

# Legal Protection for Doctors as the Frontline in Handling Covid-19 for Humanity in Indonesia

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**Abstract.** Legal protection is a right for every citizen and besides that legal protection is an obligation for the state, therefore the state is obliged to provide legal protection to its citizens. The focus of this research is legal protection for doctors and health workers as the frontline in handling the Covid-19 pandemic for humanity in Indonesia. This study used a normative legal approach and an empirical legal approach. Data analysis used descriptive-qualitative data analysis, namely presenting data and information which were then analyzed qualitatively. There are various legal rules that are technical in nature for doctors and health workers in carrying out their profession during the Covid 19 pandemic, such as a guidebook for handling Covid 19, however they are not optimal, because the Covid 19 pandemic is a new disease, there are no evidence-based management guidelines. In addition to the virus is also fast mutating and contagious. Thus, legal protection for doctors and health workers in carrying out their professions while dealing with the pandemic has not been maximized, especially in handling the Covid 19 pandemic for which there are no standard guidelines for handling it.

**Keywords:** Legal Protection; Covid-19; Health Workers

## 1 Introduction

Legitimate security is the assurance of common liberties that have been hurt by others and that insurance is given to the local area so they can partake in every one of the freedoms allowed by regulation. [1]. To safeguard the state against general wellbeing, different regulations and guidelines have been specified, including: Law Number 39 of 1999 concerning Human Rights, Law Number 36 of 2009 concerning Health, Law Number 36 of 2014 concerning Health Workers and Law no. 29 of 2004 concerning Medical Practice.

During the Covid-19 pandemic, one of those who received the impact of the Covid-19 pandemic was the health sector which caused casualties among doctors and health workers. There are around 101 doctors and health workers who died due to Covid-19 (As of August 31, 2020). As of July 21, 2020, the ratio of death to medical personnel and health workers compared to the total confirmed deaths of COVID-19 in Indonesia is one of the highest among other countries, at 2.4%. [2].

According to Surya Jaya, the regulation of lawful security for the wellbeing of medical personnel is significant and urgent. "The urgency is related to the risks faced by medical

personnel, namely the risk of crime when they are wrong in carrying out their profession and the risk of death while on duty during the COVID-19 pandemic. [3].

In Article 50 of Law No. 29 of 2004 concerning Medical Practice, doctors get legal protection if they have taken medical actions in accordance with predetermined medical service standards. The weakness of legal protection gave birth to a defensive medicine paradigm caused by doctors' excessive concern over medical malpractice demands. Defensive medicine is an act of caution from a doctor, in carrying out other actions, which are not actually needed by the patient.

In the idea of law and order, it is admired that the leader in the elements of state life is regulation, not legislative issues or financial aspects. The articulation utilized in English to allude to law-and-order guideline is 'law and order, not of man'. What is called government is essentially regulation as a framework, not people who just go about as 'manikins' of the framework situation that oversees it [4]. In every state of law, it is expected to apply the guideline of lawfulness in the entirety of its structures (fair treatment of regulation), in particular that all administration activities should be founded on legitimate and composed regulations and guidelines. The composed legal guidelines should exist and apply first or go before managerial moves or activities initiated. This is related to legal protection for the community.

Legal protection is a right for every citizen and besides that legitimate security is a commitment for the state, thusly the state is obliged to give lawful assurance to its residents. Satjipto Raharjo stated. Legitimate insurance is to give security to common freedoms that have been hurt by others and that assurance is given to the local area so they can partake in every one of the privileges allowed by regulation. [1]. Furthermore, the nature and reason of the law is to give assurance (security) to the local area, which should be acknowledged as legitimate sureness [5].

Legal protection provides assurance for common freedoms that have been hurt by others and this insurance is given to the local area so they can partake in every one of the privileges allowed by regulation or at the end of the day legitimate insurance is different lawful cures that should be given by policing to give a feeling of safety. , both intellectually and genuinely from badgering and different dangers from any party [1]. In legal protection, justice and legal certainty are also needed, which means that the implementation of the law must be in accordance with the formulation of the article and carried out consistently and professionally.

According to A. Sonny Keraf, the nature of the application of justice is as follows: Legal Justice (Universal / General) essentially means that all people or groups of people are treated equally by the state before and based on applicable law. Different or discriminatory treatment means degrading human dignity, not only for certain concrete particular people, but also for human dignity in general. [6].

