

The Constitutional Right of Every Citizen to Obtain Preventive Health Services for Diseases with the Potential for Extraordinary Events in Central Sulawesi

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ABSTRACT: The event of increasing sufferers or deaths caused by a disease in a certain area, can sometimes be a surprising event and cause panic among the people in the area and in general we call this event an Extraordinary Event (KLB). This study aims to 1) Analyze and describe the implementation of the constitutional rights of every citizen to obtain preventive health services for diseases with the potential for extraordinary events in Central Sulawesi, 2) Analyze and describe the inhibiting factors in fulfilling the constitutional rights of every citizen to obtain preventive health services for diseases with the potential for extraordinary events in Central Sulawesi, 3) Analyze and describe efforts to overcome the inhibiting factors in fulfilling the constitutional rights of every citizen to obtain preventive health services for diseases with the potential for extraordinary events in Central Sulawesi.

The research method uses qualitative descriptive research where the approach uses a sociological legal approach, namely an approach by looking at a legal reality in society with the approach of Legal System Theory, Legal Purpose Theory, and Legal Effectiveness Theory. Types of data and data sources use primary data and secondary data. Data collection techniques used are: interviews, observations, and literature studies.

Based on the results of the study and discussion, it was concluded that overall, the implementation of Law No. 36 of 2009 Article 1 No. 13 concerning preventive health services has shown progress, but there are still many challenges to be overcome. More integrated and collaborative efforts between the government, the community, and the private sector are needed to ensure that preventive health services can be accessed widely and effectively, so that they can prevent more serious health problems in the future.

KEYWORDS: Right Constitutional, Preventive Health Services, Disease Potential Incident Outside Normal.

INTRODUCTION

The event of increasing sufferers or deaths caused by a disease in a certain area, can sometimes be a surprising event and cause panic among the people in the area and in general we call this event an Extraordinary Event (KLB). The types of diseases that cause KLB are determined by the Regulation of the Minister of Health, which operationally depends on epidemiological studies conducted nationally, provincially, or district/city according to time and region. Conditions vulnerable to KLB are the conditions of society, environment-behavior, and the implementation of health services which are risk factors for KLB. An KLB is said to be if : 1) The number or virulence of the cause occurs ; 2) The presence of a new cause that has never existed before ; 3) There is an increase in the speed of disease transmission so that the group vulnerable populations are exposed much more ; and 4) There is an increase in vulnerability to the causes

Indonesia is dominated by endemic diseases such as malaria, dengue fever (DBD), and diarrhea which have the potential to cause outbreaks (Dr. Muhammad Zein Painan , 2022) . Minister of Health Regulation No. 1501 of 2010 explains that there are 17 infectious diseases that have the potential to cause an outbreak, namely Cholera, Plague, Dengue Fever, Measles, Polio, Diphtheria, Pertussis, Rabies, Malaria, Avian Influenza H5N1, Anthrax, Leptospirosis, Hepatitis, Influenza A (H1N1), Meningitis, Yellow Fever and Chikungunya . Dengue Fever is one of the emerging diseases that are currently a major public health problem (Nursetyo , AA & Hasri, ET 2021).

During 2023, the outbreak in Central Sulawesi Province occurred 52 times. Tojo Una-Una Regency is the regency with the highest frequency of outbreaks, namely 15 times with details , DBD 1 incident, Chikungunya 3 incidents, Pertussis 1 incident, Diarrhea 2 incidents, Measles 4 incidents, Food Poisoning 2 incidents and Malaria 2 incidents.

From the perspective of constitutional rights, every citizen has the right to receive health services. This can be seen in the 1945 Constitution of the Republic of Indonesia, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia,

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which states that: "Everyone has the right to live in physical and spiritual prosperity, have a place to live, and have a good and healthy living environment and has the right to receive health services."

Health services are a basic right of the community. The right to health is part of Human Rights (HAM) which is recognized internationally and in Indonesia. The relationship between human rights and health is very close and interrelated. The right to health is a fundamental part of human rights which is recognized internationally and in Indonesia (Kodi, D. 2021).

