

## **The Implementation of ICESCR Related to Facilities and Health Services in West Halmahera Regency**

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**Abstract:** The progressive results of the ratification of the ICESCR covenant by the Government of Indonesia show improvements in the health services sector each year. Local governments play a very important role because, in addition to being one of the stakeholders who determine policies in each field, especially in the health sector, local governments also become an extension of the regional central government in ensuring access rights and public health services as one of the basic human rights that need to be fulfilled. ICESCR implementation related to the fulfillment of Health Facilities and Health Services in West Halmahera Regency has fulfilled the principles of availability, accessibility, acceptance, and quality in the right to health as part of human rights

**Keywords:** health facilities, health services, ICESCR, implementation.

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### **I. INTRODUCTION**

Health as part of human rights which at the domestic level of a country becomes a human right for every citizen must be fulfilled by the state, both the right to get good health services, as well as to open the widest access to existing health facilities or services.<sup>1</sup>The hospital guarantees legal protection for doctors, health workers so as not to cause medical errors in dealing with patients, as well as patients get legal protection from the responsibilities of the hospital and doctors/health workers. The role and function of the hospital as a place to conduct professional medical services will be closely related to 3 (three) elements, namely consisting of:<sup>2</sup>

- 1) Quality elements guaranteed for quality;
- 2) The element of profit or benefit reflected in the quality of service; and
- 3) Law that regulates general hospital medical and/or medical specialty

The elements referred to will be useful for patients and doctors/health workers and hospitals, due to the mutual relationship that complements these elements. Health services really need quality, good and maximum service quality, with benefits that can be felt by recipients of health services (patients) and health service providers (doctors/health workers and hospitals).<sup>3</sup>Health (medical) services are important things that must be maintained or improved in accordance with applicable service standards so that the community as consumers can feel the services provided. The service itself is essentially an attempt to help prepare everything that is needed by others and can provide satisfaction accordingly.<sup>4</sup>

Health is a natural thing for humanity in living their lives. Being healthy is an investment that is highly coveted by both the people and the State. Therefore, the aspect of health services is fundamental in carrying out national development. This good desire is in line with the national goal of advancing the general welfare stated in the opening of the 1945 Constitution of the Republic of Indonesia.<sup>5</sup>In reality the portrait of health facilities and services in West Halmahera Regency. From Jailolo City heading north to the Talaga Health Center area. The trip takes about one hour and twenty minutes by using this type of commercial car. The road taken is relatively safe, about 80% of the paved roads are still quite good, and the rest of the paved roads that have been destroyed, which makes the stomach feel stirred. The Talaga Community Health Center is located in the South Ibu District. According to the Health Department, there are two Puskesmas serving in the South Ibu Subdistrict area, in addition to the TalagaPuskesmas there is another PuskesmasBaru. The New Health Center is an expansion of the Talaga Health Center. Ibu Selatan Subdistrict consists of 16 villages. The two Puskesmas share the work area into eight villages each. PuskesmasBaruholds villages in the South, while TalagaPuskesmas in the North. In general, it is difficult to find cell phone signals in this region. A high level of patience is needed to look for Telkomsel signals in some places where signals sometimes appear. If you want to be safe, you can move to the next sub-district, about half an hour away, to get a more stable Telkomsel signal, the only operator that can reach the area. No different from cell phone signals, electricity is also a luxury item in this region. The

new lamp can be lit at 19:00 CET until 6:00 CET in the morning, and even then if the conditions are not smooth. Patients look lonely, only a few Puskesmas officers are clustered in the front bench of the Puskesmas. According to James Mawea (one of the medical officers) "every day there is an average of 10 patients visiting even though there are 8,880 BPJS participants registered at this Puskesmas. In terms of energy, there are eight Civil Servants (PNS) serving at the Talaga Health Center, plus two Central Permanent Employees (PTT), and one Regional PTT. A total of 11 officers, plus 10 volunteers, were apprenticed at the Talaga Health Center. There are no inpatient facilities at the Talaga Health Center. However, the four midwives who serve pregnant women who want to give birth (parturition) in the four beds available in the parturition room, which sometimes also requires a stay, even if only one night.<sup>6</sup>

