Legal Analysis of Health Professional Ethics in Improving Health Services in the Perspective of Islamic Law

Widya Sabila¹, Irwansyah², Afri Ningtias³, Ahmad Zaki⁴
Faculty of Public Health, Universitas Islam Negeri Sumatera Utara

ABSTRACT
Health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the nation as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia. Regarding the matters already listed in the 1945 Constitution, health workers in serving the community, are also bound by ethics and health law. In carrying out health services, health workers must comply with professional ethics (professional code of ethics) and also comply with the law, the rules set out in the law. Ethics in medical action in Islamic literature is known as adab. Adab in hadith and early post-Islamic literature means proper speech, good ethics, and correct procedures. Islamic law has laid down rules that concern health services and care, including the health of society and the state at large and has contributed greatly to the modern medical science that is developing today. With this research, the researcher conducts research activities objectively on the reality of the subject under study, in the sense that reality is seen from the angle of those being studied. This qualitative research is more concerned with the accuracy and adequacy of the data.

Keywords:
Ethics
Health Services
Islamic Views

INTRODUCTION
Health is something that greatly affects human daily activities. Without health, humans will not be able to be productive to carry out daily activities both economically and to undergo education. Health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the nation as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia (Novitasari Ujianingtyas, 2023) and (Anggie Septie Aningrum AN, 2018), contained in article 34 paragraph (3) of the 1945 Constitution from the results of the amendment, states that the state is responsible for the provision of health care facilities and public service facilities that are suitable for the community. The 1945 Constitution confirms that article 34 paragraph 3 "The state is responsible for the provision of health care facilities that have developed in Indonesia, which are very diverse, one form of health care facilities that are suitable for the community is one form of government effort in providing health to the community, so that each sub-district is built by a government agency as a public health service delivery unit, namely the community health center or commonly called puskesmas (Safrowi, 2010).

Regarding the matters already listed in the 1945 Constitution, health workers in serving the community are also bound by ethics and health law. In carrying out health services, health workers must comply with
Professional ethics (professional code of ethics) and also comply with the law, the rules set out in the law. Where if health workers violate the professional code of ethics, they will be subject to sanctions from their professional organization and if health workers also violate the provisions of the law, they will also receive legal sanctions (criminal or civil). There are data according to the Legal Aid Institute (LBH) for Health stating the number of malpractice cases in Indonesia (Bakri, 2017).

Health is one of the elements of general welfare that must be realized in accordance with the National goals of the Indonesian nation. Health services are the right of every person guaranteed in the 1945 Constitution to make efforts to improve the degree of health, both individuals, as well as groups or society as a whole. In the regulation of the Minister of health, number 75 of 2014 concerning community health centers is an effort provided by health centers to the community, including planning, implementation, evaluation, recording, reporting, and incorporation into a system. Service is essentially a series of activities, because it is a process (Safrowi, 2010).

Puskesmas is a technical implementation unit of the district health office that is responsible for organizing health development in a working area (128/menkes/SK/II/2004). Puskesmas is one of the most important public health service infrastructures in Indonesia. These health efforts are organized by focusing on services for the wider community in order to achieve optimal health status, without neglecting the quality of service to individuals (Sudiyanto, 2019) and (Salbiyah et al., 2012).

In general, health services organized by puskesmas include curative (healing), preventive (prevention efforts), promotive (health improvement) and rehabilitative (health recovery) services. The increasing needs of the community for health services, the more developed the rules and role of law in supporting the improvement of health services, this reason is a driving factor for the government and health delivery institutions to implement the basis and role of law in improving health services health providers to apply the basis and role of law in improving health services oriented towards patient legal certainty. Health services are the responsibility of local governments in accordance with the provisions of the minister of health regulation number 75 of 2014 concerning community health centers which states that the government is responsible for organizing government affairs in the health sector in the district / city. Service is one form of meeting the needs of his life. Humans try both through their own activities, as well as directly through the activities of others. activity is a process of using reason, mind, senses and limbs with or without tools carried out by a person to get something that is desired both in the form of goods and services (Muhsin, 2022).

