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# Disclosure of Confidentiality of Patient and Personal Data Community Personal Data for Contact Tracking for The Spread of Covid-19

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## Abstract

This article is a normative juridical research, that a problem will be studied by reviewing legislation and library research by analyzing related library materials. Article 55 states that any person who intentionally makes public information that is untrue or misleading and causes harm to others shall be punished with imprisonment for a maximum of 1 year and/or a fine of a maximum of Rp. 5,000,000.00 (five million rupiah). The legal protection is contained in other forms of legal protection, both civil, criminal, administrative and the protection of other rights. Every hospital must keep medical secrets, which can only be opened for the benefit of the patient's health, to fulfill requests from law enforcement officials in the context of law enforcement, with the patient's own consent, or based on the provisions of laws and regulations.

## Keywords

Corona Virus Disease 2019, Health Law and Legislation

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## Introduction

Health is a human right (the right of self-determination) that must be realized through guarantees of providing safe and quality health by the government and health services, including in the midst of the Covid-19 Pandemic situation that has hit almost all countries in the world, including Indonesia. Corona Virus Disease 2019 (COVID-19) has been declared by the World Health Organization (WHO) as a pandemic and the Government of Indonesia based on Presidential Decree No. 11 of 2020 concerning the Establishment of a Public Health Emergency. Corona Virus Disease 2019 (COVID-19) has declared COVID-19 as mandatory public health emergency countermeasures were made. The task force for the acceleration of handling covid-19, Indonesia recorded that on June 26, 2020 there was a record daily case of 1,385 new cases, then the following day there were an additional 1,198 cases and an additional 1,082 new cases bringing the total number of new cases to 55,092. This certainly raises widespread concerns in the community, creates panic and public unrest, including the families of the victims in the process of handling both from the government and the community. One of the things that caused public unrest was the circulation of data on Covid-19 patients on social media and in the community which led to a negative stigma on victims including victims' families as happened in AikMel Village, Cimahi, Cianjur and several other places, even though there was rejection from the community even though the patient has been declared recovered.

The spread of Covid 19 has become one of the concerns of the community even though at the beginning of the existence of this virus, various efforts in the form of appeals from the government have not been really obeyed by the community. In fact, most people think that the virus will not spread as widely as in the country where it initially spread. Various hoaxes regarding weather and climate conditions in Indonesia as conditions that will not cause widespread spread or hoaxes related to ingredients or drugs that are considered to be able to prevent the emergence of Covid-19 are actually able to influence the public not to fully regard this virus as a threat. Over time, the presence of this virus began to be troubling, especially when the government set a funeral protocol for Covid-19 sufferers, which the public thought was very scary. Legal certainty is an important instrument in ensuring the safety of health workers so that the government cannot take arbitrary actions on the assignment of health workers.

Especially if you look at the laws and regulations regarding health workers, it seems that there is no legal certainty guarantee for health workers, even though there is Law Number 36 of 2014 concerning Health Workers, but currently there are no implementing regulations and technical instructions for the Law on Health Workers and Law No. Other laws that regulate legal protection and work safety for health workers. Referring to Law no. 14 of 2008, the Covid-19 pandemic is not public information that is excluded by law, as is information that can harm the country, because actually the information on the pandemic has been known to the general public since the first day of the outbreak in Wuhan, China, and has been informed by the world health agency, WHO.

Furthermore, there are provisions that require the Government and Regional Governments outside of Law No. 14 of 2008 to provide clear information and open access for the public to find out information about health or infectious diseases, namely Article 17, Article 154 and 155 of Law No. 36 the year 2009. In addition, articles 79 and 80 of Law No. 6 of 2018 concerning Health Quarantine provide a basis for authority for the central and regional governments to submit health quarantine information as part of the prevention and eradication of public health risks that can cause emergencies.

