

CHAPTER IV

RESULT AND DISCUSSION

1. General Overview of Bantul

a. Geographical

Position of Bantul is lies between $110^{\circ} 12' 34''$ and $110^{\circ} 31' 08''$ East Longitude and between $7^{\circ} 40' 04''$ and $8^{\circ} 00' 27''$ South Latitude of Greenwich. Bantul is one of 5 Regencies/Cities of Daerah Istimewa Yogyakarta (DIY) Province and lies in Java. Administratively, Bantul is bordered by:⁴¹

- Yogyakarta City and Sleman in the north;
- Gunungkidul in the east;
- Kulonprogo in the west;
- Indonesian Ocean in the south.

Bantul consist of 17 District, those are Srandakan, Sanden, Kretek, Pundong, Bambanglipuro, Pandak, Bantul, Jetis, Imogiri, Dlingo, Pleret, Piyungan, Banguntapan, Sewon, Kasihan, Pajangan and Sedayu District.

The area of Bantul is 50.685 Hectare that distributed into 17 districts, there are:⁴²

- Srandakan is 1.832 Hectare (3,61%)
- Sanden is 2.316 Hectare (4,57%)

⁴¹ Statistik Daerah Kabupaten Bantul” retrieved from bantulkab.go.id

⁴² *Ibid.*

- Kretek is 2.677 Hectare (5,28%)
- Pundong is 2.368 Hectare (4,67%)
- Bambanglipuro is 2.270 Hectare (4,48%)
- Pandak is 2.430 Hectare (4,79%)
- Bantul is 2.195 Hectare (4,33%)
- Jetis is 2.447 Hectare (4,83%)
- Imogiri is 5.449 Hectare (10,75%)
- Dlingo is 5.587 Hectare (11,02%)
- Pleret is 2.297 Hectare (4,53%)
- Piyungan is 3.254 Hectare (6,42%)
- Banguntapan is 2.848 Hectare (5,62%)
- Sewon is 2.716 Hectare (5,36%)
- Kasihan is 3.238 Hectare (6,39%)
- Pajangan is 3.325 Hectare (6,56%)
- Sedayu is 3.436 Hectare (6,78%)

b. Health Condition

According to Health Bureau of Bantul in year 2011, there are 27 Public Health Centers 16 with ward and 11 without ward, 67 Sub-centers of Public

Health (*Puskesmas Pembantu*), 2 State General Hospitals, 9 Private General Hospitals, 32 Delivery Hospitals and 78 Polyclinics. The number of general doctors is 282 persons followed by 82 dentists, 399 midwifery, 679 nurses and 146 apothecaries.

According to Indonesian Health Indicator 2010, the number of health profession in Bantul is less than standard. From the list of number of profession only the number of specialist doctor is reach the standard. The others eight (general doctor, dentist, nurse, apothecary, midwifery and other) did not reach the number of standard of needed.

c. Governmental Organization in Bantul

The executive branch is the part of government that has authority and responsibility for the daily administration of the state. The executive branch executes the law. The division of power into separate branches of government is central to the idea of the separation of powers.

The structure of governmental organ depends on plan and interest of the government itself. In a few facts found that there are different format of government organ in central and local government. This condition also happened in Bantul.

Commonly some bureau in region is representative of central government as like as in Bantul. Actually the structure of Bantul Government is consist of some bureau as follow:

- a. Culture and Tourism Bureau (*Dinas Kebudayaan dan Pariwisata*)

- b. Health Bureau (*Dinas Kesehatan*)
- c. Bureau of Revenue, Treasury and Assets Management (*Dinas Pendapatan, Pengelolaan Keuangan dan Aset Daerah*)
- d. Agriculture and Forestry Bureau (*Dinas Pertanian dan Kehutanan*)
- e. Manpower and Transmigration Bureau (*Dinas Tenaga Kerja dan Transmigrasi*)
- f. Industry, Trade and Cooperation Bureau (*Dinas Perindustrian, Perdagangan dan Koperasi*)
- g. Marine and Fisheries Bureau (*Dinas Kelautan dan Perikanan*)
- h. Public Works Bureau (*Dinas Pekerjaan Umum*)
- i. Water Resources Bureau (*Dinas Sumber Daya Air*)
- j. Population and People Registration Bureau (*Dinas Kependudukan dan Pencatatan Sipil*)
- k. Transportation Bureau (*Dinas Perhubungan*)
- l. Permit Bureau (*Dinas Perijinan*)
- m. Social Services Bureau (*Dinas Sosial*)
- n. Secondary and Non-formal Education Bureau (*Dinas Pendidikan Menengah dan Non formal*)
- o. Basic Education Bureau (*Dinas Pendidikan Dasar*)

