

Regulation of Law of the Republic of Indonesia Number 17 of 2023 on Control of Catastrophic Diseases Linked to Financing of National Health Insurance Based on Dignified Justice

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Abstract. *This study aims to analyze the provisions in Law of the Republic of Indonesia Number 17 of 2023 concerning Catastrophic Disease Control, especially related to the financing of the National Health Insurance (JKN) based on the principle of dignified justice. This study uses a normative legal method with a legislative and comparative approach, as well as descriptive-analytical specifications. The analysis was carried out by examining related regulations, government responsibilities, and comparative studies with other countries such as the United States, England, Canada, and Australia. The results of the study indicate several challenges in the implementation of catastrophic disease control in Indonesia, especially in financing through JKN. Although Law Number 17 of 2023 has provided a comprehensive legal framework, there are gaps in the efficient use of JKN funds and disparities in access to health services between urban and rural areas. In addition, this study also found that the role of the government as a regulator and service provider creates potential conflicts of interest. Based on the legal analysis conducted, policy recommendations are proposed to improve the regulation and implementation of catastrophic disease control through improving institutional structures, increasing financing transparency, and strengthening the role of government in ensuring fair and quality access.*

Keywords: *Catastrophic Disease Control, Law No. 17 of 2023, National Health Insurance (JKN), Dignified Justice, Health Financing, Health Law, Government Responsibility*

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INTRODUCTION

Catastrophic diseases are serious health conditions that often require intensive medical care and very high costs. In addition to diabetes mellitus, other examples of catastrophic diseases include cardiovascular disease, cancer, kidney failure, and chronic obstructive pulmonary disease (COPD). Law of the Republic of Indonesia Number 17 of 2023 regulates comprehensive Catastrophic Disease Control regarding the steps that must be taken to control diseases that have a major impact on public health and the country's economy. Catastrophic diseases such as cancer, heart disease, and chronic

kidney disease require special treatment because of the very high cost of treatment and the complexity of their treatment. Law No. 17 of 2023 concerning Health emphasizes the importance of prevention, control, and treatment of catastrophic diseases such as heart disease, cancer, and stroke, which have a major impact on public health and the economy (Tabish, 2024). The strategy for controlling catastrophic diseases includes health promotion, early detection, control of risk factors, and treatment that involves all levels of society. Inter-agency coordination and financial support are the main keys to running this program effectively (Setyawan & Srihardjono, 2016). Active community participation is also expected through education and socialization regarding healthy lifestyles, early detection, and control of modifiable risks such as smoking, obesity, and alcohol consumption (Rosidin et al., 2023; Sueni et al., 2024; Zulsefriandi et al., 2023).

In the context of Indonesia, the National Health Insurance (JKN) plays an important role in financing the treatment of catastrophic diseases, but there are still many challenges that must be faced to ensure the sustainability and effectiveness of this program. Adequate and equitable health financing is one of the main pillars in achieving Universal Health Coverage (UHC) which has been initiated by the Indonesian government (Atim et al., 2021; De Foo et al., 2023). The JKN system managed by the Social Security Administering Agency (BPJS) Health is designed to provide financial protection against health risks, including chronic diseases. However, the increasing number of catastrophic disease incidents raises questions about the adequacy of financing provided by JKN and the effectiveness of existing policies in dealing with this disease. In the context of the National Health Insurance (JKN), catastrophic diseases are one of the main focuses because their management requires long-term and sustainable financing (Sihotang & Simangunsong, 2022; Erlangga, 2018; Nugraheni et al., 2022).

Indonesia has a theory of justice called the Dignified Justice Theory by Teguh Prasetyo explaining that Dignified Justice is a theory (grand theory) that emerged because of concerns about the use of Western theories that are mushrooming in Indonesia (Teguh Prasetyo, 2019). The use that is oriented towards the West, as if to say that Indonesians or the Indonesian legal system cannot build a legal theory of their own nation. As if Indonesians (scientists) do not have the sovereignty to determine their own laws and refine their own legal values (Hajiji, 2013; Sentosa, 2022).

