

## THE LEGAL PROTECTION FOR DOCTORS AND MEDICAL PERSONNEL IN CARRYING OUT THEIR DUTIES SERVING COVID-19 PATIENTS AT THE PEMATANGSIANTAR CITY HOSPITAL

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### ABSTRACT

*There are various factors behind the emergence of lawsuits against doctors. Especially because of the large number of doctors and medics who were victims in carrying out duties in handling patients exposed to Covid-19. This research is more of an empirical juridical research, although it is preceded by normative research first. Normative legal research is research that uses secondary data, while empirical / sociological legal research is legal research that uses primary data. Regulations regarding doctors and medical personnel in carrying out their duties to serve patients exposed to Covid-19 are Presidential Decree Number 7 of 2020 and Governor of North Sumatra Regulation Number 34 of 2020. Constraints faced by doctors and medical personnel in carrying out their duties serving patients exposed to Covid-19 at home Sick, PematangSiantar City, namely facilities and infrastructure and lack of personal protective equipment, the role of PematangSiantar City Government in providing legal protection to doctors and medical personnel is still lacking It is recommended that local governments pay more serious attention to doctors and medical teams in meeting the needs of facilities and infrastructure and personal protective equipment, for the public to remain disciplined and comply with health protocols both while in the PematangSiantar City public hospital and outside the hospital so that they can avoid the spread of the Covid-19 virus, especially in PematangSiantar City.*

**Keywords:** Legal protection, doctors, medical personnel and the role of the government

### INTRODUCTION

The status and profession of doctors as well as medical personnel or other health professionals are very much needed by the community, because doctors are in the view of society as a medium that can heal patients or save human lives. Recent reports show that the medical profession is experiencing many problems and lawsuits, especially during the Covid-19 epidemic, besides having to carry out tasks without having to think about their own health, therefore the legal protection of doctors in carrying out their duties is very necessary.

There are various factors behind the emergence of demands for legal protection against these doctors and all of them originate from the many doctors and medics who were victims and died in carrying out their duties in handling patients exposed to Covid-19, but on the other hand, the lack of protection given to them is good self-protection. physical as well as broad legal protection which is part of its rights and on the other hand it is the obligation of the local government to fulfil it.

Doctors as ordinary humans who are full of deficiencies (which are human nature) in carrying out their medical duties which are full of risks cannot avoid power in almighty nature, because they are also likely to be exposed to the Covid-19 virus if Personal Protective Equipment (PPE) ) which is part of legal protection to doctors and medical personnel not given as needed or given but inadequate, even though the doctor has performed his duties in accordance with professional standards or Standard Operating Procedure (SOP) and according to good medical service standards.

The issue of legal protection for doctors who have been tasked with treating patients exposed to Covid-19 has recently begun to be discussed by the public from various groups, especially from the family of doctors who have died while on duty. In recent months since Covid-19 hit the world and including Indonesia, what is felt by the medical world and hospitals in Indonesia is the increasing number of patients exposed to Covid-19, on the other hand the lack of protection given to doctors can be equated with violations of rights, this is in line with the purpose of Law No. 8 of 1999 concerning Consumer Protection.

In cases of death of tens and information and the latest data show that the doctor who died in the line of duty during the pandemic Covid-19 is already more than 100 (one hundred) that 115 people, in the City of Langsa, Aceh Province.

Talking about legal protection, this is one of the most important things of a rule of law. It is considered important because in the formation of a country, laws that govern each of its citizens will also be formed. It is common knowledge that a country will have a reciprocal relationship between its own citizens. In this case, it will give birth to one another's rights and obligations. Legal protection will be the right of every citizen. But on the other hand, it can also be felt that legal protection is an obligation for the state itself, therefore the state is obliged to provide legal protection to its citizens. Legal protection is a protection provided to legal subjects in the form of instruments, both preventive and repressive in nature, both oral and written.

Law No. 29 Year 2004 regarding Medical Practice promulgated to regulate the practice of medicine in order to provide protection to patients, including legal perlindungan for doctors and medical personnel, maintain and improve the quality of medical services and provide legal certainty to the public, doctors and dentists. It should also be noted that doctors are part of society, because doctors also recognize various responsibilities towards the norms that apply in society wherever doctors work. This study aimed to determine How is the role of local governments in providing legal protection to doctors and medical personnel in performing their duties to serve patients exposed to Covid 19th City Hospital Pematangsiantar?

## RESEARCH METHOD

The nature of this research is descriptive analysis, descriptive analysis, namely research that aims to describe (describe) systematically and factually to get the actual facts and what should be done to solve the problems that occur. The type of research used is juridical empirical research, which is research on the effectiveness of legal provisions, especially legal rules governing legal protection for doctors and medical personnel, which discusses how to carry out the duties of doctor and medical personnel during the Covid-19 pandemic and what are their rights., must be in accordance with applicable legal provisions. The source of legal materials used in this research is secondary data through field research and document studies which included primary, secondary, tertiary law. The data was taken from deep interview with The Head of PematangSiantar Hospital, Indonesia. Continuously, the data was analysed qualitatively.