Seeing the condition of health facilities and services in West Halmahera Regency which is very worrying is a separate issue at the level of implementation because the right of access to health facilities and services should be the main because this is part of the basic rights and concerns the lives of many people, due to the seriousness of the country with ratifying the International Covenant on Economic, Social and Cultural Rights is a starting point for countries to improve citizens' health facilities and services. Therefore we need an in-depth study in the form of research to answer these problems. This is also in line with one of Khairun University long-term strategic plans to "Advance in the development of science, technology, and arts, based on islands and diversity for welfare and humanity" so that by 2025, Khairun University will reach as a "Research University For Humanity for Well-being ". To achieve this plan in 2009-2013 is the year for laying the foundation of institutional governance and quality assurance. Whereas in 2013-2017 is the year of strengthening governance, quality-oriented, based on the needs of stakeholders and in 2017-2021 is the year of the creation of a research tradition for humanity for welfare. This is also in line with the Khairun University Research Master Plan, one of which is the topic of discussion on the development of island infrastructure and regional autonomy and governance

## **II. RESEARCH METHODS**

The type of research used is socio-legal research that is tracing and reviewing existing legal rules, both national and international rules, and seeing the application of these laws in the community. The approach used in this study, namely the statute approach.<sup>7</sup> In this context, the provisions that will be reviewed and examined are several national legal instruments and regional policies, while to analyze the authors use a conceptual approach and a case approach.<sup>8</sup>

The data to be used in this study, are categorized into secondary data obtained through library materials.<sup>9</sup> The data collection technique used is the study of documents or library materials, namely the search of official and unofficial documents as primary and secondary legal material to obtain relevant secondary data which will then be used as reference material in analyzing existing problems. In addition, structured interviews were also conducted with interested parties in order to obtain comprehensive data. In accordance with the problems to be answered and the objectives to be achieved in this study, all legal materials collected were analyzed qualitatively, then described to answer the problems in this study.

## **III. RESULTS AND DISCUSSION**

In Article 12 paragraph (1) of the International Covenant on Economic, Social and Cultural Right the right to health is explained as "the right of everyone to enjoy the highest standards that can be achieved for physical and mental health" does not cover the area of health services.<sup>10</sup> Between Human Rights and Health, there is a mutually influential relationship. Often the result of human rights violations is interference with health and vice versa, violations of the right to health are also violations of human rights.<sup>11</sup>

In an effort to respect (to respect), protect (to protect) and fulfill (to fulfill) as the state's obligation to implement human rights norms on the right to health, it must fulfill the following principles:<sup>12</sup>

1. Availability  
Health services, where the state is required to have a number of health services for the entire population;
2. Accessibility  
Health facilities, goods, and services must be accessible to everyone without discrimination in state jurisdictions. Accessibility has four interrelated dimensions, namely: non-discriminatory, physically affordable, economically affordable and access to information to seek, receive and or spread information and ideas about health problems.
3. Reception  
All health facilities, goods, and services must be accepted by medical ethics and culturally appropriate, for example respecting the culture of individuals, local wisdom, minorities, groups and communities, sensitive to gender and life cycle requirements. Also designed to respect the confidentiality of health status and improvement of health status for those in need.
4. Quality

In addition to being culturally acceptable, health facilities, goods, and services must be scientifically and medically appropriate and of good quality. This requires, among other things, medically capable personnel, medicines and hospital equipment that are scientifically recognized and not expired, safe and drinkable drinking water, and adequate sanitation.

