

**THE FORMS OF RESPONSIBILITY OF THE CENTRAL JAVA PROVINCIAL GOVERNMENT IN FULFILLING THE RIGHT TO MENTAL HEALTH OF NURSES DURING THE COVID-19 PANDEMIC**

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**ABSTRACT;** *The increase of Covid-19 cases has impacted in nurses, as the frontline in handling the Covid-19 pandemic, experiencing a physical health crisis and a mental health crisis. This is caused by the problem of ensuring the rights to health. The government is responsible for ensuring the right to health, including the right to mental health of nurses during the Covid-19 pandemic. This research aims to understand the regulations, implementation, and forms of government responsibility in fulfilling the right to mental health of nurses during the Covid-19 pandemic.*

*This research was conducted in the Central Java Province. The research used a socio-legal descriptive-analytical approach. The data used were primary and secondary data obtained through interviews with the Deputy Head of the Regional Regulation Formation Agency of the Provincial Legislative Council of Central Java, the Head of Prevention and Infection Control at the Central Java Provincial Health Office, and the Indonesian Psychiatric Nurses Association of Central Java. The data from the research were analyzed using qualitative methods.*

*The research results show that there is no void of norms from the highest to the lowest norms. Furthermore, there are no conflicts between norms, and there is no legal inequality related to the responsibility of the Central Java Provincial Government in fulfilling the rights to mental health for nurses during the Covid-19 pandemic. The Central Java Provincial Government fulfills its responsibility by giving mandates to the health department and IPKJI (Indonesian Psychiatric Association) for the fulfillment of nurses' mental health rights during the Covid-19 pandemic. The form of responsibility undertaken by the Central Java Provincial Government in fulfilling nurses' mental health rights includes efforts in mental and psychosocial health, namely from promotive, preventive, curative, and rehabilitative aspects. All of these are regulated under the Central Java Governor Regulation Number 25 of 2020 concerning the Control of Infectious Diseases in Central Java Province. However, with the enactment of the Health Omnibus Law (Rancangan Undang-Undang Kesehatan or omnibuslaw) by the DPR (People's Representative Council), there is a risk that mental health efforts will no longer be comprehensive and may remove the principle of *lex specialis derogat legi generali*, potentially leading to problems in fulfilling the rights to mental health.*

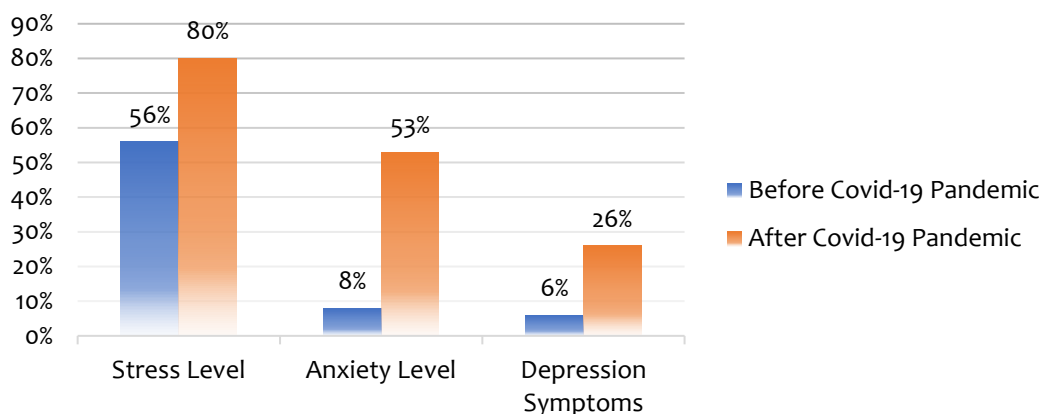
**Keywords:** *local government responsibility; mental health rights; nurses; Covid-19.*

## **INTRODUCTION**

Presidential Decree Number 11 of 2020 concerning the Declaration of Public Health Emergency of the Corona Virus Disease 2019 (Covid-19) and Presidential Decree Number 12 of 2020 concerning the Declaration of Non-Natural Disaster of the Spread of Corona Virus Disease 2019 (Covid-19) as a National Disaster, signify the entry of the Covid-19 pandemic, as designated by the World Health Organization (WHO) as a Public Health

