

RESEARCH ARTICLE

# Principles of Good Governance in the Politics of Health Care Law

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## ABSTRACT

*In the 1945 Constitution Article 28 H paragraph (1) it is explained that everyone has the right to live in and out of prosperity, reside, and get a good and healthy living environment and the right to obtain health services. The statement shows that the importance of Health for everyone is a human right and also a component of public welfare contained in the ideals of the Indonesian nation. If health services are quality and guaranteed, then the country's development and economy will be stable and long-term health investments will be more advanced. The purpose of this study was to determine the application of good governance in the legal politics of health services in Indonesia. The research method used is juridical normative which basically examines the problems of positive law. The results of his research are good governance or good government is a benchmark for the state for development in the public sector. Political law is a policy in the field of law that will be applied in order to achieve the goals of the state. So the politics of the law that produces the law is the product of politics. An example of a legal political policy in the field of Health is the National Social Security System. The purpose of the system is to provide social security as a whole to the community. Because everyone has the right to social security in order to meet the needs of a decent life and improve his degree.*

**Keywords:** Good Governance, Human Rights, Health.

## INTRODUCTION

The right to health services of Indonesian citizens is principally stated in Article 28 H paragraph (1) of the 1945 Constitution which explains that “everyone has the right to live in and out of prosperity, to reside, and to obtain a good and healthy living environment and the right to obtain health services.” Then the right to health is also contained in Article 4 letter a of Law Number 17 of 2023 concerning health which contains that “everyone has the right to live healthy physically, mentally, and social.” The importance of Health for everyone is a human right and also a component of public welfare contained in the ideals of the Indonesian nation. If there is a disruption in health, then productivity and the economy will be hampered. Therefore, the importance of adequate health services for the community. Because if health services are quality and guaranteed, then the country's development and economy will be stable and long-term health investment will be more

advanced. In this regard, the government also plays an important role in the provision of health care facilities. In Article 1 Number 8 of Law Number 17 of 2023 concerning health, it is stated that “health care facilities are places and/ or tools used to provide health services to individuals or the community with a promotive, preventive, curative, rehabilitative, and/ or palliative approach carried out by the Central Government, Local Governments, and/ or the community.” This means that both the central government and local governments are also responsible for health services to the community. The existence of the principle of good governance that is applied is a concept or policy of government that is directed for the better. Because good governance is the need of the community in order to realize a system of government that aims at public sector development.

In this study, the authors will analyze how the application of good governance in the legal politics of health services in Indonesia. There are three pillars of the state, namely government, private sector, and society. The three pillars in principle work together to realize good governance. In this study, the authors will focus on good governance in the health sector. The purpose of this study was to determine the application of good governance in the legal politics of health services in Indonesia.

## METHODS

This study uses normative juridical research methods. Normative juridical research is legal research that basically examines the problems of positive law. Normative juridical research method has the meaning of research methods based on legislation vertically and horizontally. So in essence the normative juridical approach is “an approach that refers to applicable laws and regulations.”

This doctrine is also in line with what Soerjono Soekanto explained, that normative legal research is classified into four types, namely: research to find the principles of Law, Research on legal systematics of legal rules, codification or specific laws, research on the degree of synchronization of legislation vertically or horizontally. This can be done in certain areas regulated by law, or in relation to other areas that have a reciprocal relationship.

## RESULTS AND DISCUSSION

In human life always requires various facilities that must be met for the continuity and advancement of life. One of the important needs of life is the fulfillment of Health. Health is the beginning for intelligence, productivity, and human welfare as well as investment in the successful development of a country. Therefore, the implementation of development in the health sector is needed evenly, thoroughly, and continuously. The purpose of improving healthy life for everyone in order to realize a prosperous, just, and prosperous society based on the 1945 Constitution. A prosperous society is a state of fulfillment of physical and mental well-being, physical and spiritual health. The state of physical and spiritual health in each individual is a temporary state, because in human life there is an impermanent principle. Impermanent nature includes humans, either as individuals or

groups in carrying out their life activities. Impermanent condition which is the nature of nature, can occur in every human being and can not be predicted then it can cause a sense of uncertainty. The condition of uncertainty can occur in all people in various events, for example, loss of property due to fire, not coming to work because of illness, and so on. This event creates what is called a “risk”. Risk can be defined as an event that can happen, but humans cannot predict when it will happen, and if it does, it can trigger financial misfortunes and losses.