Islam is very concerned about health in a way that, among other things, invites and encourages to maintain and maintain the health that everyone has, maintaining and maintaining health is obligatory and it is forbidden to drop in distress, our religion, namely Islam, is truly extraordinary in giving attention to health issues. Because health is one of the main supporting elements in carrying out worship to allah swt and work and other activities (Becker et al., 2015). Ethics in medical practice in Islamic literature is known as adab. Adab in the hadith and early post-Islamic literature means proper speech, good manners, and correct procedure. Islamic law has laid down rules concerning health care and services, including the health of the public and the state at large and contributed greatly to the modern medical science that is developing today. The human need for action to save his life is a basic thing that is required by everyone living being. Imam Ash-Syaatibi in his book Fi Ushul Al-Ahkam, says that the purpose of the existence of Islam is to protect religion, soul, mind, property and offspring. Therefore, in carrying out the purpose of the presence of Islam, health plays a very urgent role. In other words, it can be concluded that health is the main capital in achieving the purpose of religious presence (Rudisa, 2021) and (Nasihin, 2007).

The purpose of establishing the law or often known as muqashid al-syari'ah is one of the important concepts in the study of Islamic law. Because of the importance of muqashid al-syari'ah, jurists make muqashid al-syari'ah as something that is understood by mujtahids who do ijtihad. The essence of the muqashid al-shariah theory is to realize good while avoiding bad, or attracting benefits and rejecting mudharat. It should be noted that Allah SWT as the shari'i who establishes sharia does not create laws and rules just like that (Rudisa, 2021). This paper is also based on the theory of justice which states that there is not a single legal event for which there is no legal provision, because all legal issues have been determined by Allah SWT, both through the Qur'an and Hadith and efforts to understand and extract the law are carried out by mujtahids through ijtihad efforts.
RESEARCH METHOD

This research was conducted using qualitative research methods with a descriptive approach (Waruwu, 2023). This research essentially tries to get information on the object being studied, so the researcher determines how to find the information sought using interview techniques. Research with this qualitative method involves the use and collection of various materials such as case studies, personal experiences, introspection, life history, interviews, observations, and so on (Fadli, 2021) and (Zalu chu, 2021). Through qualitative research, researchers can recognize the subject, qualitative research involves researchers so that they will understand the context with natural situations and phenomena according to what is being studied. The purpose of qualitative research is to understand the conditions of a context by directing to a detailed and in-depth description of what actually happens according to what is in the study field (Gumilang, 2016). In this study, researchers conducted research activities objectively on the reality of the subject under study, in the sense that reality was seen from the point of view of those being studied. This qualitative research is more concerned with the accuracy and adequacy of the data. In this study, the emphasis is on data validation, namely the conformity between what is recorded and what is given information by the subject under study. Not only by taking data with interviewees but researchers also use literature review, namely by taking data from books, journals, and so on from previous studies (Adlini et al., 2022).

RESULTS AND DISCUSSION

This research is written using a qualitative method in which the author gets the results of the research that Islam is very concerned about health in a way that, among other things, invites and encourages to maintain and maintain the health that everyone has, maintaining and maintaining health is obligatory and it is forbidden to drop yourself in distress, our religion, namely Islam, is truly extraordinary in giving attention to health issues. Because health is one of the main supporting elements in carrying out worship to Allah SWT and work and other activities. Islamic medicine is defined as the science of medicine whose basic capital, concepts, values and procedures are in accordance or not contrary to the Al-Quran and As-Sunnah.

Islam is not only about ritual worship, but also an ideology that has a set of rules for life, including the health sector, which must pay attention to the ihsan factor in services, which must fulfill three book principles that apply generally to every public service: first, simple in regulations. Second, fast in service. Third, professional in service. So that health services according to Soekidjo Notoatmojo are a sub-system of health services whose main objective is preventive and promotive services with community targets.