Emergency of International Concern (PHEIC),<sup>1</sup> into Indonesia. The length of the Covid-19 pandemic and the high incidence rate of Covid-19 cases have led to a mental health crisis<sup>2</sup> among the general public and also among nurses. Nurses experience their own levels of physical and mental fatigue during this Covid-19 pandemic, so the Government, besides ensuring the availability of Personal Protective Equipment (PPE), must also pay attention to the workload and psychological pressure on nurses.<sup>3</sup>

Research results indicate that out of 40 nurses working during Covid-19, 18 (45.5%) nurses experience moderate physical workload, 22 (55%) nurses experience high physical workload, 25 (62.5%) nurses experience moderate mental workload, and 15 (37.5%) nurses experience high mental workload.<sup>4</sup>



**Figure 1.** Graph of the Increase in Mental Health Issues Among Nurses in California, United States during the Covid-19 Pandemic (N: 320)<sup>5</sup>

Mental health issues among nurses during the Covid-19 pandemic also occur in Indonesia, with 61.9% of nurses experiencing mental health problems out of 585 respondents. These mental health issues range from anxiety symptoms to substance abuse, with varying percentages.<sup>6</sup>

Nurses play a crucial role in handling this Covid-19 pandemic. Therefore, nurses' rights during this pandemic need to be viewed not only from their rights as healthcare providers during the Covid-19 pandemic but also from their rights as Indonesian citizens. Article 28H Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that “*everyone has the right to live well physically and mentally, to reside, and to obtain a good and healthy*

<sup>1</sup> Claudia Carmassi dkk., “PTSD Symptoms in Healthcare Workers Facing the Three Coronavirus Outbreaks: What Can We Expect After The COVID-19 Pandemic,” *Psychiatry Research* 292 (Oktober 2020): 113312, <https://doi.org/10.1016/j.psychres.2020.113312>. Pages. 1

<sup>2</sup> World Health Organization (WHO), “World Mental Health Day on 10 October to highlight urgent need to increase investment in chronically underfunded sector,” COVID-19 disrupting mental health services in most countries, WHO survey, 5 Oktober 2020, <https://www.who.int/news/item/05-10-2020-covid-19-disrupting-mental-health-services-in-most-countries-who-survey>. Accessed on May 13, 2021

<sup>3</sup> Ritin Fernandez dkk., “Implications for COVID-19: A Systematic Review of Nurses’ Experiences of Working in Acute Care Hospital Settings During a Respiratory Pandemic,” *International Journal of Nursing Studies* 111 (November 2020): 103637, <https://doi.org/10.1016/j.ijnurstu.2020.103637>. pages. 7

<sup>4</sup> Dewi Kusumaningsih dkk., “Hubungan Beban Kerja Fisik dan Mental Perawat Dengan Penerapan Pasien Safety Pada Masa Pandemi Covid-19 di UPT Puskesmas Rawat Inap Kabupaten Pesawaran,” *Indonesian Journal of Health Development* 2, no. 2 (2020): 11. pages. 111

<sup>5</sup> Nafilah Dzahabiyah, “Dampak Kesehatan Mental pada Perawat selama Pandemi COVID-19,” Fakultas Kesehatan Masyarakat Universitas Airlangga, 2021, <https://fkm.unair.ac.id/dampak-kesehatan-mental-pada-perawat-selama-pandemi-covid-19/>. Accessed on October 20, 2022

<sup>6</sup> Hapsah dkk., “Psychosocial Impact on Nurses in the First Three Months Of Covid-19 Outbreak,” *Indonesian Contemporary Nursing Journal* 6, no. 2 (2022). pages. 50

*environment and has the right to receive healthcare services.*” Then, Article 34 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that *“the State is responsible for providing adequate healthcare facilities and public service facilities.”* These articles affirm that the right to health is the right of all Indonesian citizens, including the right to mental health.