The format of governmental organization structure of Bantul aims to optimizing the government duty to give prosperity to the society. It is

according to Consideration of Byelaw No. 15 of 2009 on Governmental Organization in Bantul.

2. Permit Procedure of Nursing Clinic

In terms of opening the clinic, all health professional should propose a permit to the government. Article 23 Sub-article 3 of Health Act 2009 stated:

In organizing health service, all health professional should have a permit from the government.

Health Act does not rule specifically about the permit procedure. The authorization of permit procedure is from the Health Ministry, as mention in Article 23 Sub-article 5, as follows:

The provisions on permit procedure have to refer to the Sub-article 3 which is formulated in Health Minister Regulation.

Health Minister Regulation has issued some provisions concerning to the nursing clinic in Indonesia. Before issuing the Health Act 2009, Health Minister has issued the Decree of Health Minister No. 1239 of 2001 on Registration and Nursing Practice that also explain about the process of permit procedure including the types of permit letter. Such as:

- a. Nursing License (*Surat Izin Perawat - SIP*);
- b. Letter of Working Permit (*Surat Izin Kerja - SIK*);
- c. Nursing Practice Permit Letter (*Surat Izin Praktik Perawat - SIPP*).

Every letter has a specific function. Nursing license is a legal document for nurse to conducting nursing practice in every place they work. The function nursing license is a registration letter for fresh graduate of nursing school for

having legalization his/her profession as a nurse. The letter is a primary letter for nurse to conduct the competency whether in public health service or in their own clinic.

The maximum duration of proposing this letter is one month after he/she graduated from nursing school. The fresh graduate should propose the application to Head of Health Bureau in Province for issuing this letter. The application has to fulfill the requirement of issuing the Nursing Letter as follows:

- a. Copy of bachelor certificate;
- b. Health certificate from medical doctor;
- c. Passport-type photograph (4x6): 2 exemplars.

According to Article 4 Sub-article 2, the duration process of the application letter is one month and the validity period of Nursing License is five years and has to be prolong for continuing the license.

The terminology of Nursing License has been revised to be Registration Letter. It has been regulated in Health Minister Regulation No. 1796 of 2011. The authorized body for issuing this letter is The Indonesian Health Profession Board (MTKI [*Majelis Tenaga Kesehatan Indonesia*]).

After having Nursing License/Registration Letter , the nurse may choose the place of working he/she want, whether works in the public health service or open his/her own clinic. The permit letter of the nurse which working in the public health service is different than the permit letter to the personal clinic. Nurse works in the public health service could propose to the application to the

government for issuing Letter of Working Permit⁴³. If he/she would like to work for his/her own clinic, he/she should propose Nursing Practice Permit Letter or *Surat Izin Praktik Perawat-SIPP*.

The provision on the Nursing Practice Permit Letter is regulated on Article 1 Sub-article (4), Article 8 Sub-article (3) and Article 12. In proposing the Nursing Practice Permit Letter, the applicant should propose to the Head of Health Bureau. The other requirements for proposing Nursing Practice Permit Letter, *i.e.*:

- a. The applicant should be graduated from at least Bachelor of Nurse (*Diploma III*) of nursing academy;
- b. Copy of the bachelor certificate;
- c. The applicant who graduates from diploma III program, should attach working experience from head of public health service bureau. The letter should mention nurse the period of working experience in the public health service for at least 3 years;
- d. Copy of Nursing License;
- e. Passport-type photograph (4x6) 2 exemplars; and
- f. Letter of recommendation from Organization Profession.

