and regulations. The process of providing food ingredients that meet nutritional quality standards is carried out cross-sectorally, including cooperation between government sectors and between provinces, districts, or cities.

The next legal role is the control of infectious and non-communicable diseases, this is stated in Article 86 (1) of the Health Law which states that the Central Government, Regional Governments, and communities are responsible for controlling infectious diseases and controlling non-communicable diseases. This reflects the role of law in regulating disease prevention and control measures to protect public health. In handling cases of infectious diseases, article 89 (1) emphasizes that the Central Government, Regional Governments, and communities are responsible for combating infectious diseases through prevention, control, and eradication of these diseases, and are responsible for the consequences they cause.

Infectious disease management aims to protect the community from the risk of disease transmission, reduce the number of individuals who experience illness, disability, or death, and reduce the social and economic impacts that may arise from infectious diseases. In carrying out activities to prevent, control, and eradicate infectious diseases, Medical Personnel and/or Health Personnel who have the authority can conduct examinations on: a) Individuals or groups of individuals suspected of contracting diseases or have risk factors for infectious diseases. b) Suspicious places where vectors and other sources of disease develop. The examination is part of a proactive strategy to detect and overcome the potential spread of infectious diseases, reflecting the active role of Medical and Health Personnel in efforts to prevent and control infectious diseases.

Meanwhile, in tackling non-communicable diseases regulated in Article 93 of the Health Law, states that the control of non-communicable diseases by the Central Government, Regional Governments, and the community is carried out through various activities, including prevention, control, and handling of non-communicable diseases and their resulting consequences. Prevention of non-communicable diseases, as stipulated in Article 93 paragraph (1), is carried out with a focus on three main aspects, namely increasing public

knowledge, increasing awareness of the importance of healthy living, and encouraging the willingness to adopt healthy living behaviors. The goal is to reduce the number of individuals who experience illness, disability, and/or death due to non-communicable diseases. In addition, these countermeasures are also aimed at reducing the social and economic impacts that can occur as a result of non-communicable diseases. Article 93 affirms the obligation of governments and communities to make active efforts to control and contain non-communicable diseases, focusing on prevention, handling, and control to achieve better public health goals.

The next legal role is to encourage health research and development based on article 322 of the Health Law, Article 322 (1) confirms that pharmaceutical preparation sources originating from the universe, which have been proven to be efficacious, meet the provisions of halal product assurance in accordance with laws and regulations, and can be used in prevention, treatment, treatment, and health maintenance, must be maintained. Paragraph (2) provides opportunities for the public to broadly research, develop, produce, distribute, improve, and use pharmaceutical preparations and medical devices that can be insured for their benefits and safety. Then paragraph (4) guarantees the implementation of research and development of pharmaceutical preparations and raw materials for medical devices derived from the universe by the Central Government and Regional Governments, while maintaining their sustainability.

According to article 323 (3) that research and development can be carried out by the pharmaceutical preparation industry, medical device industry, research institutes, and educational institutions. Health research is often directed at finding new drugs or innovative therapies that can be used for disease prevention, treatment, or management (Hairunnisa, 2019). The development of these new drugs can increase the effectiveness of treatments, reduce side effects, and speed up the healing process. As more effective health solutions are developed, health research can help reduce the burden of disease and healthcare costs, both for individuals and the health system as a whole.

The results showed that the role of law in national health is not only regulative, but also includes aspects of protection, law enforcement, and handling emergency health crises. The role of law in realizing national health security involves protecting public health rights, creating a fair and equitable health system, improving the quality of health services, ensuring the availability of safe and affordable medicines and medical devices, ensuring the quality of food and beverages, controlling infectious and non-communicable diseases, and encouraging research and development in the health sector. In this comprehensive legal role, the government can use the law as an important instrument to achieve optimal national health security. This approach includes a robust and unified effort, aimed at providing protection and well-being for the whole society. Involving the law in various aspects of health enables governments to regulate, protect, and optimize national health systems in order to respond effectively to various health challenges and crises that may arise in the future.

CONCLUSION

The role of law in realizing national health security is very important in regulating and protecting the welfare of society as a whole. Law has a major role in formulating health-related policies and regulations, including in regulating the health care system, distributing medicines, supervising the quality of food and beverages, and controlling infectious and non-communicable diseases. In addition, the law also plays a role in upholding public health rights, protecting consumers from harmful commercial practices, and providing protection for the

right to accurate and timely health information. Thus, the role of law in national health is not only limited to regulatory aspects, but also includes aspects of protection, law enforcement, and handling health crises that are emergency. The law can be an important instrument in the government's efforts to achieve optimal national health security through a strong and integrated role that will provide protection and welfare for all communities.

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