

LEGAL PROTECTION FOR DOCTORS AND LEGAL CONSEQUENCES FOR PATIENTS WHO LIE ABOUT MEDICAL STATUS IN THE TIME OF THE COVID-19 PANDEMIC

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Abstract The Covid-19 pandemic has caused deep sorrow for the world community and Indonesian people. In fighting the Covid-19 pandemic, doctors are a profession at the forefront. But in fact, many patients lie about their medical status which is an obstacle to eradicating the Covid-19 pandemic. This study aims to determine how the legal protection of doctors and what are the legal consequences of patients who lie about their medical status. The research method used in this research is normative legal research and empirical law. The results of the study explain that the health worker profession really needs to get legal protection in carrying out its duties, as well as the right to occupational safety and health in providing health services and the legal consequences for patients who lie have been described in article 14 paragraph (1) of Law of the Republic of Indonesia Number 4 1984 regarding the outbreak of infectious diseases.

Keywords: Legal Protection, Legal Consequences, Lie

1. Introduction

Covid-19 is a disease whose cause is the Corona virus which attacks the respiratory tract. This disease was first detected in Wuhan, China [1]. As it is known that SARS-Cov-2 is not a new type of virus. However, in the scientific explanation a virus is capable of mutating to form a new genetic makeup, in short, the virus remains the same type and only changes uniformly. The reason for giving the name SARS-Cov-2 is because the corona virus has a close genetic relationship with the viruses that cause SARS and MERS [2].

It is known that the DNA from the SARS-Cov-2 virus has similarities to the DNA in bats. It is also believed that this virus emerged from the wet market in Wuhan, where many exotic Asian animals of various types are sold, even to maintain their freshness, some of them are slaughtered directly on the market so that they are bought fresh. Then this market is considered as a breeding ground for viruses due to the close interaction between animals and humans [3].

When the WHO was first declared a global pandemic on March 11, the number of infections worldwide had reached more than 121,000 [4]. Instead of Indonesia still feeling safe from the virus outbreak that has paralyzed some countries in the world, President Joko Widodo in

early March, who had put the public in a comfort zone, had to admit defeat with reports of cases of Covid-19 caused by the virus. SARS-Cov-2 or better known as the Corona virus.

The Covid-19 pandemic has caused deep sorrow for the world community and Indonesian people. Currently, Indonesia is entering a critical period for the Covid 19 pandemic. Based on data published by the Ministry of Health of the Republic of Indonesia on April 6, 2020, at the world level, there are more than 1.4 million positive cases of Covid-19 which have resulted in 81,889 deaths. people as of April 8, 2020. As for the territory of Indonesia, there were 2,9564 positive cases of Covid-19 which caused 240 deaths. This data certainly makes us sad because it clearly shows the fact that the spread of Covid-19 is very aggressive [5].

The spread of the virus that was unexpected (or never anticipated) will reach Indonesia until now. The Center for Mathematical Modeling and Simulation of the Bandung Institute of Technology predicts that this pandemic will peak at the end of March and end in mid-April 2020. Even with the dynamics of the existing data, these predictions can change [6]. This data is of course not intended to create panic in the community, but rather to alert the public and provide an overview for the government in handling it. Namely, comprehensive handling, especially to prevent wider spread so that the number of infections can be reduced.

In the critical period of the Covid-19 pandemic, doctors are a profession that is at the forefront and is fighting directly against Covid-19. In these conditions, doctors sometimes have to sacrifice their lives to protect the public from the spread of the Covid-19 pandemic [7].

Protection of health workers rolled out after seven doctors died due to positive infections, fatigue to heart attacks, so that working hours were arranged, increasing the number of referral hospitals, fulfilling the primary needs of each health worker, providing Personal Protective Equipment (PPE), then determining the priority scale for giving PPE . Legal certainty is an important instrument in ensuring the safety of health workers so that the government cannot take arbitrary actions against the assignment of health workers [8].

The guidelines for a doctor in carrying out medical actions during the Critical Period of the Covid Pandemic 19 are also based on informed consent. Informed consent is the foundation in the relationship between doctor and patient. In Indonesia, there are regulations that specifically (*lex specialis*) regulate informed consent, namely, the Decree of the Minister of Health of the Republic of Indonesia Number 585 of 1989 concerning Approval of Medical Actions, which was subsequently updated by Regulation of the Minister of Health of the Republic of Indonesia Number 290 of 2008 concerning Approval of Medical Action.

Informed consent becomes an interesting issue related to the Covid-19 pandemic because some patients convey information that is not honest (or partially covering up) when accessing medical services to doctors. As a result, in addition to the therapy given by the doctor being not optimal, the doctor has the potential to be exposed to Covid-19 if it turns out that the patient he is

serving is a carrier for Covid-19. This is a concern because several laws and regulations have mandated that patients convey information honestly when accessing medical services [9].