The rules of nursing clinic have been stated implicitly in Article 15 to 23. There are some important points may be taken from those 9 articles. Such as Article 15 which mentions the competence of nurse. The competence of nurse is

⁴³ The details of working permit procedure, see article 9-10 of Health Minister Decree 1239 of 2001

the limitation pertaining to operate the clinic. Yet there is an exception concerning to the primary competence of the nurse, since the nurse may conduct the other health competence. In this article stated in the emergency situation, nurse could conduct the other competence beside has been mentioned in Article 15. The objectiveness of this article is to save the lives of patient. In Article 22 point (2) state nurse is prohibited to put the notice board.

Since 2010, Health Minister revised the Health Minister Decree No. 1239 of 2001 become Health Minister Regulation No. 148 of 2010 on Permit and Implementation of Nursing Practice. In this recent regulation some provisions of permit procedure of nursing practice is revised. The revision of this regulation aims to adjust the Health Act 2009 regarding on Permit Procedure of Health Profession should follow the regulation of Health Minister Regulation.

In the regulation above, permit procedure of nursing clinic regulated on Article 5. The detail of requirements as follows:

- a. The letter of nursing clinic permit may only issued by Local Government.
- b. The requirements of permit procedure application of nursing clinic as follows:
 - Copy of Registration Letter;
 - Certificate of Health from doctor;
 - Statement letter of practice ownership;
 - Passport-type photograph (4x6) 3 exemplars;

- Letter of recommendation from organization of profession.

There are other points of Article 22 point (2) which different with Health Minister Decree No. 1239 of 2001 are:

- a. Vice versa with the previous, the nurse is obliged to put the board of notice as mentioned in article 6.
- b. Nurse has an authority to give over-the-counter medicine (*obat bebas dan obat bebas terbatas*) as mentioned in Article 8 Sub-article 7.

The implementation of health permit in Bantul was managed by the prevailing of Byelaw No. 4 of 2010. The permit procedure of nursing practice is stated in the Article 30 Sub-article 2. The requirements list are consists of:

- a. Copy of applicant ID card;
- b. Copy of Certificate of Bachelor Degree at least D III;
- c. Copy of Nursing License;
- d. Copy of General Emergency of Life Support (*Pelatihan Penanggulangan Gawat Darurat - PPGD*);
- e. Letter of recommendation from organization of profession. The requirement of recommendation letter from organization of profession, nurse should be attached:
 - Copy of nursing organization's member card;
 - Copy of General Emergency of Life Support;
 - Experience Working Letter;
 - Address and Sketch of the clinic location;

- Copy of place of practice ownership, as shown by land certificate (for own property);
 - The list of medical equipment; and
 - Passport-type photograph (4x6).
- f. Certificate of health from doctor;
- g. Letter of recommendation from head of public health service. The letter should explain the working experience of nurse in the public health service for minimum 3 years;
- h. Passport-type photograph.

As mentioned in the Byelaw is closer to the requirement as stated in Health Minister Decree No. 1239 of 2001. In Bantul, Nursing Practice Permit Letter is issued by Permit Bureau.

The steps of implementation of permit procedure for nursing clinic in Bantul, as follows:

1. Nurse (the applicant) fulfill the application form of Nursing Practice Permit Letter;
2. Nurse should attach the requirement list;
3. Nurse return the document to the Permit Bureau Officer;
4. The Officer will only check the completeness of check list that have to be fulfilled by the applicant. The process would be in two days;
5. The document will be examined by Health Bureau of Bantul;

6. The checking of the administration document which would take around 7 work days;
7. Health Bureau of Bantul will return back the letter to Permit Bureau with or without recommendation for permit;
8. Nursing Practice Permit Letter is ready to be issue by Permit Letter.

Comparing to the requirement of nursing clinic between Byelaw No. 4 of 2010 and Health Minister Regulation No. 148 of 2010, there are different points of permit procedure implementation of nursing clinic in Bantul as follows:

- a. In Health Minister Regulation No 148 of 2010, the term of Nursing License has been revised to be Registration Letter.⁴⁴ Yet in the byelaw, the term of Nursing License still used in the Byelaw;
- b. The point of attachment of ownership practice letter. In the minister regulation practice letter should be attached in the proposing of permit to the government. However, there is no article mentioned about ownership of place of practice letter in the Byelaw. Ownership practice letter is attached only in the proposing of recommendation from Organization of Nursing Profession.