Government cooperation in each developing country (without denying developed countries) is needed, because in addition to the empirical conditions or the ability of different countries to fulfill facilities that are the main driving factors for citizens' health, also the government's political will to improve/maintain quality the life of its citizens is very necessary.<sup>13</sup>

The West Halmahera District Health Office is located on Jalan Pengayoman Porniti, Jailolo District, West Halmahera. Communication access using common communication tools is not always smooth, but the communication tools that can be used are diverse, namely telephone, cellphone, fax, internet, and satellite telephone. There is already cooperation between the Health Office and RAPI in terms of utilizing radio communication. Access to transportation is relatively difficult, namely by land and sea. The types of transportation that can be used to reach each district are cars, motorbikes, and boats. Transportation to reach the provincial capital also includes cars, motorbikes, and boats. The distance from the regency capital to the provincial capital and to the nearest referral station is + 40 km (by sea). It takes about 3 hours.<sup>14</sup>

West Halmahera Regency is an area that has the potential for earthquake-prone and volcano-prone eruption. The frequency of earthquakes is often felt in a certain period of time. The catastrophic volcanic eruption that ever occurred originated from Mount Gamkonora in June 2013. An increase in status also occurred in Mount Ibu. Other potential disasters in the form of floods that occurred in 27 flood-prone areas. Another health crisis that occurred in Kab. West Halmahera namely endemic Malaria and outbreaks of Measles. The health crisis from January 1, 2011, until December 31, 2015, there were 3 times the health crisis, namely volcanic eruption (1 time) and earthquake (2 times). When compared with data from the Health Crisis Center, this frequency is rare.<sup>15</sup>

The total population of West Halmahera Regency is 110,455 people. Its density is 36.94/km<sup>2</sup>. When compared with the area, including not crowded. The population of vulnerable groups are included in the high average (the number of vulnerable groups is 24.84% while the Indonesian average is 18% -26%). Regency. West Halmahera does not have data on persons with disabilities. HDI including the upper middle namely 67.65. IPKM is below the average of 0.6680. The capacity for overcoming the health crisis is still inadequate, as indicated by 59% of the capacity indicators not being met. So that the Indonesian Ministry of Health's Health Crisis Center provides recommendations to:<sup>16</sup>

a. District Health Office

- In order to map the types of threats for overcoming the health crisis
- To make policies and regulations that guide the health cluster.
- To advocate for the Regent and BPBD regarding policies and regulations that guide the disaster cluster.

b. Provincial Health Service

- In order to assist the West Halmahera District Health Office in carrying out the activity of compiling the response map.
- To assist the West Halmahera District Health Office in formulating health cluster policies and regulations.
- In order to facilitate the advocacy process of the West Halmahera District Health Office to the Regent and BPBD regarding policies and regulations that guide the disaster cluster.

In general, patients who come to the care unit are sudden and unplanned. This causes the families of patients to come with faces that are full of various stressors, namely fear of death, uncertainty of results, worries about the cost of care, situations and decisions between life and death, and various kinds of calamities that are likely to occur.<sup>17</sup> Akelamo Community Health Center, Sahu Timur District, Halmahera Barat Regency (Halbar) is accredited after the survey team accredited the First Level Health Facilities (FKTP), Ministry of Health of the Republic of Indonesia (Kemenkes RI). Head of the Accreditation Team, dr. Mariam Rufia Makmun Rapi, M. Kessaid, accreditation is an acknowledgment given by the Independent Institution that Provides Accreditation established by the Minister of Health. The Ministry of Health's Accreditation Committee stated to the Puskesmas that accreditation standards had been met with the approval of the Minister of Health. The Ministry of Health's Accreditation Survey of Puskesmas, for the Akelamo Health Center, is the 2886 Accreditation, the Ministry of Health is currently giving appreciation to the Akelamo Health Center and Halbar District Health Office for accepting the Accreditation team. It is said, this accreditation aims to conduct an examination of the services of health centers to patients so that the service is done well. Providing guidance to nurses in Puskesmas doing the best service for patients. The Ministry of Health hopes that the Akelamo Community Health Center

will further improve services in accordance with the SOP (Standard Operational Services) so that it can become the main and towards the highest level in the health center service standards. Head of P2PJ. Diana Bernadus conveyed, welcome to the Indonesian Ministry of Health Accreditation Team at the Akelamo Health Center and hopes that the Accreditation Team can provide an objective assessment of the Akelamo Health Center. The Head of the Puskesmas and all nurses participate in accreditation activities from the Ministry of Health well and maximally so that the objectives of plenary accreditation can be realized.<sup>18</sup>

