

**The Ideal Role of Government and Professional Organizations in the Health Sector  
Based on the Omnibus Law*****Peran Pemerintah Dan Organisasi Profesi Yang Ideal Dalam Sektor Kesehatan  
Berdasarkan Undang-Undang Omnibuslaw*****Riskha Dora Candra Dewi**

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\*e-mail: [riskhadora@polije.ac.id](mailto:riskhadora@polije.ac.id)**Abstract****Objective:** This research aims to examine the ideal role of government and professional organizations in the health sector based on the Omnibus Law.**Methods:** This research uses normative legal research methods that combine analytical, conceptual and legal perspectives.**Results:** The study findings show that the Health Omnibus Law is also considered a national legal plan to improve the health of the Indonesian people, primarily through foreign trade in the field of health services. Therefore, updating and harmonizing national laws and regulations is very important while still adhering to the values of Pancasila.**Conclusion:** The government is primarily responsible for planning, organizing, and managing health programs that are equitable and affordable for everyone. It is hoped that the Omnibus Law on Health will fulfill people's expectations of getting good health services while still fulfilling the government's obligations towards the health of Indonesian citizens. Unifying and updating national legal regulations is the key to improving public health while still paying attention to the values of Pancasila so that public health can be improved fairly and safely in accordance with the law.**Keywords:** government, health sector, omnibus law

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## Introduction

Health problems are pretty complicated problems and are related to other problems as well. Public knowledge and attitudes toward a disease are only two of the many factors that influence health.<sup>1</sup> The government continues to pay attention to public health problems. Health still has a low level of public awareness. Public health is poor and inconsistent, especially for those living in slum areas. The health of residents of these slum settlements is influenced by people's dirty behavior and the lack of environmental facilities and infrastructure.

Community Health Centers and Private First Level Health Facilities (FKTP) have struggled to carry out their gatekeeping duties effectively. Drug and vaccine shortages continue, along with inappropriate drug use, significant reliance on imports for pharmaceutical raw materials and medical equipment, and substandard drug and food control systems. The health system still operates unevenly between regions; for example, eastern Indonesia has poor vaccination rates. In the Java-Bali and metropolitan areas, health and medical care institutions are still mushrooming thanks to workforce accreditation.<sup>2</sup>

During 2021, Indonesia has faced several health problems, From ongoing problems related to COVID<sup>3-11</sup>, and its various variants to issues with medications found in cough syrups. The sudden onset of kidney failure in babies is one of the other health problems. Budi Gunadi Sadikin, Minister of Health of the Republic of Indonesia, is in charge and must handle this problem intensively. The healing of the Indonesian nation depends on leadership and its role in resolving these health problems.<sup>1</sup>

In Indonesia, the President of the Republic of Indonesia, Ir. H. Joko Widodo, conveyed the discourse on implementing the omnibus law bill in 2019 in his state speech during his inauguration as President before the MPR session on 20 October 2019.<sup>12,13</sup> The President focused on the Omnibus Law to overcome overlapping regulations and bureaucratic difficulties. It is hoped that the formation of this omnibus law will provide benefits to society and attract foreign investors to invest their capital in Indonesia.<sup>14</sup>

The initiative to establish a health omnibus law, which will be regulated in the Draft Health Law, is intended to improve health regulations, which are currently fragmented. The positive and negative impacts of this debate are still developing, especially from the medical community, which rejects.<sup>15</sup> The fundamental characteristic

of the health sector is the harmonization of healthcare regulations. This is done considering the importance of simplifying the regulatory framework. The government continues to strive to implement the health omnibus law as a national-level legislative policy with the hope of improving public health services in Indonesia so that it can overcome challenges and opportunities in the future.<sup>16</sup>

Based on the description of the problems that have been explained, this study aims to examine the ideal role of the government and professional organizations in the health sector based on the Omnibus Law.

## Methods

Based on the research objective above, which examines the ideal role of government and professional organizations in the health sector based on the Omnibuslaw Bill, this research uses normative legal research methods that combine analytical, conceptual, and legal perspectives. The approach used is a conceptual approach. The data source is secondary, taken from the literature. The data analysis used is qualitative analysis.

