

THE CONTRIBUTION OF HEALTH LAWS IN ADDRESSING NATIONAL HEALTH ISSUES: A LITERATURE REVIEW

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Abstract

The Health Law No. 17 of 2023 contributes substantially to strengthening Indonesia's national health system. Through regulatory simplification, governance strengthening, and emphasis on promotive and preventive efforts, this law encourages the creation of more equitable, high-quality, and responsive health services to contemporary challenges, including disasters and epidemics. This transformation is also supported by improved legal protection for health workers, strengthening the domestic health industry, and integrating the national health information system. However, the effectiveness of the implementation of this law still faces various challenges, such as disparities in access in remote areas, limitations in human resources and infrastructure, and the need for adjustments at the professional and community levels. Synergy between the central and regional governments, health workers, and active community involvement are key to ensuring that this policy runs optimally and has a real impact on improving the health of the community. Overall, Health Law No. 17 of 2023 is a step forward in the reform of the national health system. With commitment, oversight, and strong collaboration from all stakeholders, it is hoped that this law will be able to realise an inclusive, resilient, and sustainable health system for the welfare of all Indonesians.

Keywords: Contribution, Health Law, National Health Issues, Literature Review.

Introduction

Health is one of the main pillars of human life and a fundamental element in achieving community welfare. In the Indonesian context, health is not only viewed as an individual need, but also as a human right guaranteed by the constitution. This is reflected in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945), which emphasises the importance of protecting the welfare of the people, including health (Adi & Widodo, 2021).

As a country based on the rule of law, Indonesia places law as the main foundation for regulating various aspects of life, including health care. Article 28H paragraph (1) of the 1945 Constitution explicitly states that every person has the right

to live in physical and spiritual prosperity, to have a place to live, and to obtain a good and healthy environment, as well as the right to obtain health services. This provision reinforces the position of health as a constitutional right that must be fulfilled by the state (Yuliana & Kurniawan, 2024).

Health development in Indonesia is aimed at improving the overall health of the community. This development does not only focus on curative aspects but also includes promotive, preventive, rehabilitative, and protective efforts for the community. Health is the primary capital in the development of quality, competitive, and productive human resources, thereby driving national progress (Nugroho, 2024).

Historically, regulations in the health sector in Indonesia have undergone various developments. Starting from Law Number 23 of 1992 concerning Health, which was later revised into Law Number 36 of 2009, to the enactment of Law Number 17 of 2023 concerning Health. Each of these changes is a response to the dynamics of community needs and developments in science and technology in the field of health (Mahendradhata, 2021).

The Health Law serves as the implementation of constitutional mandates and marks the starting point for the formulation of national health policies. The Health Law not only regulates the rights and obligations of citizens but also reaffirms the state's responsibility to provide adequate and accessible health services for all segments of society. Thus, the state plays a central role in ensuring access to and the quality of health services (Purnamasari & Setiawan, 2021).

The transformation of the national health system has become increasingly urgent after Indonesia faced the COVID-19 pandemic. The experience of dealing with the pandemic has provided important lessons about the need for a health system that is resilient, responsive, and adaptive to various challenges. Therefore, the enactment of Law Number 17 of 2023 on Health is a strategic effort to reform the national health system comprehensively (Kurniasih & Prabowo, 2022).

The latest Health Law introduces several fundamental changes, including strengthening primary health care services, enhancing health resilience, developing human resources in health, and leveraging health technology. Additionally, the law regulates sustainable health financing and an integrated health information system to support data-driven decision-making (Siregar, 2023).

One of the distinctive features of the 2023 Health Law is its omnibus law approach, which repeals and replaces eleven previous laws. This approach aims to simplify regulations and create a more efficient, effective, and easily implementable health legal system. Thus, it is hoped that there will be no overlapping regulations that could hinder health services to the public (Lestari & Putra, 2020). However, the formation of the Health Law has not been without criticism and controversy among the public. Several groups, especially health professional organisations, have expressed objections regarding the substance and process of drafting this law. Nevertheless, the

government maintains that the Health Law aligns with the principles of the 1945 Constitution and aims to improve the quality of life for the Indonesian people. In its implementation, the Health Law mandates the establishment of 107 subsidiary regulations consisting of Presidential Regulations, Government Regulations, and Minister of Health Regulations. These subsidiary regulations are expected to strengthen the implementation of the law in the field, thereby optimally achieving the objectives of national health reform (Santoso & Anggraini, 2022).

