

HEALTH REGULATION CHANGES IN INDONESIA: LEGAL AND POLICY REVIEW

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Abstract

Changes in health regulations in Indonesia through Law No. 17 of 2023 mark an important transformation in the national legal and health policy system. This study aims to examine these regulatory changes in depth from a legal and policy perspective, highlighting the process, substance, and implications for the national health system. The research method used is normative legal analysis with a descriptive-analytical approach through a literature review of legislation, legal documents, and related literature. The findings indicate that the new regulations simplify and integrate previous laws, strengthen legal protection for healthcare workers and patients, and promote efficiency, transparency, and innovation in healthcare services. However, the implementation of these regulations still faces challenges such as harmonising derivative regulations, resistance from some stakeholders, and the need to strengthen resources and infrastructure. Overall, the changes in health regulations provide a more adaptive and comprehensive legal foundation, but the success of the reform depends heavily on the effectiveness of implementation and synergy among stakeholders.

Keywords: Change, Health Regulations, Indonesia, Legal and Policy Analysis.

Introduction

Health is one of the fundamental aspects of human life and an important element in achieving community welfare. In the context of Indonesia, health is not only viewed as a basic need, but also as a human right guaranteed by the constitution. The 1945 Constitution of the Republic of Indonesia, particularly Article 28H paragraph (1) and Article 34 paragraph (3), states that every citizen has the right to obtain adequate health services and that the state is responsible for providing adequate health care facilities and public services (Putri & Azzahra, 2024).

As time progresses, challenges in the health sector have become increasingly complex. Globalisation, advancements in science and technology, as well as social, economic, and political changes demand regulatory adjustments that can effectively and efficiently address community needs.

Regulatory changes in the health sector are inevitable to accommodate these dynamics, including in dealing with extraordinary situations such as the Covid-19

pandemic, which has tested the resilience of the national health system (Fitri & Hoesein, 2024). The Indonesian government has actively updated health regulations in response to various issues that have arisen, including in terms of services, funding, and legal protection for health workers and patients.

One strategic step taken is the enactment of Law No. 17 of 2023 on Health, which replaces and repeals several previous laws, such as Law No. 36 of 2009 on Health and Law No. 36 of 2014 on Health Workers (Handayani, 2024).

The 2023 Health Law was born out of the need to transform Indonesia's health system comprehensively. This transformation encompasses six main pillars: primary care, referral care, health resilience, funding, human resources, and health technology. The goal is to create a healthy and strong Indonesian society through an integrated and competitive health system (Wijaya, 2024).

Health regulatory changes are also part of the government's efforts to improve the national social security system. Law No. 40 of 2004 on the National Social Security System (SJSN) and its implementation through the National Health Insurance (JKN) serve as an important foundation for providing social protection for all Indonesians. However, the implementation of this policy still faces various challenges, such as limited human resources, health facilities, and issues of adequacy of contributions (Subadi, 2022).

In addition, regulatory changes are often triggered by dynamics in the field, such as public resistance to increases in JKN contributions, which then prompt the government to quickly revise the applicable regulations. This is evident in the amendment of Presidential Regulation No. 19 of 2016 to Presidential Regulation No. 28 of 2016 on Health Insurance, which was carried out in a short period of time in response to public aspirations (Suryani, 2024).

However, the process of regulatory change in the health sector does not always run smoothly. There are still obstacles in terms of cross-sectoral coordination, public participation, and policy harmonisation. The lack of involvement of various parties in the regulatory drafting process can result in suboptimal policy implementation in the field (Rahman, 2024). On the other hand, developments in information technology have also driven regulatory changes, particularly in digital-based health services such as telemedicine. The government has responded to these developments by issuing specific regulations governing the provision of technology-based health services to ensure quality, safety, and legal protection for patients and health workers (Awangga, 2025).

Health regulatory transformation also has significant legal implications for the government, healthcare workers, and the public. The government is required to be more transparent and accountable in formulating and implementing policies, while healthcare workers need legal certainty in carrying out their profession. The public, as service recipients, are entitled to protection and access to quality healthcare services (Hidayat, 2024).

A legal and policy review of changes in health regulations in Indonesia is crucial to understanding the extent to which new regulations can address existing challenges. This analysis is also necessary to identify potential legal issues, the effectiveness of policy implementation, and its impact on the national health system as a whole.