The theory of dignified justice is a justice provided by a legal system that has spiritual and material dimensions. The theory of dignified justice is a theory of justice based on the values of Pancasila, especially the second principle, namely the principle of just and civilized humanity and is supported by the first principle of the Almighty God. The term just and civilized as referred to in the second principle of Pancasila, by Notonagoro is interpreted as a sense of just humanity towards oneself, towards fellow human beings, and towards God (main). Based on the principle of just and civilized humanity, the legal justice possessed by the Indonesian nation is justice that humanizes humans. According to Teguh Prasetyo, justice that humanizes humans is called the Theory of Dignified Justice. With the approach of the Theory of Dignified Justice, this analysis will evaluate the extent to which policies and regulations in the JKN system can guarantee justice in access and financing of health for people with catastrophic diseases. In Law No. 17 emphasizes the importance of disease control in order to achieve the goal of fair and sustainable financing in the National Health Insurance (JKN) system, which is linked to the principle of dignified justice (Yustina & Yohanes Budisarwo, 2020; Nugraha, 2024; Trisnantoro, 2021). This means that every citizen, regardless of economic status, has the same right to receive adequate health services. To realize this goal, several

important rules that will be discussed in this thesis include: first, strengthening the capacity and quality of health services through training of medical personnel, provision of adequate medical facilities and equipment, and research and development that focuses on catastrophic diseases (Razzak & Kellermann, 2002). Second, clear and adequate budget allocation from the central and regional governments for handling catastrophic diseases. Third, the arrangement of an efficient referral system to ensure that patients receive timely and appropriate treatment, from primary health facilities to referral hospitals. Fourth, the implementation of premium and subsidy payment mechanisms, where disadvantaged community groups receive assistance from the government to pay JKN premiums. In Indonesia, regulations such as the Regulation of the Minister of Health Number 71 of 2015 concerning the Control of Non-Communicable Diseases establish a framework for the prevention and management of chronic diseases, including catastrophic diseases, cardiovascular diseases, and cancer (Ministry of Health of the Republic of Indonesia) (Magnusson & Patterson, 2014; Rayner et al., 2017; Mendis, 2010). This policy includes strategies for health promotion, early detection, and sustainable disease management.

Adequate funding and appropriate budget allocation are key elements in controlling catastrophic diseases. The government must ensure that sufficient budget is allocated for health programs, including financing the National Health Insurance (JKN) (Ridwan, 2021; Siliwadi & Bakhtiar, 2017). According to the Social Security Administering Agency (BPJS) Health, financing for the management of catastrophic diseases such as diabetes mellitus and heart disease continues to increase along with the increasing number of sufferers. Effective fiscal policy is needed to ensure that available funds are used efficiently and appropriately to address the burden of catastrophic diseases. In addition, increasing the capacity of medical personnel through training and continuing education is essential. By identifying these gaps, it is hoped that further research can make a significant contribution to improving the understanding and practice of catastrophic disease control in Indonesia, especially in the context of financing through JKN and the effectiveness of overall health regulations.

Problem Identification

The problems raised in this thesis are related to the regulation of Law of the Republic of Indonesia Number 17 of 2023 concerning the Control of Catastrophic Diseases, especially in relation to the financing of the National Health Insurance (JKN) which is based on the principle of Dignified Justice. This problem arises because catastrophic diseases such as cancer, heart disease, and chronic kidney failure require intensive treatment that requires high costs, and the financing system through JKN faces challenges in fund allocation, access to services, and disparities between urban and rural areas. The formulation of the problem proposed in this study includes two main things: 1) How is the regulation of Law of the Republic of Indonesia Number 17 of 2023 concerning Health in controlling catastrophic diseases related to JKN financing? 2) What is the government's responsibility in controlling catastrophic diseases based on dignified justice.