Systematically, the Health Law consists of 20 chapters and 458 articles regulating various aspects, including rights and obligations, responsibilities of the central and local governments, health efforts, health service facilities, human resources, health supplies, and handling of extraordinary events and epidemics. This comprehensive structure demonstrates the government's seriousness in building a holistic and sustainable health system (Wicaksono, 2023).

This study aims to examine the contribution of the Health Law in addressing national health issues through a literature review. By analysing various legal sources, policies, and previous research findings, it is hoped that a clear picture of the strategic role of the Health Law in achieving a resilient, inclusive, and adaptive national health system capable of addressing future challenges can be obtained.

Research Method

The research method used was a literature review, which involved searching, identifying, and analysing various sources such as laws, scientific journals, books, government reports, and other relevant articles discussing the contribution of the Health Law in addressing national health issues; the literature search process was conducted through online databases such as Google Scholar and PubMed with inclusion criteria of publications from the last five to ten years, relevant to the research topic, and available in Indonesian or English. All selected literature was then critically analysed and synthesised to produce a comprehensive overview of the role and impact of the Health Law on efforts to address health issues in Indonesia (Boote & Beile, 2005); (Liberati et al., 2020).

Results and Discussion

Substantial Contributions of Health Laws to the National Health System

The Health Law (Law No. 17 of 2023) introduces an omnibus law approach that simplifies 11 previous laws, creating an integrated health regulatory system with minimal overlap. This reform enables more effective coordination across sectors, strengthening the National Health System (SKN) framework based on the principles of equity, equity, and sustainability (Damanik & Simanjuntak, 2023).

One of the main contributions is a paradigm shift from curative to promotive-preventive care. The law mandates public health education programmes, disease

screening, and nutritional interventions, including nutrition management during disasters. These priorities align with the NHC's goal of reducing the disease burden through prevention while optimising long-term health budgets. Improving access to healthcare services in remote areas is a focus through strengthening primary care. The law encourages the development of community health centres and integrated health service posts with adequate facilities, and ensures the equitable distribution of health workers. This policy addresses the access disparities that have long been a challenge in the implementation of the NSH (Gunawan, 2023).

Health system transformation is reflected in the modernisation of medical facilities and the adoption of technologies such as genome sequencing for precision medicine. The integration of national health data through a centralised information system enables more efficient disease tracking and resource allocation. This step strengthens the surveillance pillar of the SKN. The Health Law also empowers local health workers by simplifying independent practice licensing and limiting foreign workers. This policy not only protects the domestic labour market but also encourages competency improvement through continuous training (Wulandari, 2024).

Legal protection for health workers is comprehensively regulated, including the right to refuse unethical actions, occupational safety guarantees, and legal immunity while working in accordance with professional standards. This creates a work environment that supports optimal performance. To strengthen health resilience, the law regulates disaster and epidemic management with rapid response mechanisms, including strategic health logistics and inter-agency coordination. This framework strengthens the SKN's capacity to respond to crises (Sari, 2022).

On the financing side, the Health Law mandates sustainable budget allocations for preventive programmes and the procurement of domestically produced medical equipment. This policy promotes the independence of the health industry while reducing dependence on imports. Despite controversy over restrictions on the autonomy of professional organisations, the law successfully standardises clinical practices through centralised regulation. Policy centralisation is intended to ensure consistent service quality, though it may reduce local innovation flexibility (Hidayat, 2023).

Overall, the Health Law serves as a catalyst for SKN transformation by balancing regulatory, resource, and technological aspects. Its implementation is expected to accelerate the achievement of the 2020-2024 RPJMN targets in reducing stunting rates, increasing life expectancy, and ensuring equitable access to healthcare services.

