

## CHAPTER ONE INTRODUCTION

### A. Background of Research

An outbreak of mysterious pneumonia with fever, dry cough, exhaustion, and occasional gastrointestinal symptoms occurred in a market in Wuhan, Hubei, China, in late December 2019.<sup>1</sup> China identified pneumonia of unknown cause as a new type of coronavirus on January 7, 2020.<sup>2</sup> On March 2, 2020, two cases of Covid-19 were reported in Indonesia.<sup>3</sup> Covid-19, a disease caused by the coronavirus SARS-CoV-2, was declared a pandemic by the World Health Organization (WHO) on March 11, 2020.<sup>4</sup>

The Covid-19 pandemic has put new challenges for all countries. The spread of Covid-19 in various countries has seriously impacted health, social and economic aspects. Activity restrictions and some preventive measures were also taken. The Government of Indonesia then issued Presidential Decree Number 11 of 2020 concerning the Determination of Public Health Emergency Corona Virus Disease 2019 (Covid-19) and the Presidential

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<sup>1</sup> Yi-Chi Wu, Ching-Sung Chen, Yu-Jiun Chan, "The outbreak of Covid-19: an overview", *Journal of the Chinese Medical Association*, Vol. 83, No. 3, (2020), p. 217.

<sup>2</sup> Indonesian Ministry of Health, 2020, *Pedoman Pencegahan dan Pengendalian Coronavirus Disease (COVID-19)*, [https://infeksiemerging.kemkes.go.id/download/REV-04\\_Pedoman\\_P2\\_COVID-19\\_27\\_Maret2020\\_TTD1.pdf](https://infeksiemerging.kemkes.go.id/download/REV-04_Pedoman_P2_COVID-19_27_Maret2020_TTD1.pdf), (Accessed on February 10, 2022, at 10:03 P.M.)

<sup>3</sup> Adityo Susilo, C. Martin Rumende, Ceva W Pitoyo, Widayat Djoko Santoso, Mira Yulianti, Herikurniawan, Robert Sinto, Gurmeet Singh, Leonard Nainggolan, Erni J Nelwan, Lie Khie Chen, Alvina Widhani, Edwin Wijaya, Bramantya Wicaksana, Maradewi Maksum, Firda Annisa, Chyntia OM Jasirwan, Evy Yunihastuti, "Coronavirus Disease 2019: Tinjauan Literatur Terkini", *Jurnal Penyakit Dalam Indonesia*, Vol. 7, No. 1, (2020), p. 46.

<sup>4</sup> Qasim Bukhari and Yusuf Jameel, 2020, *Will Coronavirus Pandemic Diminish by Summer?*, Available at SSRN: <https://ssrn.com/abstract=3556998> or <http://dx.doi.org/10.2139/ssrn.3556998>, p. 2.

Decree Number 12 of 2020 concerning the Designation of Non-Natural Disasters Spreading Corona Virus Disease 2019 (Covid-19) as a National Disaster.

The health industry is one of the areas that has been most affected the worst by the pandemic.<sup>5</sup> Difficulties in the health sector are getting worse after the Covid-19 pandemic in Indonesia. During the Covid-19 pandemic, going to school or the office has been restricted, and most activities are now conducted online. But not with hospitals; since this job cannot be done online, healthcare workers must continue working there, where a hospital is a high-risk place for spreading the virus. This makes those working in hospitals have to fight these high risks daily.

The current availability of healthcare workers is insufficient to deal with the surge in demand for health services.<sup>6</sup> Healthcare workers are people in close contact with Covid-19 patients, so they are included in the group of people at high risk of being infected by Covid-19, especially when applying respiratory devices such as noninvasive ventilation or oxygen cannulas.<sup>7</sup> This is because Covid-19 spreads from person to person through intimate contact. Exposure to droplets containing viruses or infected objects is considered the

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<sup>5</sup> Yana Sylvana & St. Laksanto Utomo, "Medical Safety Legal Protection based on Hospital Law in the Covid 19 Era", *Jurnal Indonesia Sosial Sains*, Vol. 2, No. 8, (2021), p. 1382.

<sup>6</sup> Bappenas, Kementerian PPN, 2021, *Studi Pembelajaran Penanganan COVID-19 Indonesia*, Jakarta, Kementerian Perencanaan Pembangunan Nasional, p. 46.