METHODS

The research methodology in this thesis uses a normative legal approach, which aims to examine legal norms related to the control of catastrophic diseases in the context of financing the National Health Insurance (JKN). This research is included in the category of doctrinal legal research, which focuses on the analysis of laws and regulations and

other relevant legal documents. The object of this research is the legal norms regulated in Law of the Republic of Indonesia Number 17 of 2023 concerning Health, especially regarding the regulation of financing and control of catastrophic diseases. With a descriptive-analytical approach, this study aims to systematically describe the consistency of regulations and analyze how the law is implemented in practice. In addition, a comparative approach is also used to compare the catastrophic disease control system and its financing in Indonesia with other countries such as the United States, England, Canada, and Australia. The data used in this study consists of primary, secondary, and tertiary legal materials. Data collection techniques are carried out through literature studies, which include laws and regulations, journals, books, and other official documents. Data analysis was conducted qualitatively with the aim of producing conclusions that can be used as better policy recommendations for the government in managing JKN financing effectively and fairly.

RESULT AND DISCUSSION

The provisions of the Republic of Indonesia Law Number 17 concerning Health in the Control of Catastrophic Diseases are linked to JKN Financing

Law of the Republic of Indonesia Number 17 of 2023 concerning Health is the result of the evolution of previous health policies and regulations, which aims to improve the national health system as a whole. This law covers various aspects of health, with the main focus of discussion being on controlling catastrophic diseases in response to the urgent need of the Indonesian people for better health protection. Catastrophic diseases, which include serious diseases such as cancer, heart disease, and stroke, require special treatment because of their significant impact both medically and financially on affected individuals and families.

Increasing the effectiveness and efficiency in the implementation of JKN is the main goal. The government and all relevant stakeholders are expected to work together to improve the management and operation of JKN, so that they can provide faster, more precise, and more equitable services to the community. . On the other hand, efforts to improve access and quality of health services are also a priority, especially for people in remote areas who still have limitations in terms of health facilities. Ultimately, this regulation is expected to strengthen the national health system and bring real benefits to the welfare of the Indonesian people.

Implementation of Law No. 17 in controlling catastrophic diseases also involves increasing the capacity of health facilities, training medical personnel, and socializing the community about the importance of early detection and prevention of diseases. The government has also allocated significant funds to support health programs aimed at controlling catastrophic diseases, including through the National Health Insurance (JKN). However, challenges such as limited resources, less than optimal coordination between institutions, and resistance from several community groups still need to be overcome to achieve maximum results.

This law also stipulates the responsibility of the government and related agencies in providing the health facilities and services needed for disease management. In addition, Law No. 17 emphasizes the importance of coordination between institutions in efforts to control catastrophic diseases. Good coordination between various ministries, health institutions, and local governments is essential to ensure that disease prevention and management efforts can be carried out effectively and efficiently. The government is obliged to ensure that hospitals and health centers are equipped with adequate medical

equipment, trained medical personnel, and the medicines needed for the treatment of catastrophic diseases. The provision of funds is also regulated in this law, with a budget allocation set to support catastrophic disease control programs. The government is required to ensure that sufficient funds are available to support health services, research, and development of medical technology related to catastrophic diseases.

As a country of law, catastrophic disease control in Indonesia has been regulated through various policies and regulations, including Law Number 17 of 2023 concerning Health. According to Friedman's Theory, the legal system consists of legal structure, legal substance, and legal culture.

Friedman's theory emphasizes that the effectiveness of a law is not only determined by the substance of the law itself, but also by the legal structure and legal culture that support its implementation. The legal structure includes institutions and law enforcement officers who are responsible for implementing and enforcing the law. In the context of JKN management, BPJS Kesehatan and the government act as regulators and providers of health services. They are responsible for ensuring that the rules contained in Law No. 17 of 2023 concerning the control of catastrophic diseases can be implemented effectively. Legal substance refers to existing regulations or laws, which in this case include provisions on JKN financing to handle catastrophic diseases. Legal culture also plays a very important role, namely the attitude and awareness of the community towards the law and how they comply with and utilize the rights stipulated in the law. Here, public awareness of the importance of using health services provided by JKN greatly influences the success of the program.