Article 50 letter (c) of the Medical Practice Law states that, "In carrying out medical practice, a doctor or dentist has the right to obtain complete and honest information from patients or their families" [10]. Article 7 paragraph (2) letter (a) Regulation of the Minister of Health of the Republic of Indonesia Number 11 of 2017 concerning Patient Safety requires patients and their families to provide true, clear, complete and honest information [11]. Therefore, this provision needs to be re-socialized to patients and their families in the context of implementing health education for patients in order to create smart patients and contribute to improving the quality of health services.

The main things that will be asked in handling Covid-19 in patients are the symptoms of the disease and the patient's travel history, which areas the patient has visited, is it included in the red zone. Dishonesty of patients is dangerous for the medical staff or personnel who handle it, not only medical personnel but also the surrounding community who is affected because they think that what the patient is suffering from is an ordinary disease. As explained above, Covid-19 is included in the category of infectious diseases and this is one of the factors that patients are reluctant to be and speak honestly to the public and health workers.

Dishonesty of patients during the current Covid-19 outbreak risks endangering doctors, medical personnel and health service facilities as a whole. But on the other hand, one of the things that causes dishonesty of patients is the Community Stigma. Stigma comes from the mind of an individual or society who believes that Covid-19 is a very dangerous disease that causes death and is very easily transmitted to one another and a cure has not been found. The stigma of society towards positive patients with Covid-19 is reflected in a cynical attitude, a feeling of excessive fear in society. Stigma and discrimination have become social punishments by society, which include acts of isolation, rejection, discrimination and avoidance of infected people and the patient's family.

Therefore, considering that patients have an obligation to provide honest and complete information about their health problems, patients who lie about their health problems can be given criminal sanctions in accordance with Law No. 4 of 1984 concerning Outbreaks of Communicable Diseases, in article 14 that "Whoever because of his / her negligence causes obstruction of the implementation of epidemic control as regulated in this Law, shall be punished with imprisonment of up to 6 (six) months and / or a maximum fine of IDR 500,000 (five hundred thousand rupiah) [12].

2. Literatur review

Legal protection

Legal protection is a protection provided to legal subjects in accordance with the rule of law, both preventive (preventive) and repressive (coercion), both written and unwritten in the framework of enforcing legal regulations. Legal protection for the people includes two things, namely:

1. Preventive legal protection, namely a form of legal protection in which the people are given the opportunity to submit objections or opinions before a government decision.
2. Repressive legal protection, namely a form of legal protection which is more aimed at resolving disputes has received a definitive form [12].

Legal Consequences

A legal consequence is a consequence caused by law on an act committed by a legal subject [13]. Legal consequences are a result of actions taken, to obtain the consequences expected by legal actors. The intended effect is a result regulated by law, while the action taken is a legal action, namely an action that is in accordance with the applicable law [14]. A legal consequence is a consequence caused by law on an act committed by a legal subject.

Legal consequences are consequences caused by a legal event, which can take the form of:

1. Birth, change or disappearance of a legal state. For example, the legal consequences can change from legally incompetent to legal when a person is 21 years of age.
2. Birth, change or disappearance of a legal relationship between two or more legal subjects, in which the rights and obligations of one party face the rights and obligations of the other. For example, X entered into a house lease agreement with Y, then a legal relationship was born between X and Y when the house lease ended, which was marked by the fulfillment of all the rental agreements, then the legal relationship would vanish.
3. The birth of a sanction if an action against the law is carried out [15].

Covid-19

Covid-19 is a disease whose cause is the Corona virus which attacks the respiratory tract. This disease was first detected in Wuhan, China [16]. As it is known that SARS-Cov-2 is not a new type of virus [17]. However, in the scientific explanation a virus is capable of mutating to form a new genetic makeup, in short, the virus remains the same type and only changes uniformly. The reason for giving the name SARS-Cov-2 is because the corona virus has a close genetic relationship with the viruses that cause SARS and MERS [18].

3. Research methods

This research is a normative legal research and empirical law, namely research conducted by collecting legal materials, both primary, secondary and or tertiary. In order to get answers or solutions to problems (legal issues) that have been formulated. This research is a normative juridical research. In addition, it requires an empirical side by recording data in the field, especially

to answer practice in the field. This legal research is based on world literature research to obtain secondary data which is supported by field research.

4. Discussion

The Covid-19 pandemic has had a significant impact on Indonesian society, even the world community [19]. The impact that is felt is in the scope of Health, Economy, to Politics. At this time, Indonesia in dealing with the Covid-19 pandemic is experiencing a critical period. According to data published by the Ministry of Health of the Republic of Indonesia as of April 6, 2020, it is stated that the number of victims who died from contracting the Covid-19 virus was 81,889 with the number of positive cases of Covid-19 increasing by 1.4 million. From this statement, it shows that the spread of Covid-19 is increasing day by day. Meanwhile, data on the distribution of Covid-19 in Indonesia shows a number of 29,564 positive cases of Covid-19, which resulted in about 240 people being declared dead due to contracting the Covid-19 virus.