This study aims to : 1) Analyze and describe the implementation of the constitutional rights of every citizen to obtain preventive health services for diseases with the potential for extraordinary events in Central Sulawesi ; 2) Analyze and describe the inhibiting factors in fulfilling the constitutional rights of every citizen to obtain preventive health services for diseases with the potential for extraordinary events in Central Sulawesi ; and 3) Analyze and describe efforts to overcome the inhibiting factors in fulfilling the constitutional rights of every citizen to obtain preventive health services for diseases with the potential for extraordinary events in Central Sulawesi , by approach theory system law (Lawrence M. F), theory objective law (Gustav R) and theory effectiveness law (Soerjono S).

RESEARCH METHODS

This research is a qualitative descriptive research. Qualitative research is a research that is used to research the condition of natural objects, where the researcher is a key instrument (Ibrahim, J., 2005) . Subject study or Respondent is parties Which made into as sample in a study. The research subjects in this study officer Public Relations Section of the Central Sulawesi Provincial Health Service and Officers from UNICEF (*United Nations Children's Fund*).

RESULTS

The provisions of the Regulation of the Minister of Health of the Republic of Indonesia Number 12 of 2017, the implementation of immunization is not running effectively. In this case, many parents do not vaccinate their children; even though children are consumers of health services. This happens, among other things: some parents do not really understand the importance of vaccination and the reasons for financing (even though there is BPJS insurance). In this case, parents should be required to routinely vaccinate their children according to the rules so that their growth is also good and healthy, because if not given, the children will be attacked by disease. Health workers and health service institutions should continue to actively strive so that the implementation of immunization and vaccination in children can run well. Results of an interview with one of the implementing staff of the United Nations organization Children's Fun (UNICEF) said that this vaccination immunization is very important and must be implemented in order to overcome the KLB/Outbreak. The fighting spirit and shoulder to shoulder of stakeholders to implement the implementation of preventive health services is the attitude of the legal structure referred to by LM Friedman . The law is good, law enforcement still has limitations in terms of: There are still many health facilities that have not utilized technology in the operation of clinics, hospitals, and laboratories. They prefer to stay on the conventional path and struggle with the hassle of administration . Therefore, there are still many health facilities whose services are quite slow so that patients have to wait a long time in the queue . In fact, with digitalization, obstacles from problems can be overcome.

DISCUSSION

The Indonesian government aims to reduce the number of morbidity and mortality rates due to outbreaks, one of which is by implementing preventive services, one of which is through the immunization program. Because the immunization program is also expected to be able to protect Indonesian citizens, especially the people of Central Sulawesi in general, who will gradually be able to form immunity. Good legal substance as conveyed by Gustav Radbruch of course accommodates the three principles above, namely the principles of justice, benefit, and legal certainty. So that a policy or regulation that is born should fulfill the three principles in order to be said to be a good legal substance. The third component is the legal culture component which is the target or object of the birth of a policy or law itself.

Legal culture is better known as a behavioral order or attitude of a particular society in responding to existing rules. The response of society, such as how society responds to a policy made by policy makers, indifferent , or accepting and implementing it with full awareness , all of this can be said to be a legal culture. So it is clear that these three components must synergize with each other in order for the legal system in a country to run.

Good law enforcement, by adhering to existing regulations or legal rules, then the community consciously accepts and implements existing policies, will certainly make a legal system run well as expected, while in fact some people from remote villages have difficulty accessing health facilities that are hours away from their homes. This makes them reluctant to use health facilities and prefer to use traditional medicine in their villages, this happened in Uetea Village , Tojo Una Una Regency and there are still many remote areas in Central Sulawesi in the same condition. Meanwhile, related to prevention efforts through the provision of immunization programs, if assessed from an economic perspective, it will be much more cost-effective, when compared to treatment efforts. So with the benefits and even various benefits from the birth of a vaccination policy, it can certainly be concluded that the principle of

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benefit from a law has also been fulfilled. Then what about the principle of justice that must also be in a legal formulation? The government through the Ministry of Health issued a policy stating that it is clear that all people are targets for preventive health services even though they are at the priority scale level.