Therefore, the implementation of this law can be strengthened by real examples that show how the community accesses JKN services for catastrophic diseases, and how BPJS and the government can increase public awareness and participation in this health program. The three components of structure, substance, and legal culture must work together to ensure that the control of catastrophic diseases and financing through JKN are effective. The government, through BPJS Kesehatan, is responsible for managing JKN funds in a transparent and accountable manner, ensuring that the funds collected are used efficiently and on target. The Presidential Regulation and the Minister of Health Regulation strengthen supervision of service standards and use of funds, with a focus on improving service quality and accountability in fund management.

JKN provides financial protection to patients suffering from catastrophic illnesses, allowing them to access quality medical care without being burdened by high costs. Although challenges remain, such as the imbalance between contribution revenues and claim expenditures, the JKN system continues to develop as a government effort to create a sustainable and equitable health system for all levels of society. The financing structure of the National Health Insurance (JKN) in Indonesia is based on the principle of mutual cooperation, where all participants contribute through contributions according to their ability (Buana et al., 2022). JKN participants are divided into several categories, namely formal workers, informal workers, and independent individuals. Formal workers, including civil servants and private employees, generally have contributions deducted directly from their salaries by their employers.

Meanwhile, informal workers and independent individuals pay their contributions independently every month. The financing structure of the National Health Insurance (JKN) in Indonesia is based on the principle of mutual cooperation, where all participants contribute through contributions according to their ability. JKN participants

are divided into several categories, namely formal workers, informal workers, and independent individuals. Formal workers, including civil servants and private employees, generally have contributions deducted directly from their salaries by their employers. Meanwhile, informal workers and independent individuals pay their own contributions every month. Thus, JKN not only eases the financial burden of patients and their families but also improves the quality of health services in Indonesia as a whole. The role of JKN in financing the control of catastrophic diseases is one of the government's real efforts in realizing an inclusive and equitable health system.