<sup>7</sup> Martina Ferioli, Cecilia Cisternino, Valentina Leo, Lara Pisani, Paolo Palange, Stefano Nava, "Protecting Healthcare Workers from SARS-CoV-2 Infection: Practical Indications", *European Respiratory Review*, Vol. 29, No. 155, (2020), p. 1.

main infection route.<sup>8</sup> Healthcare workers are also at risk of experiencing mental health problems due to the burden of pandemic services.<sup>9</sup> Such pandemic shows that victims are not only people or patients but also threaten the lives of healthcare workers.<sup>10</sup> During the critical period of the Covid-19 pandemic, healthcare workers are on the front lines, fighting directly against the virus.<sup>11</sup> In such situations, healthcare workers may have to put their lives at risk to safeguard the public from the spread of the Covid-19 pandemic.

The surge in Covid-19 cases in Yogyakarta has resulted in many patients being treated in a number of hospitals. This condition resulted in a shortage of healthcare workers because many were exposed to Covid-19.<sup>12</sup> The Daily Chair of the Yogyakarta City COVID-19 Task Force, Heroe Poerwadi said, the transmission of Covid-19 in the City of Yogyakarta was very fast. Currently, 4,181 active cases and 107 healthcare workers have been exposed to COVID-19.<sup>13</sup>

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<sup>8</sup> Jing Sun, Airu Zhu, Heying Li, Kui Zheng, Zhen Zhuang, Zhao Chen, Yongxia Shi, Zhaoyong Zhang, Si-bei Chen, Xuesong Liu, Jun Dai, Xiaobo Li, Shuxiang Huang, Xiaofang Huang, Ling Luo, Liyan Wen, Jianfen Zhuo, Yuming Li, Yanqun Wang, Lu Zhang, Yanjun Zhang, Fang Li, Liqiang Feng, Xinwen Chen, Nanshan Zhong, Zifeng Yang, Jicheng Huang, Jincun Zhao, Yi-min Li, "Isolation of Infectious SARS-CoV-2 from Urine of a COVID-19 Patient", *Emerging Microbes & Infections*, Vol. 9, No. 1, (2020), p. 991.

<sup>9</sup> Bappenas, Kementerian PPN, *Op.Cit.*

<sup>10</sup> Fitriani Nur Damayanti, "Protection of the Rights of Healthcare Workers in Handling COVID-19", *Journal of Hunan University Natural Sciences*, Vol. 48, No. 10, (2021), p. 102.

<sup>11</sup> Theresia Louize Pesulima & Yosia Hetharie, "Perlindungan Hukum Terhadap Keselamatan Kerja Bagi Tenaga Kesehatan Akibat Pandemi Covid-19", *SASI*, Vol. 26, No. 2, (2020), p. 282.

<sup>12</sup> *Yogya.inews.id*, 2020, *Banyak yang Terpapar COVID-19, Rumah Sakit di DIY Kekurangan Tenaga Kesehatan*, <https://yogya.inews.id/berita/banyak-yang-terpapar-covid-19-rumah-sakit-di-diy-kekurangan-tenaga-kesehatan>, (Accessed on February 1, 2022, at 09:21 P.M.)

<sup>13</sup> *Yogya.inews.id*, 2020, *107 Tenaga Kesehatan di Yogyakarta Terpapar COVID-19*, <https://yogya.inews.id/berita/107-tenaga-kesehatan-di-yogyakarta-terpapar-covid-19>, (Accessed on June 12, 2022, at 10:22 P.M.)

Healthcare workers exposed to COVID-19 are found in various health facilities, ranging from health centers, and hospitals to the health office environment. They are very vulnerable to contracting the virus because they have a lot of contact with COVID-19 patients. These risks, especially in emergency situations such as the COVID-19 pandemic, highlight the necessity of Occupational Safety and Health (OSH) in healthcare facilities, particularly hospitals.

OSH is generally defined as the science of anticipating, recognizing, evaluating, and controlling hazards that arise in the workplace and can interfere with the health and welfare of workers.<sup>14</sup> In Article 23 of the Health Law, it is stated that OSH efforts must be carried out in all workplaces, especially those that are susceptible to disease, have a risk of health hazards, or have at least 10 employees.<sup>15</sup> Therefore, it is clear that hospitals are included in the criteria for workplaces with various hazards that can cause health impacts and need to implement Occupational Health and Safety efforts.

Every company is required to implement an occupational health and safety management system that is integrated with the company's management system.<sup>16</sup> Occupational Safety and Health are necessary not only for increasing workers' social security and welfare, but also to have a beneficial

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<sup>14</sup> Qomariyatus Sholihah, 2018, *Keselamatan dan Kesehatan Kerja Konstruksi*, Malang, UB Press, p. 1.

<sup>15</sup> Article 23 of the Law Number 36 of 2009 concerning Health.