There is no cost for conducting the process as mention in Article 110 of Law No. 28 of 2009 concerning to Local Tax and Retribution. Nursing clinic is including as retribution of general service. It is not as the object of retribution since the amount of retribution will give small income for the government.

⁴⁴ Registration Letter has been ruled specifically in Health Minister Regulation No. 1796 of 2011

3. The Supervision of Nursing Clinic in Bantul

The supervision has an important role in the permit procedure. Basically, permit has a purpose to allow someone for conducting the act which is forbidden. Supervision has a function to determine the act. Supervision limited people to do more than basic rule.

The nursing clinic in Bantul also should be supervised by the government. Supervision becomes an important thing since it will be the mechanism to preventing medical malpractice of nursing clinic in Bantul. Health Bureau of Bantul does not has any regular agenda to inspection the clinic. Yet Health Bureau has a Supervision And Control Program (*Program Pengawasan dan Pengendalian [Wasdal]*). In this *Wasdal*, Health Bureau of Bantul invites the owner of clinic for having a briefing regarding nursing clinic in Bantul.

If Health Bureau found the infringement or action which tends to be malpractice there will be a sanction for nursing clinic. The sanction will be implemented based on based on Article 69 – 72 of Bantul Byelaw No. 4 of 2010
i.e

a. Permit Withdrawal:

The permit could be withdrawal by the government with some reason below:

- Nurse may be given administrative sanction, if the nurse infringes the Article 62,⁴⁵
- Commit a criminal offense during the service;
- The nurse does not operate 2/5 of the period of permit as mentioned in Nursing License;
- The head of clinic employ the nurse without Registration Letter or Working Letter.

The administrative sanction may be implemented no later than 30 days, if nurse infringes the stipulation Article 69 there will be written notice from Permit Bureau for three times. After three times written notice the sanction may be implemented.

⁴⁵ The points of article 62:

- a. Nurse should operate the clinic based on the standard;
- b. Implementing the social function in order to implement the health care
- c. creating a sense of comfortable, safe and harmonious relationship with the environment;
- d. Install signage at a place that is easy to read and known by the public;
- e. Reported regular health service activities to the Head Office, and
- f. Apply for new licenses for such things as the following:
 - Period of validity of licenses, a letter of the list has ended;
 - Move the address of the service;
 - Ownership permission, registration letters and certificate change;
 - Change the type of service; and
 - License revoked for any reason.

b. Permit Cancellation;

The permit may be cancelled for some reason such as:

- nurse does not want to continue the clinic establishment;
- The permit holder is passed away; and
- The permit is transferable without written permit from Permit Bureau.

c. Permit Rejection.

Permit also may be rejected if:

- a. The nurse infringe the permit regulation;
- b. Nurse has a problem relating to the permit in front of the court;
- c. The nurse does not fulfill the requirement.

4. Research Analysis**a. The Regulation of Permit Procedure of Nursing Clinic**

There is no explicit regulation about nursing clinic. In the Health Minister Regulation No. 148 of 2010 only focus on Nursing Practice Permit Letter. However the legal effect for nurse as the permit holder is nurse may conduct the nursing competence in his/her clinic. Nurse should has Nursing Practice Permit Letter for opening the clinic.

The detail of nursing competence has been regulated either Health Minister Decree No. 1239 of 2001 or Health Minister Regulation No. 148 of 2010. Nurse may be categorized as medical malpractice if he/she conducts the other health professional competence.

b. The Implementation of Permit Procedure

1. The Condition of Nursing Clinic Permit

There are only 6 nurses who open the clinic in Bantul until 2011.