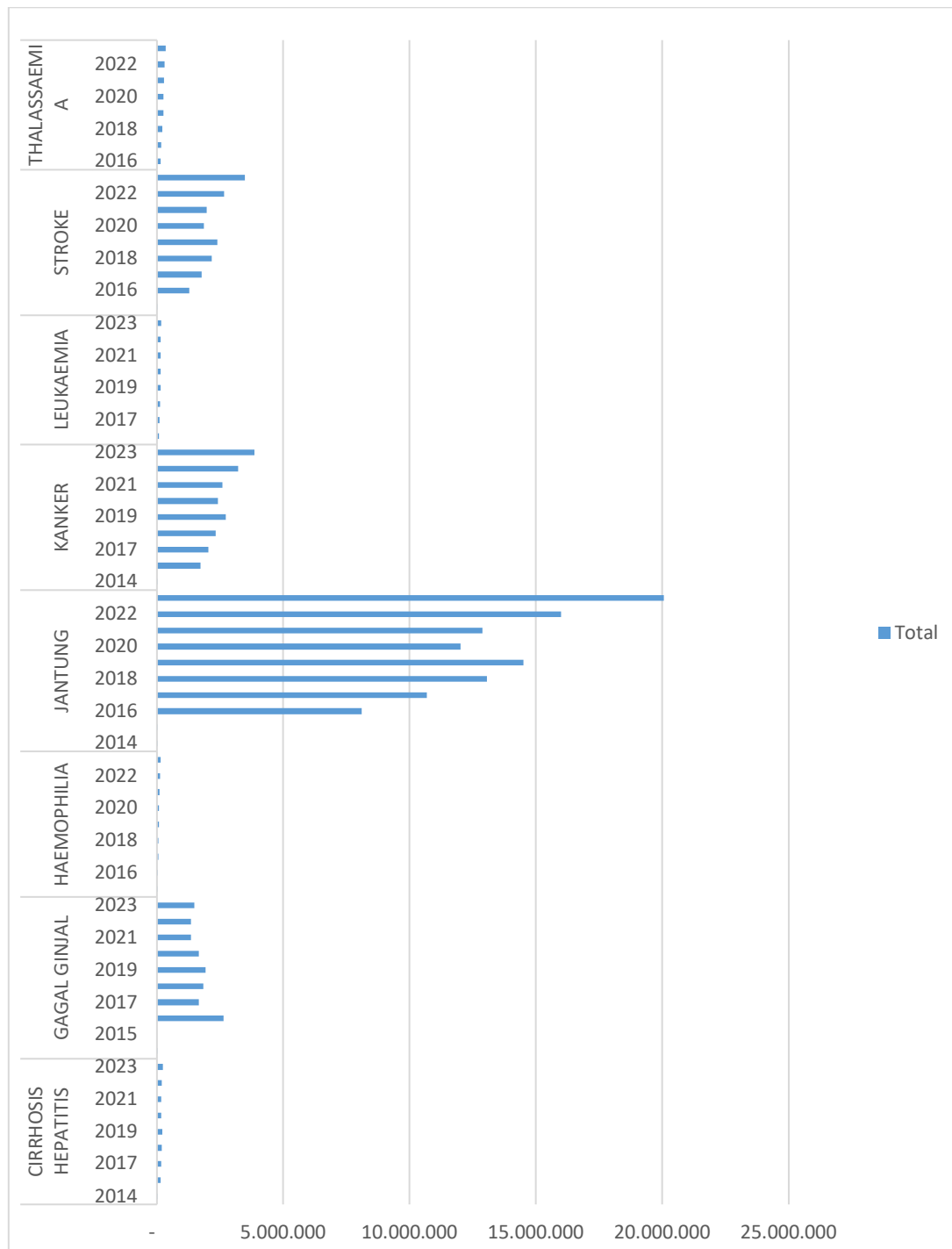


Figure 1. Prevalence of JKN Catastrophic Diseases 2014-2023

Source: <https://ssbi.bpjs-kesehatan.go.id>. Diakses pada 13 September 2024

The graph above shows that the prevalence rate of catastrophic disease incidence with JKN financing has increased from year to year. This can illustrate that the related institutions are still not optimal in carrying out the function of the legal structure. Although in terms of legal substance, the regulation regarding the control of catastrophic diseases is clearly regulated in Law No. 17.

The lack of Legal Culture from the community also makes the control of Catastrophic Diseases ineffective. One of the important pillars of the legal system is legal awareness. The legal awareness that arises can give birth to a society that has an attitude of obedience or compliance with existing laws. Public awareness and compliance with the law can support the effective implementation of a law, but on the other hand, low awareness and compliance will also raise a question mark as to why the law is not obeyed or complied with by them.

Socialization to the community is also carried out intensively to increase awareness and knowledge regarding the prevention and handling of catastrophic diseases. Public health campaigns through mass media, seminars, and workshops are held to educate the public about the importance of early detection, healthy lifestyles, and access to available health services. However, various challenges still need to be overcome to achieve optimal implementation. One of the main challenges is limited resources, both in terms of finance and logistics. Despite significant budget allocations by governments, the vast needs often exceed existing capacities. Coordination between agencies is also a challenge, with bureaucracy sometimes hindering efficient policy implementation. In addition, resistance from some community groups, who may not understand the importance of preventive measures or have different beliefs about health, also makes it difficult to implement comprehensively.