Therefore, this study aims to conduct an in-depth examination of changes in health regulations in Indonesia from a legal and policy perspective. The primary focus of the research is to analyse the background, process, and implications of regulatory changes, as well as to assess the effectiveness of the resulting policies in supporting the achievement of national health development goals.

Research Method

This study uses a normative legal method with a descriptive-analytical approach, which examines changes in health regulations in Indonesia based on applicable laws and regulations, legal documents, and related literature, in order to analyse the legal and policy aspects that underlie and accompany these changes. The primary legal materials used include laws, government regulations, and other implementing regulations, while secondary legal materials consist of books, journals, and previous research findings. Thus, this study focuses on analysing the content of legal norms and policies without conducting field research (Boote & Beile, 2005).

Results and Discussion

Changes in Health Regulations in Indonesia from a Legal and Policy Perspective

The changes to health regulations in Indonesia through Law No. 17 of 2023 on Health (Health Law 2023) mark a significant turning point in the national legal and health policy system. This regulation replaces 11 previous laws, including Law No. 36 of 2009 on Health and Law No. 36 of 2014 on Health Workers, which were deemed no longer relevant in addressing the global dynamics post-COVID-19 pandemic. The omnibus law approach used allows for the simplification of 1,072 articles into an integrated legal framework, addressing issues of regulatory overlap and policy inconsistencies (Prasetyo, 2024).

Major changes are evident in the strengthening of legal protection for health workers, including guarantees of occupational safety, financial incentives, and clearer dispute resolution mechanisms. The 2023 Health Law explicitly protects healthcare workers from physical and psychological violence while performing their duties, with criminal penalties for violators. However, Article 462(1) on penalties for negligence by healthcare workers remains controversial as it could lead to legal uncertainty (Suharto, 2024).

From a service policy perspective, the new regulations accommodate developments in digital health technology through the regulation of telemedicine and integrated health information systems. The government has also introduced the

concept of community-managed hospitals and fiscal incentives for the development of the domestic pharmaceutical and medical device industries. Medical tourism policies have been strengthened to enhance Indonesia's competitiveness in Southeast Asia (Alam, 2024).

The implementation of the 2023 Health Law faces complex challenges, particularly in harmonising the 42 subsidiary regulations that must be finalised. Government Regulation No. 28 of 2024 serves as the technical framework for the implementation of 22 aspects of health services, including the management of communicable and non-communicable diseases. However, inter-ministerial coordination and infrastructure readiness at the regional level remain major obstacles, particularly in the implementation of the national health information system (Budiono et al., 2022).

Health financing policies are undergoing transformation through the integration of the National Health Insurance (JKN) with the primary care system. The government has allocated a special budget to strengthen the capacity of community health centres and referral hospitals, with a target of 98% universal coverage by 2029. However, issues related to the adequacy of contributions and transparency in fund management still require improvements in subsidiary regulations (Nugroho, 2024).

From an administrative law perspective, the 2023 Health Law clarifies the authority of the central and local governments in overseeing health facilities. The licensing mechanism for healthcare practitioners has been simplified through a national electronic registration system, eliminating the requirement for recommendations from professional organisations. While this change aims to reduce bureaucracy, it has drawn criticism for weakening the role of professional associations (Lestari, 2024).

Another controversial aspect lies in the regulation of foreign doctors' practice and restrictions on the number of health professional organisations. The government argues that this policy is necessary to enhance global competitiveness, while professional groups express concerns about its impact on service quality. A judicial review of 14 articles of the 2023 Health Law submitted to the Constitutional Court indicates ongoing resistance from stakeholders (Budyanti, 2025).

Policy evaluations indicate that these regulatory changes have successfully created a legal framework that is more responsive to biomedical and epidemiological developments. However, the effectiveness of their implementation depends heavily on institutional capacity and the consistency of law enforcement on the ground. Regular monitoring through provincial health regulation compliance indices is a key instrument in measuring the success of the national health system transformation (Wulandari, 2023).

Thus, the health regulatory changes through the 2023 Health Law represent the government's systematic efforts to create an adaptive and sustainable health system. Despite existing legal gaps and implementation challenges, this new regulatory

framework provides a strong foundation for achieving the vision of Healthy Indonesia 2045 through the integration of preventive, curative, and promotive policies in a holistic manner.

The Impact of Health Regulatory Changes on the National Health System

Changes in health regulations in Indonesia, particularly through Law No. 17 of 2023, have had a broad impact on the national health system. One of the most noticeable impacts is a shift in focus from curative efforts to promotive and preventive efforts, which aim to improve the resilience and sustainability of the health system in facing challenges such as pandemics and disasters. This transformation requires enhanced primary care capacity and strengthened early detection systems within the community (Santoso, 2024).

