

# Contribution Of Health Workers and Assistants in Indonesia During the Covid 19 Pandemic Era

Johanna Marudur Marpaung<sup>1</sup>, Herman Bakir<sup>2</sup>  
{dr.johanna@yahoo.com<sup>1</sup>, herman\_bakir@borobudur.ac.id<sup>2</sup>}

Student of law Doctoral Program and Lecturer Faculty of Law Universitas Borobudur, Jakarta, Indonesia<sup>12</sup>

**Abstract.** Corona virus disease already two years but not yet the signed that the pandemic will be over because the virus can mutation. Since month of January 2022 in Indonesia enter the 3rd wave with the most type is the omicron virus. The omicron virus has mild symptoms and also low mortality rate. Some expert said that because got herd immunity by vaccine. The covid 19 pandemic isn't only impact on human health, but also economy, law, education, social (lifestyle) and ect. Therefore, all of society have contribution to take part in handling this pandemic. The government said that health workers entitled to get protection, in accordance with the constitution number 36 in 2009 about health, chapter 27 and the constitution number 36 in 2014 about health workers, chapter 57. The most health workers exposed covid 19 and even some of them die and the other worker must handle lawsuits. The government paid for the health workers who direct care for covid 19 patients. Is it enough? How about the other workers? They have a big potential to exposed and lawsuits. So, they have to have protected while on duty pandemic era.

**Keywords:** health workers; protection

## 1 Introduction

The first case about the patient covid in Indonesia reported at 2nd March 2020 and now enter the 3rd wave. The government announced that this include non-natural disaster and world Health Organization (WHO) announced that the Covid 19 was pandemic at 11st March 2020. For the beginning to handle the covid 19 patient's, almost all the medical facility has problem, such as: medical equipment (personal protective equipment), drugs, health workers. According constitution number 36 in 2014 about health workers, chapter 1 verse 1st said that: health workers are everyone which devote on health field and have knowledge and or skill through education on health field which for specifically need to competency for service health. Verse 2nd said that: health workers assistant is everyone which devote on health field and have knowledge and or skill through education on health field under diploma level three.

Because hospital difficult to supply medical equipment for health workers and assistants, so some of non-governmental organization (NGO) gave donation to private hospital to help supply medical equipment. For the health workers which working at assistants, their contribution different with the other people. They have the biggest contribution because they cared the patient's and highest risk to infected. They also help mass vaccine of covid-19 as vaccinator. Nobody knows when the condition will be finish because the virus had mutation.

Until now the strain the virus of covid-19 in Indonesia such as: alpha variant (B. 117), beta variant (B1.351), delta variant (B.1.617) and omicron variant (BA.1). This condition had been snatched people including health workers and assistant.

### **Problem Statement**

While health workers did their job, there were many problems to faced it. It made some of the workers frustrated and disappointed. The problem such as:

- a. Workload was overload.
- b. Personal protective equipment was minimum
- c. Uncertainty protection
- d. Psychology stress
- e. Lawsuits

The government tried to help health workers during pandemic Covid-19 era, such as something like:

- a. To give incentive for whom take care patient's covid-19 directly.
- b. The licensee will active although the license had expired until one years had over pandemic or change become endemic era.
- c. The first to get vaccinate

Is it enough for them? After health workers had been working so hard and got blasphemy from some people because they didn't accept diagnosis their disease with covid-19. While the government did mass vaccination for speed up herd immunity, health workers and assistants participated. Vaccination was one of way to prevent and protect from the diseases, including covid-19. The most of health workers didn't pay for vaccinator. It's mean, health workers have participated and doesn't expect to get money, they gift the biggest contribution to help during this pandemic era. But many of vaccinator faced lawsuits because they accused to make mistake. Even, one of the cases had assigned the vaccinator as suspect. How can health workers to get protection? And what there is the regulation to protect them? And how far the willing of government to protected health workers and assistants?