Compared with other countries that have succeeded in controlling catastrophic diseases, such as South Korea or Germany, the main difference lies in the integrated response capacity and use of more advanced technology. South Korea, for example, implemented technology-based early detection systems, such as digital contact tracing and app-based health alert systems. This allowed them to respond quickly to potential outbreaks and isolate cases more effectively. On the other hand, European countries such as Germany have long built strong health infrastructures, with hospitals equipped with modern technology and universal health systems, making it easy for all citizens to access health services. In order to improve the control of catastrophic diseases in Indonesia, there are several things that can be adopted from successful countries, including: 1) Strengthening local health infrastructure; 2) Implementation of technology in the health system; 3) Better cross-sectoral coordination; 4) More intensive and inclusive health education

It is clear that developed countries such as the UK, Australia, and Canada have succeeded in implementing more inclusive and effective health policies in controlling catastrophic diseases. In addition, community empowerment and an inclusive approach can strengthen the health system, especially in efforts to prevent and treat diseases. Although various regulations have been implemented, implementation in the field is often less than optimal, with obstacles in the form of uneven distribution and weak coordination at the local level.

The implementation of Law No. 17 of 2023 in controlling catastrophic diseases has shown various advances, but still faces a number of significant challenges. The government has taken strategic steps to ensure that the provisions of this law are

implemented effectively, including increasing the capacity of health facilities. This includes modernizing medical equipment, increasing the number of hospital beds, and increasing the accessibility of health facilities in remote areas. In addition, training of medical personnel is also a major focus, with training and certification programs designed to improve the competence and readiness of health workers in handling cases of catastrophic diseases.

Government Responsibility in Controlling Catastrophic Diseases Based on Dignified Justice

The government, as the entity with the greatest authority and resource capacity, is at the forefront of controlling and mitigating the impact of catastrophic diseases. The government's responsibility includes several main aspects that must be managed carefully and integrated to deal with this health crisis. A law is said to have a philosophical basis (*filosofische grondslag*, *filosofische grondslag*), if its formulation or norms are justified (*rechtsvaardiging*) which, when studied philosophically, has reasons that can be justified if thought about in depth, especially the philosophy of a nation's way of life which contains the moral and ethical values of the nation. Universally, it must be based on civilization, the ideals of a Just National Health Insurance Towards Social Welfare of humanity in social interaction. Also in accordance with the ideals of truth (*idee der waarheid*), the ideals of justice (*idee der gerechtigheid*), and the ideals of morality (*idee der zedelijkheid*).

Government efforts in controlling catastrophic diseases are not only limited to handling when an outbreak occurs, but also include preventive and promotive efforts that have been regulated in various regulations. One important regulatory instrument is Law Number 36 of 2009 concerning Health and Government Regulation Number 40 of 1991 concerning the Control of Disease Outbreaks, which regulates steps for the prevention and control of infectious diseases, including strengthening the public health system, vaccination, health education, and increasing the capacity of medical personnel. The Indonesian government has also issued various programs that focus on health promotion and disease prevention through public education campaigns, regular health checks, and improving primary health facilities such as Community Health Centers. Government preventive efforts usually involve mass vaccination programs, health education through mass media, and healthy lifestyle promotion campaigns aimed at increasing public immunity and preventing the spread of disease. Meanwhile, promotive efforts focus on increasing public awareness of the importance of maintaining health and hygiene, as well as implementing clean and healthy living behaviors (PHBS) through socialization and education. These steps are important in creating a more resilient society in dealing with disease outbreaks.

The application of the Theory of Dignified Justice in JKN financing also includes aspects of sustainability. In other words, financing must be sustainable to ensure that the health services provided are not interrupted and can continue to meet the long-term needs of sufferers. This requires the government and agencies that manage JKN, such as BPJS Kesehatan, to implement policies and strategies that support the principle of dignified justice, including holistic and effective health risk management. In addition, the Theory of Dignified Justice also provides a basis for evaluating the accessibility and quality of health services for sufferers of catastrophic diseases in various regions, both urban and rural.