## Research Methods

The type of research in this paper is normative juridical research, which is studied with the statutory approach, meaning that a problem will be seen from the legal aspect by reviewing the legislation and also library research, namely by conducting analysis on library materials related to the above problems. This research is a normative juridical research because the main basis and reference are laws and regulations, such as the Health Law, the Medical

Practice Act, the Minister of Health Regulation, the Criminal Code, and the Criminal Procedure Code. Data collection is done by searching for issues in the mass media, searching for books, journals, legal regulations and court decisions, which are then analyzed using descriptive methods to answer the problem formulation. The steps taken are tracing the legal rules, both laws and regulations of the Minister of Health, then reviewed and analyzed related to the concept of informed consent and other concepts of patient rights.

## Results And Discussion

In Indonesia, various laws and regulations concerning health and hospitals apply, Article 32 letter i of Law no. 44 of 2009 concerning Hospitals, the same thing is also regulated in Article 57 paragraph (1) of Law no. 36 of 2009 concerning health and Article 17 letter h number 2 of Law 14 of 2008 concerning Openness of Public Information which basically stipulates that everyone has the right to secret personal health conditions that have been presented to the administration of health services. Article 58 of the 2014 Law on Health Workers explicitly stipulates the obligations of medical personnel in carrying out their practice, namely providing health services in accordance with Professional Standards, Professional Service Standards, Standard Operating Procedures, and professional ethics as well as the health needs of Health Service Recipients; obtain approval from the Health Service Recipient or his family for the action to be taken; maintain the health confidentiality of Health Service Recipients. Parties who leak the identity or medical records of patients in public rooms can be sued for compensation. Other legal remedies that can be taken by Covid-19 victims and their families are through criminal proceedings against law enforcement agencies for anyone who spreads information that causes harm, and the negligence of medical personnel such as doctors who do not keep patient data secret is a criminal offense that can be prosecuted legally. This includes using Article 55 that any person who intentionally makes public information that is untrue or misleading and causes harm to others shall be punished with imprisonment for a maximum of 1 year and/or a fine of a maximum of Rp. 5,000,000.00 (five million rupiah). The legal protection is contained in other forms of legal protection, civil, criminal, and administrative and the protection of other rights. With the existence of legal protection of the patient's rights, it provides the obligation of leaders in health service facilities such as hospitals, medical personnel such as doctors, nurses, midwives to respect and keep the patient's medical data confidential.

## Conclusion

Based on the description above, it can be concluded that the presence of this virus is starting to become disturbing, especially when the government sets a funeral protocol for Covid-19 sufferers which the community considers very scary because it cannot be treated properly by the family. In addition, the quarantine of residents who have traveled to infected areas is one of the concerns of the community so that currently people no longer consider this virus as an epidemic that is taken lightly. After transmission occurs, the virus enters the upper respiratory tract and then replicates in the upper respiratory tract epithelium (performing its life cycle). After that it spreads to the lower respiratory tract. In acute infection, the virus sheds from the respiratory tract and the virus can continue to decay for some time in the gastrointestinal cells after healing. The incubation period for the Covid-19 virus is 14 days; the average symptom appears on the 5th day. Losses suffered by both Covid-19 patients due to leakage of medical secrets which resulted in material and immaterial losses for patients and their families due to medical services (medical services) and health services (public health services) received. Through a civil lawsuit, it is possible to claim damages for compensation costs by submitting a civil lawsuit at the local District Court, every patient has the right to privacy and confidentiality of the illness he suffers including his medical data.

This is regulated in Article 32 letter i of Law Number 44 of 2009 concerning Hospitals ("Law 44/2009"), regarding patient rights and hospital obligations, every hospital must keep medical secrets, which can only be opened for the benefit of the patient's health. , to fulfill the request of law enforcement officers in the context of law enforcement, with the patient's own consent,

or based on the provisions of laws and regulations.

The administrative sanction effort is taken by submitting a complaint to the Disciplinary Honorary Council if the Covid-19 Patient or anyone who knows or whose interests are harmed or the actions of a doctor or dentist in carrying out medical practice. The complaint is made in writing to the Chairperson of the Disciplinary Honorary Council containing the identity of the complainant, the name and address of the doctor's practice and the time the action was taken and the reasons for the complaint. If it is proven that the doctor will get a warning sanction up to the revocation of the registration certificate or practice license.

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