

JURIDIC REVIEW OF RECYCLED HEALTH EQUIPMENT IN THE COVID-19 PANDEMIC

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ABSTRACT

During the COVID-19 epidemic, medical equipment is urgently required to treat victims. An antigen swab is one of the medical instruments utilized. The antigen swab can detect viral antigens that indicate virus infection. It is fairly unusual to see careless people discarding medical equipment like swab antigens (stick antigen). For the Covid-19 epidemic, this research will examine the monitoring of recycled medical devices that do not meet requirements, the sanctions for violators, and measures to combat the crime of recycling non-compliant medical devices. This study employs a normative juridical approach by analyzing relevant ideas, concepts, legal principles, and legislation. The findings of the study show that although the monitoring of pharmaceutical preparations or medical devices and the crime of recycling medical devices are controlled in Health Law No. 36 of 2009, the crime of recycling medical devices is also regulated in Consumer Protection Law No. 8 of 1999. To combat these crimes, two strategies are needed: penal and non-penal.

Keywords: medical device; recycling; antigen swabs; covid-19

INTRODUCTION

The corona virus has a wide effect on society, particularly in Indonesia. Government laws and policies to prepare for COVID-19. For example, wearing masks, washing hands, or using alcohol-based antiseptic liquid/handsanitizer are all part of the policy. The government also mandates that anybody traveling outside the city by water or air must provide a negative quick test, antigen swab, or PCR certificate. Antigen swabs are often used in health care institutions such as RSUs to screen for the COVID-19 virus since the corona virus test results are 15 minutes. Business players offer antigen swab services at airports and ports to let the public move out of town by sea or air. The Investigating Team of Sub-Directorate IV of the North Sumatra Police Crime Investigation Unit found utilized (recycled) antigen by irresponsible people on April 27, 2021. The antigen swab can only be used once per patient to test for the corona virus, and then destroyed. This conduct does not comply with relevant rules and regulations regarding medical device distribution and procurement. This is the backdrop of the research "Judicial Review of Supervision of Recycled Medical Devices During the Covid-19 Pandemic". This study's goal is to offer information on the monitoring of recycled medical equipment, the penalties for violators of Indonesian legislation, and the measures taken to combat these crimes.

PROBLEM STATEMENT

The major issue that this study seeks to investigate and debate is how the regulation of recycled medical equipment is regulated during the covid-19 epidemic. Second, what happens if someone recycles medical equipment within the Covid-19 period? Third, what measures are being made to combat medical equipment recycling during the COVID-19 pandemic?

RESEARCH METHODS

This study employs the normative juridical approach by analyzing relevant ideas, conceptions, legal principles, and legislation. The library method involves examining books and other materials relevant to the topic.

DISCUSSION

Implementation of the Law on Supervision of Recycled Medical Devices

Health legislation is a set of rules designed to preserve or improve health. This indicates that health legislation has a connection with the community or individuals of the community. Indonesian health legislation dates from 1967. Health Law No. 23 of 1992, updated into Law of the Republic of Indonesia No. 36 of 2009, seeks to fulfill the nation's objectives where one of the components of welfare is health.

People who require health services are those who offer them. Good service requires sufficient facilities and monitoring of health institutions in the purchase and distribution of medical equipment. Regulating the procurement of safe pharmaceutical preparations and medical devices is Government Regulation No. 72 of 1998. The Minister is responsible for establishing security in every pharmaceutical preparation and medical device, and for appointing supervisory personnel to oversee the purchase of medicines and medical devices. (Government Regulation 72 of 1998 about Pharmaceutical and Medical Device Security)

By law, a Health Supervision Worker is allowed to visit any location suspected of being utilized in activities relating to resources in the health sector or health initiatives. The second analyzes every site, institution, and area linked to health resources and activities. Third, evaluate permissions linked to health resources and activities. Fourth, review all documents relating to health resources and activities. Fifth, interviewing key individuals. Sixth, evaluating and clarifying. Seventh, making suggestions based

on supervisory outcomes. (Regulation No. 10 of 2018 of the Minister of Health of the Republic of Indonesia concerning Health Sector Supervision) By law, a Health Supervision Worker is allowed to visit any location suspected of being utilized in activities relating to resources in the health sector or health initiatives. The second analyzes every site, institution, and area linked to health resources and activities. Third, evaluate permissions linked to health resources and activities. Fourth, review all documents relating to health resources and activities. Fifth, interviewing key individuals. Sixth, evaluating and clarifying. Seventh, making suggestions based on supervisory outcomes. (Regulation No. 10 of 2018 of the Minister of Health of the Republic of Indonesia concerning Health Sector Supervision)