The application of the principle of dignified justice in controlling catastrophic diseases faces significant challenges. One of the main challenges is inequality in resource allocation. In many countries, there is a stark difference between urban and rural areas, with health facilities in large cities being more advanced, while remote areas often lack health facilities and personnel. This inequality leads to disparities in disease management and control, with areas with better infrastructure having greater capacity to respond to outbreaks, while less developed areas lag behind in prevention and treatment efforts. To address these challenges, government policies must be designed with protection of the most vulnerable groups in mind and ensure that all individuals, regardless of economic or geographic background, receive fair treatment. Government preventive efforts typically involve mass vaccination programs, health education through the mass media, and healthy lifestyle promotion campaigns aimed at increasing community immunity and preventing the spread of disease. Meanwhile, promotive efforts focus on increasing public awareness of the importance of maintaining health and hygiene, as well as implementing clean and healthy living behaviors (PHBS) through socialization and education. These steps are important in creating a more resilient society in the face of disease outbreaks.

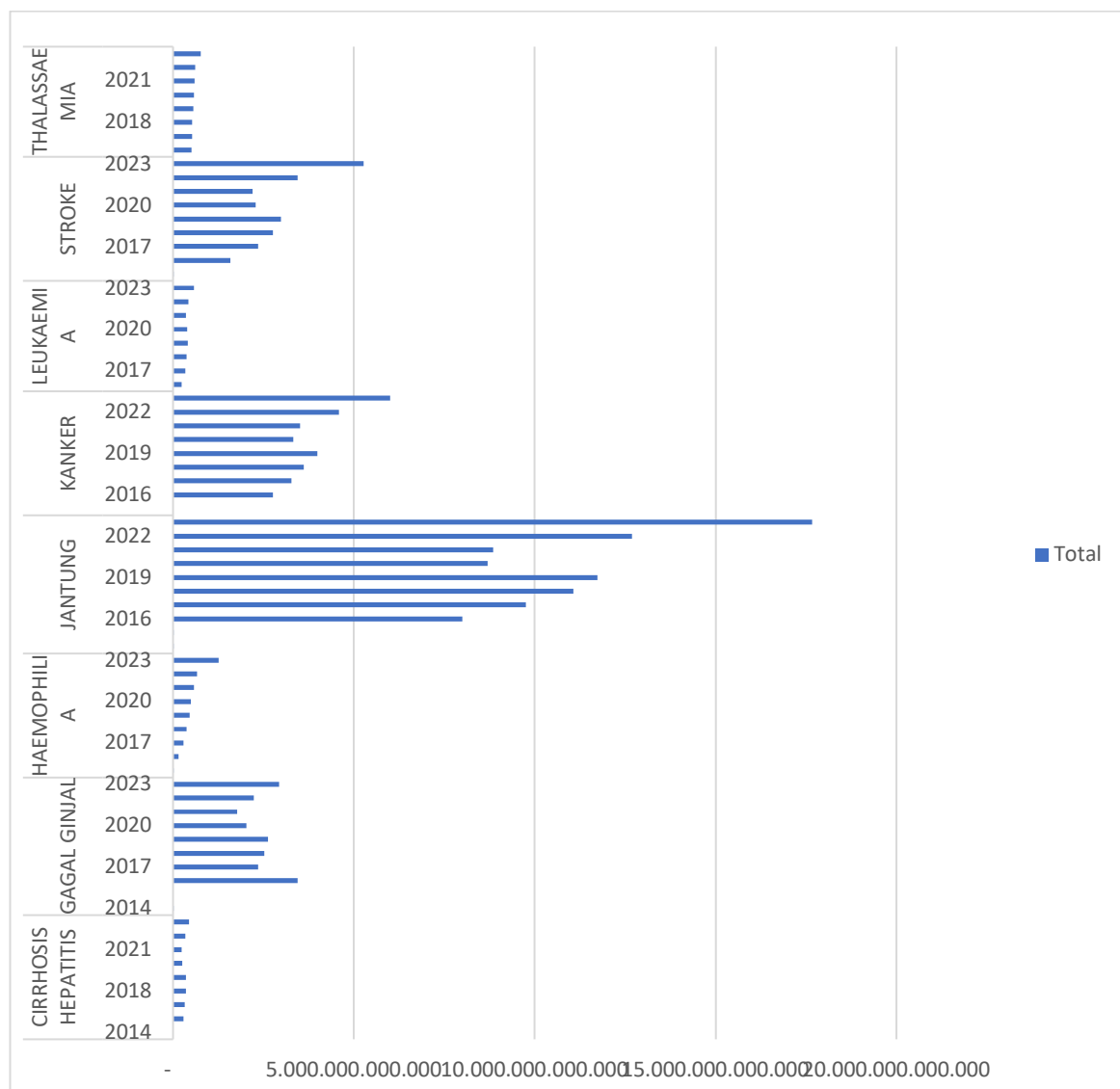


Figure 2. JKN Catastrophic Disease Financing 2014-2023

Source: <https://ssbi.bpps-kesehatan.go.id>. Diakses pada 13 September 2024

The graph above shows that the JKN financing figures for the curative aspect of catastrophic diseases have increased from year to year, indicating that the control of catastrophic diseases is still not optimal. In fact, the regulations for controlling catastrophic diseases, in this case the promotive and preventive aspects, have been clearly stated in Law No. 17. The government needs to revise and adjust policies to be more responsive to the regulations that have been set. In addition, the government is also more focused on ensuring the importance of efficient fund management and sustainable financing strategies in the success of the JKN program in overcoming the burden of catastrophic diseases. This includes ensuring that funds allocated for health are sufficient and used efficiently, and that the health service system is able to reach all levels of society without discrimination.

In addressing the challenges in controlling catastrophic diseases, the government needs to develop a more adaptive and responsive strategy. This strategy must include increasing local capacity, especially in terms of health resources and infrastructure, to be able to better deal with outbreaks. Strengthening health systems at the local level not only helps accelerate the response to disease threats, but also allows for an approach that is tailored to the specific needs of the community. In addition, this effort also involves training health workers, distributing medical devices, and increasing access to health services, especially in vulnerable areas (World Health Organization, 2013).