The legal theory put forward by Gustav Radburch states that law must contain three elements, namely justice, benefit, and certainty. All of these elements have been fulfilled in the Republic of Indonesia Constitution Number 36 of 2009 concerning Health, Article 1 (13). So it can be concluded that the preventive health service policy issued by the government can legally be said to be a legal order. Law is a control that is very closely related to society. A society without law will result in arbitrariness, causing chaos, and vice versa, law without society, then the law has no meaning at all. When a law is born from the policy of the policy maker, of course it cannot be immediately implemented and applied to community groups, especially communities with high cultural diversity and varying social statuses, because the law does not work in a vacuum, the law cannot stand alone, and many factors influence it.

Soerjono Soekanto in his book entitled factors that influence law enforcement explains that a law can be categorized as an effective law or not determined by five factors, namely (a) the legal factor itself (regulations/statutory regulations), (b) the law enforcement factor, namely the parties that form or implement the law, (c) the factor of facilities or means that support law enforcement, (d) the community factor, namely the environment in which the law applies or is implemented, and (e) the cultural factor, namely as a result of work, creativity and feeling that is based on human will in social interaction.

In line with the theory of the legal system proposed by LM Friedman, it is explained that law is a system, where law can only work as a system if each of the components synergize with each other. The components referred to by LM Friedman are legal structure, legal substance, and legal culture. Then how is the correlation with the Republic of Indonesia Constitution Number 36 of 2009 concerning Health, Article 1 (13). The theory of the legal system proposed by LM Friedman is clear that law is a system that can work when the three components work together. The first component is the substance of law, such as what is the substance, such as the regulation. The legal substance referred to here is the Regulation of the Minister of Health of the Republic of Indonesia No. 12 of 2017 concerning the Implementation of Immunization. Based on the analysis above, it is clear and evident that the Regulation of the Minister of Health of the Republic of Indonesia No. 12 of 2017 concerning the Implementation of Immunization has fulfilled the principles of law so that it can be said that this Immunization Implementation policy is a good legal product (legal substance) because it fulfills the principles of justice, benefit, and the principle of legal certainty.

Next, regarding the second component is the legal structure, which means how the law enforcers are, what are the implementers of the regulation. As explained in Article 27 of the Regulation of the Minister of Health of the Republic of Indonesia Number 12 of 2017 concerning the Implementation of Immunization, it is stated that:

- (1) The implementation of routine Immunization services must be planned by health service facilities that provide Immunization services periodically and continuously.
- (2) The planning as referred to in paragraph (1) includes the implementation schedule, place of implementation, and implementer of Immunization services. In the Regulation of the Minister of Health of the Republic of Indonesia Number 12 of 2017 concerning the Implementation of Immunization, the policy that has been established is that the implementation of immunization is carried out by the government, private sector and community, by maintaining the principle of integration between related parties, seeking equal distribution of immunization service coverage by involving various related sectors, seeking quality service quality, seeking continuity of implementation through integrated program and budget planning.

CONCLUSION

Research conclusion This is:

1. Implementation right constitutional every citizen for get service health preventive to disease potential incident outside ordinary (KLB) in Central Sulawesi is still face various challenges. Although principle right on health acknowledged, its implementation in the context of the KLB has not yet fully fulfilled.
2. A number of factor inhibitor fulfillment right constitutional every citizen for get service health preventive to disease potential incident outside ordinary (KLB) in Central Sulawesi between other: lack of facility adequate health, limitations source Power human in the sector health and inadequacy in counseling to public contribute to the low accessibility and quality service health preventive. Besides that, awareness public will rights health they Still need improved so that they can participate more active in effort prevention of outbreaks.
3. Effort For overcome obstacle fulfillment right constitutional in-service health preventive Still need attention Serious from government and all party related.

SUGGESTION

For the government to develop a better coordination system between institutions involved in health. This can be done through the formation of a health forum or committee that can bring together all stakeholders to formulate more effective strategies.

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