Article 82 Paragraph (1) of Law Number 36 of 2009 concerning Health also mentions that *“the Government, Regional Governments, and the community are responsible for the availability of resources, facilities, and the implementation of comprehensive and sustainable health services in disasters.”* The emergence of mental health issues during the Covid-19 pandemic prompts the central government to make efforts to fulfill the right to mental health as outlined in the Guidelines for Mental Health and Psychosocial Support during the Covid-19 Pandemic<sup>7</sup> and the Protocol for Mental Health and Psychosocial Support Services for Health Workers during the Coronavirus Disease (Covid-19) Pandemic in Health Service Facilities.<sup>8</sup> Besides the Central Government, Regional Governments are also responsible for mental health efforts during this Covid-19 pandemic. The Central Java Provincial Government has legal products related to the fulfillment of mental health rights during the Covid-19 pandemic, namely Governor Regulation of Central Java Number 25 of 2020 concerning the Eradication of Infectious Diseases in Central Java Province. This regulation mentions that efforts to combat infectious diseases include mental health and psychosocial support.<sup>9</sup> However, the regulation does not specify the rights of medical or healthcare personnel regarding the control of infectious diseases.

Based on the above phenomenon, researchers are interested in conducting research on the Responsibility of the Central Java Provincial Government in Fulfilling the Right to Mental Health of Nurses During the Covid-19 Pandemic.

## **Problem**

Based on the background description above, the formulation of the problem in this research is “What is the form of responsibility of the Central Java Provincial Government in fulfilling the right to mental health of nurses during the Covid-19 pandemic?”

## **Research Methods**

This study is a descriptive<sup>10</sup> research using a socio-legal approach.<sup>11</sup> The research will describe how the Central Java Provincial Government fulfills the right to mental health of nurses during the Covid-19 pandemic. This description will be analyzed with various regulations governing the tasks and authorities of the Regional Government, regulations regarding mental health, regulations regarding nursing, regulations regarding the Covid-19 pandemic, and connecting them with the rights to mental health of nurses. Specifically, the study is only conducted in the Central Java Province. The types of data used are primary

<sup>7</sup> Direktorat Jenderal Pencegahan dan Pengendalian Penyakit Kementerian Kesehatan, *Pedoman Dukungan Kesehatan Jiwa dan Psikososial pada Pandemi COVID-19* (Jakarta: Direktorat Jenderal Pencegahan dan Pengendalian Penyakit Kementerian Kesehatan, 2020).

<sup>8</sup> Direktorat Pencegahan dan Pengendalian Masalah Kesehatan Jiwa dan Napza, *Protokol Pelayanan Dukungan Kesehatan Jiwa dan Psikososial bagi Petugas Kesehatan pada Pandemi Coronavirus Disease (Covid-19) di Fasilitas Pelayanan Kesehatan* (Jakarta: Kementerian Kesehatan, 2020).

<sup>9</sup> Pasal 24 huruf g Peraturan Gubernur Jawa Tengah Nomor 25 Tahun 2020 tentang Penanggulangan Penyakit Menular di Provinsi Jawa Tengah

<sup>10</sup> Ishaq, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi* (Bandung: Alfabeta, 2017). pages. 70

<sup>11</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020). pages. 80

data and secondary data. Primary data is obtained through interviews guided by a prepared list of questions and obtained through field research.<sup>12</sup> Interviews are conducted with the Vice Chairman of the Regional People's Representative Assembly (DPRD) of Central Java Province, the Head of the Disease Prevention and Control Division (P2P) of the Central Java Provincial Health Office, and the Chairperson of the Indonesian Mental Health Nurses Association (IPKJI) of Central Java Province. Meanwhile, secondary data is obtained through intermediary media or indirectly through the study of primary legal materials, secondary legal materials, and tertiary legal materials.<sup>13</sup> The primary and secondary data collected are then processed to answer the existing problems and subsequently interpreted to build a legal argument and draw conclusions<sup>14</sup> on how the Central Java Provincial Government fulfills the rights to mental health of nurses during the Covid-19 pandemic.

## Discussion

Nurses play a crucial role in the prevention and control of the Covid-19 pandemic. Therefore, nurses should not only be seen as healthcare professionals but also as citizens whose rights must be fulfilled by the government during this Covid-19 pandemic. Related to the Covid-19 pandemic, the form of fulfilling the responsibility of the Central Java Provincial Government in fulfilling the rights to nurses' mental health can be seen in Article 24 of Central Java Governor Regulation Number 25 of 2020 concerning the Eradication of Infectious Diseases in Central Java Province, which explains that:

*The eradication of diseases that lead to outbreaks/epidemics is carried out comprehensively by the Regional Government, District/City Governments, and the community, including:*