<sup>16</sup> Bagus Sarnawa, 2010, *Hukum Ketenagakerjaan*, Bantul, Laboratorium Ilmu Hukum Fakultas Hukum Universitas Muhammadiyah Yogyakarta, p. 94.

impact on the long-term productivity of the workplace.<sup>17</sup> As a result, modern occupational safety and health is not only a responsibility that workers must consider but also a requirement that a workplace system must fulfill. So, it is critical to emphasize that healthcare workers, both doctors, nurses, and hospital administration staff, are entitled to legal protection from the government accompanied by support from the hospital.

The Indonesian government is required by law to provide legal protection to healthcare workers, as stated in Article 28D paragraph (1) of the 1945 Constitution, which states that everyone has the right to recognition, guarantees, fair legal certainty, and equal treatment before the law.<sup>18</sup> Workers' rights to Occupational Safety and Health have been guaranteed by the Law Number 13 of 2003 concerning Manpower. Article 86 of the Manpower Law states that every worker/laborer has the right to obtain protection for occupational safety and health.<sup>19</sup> To protect the safety of workers/laborers in order to realize optimal work productivity, workplace safety, and health efforts are carried out.

Specifically related to health, the regulation is also contained in Law Number 36 of 2009 concerning Health (Health Law). Article 164 of the Health Law states that occupational health efforts are aimed at protecting

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<sup>17</sup> Abdul Aziz, Susanto, Rr. Dewi Anggraeni, "The Implementation of Occupational Safety and Health Law Enforcement in According to Law Number 1 of 1970 Concerning Work Safety and Act Number 36 of 2009 Concerning Health (Study at PT. Yamaha Indonesia)", *Surya Kencana Tiga*, Vol. 1, No. 1, (2021), p. 47.

<sup>18</sup> Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

<sup>19</sup> Article 86 of the Law Number 13 of 2003 concerning Manpower.

workers so that they live healthy and free from health problems and adverse effects caused by work.<sup>20</sup>

More specifically, according to Article 3 of the Regulation of the Minister of Health Number 66 of 2016 concerning Hospital Occupational Health and Safety (K3RS), every hospital is required to organize Hospital Occupational Safety and Health.<sup>21</sup> The regulation aims to implement occupational safety and health in hospitals in an optimal, effective, efficient and sustainable manner.<sup>22</sup>

Several regulations regarding Hospital Occupational Safety and Health are already available in Indonesia, but in reality, there are still many healthcare workers in hospitals who are affected by Covid-19. Healthcare workers are willing to devote themselves to serving public health and even sacrifice their lives and those of their families to tackle the spread of Covid-19. As one of the hospitals that are still in operation during the Covid-19 pandemic, AMC Muhammadiyah Hospital's healthcare workers must take special care to safeguard their safety and health. Based on the description above, this research focuses on Occupational Safety and Health Protection for Health Care Workers during the Covid-19 Pandemic at AMC Muhammadiyah Hospital Yogyakarta.

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<sup>20</sup> Article 164 of the Law Number 36 of 2014 concerning Health Workers.

<sup>21</sup> Article 3 of the Regulation of the Minister of Health Number 66 of 2016 concerning Hospital Occupational Health and Safety (K3RS).

<sup>22</sup> *Ibid*, Article 2.

## **B. Research Problem**

1. How is the implementation of the Occupational Safety and Health Protection for Health Care Workers during the COVID-19 Pandemic at AMC Muhammadiyah Hospital Yogyakarta?
2. What are the obstacles in implementing the Occupational Safety and Health Protection for healthcare workers during the Covid-19 pandemic at AMC Muhammadiyah Hospital Yogyakarta?

## **C. Objective of Research**

1. To study the implementation of the Occupational Safety and Health Protection for Health Care Workers during the Covid-19 Pandemic at AMC Muhammadiyah Hospital Yogyakarta.
2. To identify the obstacles in the implementation of the Occupational Safety and Health Protection for healthcare workers in handling the Covid-19 pandemic at AMC Muhammadiyah Hospital Yogyakarta.

## **D. Benefits of Research**

1. Theoretical Benefits

The research gives a contribution to legal science particularly on the fulfillment of Occupational Safety and Health Protection for health care workers at AMC Muhammadiyah Hospital Yogyakarta during the COVID-19 Pandemic.

2. Practical Benefits

Practical benefits for the community are providing clear knowledge about Occupational Safety and Health Protection for healthcare workers. Practical Benefits for the Government as references and suggestions for the Government to improve its performance.

## **E. RESEARCH METHOD**

### **1. Type of Research**

The type of this research is normative empirical legal research, in which the author examines the applicable legal provisions and observes what is happening in reality in society to obtain accurate field information. This research includes research on legal identification and research on legal effectiveness.