## Results

**Table 1.** The Results of Literature Studies

No	Authors	Title	Method	Findings
1	Benyamin Dicson Tungga	<i>Peranan Dan Tanggung Jawab Pemerintah Dalam Pelayanan Kesehatan Pasca Disahkannya Omnibus Law Tentang Kesehatan</i>	normative legal research methods	The results of this research show that the idea of a comprehensive health law as a national legislative approach to improving the health of the Indonesian people presents both difficulties and opportunities. Due to the large contribution of the health sector to the sustainability of the UN development goals, the goal of

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| 2 | Mohammad Orinaldi | <i>Relasi Antara Omnibus Law di Era Pandemi Covid-19 Dan Perekonomian di Indonesia</i> | qualitative approach with literature study methods. | <p>sustainable development is to improve health and well-being.</p> <p>The Omnibus was not adequately consulted with the public before it was written, leaving academics, civil society organizations, and labor unions in the dark about its provisions and having to guess even the most controversial ones. The omnibus law has begun to be applied to the nation's economic activities. The family environment provisions in the law, which, according to academics, aim to significantly reduce community involvement in the decision-making process regarding environmental issues that will have a significant impact on environmental life and increase the role of the central government, is one aspect of the law that is detrimental.</p> |
| 3 | Nadhir Wardhana   | <i>Analisis Implikasi RUU Omnibus Kesehatan Terhadap Sistem Kesehatan</i>              | exploratory research method with a                  | <p>The national health system and public health professionals were</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

		<i>Nasional dan Profesi Kesehatan Masyarakat</i>	descriptive-qualitative and normative juridical approach	not affected by the findings. Still, recommendations were made regarding the need to include the national health system and issues related to public health initiatives, the profession of public health workers, and public health education in the Ministry of Health—job Creation Bill.
4	Bagiastra	<i>Gagasan Omnibus Law Kesehatan Sebagai Kebijakan Nasional Dalam Upaya Meningkatkan Derajat Kesehatan Masyarakat</i>	normative legal research methods using statutory approaches, conceptual approaches and analytical approaches.	According to the study results, there are opportunities and challenges related to the idea of a health omnibus law as a national legal strategy to promote public health in Indonesia. Therefore, updating and unifying laws based on the ideals of Pancasila both domestically and abroad is very important so that the mission of improving public health can be fulfilled in a comprehensive, equitable, fair, affordable, and legal manner.
5	Rahmawati et al	<i>Peran Tenaga Kesehatan dalam</i>	Qualitative descriptive	Disaster preparedness and

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the role of health professionals are essential. It is indicated that with the support of this research, health human resources are expected to continue to improve their skills and responsibilities so that when they are called upon to help communities affected by disasters, they have a strong foundation for this. To work with the population. Involve in disaster preparation outreach to residents and health professionals.

## Discussion

Law Number 36 of 2009 concerning Health is the basis for current health implementation. According to parts of the Health Law, health is a human right and one aspect of welfare that must be achieved in accordance with Indonesian national principles as outlined in Pancasila and the 1945 Constitution of the Republic of Indonesia. Health is part of human rights and is the responsibility of every person. It is believed that the current Health Law needs to be changed. More appropriate than personal health legislation to address improvements and changes is an omnibus legal approach.<sup>2</sup>

Meanwhile, according to ontology, one aspect of overall well-being that is rated very highly is health. In accordance with Article 1 Number 1 of Law of the Republic of Indonesia No. 36 of 2009 concerning Health (from now on referred to as the Health Law), "Health is a state of health, whether physical, spiritual, mental or social, which enables everyone to live a socially and economically productive life."<sup>17</sup>

As technology advances, governments no longer exclusively manage the healthcare industry; on the contrary, the private sector is starting to take over in efforts to improve quality and competition in the service industry. This is demonstrated by the large number of private hospitals that offer the best services, equipment, and medical professionals comparable to those offered by the government. The private sector has provided better facilities and infrastructure despite having more excellent economic value. Conducting international trade in health services has a direct influence on improving health standards and economic possibilities that can support Indonesia's economic growth.<sup>16</sup>

Health development aims to advance the level of public health. The Jakarta Declaration, one of the cornerstones of Indonesia's efforts to promote health, lists health promotion priorities for the twenty-first century, including increasing social responsibility in the health sector, in particular, maximizing investment activities in health formation, promoting cooperation in the health sector, maximizing capacity in society, empower individual workers, and secure and guarantee the availability of health resources.<sup>18</sup>

The following is stated in the health declaration:

1. Health promotion is a critical investment that influences the factors that determine health, providing the most significant health benefits for society.
2. Compared with other strategies to improve public health equity, health promotion provides favorable results.
3. Strengthen and expand partnerships for health, increase social responsibility in the healthcare industry, spend more on health development, increase community capacity and individual emancipation, and ensure infrastructure is available for health promotion. Moreover, to improve health, health education is critical.