- a. *epidemiological investigations;*
- b. *management of patients including examination, treatment, care, and isolation of patients, including quarantine measures;*
- c. *prevention and control;*
- d. *destruction of disease-causing agents;*
- e. *handling of corpses due to outbreaks;*
- f. *public education; and*
- g. *other mitigation efforts including mental health and psychosocial support.*

This mental health and psychosocial support effort is related to mental health efforts. Mental Health Efforts are carried out through promotive, preventive, curative, and rehabilitative activities.<sup>15</sup> The promotive efforts carried out by the Central Java Provincial Government are through the provision of information. Clarity on the current situation of Covid-19 in the workplace: daily situation updates, adequate test-trace-treat policies.<sup>16</sup> This effort is carried out by the Central Java Provincial Government by providing open information about the Covid-19 pandemic on the official website page which can be seen at the following link <https://corona.jatengprov.go.id/> managed by the Central Java Provincial Covid-19 Acceleration and Control Task Force.

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<sup>12</sup> Ishaq. *Loc.Cit.* pages. 71

<sup>13</sup> *Ibid.* pages 72

<sup>14</sup> Muhaimin. *Loc.Cit.* pages. 112

<sup>15</sup> Pasal 4 ayat (1) Undang-Undang Nomor 18 Tahun 2014 tentang Kesehatan Jiwa.

<sup>16</sup> Direktorat Pencegahan dan Pengendalian Masalah Kesehatan Jiwa dan Napza. *Op. Cit.* pages. 5

This openness of information is in line with the Guidelines for Mental Health and Psychosocial Support in the Covid-19 Pandemic. Mental health and psychosocial support for healthcare workers include:<sup>17</sup>

- a. Providing clear information to the public about their condition;
- b. Staying connected with family or other close people;
- c. Creating support groups: healthcare workers must support each other socially, especially those with similar experiences.

Then, promotive efforts for mental health and psychosocial support for healthcare workers are through service preparation efforts. Service preparation can be done through strengthening the handling competency for workers who are relocated to adapt to new service environments, staff rotation, skill division, role and responsibility of workers, and ensuring adequate rest and leave time for workers. Regarding strengthening competencies in handling the Covid-19 pandemic, the Covid-19 Handling Acceleration Task Force conducts several trainings for healthcare workers.<sup>18</sup> For example, the Covid-19 Handling Acceleration Task Force conducts training on the handling of Covid-19 patients to the bodies of Covid-19 patients.<sup>19</sup>

Furthermore, the Central Java Provincial Government collaborates with the Central Java Provincial Health Office by rotating Covid-19 security posts through the Task Order issued by the head of the Central Java Provincial Health Office. This is done to reduce physical fatigue which can also have an impact on mental health problems.

Promotive efforts for mental health and psychosocial support for healthcare workers through the fulfillment of logistical needs. This effort can be taken with the provision of salaries, allowances, incentives commensurate with workload.<sup>20</sup> The form of promotive efforts for mental health and psychosocial support by the Central Java Provincial Government is the issuance of Central Java Governor Regulation Number 16 of 2020 concerning the Second Amendment to Central Java Governor Regulation Number 15 of 2019 concerning the Provision of Additional Income to Civil Servants in the Central Java Provincial Government Environment. In this regulation, it is explained that additional income is given to civil servants in the health sector with special workloads or duties or special working conditions. Furthermore, it is explained in more detail in Central Java Governor Circular Letter Number 900/0007729 dated April 22, 2020, concerning Guidelines for Implementation, Arrangement, and Accountability for Unexpected Expenditures for Handling Corona Virus Disease 2019 in the Central Java Government Environment. In this Circular Letter, it is explained that a budget of Rp. 116,142,000,000 is provided for incentives for specialists, general practitioners, nurses, and others, and supporters.