### **2. Type of Data**

In this normative empirical legal research, the author does library research to get legal materials or secondary data in order to examine the provisions in perspective of the system of norms or rules and then conducts field research to obtain primary data or observe actual events. Legal research conducted by the author regarding Occupational Safety and Health Protection for Health Care Workers during the COVID-19 Pandemic at AMC Muhammadiyah Hospital Yogyakarta and Department of Manpower and Transmigration Yogyakarta, contained two types of data needed, namely:

#### **1. Primary Data**



Primary legal data were obtained directly in the form of information and opinions from respondents through interviews and observation at AMC Muhammadiyah Hospital and . Interviews with respondents were conducted using the prepared questions.

## 2. Secondary Data

Secondary data was gathered from a variety of library materials and literature related to the research. The secondary data to be searched are:

- i. Primary Legal Material, such as legal documents, laws, statutory regulations, and agreements that are relevant to research, namely:
  - a. The 1945 Constitution of the Republic of Indonesia;
  - b. Law Number 14 of 1969 Basic Provisions Regarding Manpower;
  - c. The Law Number 1 of 1970 on Occupational Safety;
  - d. The Law Number 13 of 2003 on Manpower;
  - e. The Health Act of 2009;
  - f. The Law Number 36 of 2014 on Health Workers;
  - g. Regulation of the Minister of Manpower of the Republic of Indonesia Number 5 of 2018 on Occupational Safety and Health in the Work Environment;
  - h. The Government Regulation Number 50 of 2012 on Occupational Health and Safety Management System;

- i. The Government Regulation Number 88 of 2019 on Occupational Health;
  - j. The Presidential Regulation Number 7 of 2019 on Occupational Diseases;
  - k. The Presidential Regulation Number 34 of 2014, Ratification of the Convention Concerning the Promotional Framework for Occupational Safety and Health/Convention 187, 2006.
  - l. The Regulation of the Minister of Health Number 66 of 2016 on Hospital Occupational Health and Safety (K3RS).
- ii. Secondary Legal Material, consists of several documents related to the topic, such as:
    - a. Scientific journals;
    - b. Books;
    - c. Seminars papers related to the issue;
    - d. Trusted news or articles from the internet sites;
    - e. Other legal documents related to the issue;
    - f. Other non-legal documents related to this research.

Tertiary legal material, such as dictionaries and encyclopedias, is legal content that can explain and complete the primary and secondary legal materials.

### **3. Method of Collecting Data**

The method of collecting data in this research is through primary data collecting and secondary data from library research by literature learning. Primary data were obtained through direct interviews with the Department of Manpower and Transmigration Yogyakarta, the Head of OSH, and healthcare workers (doctor, nurse) at AMC Muhammadiyah Hospital Yogyakarta. Then the writer arranges the data to be included and concluded the research. The secondary data approach collects material about this thesis topic through reading, writing, analyzing, and collating data. Secondary data is obtained from the literature and the “legislative approach” which means it is possible to examine the laws related to the legal issues being studied. The author attempts to reach a conclusion after collecting data from documents such as international and national legal instruments, books, journals, and other sources related to the main problem that is the focus of this research.

#### **4. Location of the Research**

The research was conducted in the AMC Muhammadiyah Hospital Yogyakarta, at HOS Cokroaminoto Street, Number 17B, Pakuncen, Wirobrajan, Yogyakarta and Department of Manpower and Transmigration Yogyakarta at JL Parasamya Beran, Beran Kidul, Tridadi, Kec. Sleman, Kabupaten Sleman, Daerah Istimewa Yogyakarta 55511.

#### **5. Data Analysis**

A descriptive qualitative approach was used to analyze the data in a systematic manner. The data obtained from the research were analyzed using qualitative analysis methods, in which the data were collected and selected, then related to the topic to be investigated based on quality and truth, so that

it could address the current issues. The results are then presented descriptively, by telling and describing what is in accordance with the problem being studied. A conclusion will be formed from these findings, which is the answer to the problems raised in this study.

#### **F. Systematic of Undergraduate Thesis**

This undergraduate thesis consists of five chapters as follows:

Chapter One is the introduction. This chapter describes the background of the research, the research problem, the objectives and benefits of the research, the research methods, and the systematics of the undergraduate thesis.

Chapter Two discusses Health Care Workers. This chapter explains the definition of healthcare workers and the grouping of healthcare workers.

Chapter Three is about occupational safety and health protection. This chapter contains the definition of occupational safety and health protection, occupational safety and health in hospitals, and occupational safety and health protection for healthcare workers.

Chapter Four is finding and analysis. This chapter explains the Implementation of Occupational Safety and Health Protection for Health Care Workers at AMC Muhammadiyah Hospital Yogyakarta.

Chapter Five is the conclusion and recommendation. This chapter is the last section which contains conclusions and recommendations regarding the problems described above.