

Juridical Analysis of Fire Officers' Authority in Medical Emergency form Regulation Perspective



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ABSTRACT: Emergency medical services in Indonesia are still constrained by implementation in the field with unanswered all of the community's expectations, due to the ineffectiveness of the regional apparatus or institutions that are their duties and functions, from the problems that exist can take the question of how Fire Officers can become part of the Health Workforce and whether Fire Officers can carry out medical emergency measures, especially basic life support, which is then the benefit of this article if further review will be able to provide input to parties in determining the extent to which the position, role and authority of Fire Officers in medical emergency services in the field with an approach The theory of policy formulation, responsibility and legal certain, in addressing this issue the method or methodology of research using legal normative research methods with a prescriptive nature in research located at Jakarta Fire And Rescue Department, and in managing data using secondary data in the form of document studies and a combination of interview methods in order to get the maximum possible results, from the results of the discussion it turns out that some discrepancies are found in ordering existing laws and regulations that do not refer to the above rules. There is a juridical malfunction resulting in confusion over the authority of the Fire Departement in its practice and irregularity in the supervisory agency, in this case the Ministry that houses the Fire Departement, which must be rearranged all existing laws and regulations which are in charge of the Fire Departement.

KEYWORDS: Fire Officers, Authority, Emergency Medical

I. INTRODUCTION

Emergency medical services in Indonesia are still hampered by implementation in the field with all community expectations not being answered, due to the ineffectiveness of the officers who have been the duty and function so far who are present in the midst of the community, so that the number of victims who are not saved is increasing due to the lack of officers, until now, many legal instruments in the form of laws and regulations have been issued, both general and specific, but there are still many shortcomings on all sides so that the implementation of the officers in the field is hampered, regarding the implementation of Medical Emergency actions in the field, it becomes a Basic Service as mandated by the Regulations that can be carried out or become the responsibility of either the Central Government or the Regional Government, overall, in the formation of the regulations, the philosophical, sociological and juridical requirements must be fulfilled and the purpose of the establishment of the regulations is achieved, So far, what is known to the public in terms of handling medical emergencies, especially in the city of Jakarta, is the Health Office who picks up victims who need medical emergencies, but the facts on the ground are not only limited to health workers from the health office who are engaged in helping and rescuing victims, one example is when rescuing victims of traffic accidents, the Health Service sometimes has difficulty carrying out Emergency Medical Actions so that it requires assistance from other agencies in an effort to remove victims or take medical action in an incident, The frequent occurrence of rescues that require medical emergency action in the field, the participation of other services is often encountered with the arrival of fire officers who are requested to be assisted in the field in the process of rescue, evacuation and direct medical emergency actions, even frequent rescue operations, for example traffic accidents by fire officers who came to the location to carry out emergency medical actions and even preceded the officers from the emergency ambulance. the existence of fire officers who support in terms of medical emergency actions equipped with medical first responder knowledge and knowledge of emergency actions, from people responses related to very high traffic accident rescue requests to the Fire Department, According to Anna Kurniati and Ferry Efendi, it means that a health worker is anyone who has received an education, both formal and non-formal, who is dedicated to various efforts aimed at preventing, maintaining and improving the degree of public health.¹

¹ Anna Kurniati dan Ferry Efendi, *Kajian SDM Kesehatan di Indonesia*, (Jakarta: Salemba Medika, 2012), p.3

II. PROBLEM FORMULATION

1. How does the position of fire officers become part of other health workers according to the laws and regulations?
2. Can Fire Officers do the Basic Life Support in Medical Emergency Measures?

III. RESEARCH METHODE

In an effort to solve the legal issues that have been described above, a research method is needed to support reserach. The following research methods are used:

This research uses a type of normative law research, with a prescriptive approach which in particular is Fact-Finding and Problem-Identification.² which includes the principle of law, legal system, legal synchronization, legal history, and comparative law. According to Depri Liber Sonata, the discussion of normative legal research is seen from the nature and scope of legal discipline, where discipline is defined as a system of teaching about reality, which usually includes analytical disciplines, and prescriptive disciplines, and legal disciplines as norms and reality or as something that ideals and as a living legal reality, even the legal discipline has general and special aspects.³ In this study the source of data obtained through literature study with secondary data⁴, Data collection techniques used in combination with Field Research, Library Research, Furthermore, the analysis is carried out on the articles whose contents are legal rules into categories on the basis of the notions of the legal system.

IV. THEORETICAL FRAMEWORK

In any legal or social theoretical research, it is a guideline for exploring the objects under study. Some of the theories that underlie and guide this research.

A. Policy Formulation Theory

In looking at the existing problems, every organization requires an assessment through the policies that are taken, not only by looking at the formal juridical, Tjokroamidjojo said that policy formation is not same as discretion, which is a series of actions for selecting various alternatives that are carried out continuously and never completed, in this case including decision making.⁵ and according to Anderson, says policy formulation is about trying to answer the question of how various alternatives are agreed upon for the problems developed and who participates.⁶ Problem formulation can be viewed as a process consisting of four stages, namely: problem finding, problem definition, problem specification and problem recognition⁷.