Promotive efforts for mental health and psychosocial support for healthcare workers through the fulfillment of basic needs are by managing the risks of infection and the health conditions of workers. This effort is carried out by providing adequate Personal Protective Equipment (PPE) and conducting physical and mental medical check-ups, Covid-19-related examinations for workers at risk of exposure. The Attachment to Central Java Governor Circular Letter Number 900/0007729 dated April 22, 2020, concerning Guidelines for Implementation, Arrangement, and Accountability for Unexpected Expenditures for

<sup>17</sup> Direktorat Jenderal Pencegahan dan Pengendalian Penyakit Kementerian Kesehatan. *Op. Cit.* pages. 41-42

<sup>18</sup> Direktorat Pencegahan dan Pengendalian Masalah Kesehatan Jiwa dan Napza. *Op. Cit.* pages. 6

<sup>19</sup> Dian, "Gugus Tugas Covid-19 Beri Pelatihan Pemulasaraan Jenazah," Portal Berita Pemerintah Prov. Jawa Tengah, Mei 2020, <https://jatengprov.go.id/beritadaerah/gugus-tugas-covid-19-beri-pelatihan-pemulasaraan-jenazah/>. Accessed March 20, 2023

<sup>20</sup> Direktorat Pencegahan dan Pengendalian Masalah Kesehatan Jiwa dan Napza. *Op. Cit.* hal. 7

Handling Corona Virus Disease 2019 in the Central Java Government Environment explains that Rp. 220,000,000,000 is allocated for the procurement of PPE (cover all) including VAT. Furthermore, it is also explained that a budget of Rp. 12,320,000,000 is allocated for the costs of rapid test medical check-ups. The form of protection includes the provision of Personal Protective Equipment (PPE) that meets standards in the handling of Covid-19. Standards in handling Covid-19 are as follows:

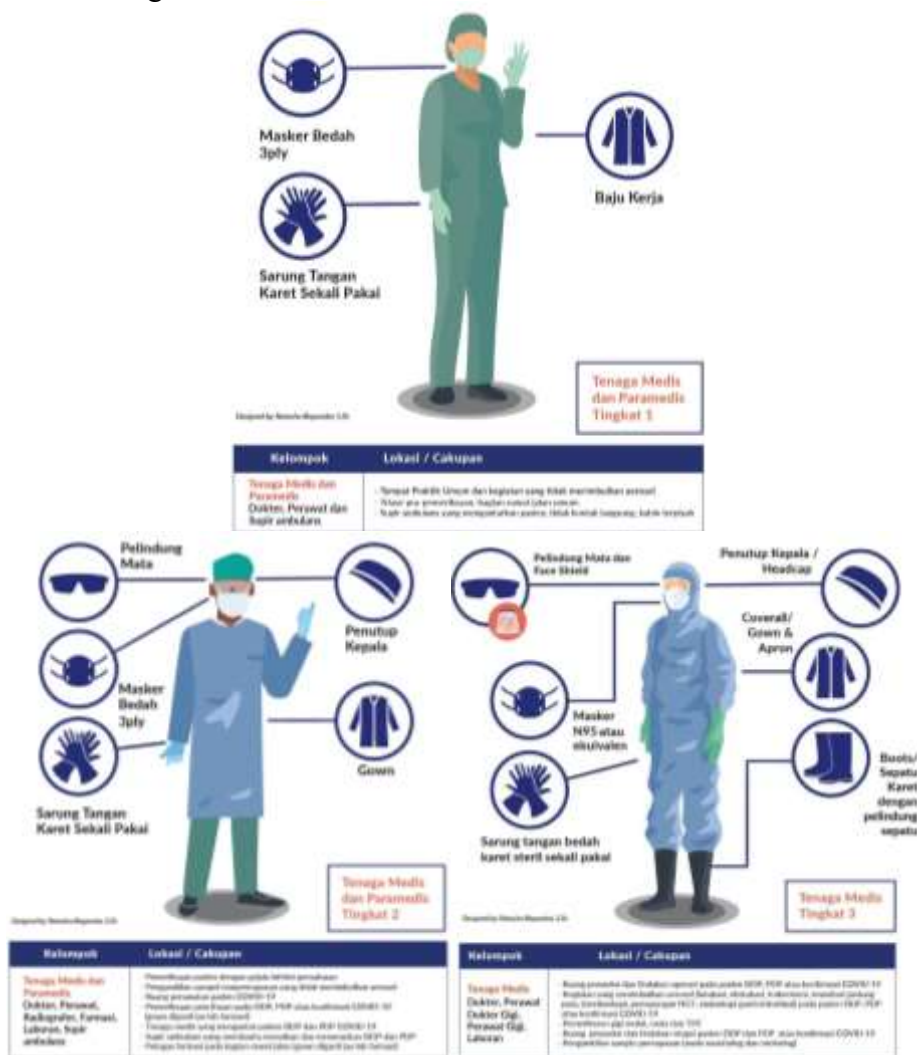


Figure 2. Levels of Personal Protective Equipment (PPE) for Handling Covid-19<sup>21</sup>

