



Regulation Vs Legislation of Nursing Practice

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Abstract. Parallel operations take place in the legislative and regulatory systems. The procedures are distinct, but they are both equally powerful and public. Draft legislation (RUU) and passed laws (UU) are considered legislation. Enforcement of the law can be reasonable when it is regulated. The regulation is made in-depth and establishes the practical application of the legislation if it is written generally. A technique for gathering library data is employed, whereby the research subject is tracked down using a range of information from the literature. Bibliographic annotation analysis is the type of data analysis employed; it is a concise synopsis or crucial overview of the reading process of an article. Based on the findings of this study, regulations about the health profession are necessary to safeguard public safety interests by serving as a barrier to entry. The legal aspects of nursing practice are uncertain due to the rapid changes in regulations governing nursing registration and practice; therefore, nurses are seeking legislative stability. The 2014 Nursing Law number 38 of 2014 was released by the government. Due to their ability to control their fate and obtain the desired legal protection, Indonesian nurses are now considered respected professionals thanks to this legislation. Moreover, after nearly ten years, the Nursing Law was repealed, and law number 17 of 2023 concerning OBL Health (omnibus law) took its place. Adaptability is critical in a time of fast change, and the conclusion is drawn. There are numerous opportunities for politically astute nurses nowadays to influence public policy. Nurses can successfully manage the changeable environment if they are familiar with the regulatory process.

Keywords: Legislation, Nursing Practice, Regulation

INTRODUCTION

The processes of legislation and regulation operate concurrently. Although the methods are distinct, they are both solid and public. The Council members draft legislation generally intended to create public policy and guarantee execution throughout time. The scope of regulation is centered on the steps involved in implementation, oversight, and regulation. Regulation results from the law's rule-making power and establishes the specifics of its application.

Draft laws (RUU) and passed laws (UU) are legislation. After a law is ratified, the government is usually in charge of carrying it out. Enforcing rules and regulations is how government entities fulfill their duties. Reasonable application of the law is made possible by regulations. The regulation is in-depth and establishes how the legislation will be applied if

presented in vague terms. Legislation specifies government agencies' powers to create and carry out rules.

Legislation and regulations possess equal legal authority and effect. Because laws grant government agencies the right to make rules, regulations have significant legal weight even when written by agencies rather than by legislative bodies.

METHOD

A technique for gathering library data is employed, whereby the research subject is tracked down using a range of information from the literature. Data gathering involves looking for information about nursing practice policies in published literature. Annotated bibliography analysis is the type of data analysis utilized; it is a concise synopsis or crucial overview of the reading of an article.

DISCUSSION

Health Profession Regulation and Licensing

Since it serves as a gatekeeper for entry into the health profession and ensures the continuous upkeep of acceptable standards of practice for the field, regulation of the health profession is essential for safeguarding the interests of public safety. When doing their duties, nurses must operate in a way that complies with their authority and capabilities. In compliance with the Regulations, nurses may also offer services outside their practice scope under specific circumstances. Nurses may be granted mandatory authority to practice or delegation of authority.

Legislation and Regulation of Nursing Practice

Medical professionals who have been recognized by law for their practice are doctors. In 2004, Indonesia passed the Law on Medical Practice. The only laws that changed during that time were the Nursing Law Number 38 of 2014 and the Health Workers Law Number 36 of 2014. The broad range of medical specializations available to physicians has created challenges for nurses and other healthcare professionals seeking to develop their practices, some of which may overlap with those of physicians.

A nurse must follow the Republic of Indonesia's Minister of Health's regulation number 1239 of 2001 during each year of nursing practice. 2010 saw the release of Regulation Number 149 of 2010 by the Indonesian Ministry of Health, which governs nursing permits. The Republic of Indonesia's Minister of Health's regulation, number 161 of 2010, is followed while granting registration. Naturally, the installation of nursing practice signs is mandated by the regulations,

which differ from the previous ones. A year later, on December 17, 2011, the Indonesian Ministry of Health released a regulation concerning health workers' registration under numbers 1796 and 1797. The Provincial Health Worker Assembly is no longer responsible for implementing competency exams under this regulation; instead, the Indonesian Health Worker Assembly does so. In order to renew the registration certificate, a continuous learning procedure employing the learning professional criteria unit load is used (SKP).

Regarding modifications to the Ministry of Health of the Republic of Indonesia number HK.02.02/MENKES/148/I/2010 concerning licensing and implementation of the practice, the Ministry of Health of the Republic of Indonesia changed Number 148 of 2010 to Number 17 of 2013. If a nurse working in a medical facility has an independent practice permit with a nursing practice license (SIPP) (SIKP). Under the revised restrictions, the number of independent practice locations is limited to just 1.