B. Responsibility Theory

To further sharpen the analysis and perspective on solving problems in this article, a view with the theory of responsibility is needed, so responsibility is a consequence that arises as a result of actions committed by individuals.⁸ While the ability to be responsible theoretically must meet the following elements: The ability to discriminate between good and bad actions, those that are legal and those that are against the law, and The ability to determine his will according to his awareness of the good and bad of the act. Meanwhile, according to Hans Kelsen conceptually divides responsibility into four parts consisting of the following:⁹ Individual accountability, namely an individual is responsible for his own violations, collective liability means that an individual is responsible for an offense committed by another person, liability based on guilt means that an individual is responsible for a violation committed intentionally and presumably with the aim of causing harm, Absolute liability which means that an individual is responsible for the offense he committed because it was unintentional and unforeseen.

C. Law Certain Theory

When we see a legal problem or the result of a legal vacuum, the theory of legal certain becomes mandatory to become an illustration of legal rules, The existence of legal certain is hopefully for fire officers for their actions in carrying out their duties in Emergency Medical Action, Because with legal certain, officers will know the clarity of rights and obligations according to law, without legal certain officers will not know what to do, don't know if it's right or wrong, prohibited or not prohibited by law, This legal certain can be realized through a good and clear explanation in law and its implementation will also be clear, These rules become limitations for people in burdening or taking action against individuals. The existence of these rules and the implementation of these rules create legal certain,¹⁰ the general nature of the rule of law proves that the law does not aim to

² Soerjono Soekanto, *Pengantar Penelitian Hukum*, 2nd print, (Jakarta: UI Pres, 1984). p.10

³ Depri Liber Sonata, *Metode Penelitian Hukum Normatif dan Empiris : Karakteristik Khas dari metode meneliti hukum* (jurnal hukum Universitas Lampung, 2014)

⁴ Soerjono Soekanto, Loc.Cit, p.12

⁵ Irfan Muhammad, *Prinsip-prinsip Perumusan Kebijaksanaan Negara*, (Jakarta: PT Bumi Aksara, 2014), p.24

⁶ Budi Winarno, *Kebijakan Publik*, (Jakarta: PT. Buku Kita, 2008), p.93

⁷ Subarsono, *Analisis Kebijakan Publik*, (Yogyakarta: Pustaka Pelajar, 2011), p.29

⁸ Sjaifurrachman and Habib Adjie, *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*, (Bandung: CV Mandar Maju, 2011), p.95

⁹ Hans Kelsen Translate of Raisul Mutaqien, *Teori Hukum Murni*, (Bandung: Nuansa & Nusamedia), 2018 next written Hans Kelsen III, p.140

¹⁰ Peter Mahmud Marzuki, *Pengantar Ilmu Hukum*, (Jakarta: Kencana, 2008), p.58

Juridical Analysis of Fire Officers' Authority in Medical Emergency form Regulation Perspective

achieve justice or benefit, but solely for certain.¹¹ The principle of legal certain can be said to be part of positivist reasoning towards law, legal positivism seeks to create an objective or written law made by the state to create order for its people, with such law, it will create what is said to be the the principle of legal certain, where the community where the law is located is guaranteed that there is law that regulates what to do and what not to do, therefore, it can be said that the value of legal positivism is to create a clear law into the the principle of legal certain. Thus, the law is not based on mere subjective speculations which will make the law gray and there is no clarity in it

V. RESEARCH RESULTS AND DISCUSSION

A. From the point of view of the legislation:

From the results of the discussion, several juridical errors were found, namely: in terms of the authority that is collided with the regulations that govern it, in terms of the formation of the institution, it is still not comprehensive, it still follows the state constitution which transfers the affairs of the fire department to the regional government, The regulatory hierarchy has not fully or incompletely accommodated the roles and functions of the Fire Department, misinterpretation of the rules of the role of emergency medical action in the Fire Departement, discrepancies in the basic life support emergency medical duties carried out by firefighters are only to the extent mandated by the governor's regulation.

B. From the point of view of the authority of medical action from a health perspective:

A medical action may be carried out by the health department and fire officers are not part of the health department, and actions taken in the form of basic life support are not part of special medical, but only as a first - aid measure in an emergency situation that can be carried out by any layperson who has *been* equipped with knowledge and skills, input from several competent parties in their field suggested to re-formulate the definition of emergency medical action so that it is abolished or eliminated and replaced with first - aid measures in emergencies only, so that it will be in line with the implementation of their duties related to legal consequences and social consequences in carrying out the duties of firefighters in the city of Jakarta.

CONCLUSION

From the discussion, it can be concluded that the authority of Firefighters in Emergency Medical Action, especially in handling Basic Life Support is only limited to lay skills that do not cause legal consequences in medical practice, because they are equipped with basic competencies of first - aid abilities in an emergency, the author advises to stakeholders, especially policy and regulatory makers so that the existence of firefighting institutions in Indonesia is protected at least in government regulations or special laws regarding the Indonesian fire department.

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¹¹ Riduan Syahrani, *Rangkuman Intisari Ilmu Hukum*, (Bandung: Citra Aditya, 1999), p.28