In this critical period of the Covid-19 pandemic, doctors are at the forefront of handling positive patients with the corona virus or Covid-19. Doctors are said to be at the forefront of handling Covid-19 because health workers are directly dealing with patients exposed to Covid-19. Thus, Doctors are very susceptible to the amount or dose of the virus that enters the body when they encounter positive patients. Doctors devote themselves to the health sector and have knowledge and / or skills through education in the health sector which for certain types require the authority to carry out health efforts.

As a profession that is at the forefront of handling Covid-19, health workers often do not get the rights that should be fulfilled, while the very aggressive spread of the Covid-19 virus has increased the risk of doctors being exposed to the Covid-19 virus. In this case, to minimize this risk, doctors have rights. Referring to Article 57 of the Health Workforce Law, it states that in carrying out the practice, health workers have the right to: 1) Obtain legal protection as long as they carry out their duties in accordance with Professional Standards, Professional Service Standards, and Standard Operating Procedures; 2) Obtain complete and correct information from recipients of health services or their families; 3) Receiving fees for services; 4) Obtain protection for occupational safety and health, treatment in accordance with human dignity, morals, morals, and religious values; 5) Get the opportunity to develop their profession; 6) Refusing the wishes of health service recipients or other parties that are contrary to professional standards, code of ethics, service standards, standard operating procedures, or provisions of laws and regulations; and 7) Obtaining other rights in accordance with the provisions of laws and regulations [20].

From Article 57 of the Health Manpower Act above, the health worker profession really needs to get legal protection in carrying out its duties, and is entitled to occupational safety and health in providing health services. However, during the Covid-19 pandemic, many health workers were fighting the spread of Covid-19 until they were exposed and died [21].

Some of the causes of the many deaths of health workers, both doctors and nurses, are due to patients who lied about their medical status [22]. Remembering that patients have an obligation to provide honest and complete information about their health [23]. This is in accordance with what is explained in article 26 letter (d) of the Regulation of the Minister of Health of the Republic of Indonesia Number 4 of 2018 concerning the obligations of hospitals and the obligations of patients that they "provide honest, complete and accurate information according to their ability and knowledge of health problems" [24]. When patients lie about information about their health, they do not carry out their obligations as patients and can obstruct the process of dealing with the spread of the Covid-19 virus [25].

The reason patients lie regarding their health information is that most patients infected with the Covid-19 virus have negative views in society [26]. So that people around him prefer to stay away and do not want to come into direct contact with sufferers [27]. In addition, patients and families are not happy when medical personnel ask about contact history [28]. In an effort to spread Covid-19 and its importance in identifying patients, most people choose to hide the real situation, making it difficult for medical personnel to carry out their duties [29]. This is what causes patients to lie about their health status. However, this is not justified if the patient does not convey information honestly or closes part of the information [30].

As it is known, in the early stages of patient examination, namely by doing history talking or history talking about the disease suffered [31]. This history aims to obtain accurate data on the patient's health problems, so that in this case doctors are able to diagnose or provide appropriate treatment for patients suffering from certain diseases [32].

Recently, this information has become an interesting issue regarding the Covid-19 pandemic because most patients provide dishonest information or cover some of their health information. In treating patients, doctors have the right to obtain health information regarding a complete and honest history of the disease from the patient or his family. This is based on article 50 letter (c) of Law Number 29 of 2004 concerning Medical Practice which explains that a Doctor or Dentist in carrying out medical practice has the right to obtain complete and honest information from patients or their families [33]. This is similar to what is described in article 7 paragraph (2) letter (a) of the Regulation of the Minister of Health of the Republic of Indonesia Number 11 of 2019 concerning Patient Safety, which requires the candidate and family to provide true, clear, and complete and honest information. In addition, patients also have obligations [34].

In Article 14 paragraph (1) of Law of the Republic of Indonesia Number 4 of 1984 concerning infectious disease outbreaks, it explains that "whoever deliberately obstructs the implementation of epidemic control as regulated in this law, shall be punished with imprisonment of up to 1 year and / or a maximum fine of Rp. 1,000,000, - "and paragraph 2 explains that" whoever because of his / her negligence obstructs the implementation of the epidemic control as regulated

in this Law, shall be punished with imprisonment of up to 6 (six) months and / or a maximum fine of IDR 500,000 [12].

4. Conclusion

Based on the discussion regarding legal protection for doctors and legal consequences for patients who lie on their medical status during the Covid-19 pandemic, it can be concluded that legal protection for doctors has been included in Article 57 of the Health Workforce Law and related legal consequences for patients who lie has been described in Article 14 paragraph (1) and (2) of Law of the Republic of Indonesia Number 4 of 1984 concerning outbreaks of infectious diseases.

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