This is also in line with the statements provided by Theresia Louize Pesulima and Yosia Hetharie, who stated that during a pandemic, the government must fulfill its responsibilities by:<sup>22</sup>

- Supporting the availability of medical equipment in the field;
- Ensuring the fulfillment of the rights of the public and medical personnel;
- Transparency of information to the public;
- Making policy decisions that consider the values of human rights and democracy.

<sup>21</sup> Gugus Tugas Percepatan Penanganan COVID-19, *Standar Alat Pelindung Diri (APD) untuk Penanganan COVID-19 di Indonesia*, Revisi 2 (Jakarta: Gugus Tugas Percepatan Penanganan COVID-19, 2020). pages. 11-14

<sup>22</sup> Theresia Louize Pesulima dan Yosia Hetharie, “Perlindungan Hukum Terhadap Keselamatan Kerja Bagi Tenaga Kesehatan Akibat Pandemi Covid-19,” *SASI* 26, no. 2 (4 Juni 2020): 280, <https://doi.org/10.47268/sasi.v26i2.307>. pages. 284

Promotive efforts to support mental health and psychosocial well-being for healthcare workers involve building collective resilience. This can be achieved through psychoeducation about recognizing psychological issues and practical ways to address them (which can also be done asynchronously, for example, creating digital materials such as e-leaflets uploaded to social media, educational videos played on monitor screens and accessible via social media, etc.), and training all staff to provide Psychological First Aid (PFA).<sup>23</sup> The form of effort by the Central Java Provincial Government in this regard is collaboration with the Indonesian Psychiatric Nurses Association (IPKJI) of Central Java Province. IPKJI Central Java conducts online training sessions on Mental Health and Psychosocial Support (MHPSS) for nurses to combat the Covid-19 pandemic. Additionally, IPKJI Central Java also conducts offline training sessions at hospitals and health centers. For example, training sessions conducted at Sultan Agung Islamic Hospital and the Health Office of Brebes Regency.

Another promotive effort to support mental health and psychosocial well-being for healthcare workers is through case documentation and tracking efforts.<sup>24</sup> This effort is reflected in Governor's Decision Number 440.1/116 of 2020 regarding the Task Force for Handling Corona Virus Disease (Covid-19) in Central Java Province. This decision states that one of the tasks of the Task Force for Handling Corona Virus Disease (Covid-19) in Central Java Province is to report cases and conduct tracing.

In addition to promotive efforts, support for mental health and psychosocial well-being is also provided through preventive measures. These preventive measures include several stages such as providing peer counselors, identifying mental health issues, and specific mental health services. The form of preventive efforts includes preparing resources for tele-counseling by peer counselors, providing contact numbers or support for phone credit/data, establishing technology-based screening systems (such as online questionnaires) or self-checkpoint facilities (dedicated spaces for completing questionnaires) that are secure and maintain privacy, and providing a system for individual counseling, both through face-to-face and online services, including service flow, criteria for personnel requiring services, facilities, phone credit/data support, record-keeping, reporting, and referrals for specialized actions.<sup>25</sup>

The form of effort undertaken by the Central Java Provincial Government to fulfill the mental health rights of nurses during the Covid-19 pandemic is by collaborating with IPKJI Central Java, providing email contacts for teleconsultation regarding mental health and psychosocial issues experienced by nurses, namely [amino@jatengprov.go.id](mailto:amino@jatengprov.go.id), [jateng@ipkjindonesia.or.id](mailto:jateng@ipkjindonesia.or.id), and [dwiheppyrochmawati@gmail.com](mailto:dwiheppyrochmawati@gmail.com).<sup>26</sup> In addition to these contacts, consultations about mental health problems, including attempted suicides, can be conducted through the Ministry of Health hotline at telephone number 1500567, SMS 081281562620, and email address [kontak@kemkes.go.id](mailto:kontak@kemkes.go.id).<sup>27</sup> This hotline has been inactive for some time and has been reactivated due to the Covid-19 pandemic. However, consistency from the government is needed to ensure that this hotline does not become inactive again as it has in the past.