According to the State Administrative Law (HAN), the Government has the duty to manage the Government, create quality improvement strategies, and ensure that health services are provided in line with the basic principles of good governance.<sup>19</sup> Ideally, all public services would be fully self-financed by the population through insurance and taxation systems, with a primary focus on human resource development. After people's basic needs are met by free public services provided by the Government, the idea of a welfare state is the result of creating an independent, prosperous, and effective economic system with individual income that allows people to save.

Therefore, guaranteed quality public services must be offered to realize the goals of the welfare state. In this regard, the government sets quality standards with clear benchmarks to ensure proper implementation. Every citizen and resident is protected by the government from abuse of power in terms of providing health services.

The government's responsibility in providing social protection is contained in the duties and responsibilities for implementing guarantees contained in the national health insurance. In accordance with the idea of a welfare state, the State is tasked with ensuring the welfare of its people by monitoring the lives of its citizens from birth to death. Guaranteeing that everyone has security and social welfare protection is a national health guarantee. Having a good basic understanding of the State is not a goal but rather a framework created and maintained by society to provide strengthening services. Society's right to serve and the State's obligation to provide it.<sup>2</sup> So that the State can fulfill its human rights commitments as the main institution, everyone, without exception, must respect their rights.

Then, legal politics in the health context is seen as a way for legal policy to choose legal principles, especially those related to health law, and fight as hard as the law can to realize these legal ideals. Legal politics, especially in the field of health law, can also be said to be the direction of legal evolution. The Brief Law, a legal product, is the final result of a struggle between competing political forces. This is a political product. In this sense, Satjipto Rahardjo argues that because laws are the product of political judgment or will, they are full of certain interests and function as an arena for displacing and defending them.

According to the legal framework of the Health Law, the budget, health personnel, health supplies, pharmaceutical preparations, health service equipment and facilities, and health technology are resources in the health sector that the central government and regional governments must provide. By providing health workers, regional hospitals, health clinics, etc., local governments contribute to the provision of health services. Through the Regional Revenue and Expenditure Budget (APBD), the government provides funds to provide these services. People are typically penalized for seeking these health services, according to research.<sup>20</sup>

Furthermore, the government is also tasked with regulating, directing, managing, encouraging, and supervising the implementation of fair and affordable public health



efforts. The government is also responsible for the community environment, order, and physical and social health facilities. Also responsible for providing resources in the health sector that are fair and equitable for everyone. It is also responsible for accessing information, education, and healthcare facilities. Also responsible for empowering and encouraging the community to play an active role in all health efforts. In the context of implementing public health insurance through the national social security system for individual health efforts, which must be implemented in accordance with statutory provisions, the government is responsible.

The government and health professionals have recently begun to examine the idea of a health omnibus law as a national legal strategy in an effort to improve the health situation of Indonesian society. Various health professions oppose Indonesia's efforts to implement the Health Omnibus Law. When referring to Indonesia, which is a member of the WTO and GATS, it is essential to note that Indonesia must prepare early both in terms of rules based on obligations made in the agreement and readiness to compete fairly with other member countries, especially in the health sector. To simplify rules and regulations in the health sector, updating the Indonesian health law as an omnibus bill is very important. Future health investments in Indonesia will address these issues and opportunities. For example, Bali will soon provide medical tourism, with a major international hospital collaborating with the Mayo Clinic in America. Therefore, Indonesia's health regulations must be immediately improved.

## **Conclusion**

It can be concluded that the role in planning, organizing, managing, developing, and supervising the implementation of equitable and affordable health initiatives throughout society is the government's responsibility to fulfill the objectives of the health law. The public really hopes that the right to adequate health can be fulfilled through this omnibus law bill and in accordance with their wishes. In addition, the government must fulfill the Indonesian people's right to health.

The health omnibus law bill is also being considered a national legal strategy to improve the health of the Indonesian people, namely through international trade in health services. Therefore, updating and unifying legal regulations at the national level while maintaining a commitment to the values of Pancasila is very important so that the goal of

improving the level of public health can be fully realized in a way that is also fair, reasonable and safe at the national legal level.

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