In legal protection, responsive law is also needed, namely law as a means to respond to social provisions and people's aspirations [7].

## **2 Research Methods**

This exploration utilizes a standardizing legitimate methodology and an observational lawful methodology. This sort of regularizing legitimate examination is an interaction to track down a law and order, different legitimate standards, and different legitimate principles to answer legitimate issues raised or confronted. Exact legitimate examination approach, which is lawful exploration whose information is acquired from the field or from essential information got straightforwardly from respondents not entirely set in stone as per the exploration issue.

This research is a descriptive law research, thus in this research it describes systematically, factually, and accurately on various matters relating to the research problem. In this review, essential information and optional information were utilized. Essential information is information acquired from the field, namely those obtained from respondents and which have been determined or selected. Secondary data include, among others, various legal books related to research problems, research results in the form of reports and legal journals related to research problems.

Data analysis used elucidating subjective information examination, in particular introducing information and data which were then investigated subjectively. Subjective distinct is research that looks to portray and decipher existing circumstances or connections, different suppositions and outcomes that happen or drifts that happen. This descriptive analysis technique is used to interpret and describe the data that has been obtained from the results of literature searches and documentation as well as data from the results of questionnaires to doctors and health workers.

### **3 Results and Discussion**

#### **Legal Protection for Doctors and Health Workers During the Covid-19 Pandemic**

**Legal protection**  
elucidating subjective information examination, in particular introducing information and data which were then investigated subjectively. Subjective distinct is research that looks to portray and decipher existing circumstances or connections, different suppositions and outcomes that happen or drifts that happen. [1]. Legal protection is expected as an effort to guarantee a sense of security and fairness for all citizens based on the applicable laws and regulations.

#### **Legal certainty**

As per Gustav Radbruch, legitimate assurance is conviction about the actual law. Legitimate assurance is a result of regulation or all the more explicitly from regulation. In view of his perspective, positive regulation that controls human interests in the public arena should constantly be obeyed despite the fact that positive regulation is less fair. Regarding legal certainty, according to Jan M. Otto [8].

#### **The Role of Doctors, Health Workers and Legal Protection**

Wellbeing laborers play a significant part to work on the most extreme nature of wellbeing administrations to the local area so that individuals can build mindfulness, eagerness, and capacity to live solid so the most extensive level of wellbeing will be acknowledged as a speculation for the advancement of socially and monetarily useful HR and as an element of the general welfare [9]. For this reason, wellbeing laborers in doing their training are qualified for legitimate assurance as long as they do their obligations as per Professional Standards, Professional Service Standards, and Standard Operating Procedures. [10].

Likewise, specialists or dental specialists in doing clinical practice reserve the option to acquire legitimate security as long as they do their obligations as per proficient guidelines and standard working systems and offer clinical types of assistance as indicated by proficient principles and standard working strategies [11]. In addition to this, wellbeing laborers should conform to the arrangements of the set of rules, proficient principles, privileges of wellbeing administration clients, administration guidelines, and standard working methods. [12]. Provide guarantees to patients to obtain medical services based on scientific values in accordance with

the medical needs of patients and maintain and improve the quality of medical services provided by doctors and dentists. Based on these various legal provisions, if they have practiced according to applicable professional standards, the profession of doctors and health workers are entitled to legal protection or in other words, if in carrying out their professions they are not in accordance with professional standards and standard operating procedures, they cannot or are not granted. legal protection.

Meanwhile, the professional work carried out by doctors and health workers is based on basic behavioral principles, namely the sincerity to act for the good of the patient, and as far as possible not to hurt, injure or harm the patient. In carrying out this profession, doctors must always be guided by the applicable professional standards in the form of medical service standards.

### **Responsibilities of Doctors in the Implementation of Medical Practice**

Responsibilities that are the burden of doctors include legal responsibility and accountability. The decision on whether or not there is a violation or neglect of legal obligations and responsibilities by a doctor in a medical dispute case with a patient/family, is determined by a judge in a court process with reference to the articles in the Health Law or Medical Law.

### **Informed Consent**

In this regard, informed consent is required, which is the process of delivering information related to a medical action offered by a doctor or nurse to a patient before the patient agrees to the medical action. Informed consent is not only a form of communication between doctors and medical staff, but also gives time for patients to ask questions, agree to, or refuse the treatment.