### **Literature Review**

Amount of health workers in Indonesia is lowest. Amount of the doctors in Indonesia is 2nd the lowest in Southeast Asia that is 0.4% the doctors each 1.000 people. It's mean that in Indonesia have 4 doctors to services 10.000 people. The nurses are 2.1% each 1.000 people and for medical specialists are 0.13% each 1.000 people. Besides that, the distribution for health workers doesn't equal and the most location in Java Island and the big cities. It's made health service doesn't good to handle especially with condition this pandemic era. So, for Indonesia still highest to needed health workers.

The death of health workers and assistants because covid-19 in Indonesia is one of the highest at the world with deaths: 2.032 (October 2021) and for total deaths because covid-19 are : 154.000 (March 2022). Indonesia is 2nd highest death because covid-19 at Asia, after India. The death of health workers and assistants because of covid-19 are many cause, such as :

- a. Personal protective equipment was minimum
- b. Inadequate patient's screening
- c. Exhaustion.
- d. Excessive working hours
- e. Under pressure.
- f. Have comorbidities.

Corona virus disease 2019 (covid-19) for the first reported at Wuhan in China. The disease had been 2 years and become pandemic at all the world. The virus often changes and it makes virus becomes many variants. In many countries had been doing vaccination and got herd immunity including in Indonesia.

we had constitution about outbreak before Covid-19 pandemic era. According to constitution number 4 in 1984 chapter 1a said that: outbreak is incident to spread infectious diseases in society increasing number of patient's in real exceed the normal situation that time, place and can make disaster. Covid-19 came from Wuhan, China. Then spread to the other country. For protected our people, the government used to constitution number 6 in 2018 about health quarantine, chapter 1 verse 1st said that: health quarantine efforts prevent and ward off or enter the diseases and or risk factor to public health potential rise to public health emergency.

Health workers protected with constitution number 36 in 2009 about health and chapter 27 verse 1st said : health workers have a right to get reward and law protected on duty according to profession. Constitution number 36 in 2014 about health workers, chapter 57a said that : health workers have a right on duty to got the law protected during on duty according to standard professional, standard professional the services and standard operational procedure.

## **2 Research Methods**

Researcher used qualitative method, that means using secondary data with opinion, record result and documents. Researcher took data from collected the cases had been publishing. The cases happened in all area of Indonesia. This research started at April 2020 until February 2022. This research used research instrument by documentation. Documentation instrument developed with content analysis approach. Also used regulatory document of government and institution.

## **3 Results and Discussion**

For the beginning outbreak covid-19 in Indonesia, health care provider had been seen overwhelmed to supply health workers and assistants with personal protective equipment because it was scarce and expensive. Few months later, first rate health service (clinic and Puskesmas) and hospital faced trouble because many people infected covid-19, so that many health workers and assistants also infected covid-19. There are many because health workers and assistants infected covid-19 in Indonesia.

Some organization on health field take a part to try looked solution include Indonesia Doctors Association, how to try protected health workers and assistants. They tried make guidalance appropriate to the situation and corporate with the doctor who care the patient's covid-19. Sometimes the guidalance isn't good working, so that any doctors made add the other drugs treatment to handle covid-19 level severe until critical, because the professional don't know what kind the right medicine to treat patient's covid -19 until now.

One of organization on health law field did lawsuit to government because their according to the regulation we had less protective health workers and assistants. So they sued government about the regulation to constitutional court. The organization on health law field according to them that the regulation that inconstititional. They asked government fulfil basic rights for health workers and assistants are fighting covid-19 and making regulation about that.

After tested by constitutional court and then they rejected the sue because according to constitution court that :

- a. Constitutional court doesn't authority for command central and local government to create regulations.
- b. We had the regulation and it is enough to protect health workers and assistants on outbreak.
- c. Government had been given incentive for health workers which handling patient's covid-19.

Right now, people are starting lawsuit to health workers, the beginning sue vaccinator. To speed up vaccine covid-19, government gave some institution non health and non governmental organization to help mass vaccine covid-19. Indonesia is including at 5th rating in the world which the most to vaccinate the population on December 2021. Government tries speed up vaccine covid-19 for soon to get herd immunity in Indonesia. Because that governmental gives institution non health field as an organizer.