From these rules, it can be inferred that health supervisors are vital to individuals who offer health services. The Minister delegated to non-ministerial government agencies, heads of services. in provinces and districts/cities wh The Minister or Head of Service selects supervisory personnel to oversee health sector resources and efforts. If the findings of the inspection reveal an alleged or reasonably suspected breach of the law, the supervisory staff must notify the investigator. (Health Law No. 36 of 2009, Republic of Indonesia)

A used (recycled) antigen stick was discovered during a medical equipment inspection at the Medan International Airport in North Sumatra. According to reports, the antigen stick is reused after being washed with 75% alcohol and wiped on the brush. This practice was carried out from the end of 2020 to the 4th month of 2021. Producing, distributing, and utilizing pharmaceutical formulations that do not satisfy safety, effectiveness, or benefit criteria is a felony. (Kompas.com, 2021)

Sanctions or Criminal Penalties for Perpetrators of Recycling Medical Devices

Criminal responsibility exists in criminal law, and offenders must be held responsible. Criminal responsibility is a mechanism incorporated into criminal law to respond to breaches of an agreement to refrain from acting, expressed as a prohibition (and fear of penalty). This knowledge obviously leads to anybody who conducts activities that are not in compliance with relevant rules being liable to penalties or criminal legislation. (Chairul Huda, 2006)

The act of recycling the antigen swab medical equipment has breached the legislation on health if it does not satisfy the quality, safety, and usefulness criteria as specified in the law on health. use for one. If they intentionally produce or distribute facilities that do not meet applicable standards, they will be sentenced to a maximum of 10 (ten) years imprisonment and a maximum fine of R (one billion rupiah). (Health Law No. 36 of 2009, Republic of Indonesia)

For example, if the goods do not match the label, the condition of the goods description, and certain uses stated in the statement, they will be sentenced to 5 (five) years in prison or a maximum fine of Rp. 2000,000,000. (two billion rupiah). (Law No. 8 of 1999 on Consumer Protection).

Crime Prevention Efforts Recycling Medical Devices

Criminal policy is a discipline that focuses on preventing and combating crime. "Policies/efforts for social welfare" and "policies/efforts for community protection" are inextricably linked to this criminal policy. (Arief, Barda Nawawi, 2007)

For crime prevention, Indonesian law allows for both criminal and non-penal measures. Penal policy utilizes the criminal justice system (criminal law enforcement). To discourage repeat offenders or prospective offenders, the strategy is primarily aimed towards law.

On the other hand, utilizing criminal law to combat crimes must take into account the national development objectives of creating a fair and wealthy society based on Pancasila. (2) Unwanted acts are behaviors that cause damage to the community. No damage done should be deemed undesired, yet not all harm must be punished. 3. Efforts to prevent an act by utilizing criminal law advice with negative penalties must be supported by a cost estimate. In addition, the application of criminal legislation must not overburden law enforcement authorities, reducing the regulation's impact. Arief, Barda Nawawi Article 196 of Indonesian Health Law No. 36 of 2009, with a maximum 10-year penalty, is the appropriate punitive policy at the moment.

In contrast, a non-penal policy is one that is implemented before a crime is committed. Prevention of crime through non-penal methods. This non-punitive approach therefore holds a key place in the crime reduction agenda. Aspects psychological, economic, and social are considered in the implementation of the non-panel policy. Permits are revoked as the most apparent administrative action. On may conduct non-penal measures against suspects in the crime of recycling medical equipment. Second, frequent inspections on the purchase and distribution of medical equipment or health institutions are required to eradicate the crime of medical device recycling (MDDR). Encourage manufacturers to stop purchasing and distributing medical equipment that do not meet certain criteria. In order to prevent the public using recycled antigen swabs, the government must take a more comprehensive role in promoting the sector.

On hopes that customers (the public) would be more comprehensive and comprehend Covid-19 test kits for mutual safety, in addition to the legislation being enforced. Inspecting the swab device for quality, packaging, and seal should be done by the public. (Kompas, 2021)

CONCLUSION

Government Regulation No. 72 of 1998 concerning the Security of Pharmaceutical Preparations and Medical Devices, however while conducting surveillance at Kualanamu Airport in North Sumatra, a spokesman for the Ministry of Health said: Sanctions received by perpetrators who recycle medical devices include imprisonment and fines, depending on the crime committed and the regulations in force. These crimes may be prevented using two policies: penal and non-penal. The non-penal approach targets the primary issue, cancellation of licenses.

First, the government should strengthen restrictions on the distribution of health facility equipment to prevent abuse of antigen swab equipment and other medical gadgets. The second is to punish the offenders severely, for example, the community, particularly those in the health sector, so they don't repeat the mistake. Third, the public must be more thorough and dare to question health professionals about the antigen swab test, to verify that the equipment supplied is still sealed (fresh).

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