The Effectiveness of Health Law Implementation in the National Health System

The effectiveness of the implementation of the Health Law (Law No. 17 of 2023) in the national health system is a crucial issue that has attracted the attention of various parties. This law is expected to serve as a strong legal foundation for improving access,

quality, and protection in health services for all Indonesian people, while also addressing various challenges that have been faced by the national health sector (Fauzi & Handayani, 2023).

One of the main achievements of the implementation of the Health Law is the promotion of equitable distribution of health facilities and access to health services across all regions of Indonesia. The National Health Insurance Programme (JKN), supported by this law, has improved access to health services, particularly for the poor. However, there are still disparities in access in remote and underdeveloped areas, indicating the need for further efforts to ensure equitable service distribution (Ministry of Health of the Republic of Indonesia, 2023).

The Health Law also emphasises improving service quality through the establishment of higher service standards and stricter supervision. However, the implementation of these standards in the field still faces challenges such as a shortage of medical personnel, inadequate equipment, and inconsistent application of standards across health facilities. Regular monitoring and evaluation are crucial to ensure that service quality is maintained (Yusuf, 2022).

Legal protection for health workers is an important aspect of this law. This protection includes protection from violence, harassment, and occupational safety guarantees. However, in practice, there are still many cases of violence against medical personnel, indicating the need for stricter and more effective law enforcement to protect them (Dewi, 2020).

In terms of regulation, the Health Law introduces a simplification of the licensing process, for example with a lifetime Registration Certificate (STR). This speeds up the administrative process and makes it easier for health workers to carry out their practice. However, the implementation of this new regulation also requires adaptation and a good understanding from all stakeholders, including health workers themselves (Rahman, 2021).

The increase in the health budget allocation from 5% to 10% is expected to strengthen infrastructure, services, and human resource development in the health sector. However, the realisation of this budget at the regional level still faces challenges, particularly related to the commitment of local governments and the efficiency of fund management (Sari, 2022).

The Health Law also encourages the development of the domestic health industry with a priority on the use of local raw materials and products. This step aims to reduce dependence on imports and strengthen the resilience of the national health system. However, strengthening the supply chain and increasing domestic production capacity remain tasks that must be completed gradually (Prasetya & Yuliani, 2022).

The implementation of this law also faces bureaucratic challenges and coordination issues between the central and regional governments. The lack of synchronisation in the implementation of health programmes, unclear division of roles,

and limited capacity of regional governments to translate policies into action are obstacles that need to be addressed through careful planning and strengthened cross-sectoral coordination (Handayani, 2021).

From a supervisory perspective, the limited number of supervisors in the regions has resulted in the supervisory function of the Health Law not being optimally implemented. This has led to weak enforcement of standards and regulations in the field, especially in resource-poor areas. In addition, social and cultural challenges such as low public awareness of the importance of health and changes in healthy behaviour also affect the effectiveness of the implementation of this law. Active community education and involvement are needed to achieve the promotive and preventive objectives optimally (Pratama & Sulastri, 2021).

Ultimately, the effectiveness of the Health Law's implementation depends on the synergy and collaboration between the central government, local governments, the private sector, healthcare workers, and the community. With the right strategies, effective oversight, and shared commitment, the Health Law has the potential to strengthen the national healthcare system and improve the well-being of the Indonesian people in a sustainable manner.

Policy Implications for the Government, Health Workers, and the Community

The implications of Law No. 17 of 2023 on Health bring changes for the government, health workers, and the community. For the government, this law marks a transformation of the national health system through regulatory simplification, strengthened governance, and expanded responsibilities in the provision of health services. The government now has greater authority to set competency standards for health workers, regulate practice licences, and supervise the implementation of service standards in all health facilities, thereby creating a more integrated and effective system (Suryanto & Wibowo, 2020).