### **Medical records**

Through the obligation to make medical records for doctors and patients will get protection. This is because the patient will get insurance in light of the fact that in the clinical record it has been kept in full about all that is accomplished by the specialist to the patient and assuming there are blunders or abnormalities the patient can view or re-really look at his clinical record. Regarding medical records, it is the obligation of every doctor in carrying out medical practice to make medical records [13]. Regarding the handling of Covid-19 patients, the contents of the medical record are important documentation as an object of research and development of medical science and as a reference or learning material for the medical profession.

### **Doctor-Patient Relationship**

The relationship between the patient and the doctor is mostly inspanningsverbintennis, namely as an engagement whose performance is in the form of maximum effort and not resultaatsverbintennis, which is an engagement whose achievement is in the form of a result, namely a patient who is sick comes to the doctor and the result is healing so that the demand for a doctor to completely cure his illness is an obligation. which must be met by the doctor. In connection with the Covid 19 pandemic, doctors cannot guarantee the success of their medical actions when treating patients.

If the doctor has tried his best in accordance with medical standards (science and experience in the medical field), then his medical actions cannot be blamed. This is due to several factors that have the potential to cause failure in medical action, including medical risks, medical accidents and contributory negligence from the patient.

### **Complaints By Interested Patients**

Anybody who knows or whose interests have been hurt by the activities of a specialist or dental specialist in completing clinical practice can submit a composed question to the Chairperson of the Indonesian Medical Discipline Honorary Council [14]. The complaint doesn't dispose of the right of everybody to report thought criminal demonstrations to the skillful specialists or potentially guarantee common harms to the court [15].

During the Covid-19 pandemic, as is currently the case, the medical profession who serves humanity but in their service faces various risks because they have to deal directly with Covid-19 which is a new virus that has never existed before, as well as how to overcome its spread to the necessary medicines. to combat this new virus has not been found or does not yet exist. In a situation full of uncertainty and unpreparedness, doctors struggle to help fellow human beings on behalf of humanity, required legislation that can provide maximum legal protection and legal certainty in the face of a pandemic.

### **The Need for Legal Protection for Doctors and Health Workers During the Covid-19 Pandemic**

Various cases of death that occurred including the medical community and health workers are very worrying about his condition. Therefore, it is necessary to make efforts to protect and protect medical personnel with the goal that they can keep on giving wellbeing administrations however are safeguarded and surefire security as a work to limit the gamble of getting the Covid-19 infection. For this reason, it is necessary to have rules, protocols and guidelines for protecting doctors in carrying out medical practice in the Covid-19 Era.

Various data that have been described and the results of the analysis that have been presented show various conditions that have occurred, especially many doctors and health workers who died during the Covid-19 pandemic, so that they need to be responded to with a legal regulation that can provide maximum legal protection and protection. can overcome various health problems that occur during a pandemic.

This is likewise as per the responsive legitimate hypothesis which expresses that a responsive regulation is required, specifically the law as a way to answer social arrangements and the goals of the local area, which for this situation is the state of specialists and wellbeing laborers during the Covid-19 pandemic. various circumstances that have occurred, especially many doctors and health workers who died during the Covid-19 pandemic, so that it is necessary to respond with a legal regulation that can provide maximum legal protection and protection and which can overcome various health problems that occur during the pandemic.

## **4 Conclusion**

The regulations and guidelines administering lawful assurance for doctors/dentists and health workers so far have only been in normal situations or not in a pandemic. With legitimate security for specialists and wellbeing laborers in doing their professions while dealing with the pandemic, it has not been maximized, especially in handling the Covid 19 pandemic for which there are no standard guidelines for handling it. In addition, there are still various regulations that open gaps for doctors and health workers to be sued and/or prosecuted through civil law and/or criminal law. During a pandemic, doctors and health workers need legal protection. This is because doctors and wellbeing laborers in doing their expert obligations in managing the Covid-19 pandemic face different dangers, including the gamble of being presented to Covid-19, the risk of physical violence and mental stress, and even the risk of losing their lives.

## Recommendation

It is necessary to increase legal protection for doctors and special health workers during a pandemic through a special legal rule or lex specialist that can provide justice, legal certainty and benefits for the medical profession and health workers during the Covid-19 pandemic.

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