## RESULT AND DISCUSSION

The world is currently struggling with the Covid-19 pandemic. Coronavirus Disease 2019 (Covid-19) is an infectious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-COV-2). SARS-CoV-2 is a new type of coronavirus that has not yet previously identified in humans. On December 31, 2019, the WHO China Country Office in the city of Wuhan reported a case of pneumonia with no known cause. Indonesia reported its first COVID-19 case on March 2, 2020. Since then, cases have increased and spread rapidly throughout Indonesia, resulting in the issuance of presidential decree number 12 of 2020 concerning the determination of non-natural disasters for the spread of the corona virus disease 2019 (COVID-19 ) as a national disaster.

On September 1, 2020, the government's COVID-19 handling task force reported 174,796 confirmed COVID-19 cases, the highest in Asia, with 7,417 deaths (CFR 4.24%) spread across 34 provinces. As many as 51.5% of cases occurred in men. Most cases occurred in the age range 45-54 years and the least occurred at 0-5 years. The highest mortality rate was found in patients aged 55-64 years. Among these cases, many doctors have been infected with the virus.

Health workers are a very strategic or main element in realizing optimal, safe, orderly and professional health services, which take place at any time and are sustainable. In accordance with the practice of the rule of law, based on Pancasila which is located in the 1945 Constitution, the regulation in the health sector has been promulgated in Law Number 23 of 1992 concerning Health. And specifically regarding health workers issued Government Regulation Number 32 of 1996 concerning Health Workers. And although Law Number 23 Year 1992 has been amended / revised into Law Number 36 Year 2009, the Government Regulation (PP) Number 32 Year 1996 is still declared valid. The formation of regional government in accordance with the mandate of Article 18 of the 1945 Constitution becomes the basis for various laws and other legislative products that regulate regional government. Siswanto explained that the Law included: Law Number 1 Year 1945, Law Number 22 Year 1948, Law Number 1 Year 1957, Law Number 18 Year 1965, Law Number 5 Year 1974, Law Number 22 Year 1999 and finally Law Number 32 2004 year. The regional government in handling a problem is obliged to provide legal protection, especially to the medical profession who is carrying out duties as the front guard during the Covid-19 pandemic. Legal protection is given to ensure that doctors are protected and guaranteed in carrying out their main duties, it does not mean that doctors can be arbitrary -authority in carrying out duties and not based on a Standard Operating Procedure (SOP). The doctor must independently meet the needs of other people who need help in overcoming their health problems, and be able to decide what actions to take and be responsible for the quality of service they provide. According to Abdulkadir Muhammad, in providing services, professionals are responsible to themselves and to society. Responsible to himself, meaning he works because of moral integrity, intellectual and professional as part of his life. In providing services, a professional always maintains the noble ideals of the profession in accordance with the demands of his conscientious obligations, not because it is just a hobby.

According to Aminuddin Purba, the role of the government in providing legal protection to doctors and medical personnel in carrying out their duties to serve patients exposed to Covid-19 at the Pematangsiantar City Hospital aims to smooth the process and take action against Covid-19, therefore it needs legal protection from local government for the convenience of carrying out their duties.

Legal protection from local governments can be in the form of adequate incentives, personal protective equipment, providing adequate rest time after carrying out their duties, all of which are in line with and as referred to in Presidential Decree No.12 of 2020 concerning Determination of Non-Natural Disasters for the Spread of Corona Virus Disease 2019 (Covid -19) As a national disaster, this shows that the local government is also on standby in handling Covid-19 which is spreading in the midst of the community to be followed up and then providing socialization through the Covid-19 team to the public so that they can comply with all health protocol rules which has been determined by the doctor in Pematangsiantar City.

Public Relations of Pematangsiantar City General Hospital is of the opinion that if the local government in this case does not protect doctors and medical personnel in handling the corona virus which is endemic in the midst of society, then the local government is considered not serious in dealing with national problems as instructed by the President of the Republic of Indonesia, as well as the Ministers of Health, who work more in serving their citizens.

Based on the description above, it can be concluded that the role of the Regional Government at both the Pematangsiantar City level and the Simalungun Regency level in providing legal protection to patients and medical personnel in carrying out their duties serving patients exposed to Covid-19 at Pematangsiantar City Hospital requires seriousness so that doctors and medical personnel those who carry out their duties feel safe and receive protection through the Legal Umbrella of Regional Regulations (Perda).

## **CONCLUSION**

The role of the local government to provide legal protection to doctors and medical personnel in carrying out their duties to serve patients exposed to Covid-19 at Pematangsiantar City Hospital, is adequate but is still lacking if measured and adjusted to the provisions of Article 50 of Law Number 29 of 2004, concerning Medical Practice and Article 57 of Law Number 36 Year 2014, concerning Health Workers.

It is suggested to Government of Pematangsiantar City for more pro-active in giving attention, and providing tools and tools Personal Protection (PPE) and if deemed necessary, give rewards to doctors and medics who carry out their duties to serve Patients exposed to Covid-19 in several hospitals in the city of Pematangsiantar.

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