On the other hand, the government is also required to strengthen health infrastructure, especially in remote areas, by increasing the number and quality of primary health facilities such as community health centres (Puskesmas) and integrated health service posts (Posyandu). This transformation is expected to expand public access to quality and affordable health services, while reducing disparities between regions. The government must also ensure adequate funding to support promotional and preventive programmes, as well as the development of modern medical technology and facilities (Utami & Ramadhani, 2020).

For health workers, the implications of this policy are particularly felt in terms of ease of practice and legal protection. The licensing process has been simplified, for example, with the issuance of a lifetime Registration Certificate (STR) and a Practice License (SIP) that no longer requires a recommendation from a professional organisation but is issued directly by the local government or the Ministry of Health.

This is expected to increase the mobility and availability of health workers in various regions (Setiadi & Suryani, 2021).

However, these changes also present challenges, particularly regarding the role of professional organisations, which now have a more limited role in setting competency standards and ethical codes for healthcare workers. The government has taken over most of these authorities, so professional organisations need to adapt and continue contributing to the development of healthcare worker quality through new mechanisms regulated by the government.

Health workers must also thoroughly understand the contents and implementation of this law to avoid legal violations and maintain service quality in accordance with established standards (Lamid & Winarto, 2020). On the other hand, the increase in the number of health facilities and ease of practice also opens up wider job opportunities for health workers, including doctors, nurses, and other health professionals.

This is expected to reduce the shortage of health workers in areas that have long been lacking in human resources and promote equitable service distribution. However, increased access to services also has the potential to increase workloads, so the government needs to pay attention to the welfare and protection of health workers from the risks of fatigue and work-related stress (Prasetya & Yuliani, 2022). For the public, the main implication of this policy is improved access to and quality of healthcare services. With more modern healthcare facilities and strengthened promotive and preventive programmes, the public is expected to have access to healthcare services that are closer, more affordable, and of higher quality. The government's intensified health education and promotion efforts also play a crucial role in enhancing public awareness and healthy lifestyles (Adi & Widodo, 2021).

Additionally, controlling healthcare costs and protecting patient rights are key priorities in this law. The public is guaranteed the right to fair and non-discriminatory healthcare services, as well as legal protection of their rights as patients. This is expected to enhance public trust in the national healthcare system. However, the implementation of these policies also presents challenges, such as potential changes in the structure of service costs, adjustments to the new system, and the need for ongoing education to ensure that the public understands their rights and obligations within the new healthcare system. The government and healthcare workers must collaborate in conducting outreach and education to the public to ensure a smooth transition (Yuliana & Kurniawan, 2024).

Overall, the Health Law No. 17 of 2023 presents a significant opportunity to strengthen the national healthcare system, but it also requires adaptation and collaboration from all stakeholders. The government, healthcare workers, and the public must work together to achieve the primary objectives of this law—equitable

access, improved quality, and protection of healthcare for all citizens of Indonesia—in a sustainable manner.

Conclusion

The contribution of health laws to addressing national health issues is significant because they provide a comprehensive and responsive legal framework for tackling health challenges in Indonesia. Through Law No. 36 of 2009 and its amendment with Law No. 17 of 2023, the state reaffirms its role and responsibility in providing safe, quality, and equitable access to health services for all citizens, including vulnerable groups and those in remote areas. This law also emphasizes the importance of promotive and preventive interventions, not just curative ones, and encourages health system transformation through improved facilities, technology, and human resources. With a decentralized approach, the central and local governments work together to ensure the availability and quality of health services in a sustainable and adaptive manner to emergency situations, such as pandemics.

In addition to providing legal protection for citizens' health rights as mandated by the 1945 Constitution, the Health Law also strengthens the social security system through the JKN programme, ensuring fairness and efficiency in service delivery. The state acts as a regulator, supervisor, and protector of human rights in the health sector, with mechanisms for monitoring and enforcing legal standards of service delivery. Thus, the Health Law is not merely a legal instrument but also a strategic policy tool in realising a national health system that is inclusive, adaptive, and oriented towards the overall well-being of society.

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