Risk is something that humans face in health. This is because every human being always wants to live healthy and avoid getting sick. But humans cannot avoid getting sick, because pain is a natural risk to the body that is inherent in every human being. When people suffer from illness, to heal their health will be a burden and risk faced by individuals, families, or the environment. Or even in certain conditions it has the potential to become a public risk, for example if there is an outbreak of an infectious disease. The burden will be heavy if it must be borne alone, especially for the lower economic community, because for the cost of health care and healing requires a lot of money.

Therefore, efforts to deal with risks in the health sector of the country have a responsibility. So that it can achieve a prosperous society. The responsibility of the state has been enshrined in the Constitution to provide various services for the rights of people's lives in the fields of economic, social, cultural, health, education, and other development. In fulfilling these rights, economic development as a National Economic Development Policy aims to improve the welfare of the people that can be enjoyed fairly, equitably, sustainably, and can be applied at all levels of society. In addition to development in the field of economics, development in the field of Health also aims to increase the willingness, awareness, and ability of a healthy lifestyle for everyone.

This is in order to create an optimal level of health as one of the welfare factors listed in the Preamble to the Constitution of the Republic of Indonesia 1945. The inclusion of human rights in the 1945 Constitution was originally in the Second Amendment of the 2000 Constitution, in Chapter XA of the 1945 Constitution there are provisions on human rights. The new provisions refer to rights contained in human rights treaties/international conventions. These rights include civil and Political Rights (Article 28A), equal treatment before the law (Article 28D), the right to a healthy environment and obtain health services (Article 28h paragraph (1)), and the right to social security (article 28h paragraph (3)). The Fourth Amendment to the Constitution in 2002 included state obligations relating to the fulfillment of economic, social, and cultural rights. The fulfillment of economic, social, cultural rights is an element of human rights that is dominant in the concept of “equality.”

Health is a human right that must be realized in health efforts in all communities through the implementation of quality and affordable health development by the community. Public health is a pillar in the development of a nation/state. It can be said that health is everything and is a gift from God. Therefore, every activity and effort to improve the level of Public Health is carried out based on the principle of participatory, non-discriminatory, sustainable, and protection which is so important for creating human resources, increasing resilience and competitiveness, and for national development.

Good Governance is a criterion of a successful and good state in the development of a country, and is considered as a standard for public organizations. The definition of good governance by the IMF or World Bank is a method of strengthening governmental and

institutional frameworks. Then based on LAN or State Administration institutions in Sedarmayanti, the term good on good governance has two meanings, namely:

- (1) values that uphold the expectations/will of the people and encourage the people's ability to achieve sustainable development, independence, and social justice.
- (2) functional aspects of effective and efficient government in performing its duties to realize the objectives.

The principles of good Governance under UNDP are as follows:

1. Participation is every person or citizen, both men and women have equal voting rights in the decision-making process, either directly or through representative institutions, in accordance with their interests and aspirations.
2. The Rule of law is the rule of law and legislation that must be fair, enforced and obeyed by the people as a whole.
3. Transparency is transparency must be increased in the framework of freedom of information pathways.
4. Responsiveness that is, each institution and its process must be aimed at serving various interested parties.
5. Consensus-oriented is a good government or good governance will act as a mediator or mediator for a variety of different interests in order to achieve the best opportunities for the interests of each party, and if possible can be applied to various policies to be set by the government.
6. Equity is good governance will provide opportunities for men and women in an effort to maintain and improve the quality of life for the sake of survival.
7. Effectiveness and efficiency is any process of activities and institutions aimed at realizing something that is in accordance with the needs. It is made from the best of various sources.
8. Accountability: decision makers in organizations in the private, public, and public sectors have a responsibility to the public or the general public as well as to the owners or stakeholders.
9. Strategic Vision: leaders and communities have broad and long-term thinking about good governance. Human development or human development is aligned with the needs for development.
10. Mutual openness (Interrelated) is the overall characteristics of good governance is mutual Offset and strengthen, as well as interrelated and can not stand alone.