In this case, community empowerment is one of the keys to successful disease control. The government needs to involve the community directly in the planning and implementation of health programs, especially those related to the prevention and handling of outbreaks (Uwaliraye et al., 2019). This participatory approach can create a sense of ownership and shared responsibility in maintaining public health. In addition, the involvement of local communities can strengthen early detection mechanisms, increase preparedness, and accelerate decision-making in the field. Community empowerment also allows communities to be more responsive in addressing health challenges, both through education and support for the health policies implemented.

Active participation from the community in the policy-making process and evaluation of implementation is also very important to ensure that the policies taken are truly in accordance with the needs and conditions in the field. By considering these aspects, catastrophic disease control in Indonesia can better reflect the principle of dignified justice, ensuring that every individual, regardless of economic status or geographic location, has fair and equal access to quality health services. In the theory of dignified justice, justice must be realized by treating all individuals with respect and giving them equal rights to access quality health services.

CONCLUSION

In Law No. 17 of 2023 concerning Health, a comprehensive and integrated legal framework is provided to reduce the burden of catastrophic diseases through preventive, promotive, curative, rehabilitative, and palliative efforts involving all parties, from the government to the community. Controlling catastrophic diseases in Indonesia, although regulated in Law Number 17 of 2023 concerning Health, still faces various challenges. Based on Friedman's theory, the legal system consisting of structure, substance, and legal culture has not been running optimally. The regulation of JKN financing in controlling catastrophic diseases shows that the National Health Insurance (JKN) has an important role in providing inclusive and equitable access to health services for all Indonesian people.

The government has a central role in controlling catastrophic diseases, where strong regulations are needed, including non-overlapping laws. The government also needs to ensure equal distribution of resources and improvement of health infrastructure in remote areas. In terms of financing, a dignified justice approach is important to ensure the sustainability of health services. The opening of the 1945 Constitution emphasizes the state's responsibility to protect and advance the welfare of all citizens, including in controlling catastrophic diseases.

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