They as an organizer doesn't understand regulation about health, so that when the patient feels the sputum doesn't fill with medicine covid-19 so that they lawsuit to health worker and accused with malpractice. The patient or patient's family wasn't to lawsuit to the institution as an organizer. What is it all mistake health workers? Where is responsibility institution as an organizer? If it is true that health workers made mistake as vaccinator, it's sure there is wrong/mistake on standard operational procedure.

The question is, is there have standard operational procedure? Definitely it is not have. So why only lawsuits for health workers? Where are the justice and protect for vaccinator? Governmental should make standard operational procedure to an organizer which non health field. Because governmental on duty to controlling it. If there is controlling, researcher believes level error will be minimalist or maybe it could be zero incident and will not lawsuits from people.

For the next time, what will be lawsuits for health workers related with treatment to care patient with covid-19? Because nobody knows what kind medicine the right to handling covid-19 for this moment. If the treatment of patient covid-19 found later and turn out the drugs was wrong, then patient or patient's family lawsuit health workers. How to handling it? Where is the regulation/constitutional protection to health workers? Health workers had tried hard to service people during pandemic era with uncertain conditions. It isn't fear for them. High demand professionalism for health workers should government must give guarantee for them because health workers and assistants had been fulfil their constitutional as health field.

## 4 Conclusion

Health workers and assistants had the biggest contribution during this pandemic era, but they not yet to get protection. We have had the regulation about health workers, outbreak and protection for health workers. But the regulations can't protection for health workers on duty even from lawsuits. People expected health workers to get services the same as well as the situation without pandemic.

Health care provider have an obligation to provide personal protective equipment and all of things needs on duty. Some of organization participate to do mass vaccine. Some of them the back ground wasn't health field, so they didn't know standard operational procedure for health service. So that, while people suspect to vaccinators, they accuse to do malpractice. Ministry of health should not give license to organization non health as vaccine organizer. If it must to do, governmental should make standard operational procedure for them as an organizer.

Government should make constitution specifically to health workers about law protection on duty at outbreak for this moment. The protection must include all of handle from prevention until treatment. Nobody knows what kind of outbreak will happen for many years later. From

this moment (covid-19 pandemic era), we could take experience that constitution of law protection at outbreak moment was very important, if we want to be better on handling outbreak for the next time.

## References

- [1] Constitution of Republic Indonesia number 4 in 1984 about infectious disease outbreak. Jakarta, Indonesia
- [2] Constitution of Republic Indonesia number 36 in 2009 about health. Jakarta, Indonesia.
- [3] Constitution of Republic Indonesia number 36 in 2014 about health workers. Jakarta, Indonesia.
- [4] Constitution of Republic Indonesia number 6 in 2018 about health quarantine. Jakarta, Indonesia.
- [5] Constitutional Court of republic Indonesia. Verdict number 36/PUU-XVIII/2020. Jakarta, Indonesia.
- [6] Government regulation of Republic Indonesia number 40 in 1991 about epidemic control of infectious disease.
- [7] Guidelines the treatment corona virus disease (Covid-19), Edition 4th. Jakarta January 2022.
- [8] Ministry of health, regulation of number 01.07/ministry of health/447/2020 about incentives and compensation of death for health workers to handling covid-19.
- [9] Ministry of health, regulation of number HK.01.07/ministry of health/6424/2021 about guidance technical instruction vaccination on handling covid-19 pandemic era. Jakarta, Indonesia.
- [10] Presidential decree number 14 in 2021 about vaccine procurement and implementation of vaccine on handling covid-19 pandemic era.
- [11] Recommendation from Indonesian society of internal medicine about vaccination of covid-19. Jakarta, Indonesia.
- [12] The Indonesian medical association. Guidelines doctor protection standart at corona virus disease 2019 (Covid-19) pandemic era, edition 3rd. The Indonesian medical association central executive board, Jakarta 2021.