In terms of access to services, new regulations have made it easier for the public to obtain healthcare. The licensing process for healthcare workers has been simplified with the introduction of a lifetime-valid Registration Certificate (STR) and the removal of professional organisation recommendations for the Practice License (SIP). This is expected to accelerate the distribution of healthcare workers, particularly in remote areas, and address the long-standing shortage of medical personnel, which has been a major constraint on the national healthcare system (Sari, 2025).

Another positive impact is the increase in health budget allocation from 5% to 10% of the state budget (APBN/APBD). This increase enables the government to strengthen infrastructure, improve service quality, and develop human resources in the health sector more evenly. Additionally, fiscal and non-fiscal incentives for the pharmaceutical and medical device industries encourage domestic self-reliance and innovation (Budiono et al., 2022).

The integration of health information systems is one of the key pillars of this regulatory reform. With an integrated data system, the government can monitor, evaluate, and respond to health issues more quickly and accurately. This also supports the implementation of telemedicine, which expands access to health services in hard-to-reach areas and improves service efficiency. However, regulatory changes also pose new challenges in governance and relations between the government and health professional organisations (Pratama, 2025). The authority of professional organisations in supervising and setting competency standards for health workers has now shifted to the government. This has sparked controversy and tension, as professional organisations feel that their role has been reduced and their autonomy in maintaining professional quality and ethics has been diminished (Putri & Azzahra, 2024).

From the perspective of healthcare workers, new regulations provide clearer legal protection but also increase administrative burdens and the risk of legal uncertainty in the event of disputes or negligence. On one hand, simplifying the licensing process can enhance motivation and equitable distribution of healthcare

workers; on the other hand, if not accompanied by strict oversight, there is concern that service quality may decline (Fitri & Hoesein, 2024).

Regulatory changes also impact the management of health social security. Some new provisions place the BPJS under the coordination of the minister, which could undermine the independence and effectiveness of social security fund management. This is a concern as it may affect transparency, accountability, and the sustainability of the National Health Insurance (JKN) programme (Handayani, 2024).

From the public's perspective, regulatory reforms are expected to expand access and reduce the cost of health services. However, the real impact on disparities and equity in services still depends heavily on implementation in the field, especially in reaching vulnerable groups and disadvantaged areas (Wijaya, 2024).

Hospitals as referral centres are also undergoing transformation, with the introduction of community-managed hospitals that are encouraged to operate as legal entities. Collaboration between the central government, local governments, and the community is key to ensuring the quality and sustainability of health services (Subadi, 2022).

Overall, the changes in health regulations through Law No. 17 of 2023 represent a significant step toward a more adaptive, efficient, and inclusive health system. However, the success of this reform heavily depends on the government's commitment to developing clear implementing regulations, adequate funding, and the active involvement of all stakeholders in implementation and oversight.

Conclusion

Changes in health regulations in Indonesia through the enactment of Law No. 17 of 2023 bring updates to the national legal and health policy system. This law was drafted using an omnibus law approach to simplify, integrate, and strengthen the previously fragmented and often overlapping legal framework for health, with the aim of addressing fundamental issues in the health sector, such as access, equity, and quality of services. The law explicitly affirms the right of every citizen to quality, safe, and affordable healthcare services and strengthens legal protection for patients and healthcare workers.

In terms of policy, the 2023 Health Law marks a paradigm shift from a curative approach to a promotive and preventive one, strengthens integrated health information systems, and promotes efficiency, transparency, and innovation in healthcare financing and services. The regulations also simplify the licensing process for healthcare workers, increase budget allocation, and encourage the strengthening of the domestic healthcare industry and the use of cutting-edge healthcare technology. However, the implementation of this law faces challenges, such as resistance from some professional organisations, the need for harmonisation of subsidiary regulations, and the need for adequate resources to ensure effectiveness in the field.

Overall, these regulatory changes provide a stronger and more comprehensive legal foundation for achieving an adaptive, inclusive, and sustainable national health system. Nevertheless, the success of these reforms heavily depends on the clarity of implementing regulations, collaboration among stakeholders, and the government's commitment to providing adequate budgets and infrastructure to ensure that the goal of improving the health status of the Indonesian population is achieved equitably and fairly.

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