The quality of health services in various fields makes health workers no longer out of the SOP that have been determined, even because of advances in technology and information, a health worker is also required to master the field (technology and information) in order to adapt to existing era standards.<sup>19</sup> Health service access at the West Halmahera District Hospital begins with a referral from the Puskesmas to the hospital. The number of visits is quite high both through the ER and Polyclinic. Currently, Halbar District Hospital is type C and BLU. Currently, for doctors and media personnel, Halbar District Hospital has 9 general practitioners, 14 specialist doctors, and 2 dentists. At the moment there are 2 doctors who while continuing their specialist education, a total of 292 health workers, and for type c classes it is fulfilling. Patients who come have been given appropriate services and according to existing service standards.<sup>20</sup> For infrastructure development at this time continues to be carried out, especially in the development of basic service infrastructure, namely Puskesmas. In terms of the means of fishing equipment and the fulfillment of drugs currently running in accordance with existing service standards.<sup>21</sup> Based on the data presented, the implementation of ICESCR Related to the Fulfillment of Health Facilities and Health Services in West Halmahera Regency has fulfilled the principles of availability, accessibility, acceptance, and quality in the right to health as part of human rights.

Julianus Ake,<sup>22</sup> said that in essence, nursing is a profession that is devoted to humanity, meaning that the nursing profession prioritizes the health of society above its own interests. Nursing service is a form of service that is humanistic by using a holistic approach, based on knowledge and nursing tips that refers to the standard of nursing services and use the nursing code of ethics as the main guidance in carrying out nursing services. A nurse who runs a nursing profession by taking medical action cannot work alone, because he needs someone who has other disciplines in helping his work.<sup>23</sup> Nurses must always adhere to the nurse's code of ethics based on Pancasila and the 1945 Constitution of the Republic of Indonesia.<sup>24</sup>

Regarding access, medical equipment facilities, and health services in a number of hospitals and public health centers in West Halmahera, this is good enough, although most doctors are contracted, it does not reduce their enthusiasm and performance in helping people in need. Facilities and infrastructure are also increasing in line with the addition of funds budgeted by the Regional Government of West Halmahera Regency each year.<sup>25</sup> This shows that there are continuous improvements made by the local government related to access and health services to the community, the seriousness of the local government shows that there is a serious concern for local governments in ensuring the health of their communities. Thus, the results of the progression of the ratification of the ICESCR covenant by the Government of Indonesia show an improvement in the health services every year. Local governments play a very important role because, in addition to being one of the stakeholders who determine policies in each field, especially in the health sector, local governments also become an extension of the regional central government in ensuring access rights and public health services as one of the basic human rights that need to be fulfilled. Based on the presentation of the data, the implementation of ICESCR Related to Fulfillment of Health Facilities and Health Services in West Halmahera Regency has fulfilled the principles of availability, accessibility, acceptance, and quality in the right to health as part of human rights.

#### IV. CONCLUSION

ICESCR implementation related to the fulfillment of health facilities and health services in West Halmahera District has fulfilled the principles of availability, accessibility, acceptance, and quality in the right to health as part of human rights. But the West Halmahera District Health Office, in order to continue to strive and maximize the fulfillment of health services to the community, as well as improve access to health services (facilities and infrastructure), because it is needed by the community, so that people can feel the presence of the government in guaranteeing their health rights as one of the parts of human rights that must be respected, protected and fulfilled by the government.

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