<sup>23</sup> Direktorat Pencegahan dan Pengendalian Masalah Kesehatan Jiwa dan Napza. *Op. Cit.* pages. 10

<sup>24</sup> *Ibid.* pages. 12-13

<sup>25</sup> *Ibid.* pages. 14-16

<sup>26</sup> *Ibid.* pages. 22

<sup>27</sup> Pijar Anugerah, "Insiden bunuh diri di Indonesia bisa empat kali 'lebih tinggi dari data resmi', menurut penelitian terbaru - Apa imbasnya?," BBC News Indonesia, 25 Januari 2023, <https://www.bbc.com/indonesia/articles/ce9zm56z8v6o>. accessed on March 23, 2023

The next effort is through curative measures and preparing to resume activities. This effort is also guaranteed in the National Health Insurance System (SJSN) administered by the Social Security Organizing Agency (BPJS).<sup>28</sup> With current developments, BPJS Health is able to cover the costs of treating mental health issues, such as depression, bipolar disorder, and others, by first registering as a BPJS participant and then visiting related health facilities such as community health centers, clinics, and other health facilities that provide mental health services.<sup>29</sup> To date, no nurses or healthcare workers have been diagnosed with mental disorders during the Covid-19 pandemic. Issues arising among nurses include burnout or high levels of boredom due to high job pressure, resulting in fatigue, stress, worry, and boredom, leading to reduced immunity among nurses.

This is in line with Article 4 paragraph (1) of the Mental Health Law, which states that mental health efforts are carried out through promotive, preventive, curative, and rehabilitative activities. Then in paragraph (2), it is explained that these mental health efforts are carried out by the Government, Local Governments, and/or the community. However, the support provided by the Government through the reactivation of the mental health consultation hotline and support through BPJS has not been widely publicized to the public, so many people are unaware of its existence.

Mental health rights are inherent rights of individuals from birth,<sup>30</sup> guaranteed by the state as stipulated in Article 28H of the 1945 Constitution of the Republic of Indonesia, which states that “*Everyone has the right to live prosperously, both physically and mentally, to reside, and to obtain a good and healthy environment and to obtain health services.*” Furthermore, it is also clarified in Article 1 paragraph (1) of Law Number 36 of 2009 concerning Health, which states that “*Health is a state of physical, mental, spiritual, and social well-being that enables every person to live productively socially and economically.*” This article emphasizes that health is holistic and comprehensive.

## Conclusion

The form of responsibility of the Central Java Provincial Government in fulfilling the right to mental health for nurses during the Covid-19 pandemic is through promotive, preventive, curative, and rehabilitative efforts based on Article 24 of Central Java Governor Regulation Number 25 of 2020 concerning the Control of Infectious Diseases in Central Java Province in conjunction with Article 4 paragraph (1) of Law Number 18 of 2014 concerning Mental Health. Additionally, in the context of the Covid-19 pandemic, the form of responsibility of the Central Java Provincial Government in fulfilling the right to mental health for nurses is based on the Protocol for Mental Health and Psychosocial Support Services for Healthcare Workers During the Coronavirus Disease (Covid-19) Pandemic in Healthcare Facilities. This protocol explains that efforts to support mental health and psychosocial well-being are carried out through promotive, preventive, curative, and preparatory efforts to resume activities.

<sup>28</sup> Ali Gufron Mukti, “Gangguan Kejiwaan Dijamin BPJS Kesehatan” (BPJS Kesehatan, 11 Januari 2022), <https://bpjs-kesehatan.go.id/bpjs/post/read/2022/2161/Gangguan-Kejiwaan-Dijamin-BPJS-Kesehatan>. Accessed on March 23, 2023

<sup>29</sup> Lefri Mikhael, “Tanggung Jawab Negara dalam Pemenuhan Hak Atas Kesehatan Jiwa Dihubungkan dengan Hak Asasi Manusia,” *Jurnal HAM* 13, no. 1 (2022), <https://doi.org/10.30641/ham.2022.13.151-166>. pages. 163

<sup>30</sup> Peter Mahmud Marzuki, *Pengantar Ilmu Hukum*, Edisi 11, Cetakan 13 (Jakarta: Prenadamedia Group, 2021). pages. 158-162

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