In legal politics in Indonesia, the preparation of the health law does not escape the impact of legal politics as a legal policy or policy in the field of law that will be applied or IUS constituendum in order to achieve state goals. The objectives to be achieved and the efforts to achieve them are carried out by law as a means in accordance with the developments facing the country. Starting from the opinion that law is a political product, the politics of the law that produces law is a political product. It can be noted that the law is not pure from other subsystems of society. Politics sometimes intervenes in the drafting and implementation of laws. It has become a classic interpretation that law is a product of politics. The purpose of the politics of law must be contained in various contents or contents of the basic laws and regulations based on the regulated field. The purpose of legal politics in the positive legal system in Indonesia is stated in the preamble to the 1945

Constitution. Therefore, the drafting of legislation is directed to organize the Indonesian legal system that can meet the needs of the Indonesian state for a just, prosperous, and prosperous society based on Pancasila and the 1945 Constitution. The government's responsibility for public health development requires the government to implement policies on systems, directions, and legal content in the health sector.

Health politics can be used by government organizers and policy makers in the field of health as an effort to encourage public health. Government officials and policy makers are encouraged to have the wisdom to provide health services needed by underserved, unaffordable, and marginalized lower economic communities. Followed by opening a direct path to the people, creating people's will, awareness, and ability to be independent. It is a form of giving health rights to all people without exception. So that the political purpose of health law can be achieved fulfillment of human rights in the field of Health. The criterion of success is if the central and local governments manage to formulate policies that favor the people without discrimination that is done appropriately. The politics of health law becomes a culture that is applied concretely by policy makers and decision makers at the center or region. The most important factor in the political application of health law is that there is cooperation in the health sector and other sectors that participate in development. This cooperation between government, private sector, and society.

Initially, the policy of fulfilling the right to health in the sense of the right to health services in Indonesia was separated from the National Social Security System. This is because the policy made for the fulfillment of health rights is the concept of social health insurance that covers all people who take Social Insurance. Health entitlements are made on social health insurance as a subsystem in the National Social Security System. This is because the concept of Social Security will be defined in different regulations, but discussions in the House of Representatives agreed that Social Health Insurance be integrated in the National Social Security System.

Therefore, the combination of the right to health with the right to social security, both of which are also contained in the 1945 Constitution, can be seen from the report of the chairman of the Special Committee on the draft law on the National Social Security System. At a meeting of the House of Representatives conducted on September 28, 2004 explained that the draft law on the National Social Security System is the mandate of the Constitution of the Republic of Indonesia in 1945 Article 28 H paragraph (1), Paragraph (2) and Paragraph (3) on social security rights and health rights. More specifically, Article 34 paragraph (2) of the 1945 Constitution explains that the State advances the National Social Security System. The system aims to provide comprehensive social security to the community. This is because everyone has the right to social security in order to meet the needs of a decent life and improve their degree. Therefore, health insurance is combined with the Social Security program. This is based on Law No. 40 of 2004 on the National Social Security System in Article 18 contains that the types of Social Security programs are health insurance, old-age insurance, work accident insurance, death insurance, and pension insurance. In this case, the purpose of health insurance is to ensure that users get the benefits of Health Protection needs. Thus, the implementation of National Health Insurance whose purpose is to reduce the risk of the community bearing their own health costs, health funding is sought to be borne by mutual cooperation by the entire community.

The goal is not to burden individually. The funding that is borne jointly indirectly realizes social cooperation in public relations to create social justice.

## CONCLUSION

The existence of good governance in the legal politics of Health Services is a good government effort for development in the health sector. This is because everyone has the right to get decent and quality health services. The right to health has been regulated in the 1945 Constitution Article 28 H paragraph (1) that “everyone has the right to live in and out of prosperity, residence, and get a good and healthy living environment and the right to obtain health services.” Furthermore, the right to health is also contained in Article 4 letter A of Law Number 17 of 2023 concerning health, which contains “everyone has the right to a healthy life for the sake of physical, mental, and social.” An example of a good governance policy in the legal politics of the health sector is the National Social Security System program. The system aims to provide comprehensive social security to the community. The importance of Health for everyone is a human right and a component of public welfare contained in the ideals of the Indonesian nation.

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