Lawmakers should provide legal certainty for nurses, as the swift alterations in regulations concerning nursing registration and practice have left the legal aspects of nursing practice unclear. Nursing Law number 38 was released by the government in 2014 due to the ongoing effort to establish nursing law. Due to their ability to control their fate and obtain the desired legal protection, Indonesian nurses are now considered respected professionals thanks to this legislation. Later, the Republic of Indonesia's Minister of Health issued Regulation Number 26 of 2019 regarding applying Law Number 38 of 2014, addressing nursing as an implementation of the law, by the Republic of Indonesia's Health Minister's Regulation No. 83 of 2019 regarding health worker registration. Temporary and necessary STR are described in the regulation. A web-based application is used for submission.

August 8, 2023, saw the definitive repeal of the Nursing Law after nearly ten years and its replacement by Law number 17 of 2023 addressing OBL Health (omnibus law). Particularly among health professionals, the introduction of Law Number 17 has sparked discussion. Though it was up to the Constitutional Court (MK) to carry out a class action, in the end, everyone accepted the OBL Health Law. For the duration of the policy implementation cycle, this OBL Health Law must have created regulations as statute derivatives for a year. The pressure to get the proper rules in compliance with the law will intensify if a derivative of the OBL Health Law is drafted quickly.

Pros and drawbacks of the OBL Health Law were discussed during the very engaging drafting process of Law Number 17 of 2023. The formulation of the "agenda setting" issue should be the first step in developing the OBL Health Law. Next comes the formulation of the policy, or "policy design," after which the regulations' policies are implemented. What follows in terms of

nursing practice regulations? Does it still work, or has it changed? A lengthy path toward practicing nursing in Indonesia. Indonesian nurses aspire to achieve professional parity with nurses worldwide.

CONCLUSION

In an age of fast change, the ability to adapt is critical. There are numerous opportunities for politically astute nurses nowadays to influence public policy. Gaining the ability to take advantage of the political upheaval and generate possibilities for the advancement of the nursing profession is, therefore, critical for nurses. Nursing professionals can operate confidently in the changing environment if they are familiar with the regulatory process. Becoming involved in organizations for professional nurses is highly advantageous. Involvement increases the base of members, forms solid coalitions that increase the base of power, and allows the organization to influence legislative and regulatory reforms. All professional nurses must be able to change things, even though actively supporting the profession is also crucial.

BIBLIOGRAPHY

- Bryan A Garner and Henry Campbell Black, *Black's Law Dictionary*, TA - TT -, Tenth edit (St. Paul, MN SE -: Thomson Reuters St. Paul, MN, 2014) <<https://doi.org/LK - https://worldcat.org/title/877371635>>
- Kathleen A. Russell, 'Nurse Practice Acts Guide and Govern Nursing Practice', *Journal of Nursing Regulation*, 3.3 (2012), 36–42 <[https://doi.org/10.1016/S2155-8256\(15\)30197-6](https://doi.org/10.1016/S2155-8256(15)30197-6)>.
- Roslina Dewi, 'Implementasi Registrasi Dan Praktik Perawat Di Ruang Rawat Inap Rumah Sakit Umum Daerah R. Syamsudin, SH Kota Sukabumi Dikaitkan Dengan Keputusan Menteri Kesehatan RINomor 1239/Menkes/SK/XI/2001 Tentang Registrasi Dan Praktik Perawat', 1.1 (2012), 1–14

Rules/Legislation:

- Undang-Undang Nomor 15 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan,
- Undang-Undang RI Nomor 17 Tahun 2023 Tentang Kesehatan
- Undang-Undang RI Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan PerUndang-Undangan
- Peraturan Menteri Kesehatan RI Nomor HK.02.02/MENKES/161/I/2010 Tentang Registrasi Tenaga Kesehatan
- Peraturan Menteri Kesehatan RI Nomor HK.02.02/MENKES/148/I/2010
- Peraturan Menteri Kesehatan RI Nomor 1796/MENKES/PER/VIII/2011 Tentang Registrasi Tenaga Kesehatan

Peraturan Menteri Kesehatan RI Nomor 17 Tahun 2013 Tentang Perubahan Atas Peraturan Menteri Kesehatan Nomor HK.02.02/MENKES/148/I/2010 Tentang Izin Dan Penyelenggaraan Praktik Perawat

Peraturan Menteri Kesehatan Republik Indonesia Nomor 26 Tahun 2019 Keperawatan. Kemenkes RI

Peraturan Menteri Kesehatan RI Nomor 83 Tahun 2019 Tentang Registrasi Tenaga Kesehatan