Islamic law on health care, health is a state of health both physically, mentally, spiritually and socially in order to function all organs of the body harmoniously in a physical, spiritual and social state. The recommendation to maintain health can be done by preventive (prevention) and repressive (disease relief or treatment) actions. In terms of prevention, Islam's attention to health can be seen from its strict recommendation to maintain cleanliness. Researchers unite Islamic law and Indonesian law where Indonesian law is regulated in the 1945 law, that regarding health services in our country, Indonesia, is regulated in law no. 23 of 1992 (Rahman & Sakka, 2017).

As a patient and a health worker can be connected to human rights, moreover the issue of health in our country is regulated in Law Number 23 of 1992 concerning Health, which in Chapter III Article 1 Paragraph (1) and Article 4 states: Article 1 (1): 'Health is a state of well-being of the body, soul, and social which enables everyone to live a socially and economically productive life. Furthermore, Article 4 states: 'Every person has the same right to obtain an optimal degree of health. In connection with the right to health that must be possessed by everyone, our country provides guarantees to realize it. This guarantee, among others, is regulated in Chapter IV starting from Article 6 to Article 9 of Law No. 23 of 1992 concerning Health in the section on government duties and responsibilities. The right to health care requires serious handling, this is recognized internationally as stipulated in The Universal Declaration of Human Rights in 1948 (Diab, 2017).

In ethics and law for health services, there are many religious demands in both the Qur'an and hadith that refer to three types of health, namely physical, spiritual and social health. Efforts to obtain health can be made in the form of:

1. Promotive health services are efforts to improve conditions from good or healthy to better or healthier. This promotive effort is reflected in the verse which explains that humans are prohibited from dropping themselves or damaging themselves, both physically and spiritually. This means that humans are obliged to maintain health and even improve it.

2. Preventive health services are efforts to prevent or protect against disease Health is the crown of human life that must be preserved. Removing the crown of health means plunging his life into destruction. Therefore, preventing disease is better than treating it. Maintaining the value of health is a panacea like no other. Therefore, preventive efforts can be started by laying down principles. QS. Al-Baqarah: 222
“They ask you about menstruation. Say: "Menstruation is an impurity". So keep away from women during their menses, and do not approach them until they are pure. When they are pure, then mix with them where Allah has commanded you. Verily, Allah loves those who repent and loves those who purify themselves.”

3. Curative health care, which is God’s cure for disease, but if a person is sick he is obliged to try to cure it by seeking treatment.
4. Rehabilitative health services are efforts to improve or restore a condition from a state of illness to health. Rehabilitative efforts must always be pursued so as not to fall into a more severe or worse condition. Therefore, the provision of health services must be carried out responsibly, seriously, safely and provide satisfactory quality of service. With hypothetical thinking about health services that can realize excellent service, it becomes an obligation for all individuals, groups to work to develop good health services, it becomes a demand for all health service centers.

In the book The Value of Health in Islamic Shari’a Ahmad Syauqi alFanjari explains that Islam states that health services are as follows:
1. Professional
2. Accountability
3. Every disease has a cure
4. Specialization
5. Do not treat before carefully researching

In the view of Islamic law itself, caring for patients is a noble task, both explicitly and implicitly, Islam strongly demands the presence of the role of nurses in the community. Service must be given to every patient who comes for treatment is like a tau that must be glorified and it is also obligatory for us to help each other in terms of goodness between fellow people who need help.

CONCLUSION
This writing can be concluded regarding the matter under study that in the view of Islam itself that health services are a lot of religious demands both in the Qur’an and hadith which refer to three types of health, namely physical, spiritual and social health. While in the law of our country, namely Indonesia, which is regulated in the 1945 Constitution of the Republic of Indonesia, namely in Law No. 23 of 1992 concerning Health, which in Chapter III Article 1 Paragraph (1) and Article 4 states: Article 1 (1): 'Health is a state of well-being of the body, soul, and social that enables everyone to live a productive life socially and economically. Furthermore, Article 4 states: 'Every person has the same right to obtain an optimal degree of health. In connection with the right to health that must be possessed by everyone, our country provides guarantees to realize it.

REFERENCES