The data can be seen from the table as shown below:

Table 1- Nursing Practice Permit Letter Register Book

No	Name	Location	No SIP	No SIPP	Date of Issuance	Validity Period
1	Slamet S.Kep.Ners	Buyutan Rt 05 Gadingsari Sanden Bantul	-	446/DP/PP/03/III/2010	11-Mar-10	16-Jun-14
2	Stevy Hitiahubessy	Lanteng II Rt 03 Selopamiro Imogiri Bantul	-	446/DP/PP/04/V/2010	26-May-10	13-Jun-14
3	Miskijan	Kadireso RT 04 Triwidadi Pajangan Btl	-	446/DP/PP/05/X/2010	15-Oct-10	11-Oct-13
4	Markus Wiyata	Bangen Bangunjiwo Kasihani Bantul	446/7016/V.2	1442/DP/074/IV/2011	4-Apr-11	15-Oct-14
5	Teguh Slameto	Perumnas Trimulyo Jetis Bantul	446/676/IV.2	1511/DP/074/IV/2011	6-Apr-11	8-Feb-13
6	Eko Heri Prajoko	Dagen Pendowoharjo sewon bantul	446/6818/V.2	1194/DP/074/XII/2011	2-Dec-11	26-Jul-16

Source: Health Bureau of Bantul Regency 2011

Based on the data of Health Bureau of Bantul in 2011, the applicants of Nursing Practice Permit Letter *i.e.*:

- a. Marjana;
- b. Mundakir;
- c. Markus Wiyata;
- d. Teguh Slameto; and
- e. Eko Heri Prajoko.

From those applicants, only three applications were approved by the Permit Bureau as follow:

- a. Markus Wiyata;
- b. Teguh Slameto; and
- c. Eko Heri Prajoko.

The other two were rejected since there is no recommendation from Health Bureau *i.e.*:

- a. Marjana; he had been rejected with Letter No. 503/1074, the reason of rejection is because he already works in Jami'i Husada Health Clinic.
- b. Similar with Marjana, Mundakir was rejected with letter No. 503/2267, the reason of rejection because he already works in Syiwak Husada Bhakti Clinic.

From the interview with Ms. Fatonah, an officer of Health Bureau of Bantul, there are facts as the consideration of Health Bureau for not giving a recommendation to both applicants as follows:

- a. Both of nurses do not need the Nursing Practice Permit Letter since they already work in the Medical Clinic. Yet they only need the Working Permit Letter (*Surat Izin Kerja*);
- b. To prevent the medical malpractice, Health Bureau has an opinion the nurse will conduct the other health competence if

the nurse has Nursing Practice Permit Letter while working in the medical clinic.

2. The Implementation of Nursing Practice In Bantul

There are some nursing clinic which has been established in Bantul. There are some issues happen as follows:

a. Misuse of Nursing Practice Permit Letter

For example Markus Wiyata, he is the owner of medical clinic and he has Nursing Practice Permit Letter to practice in medical clinic. The function of Nursing Practice Permit Letter is not for practice in medical clinic but in nursing clinic. Meanwhile for practice in medical clinic, Markus should has Working Permit Letter.

Based on the explanation above, Markus has infringed the Article 36 of Byelaw No. 4 of 2010 related to the Working Permit Letter.

The problem of misuse of Nursing Practice Permit Letter is not only becomes a responsibility of Markus itself. But also becomes the obligation of Health Bureau to handle it. Yet Fatonah said the misuse is actually started from the negligence of the officer of Health Bureau of Bantul.

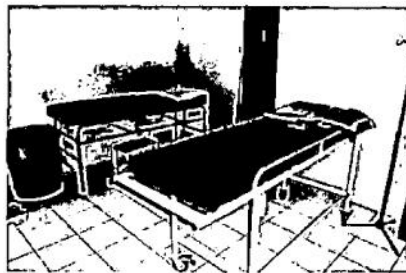
Picture 2 – Markus Wiyata's notice board



Picture 3 – Markus Wiyata's medical clinic



Picture 4 – The treatment room



Picture 5 – Medical Equipments



b. The Infringement of Notice Board

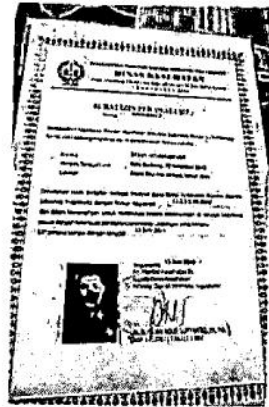
Another of issue concerning to the infringement of regulation is the violation of Article 6 of Health Minister Regulation No. 148 of 2010 concerning to the obligation to put the notice board. This condition is happen in the Clinic of Stevy. The owner of the clinic only understands about the previous regulation which mentions the prohibition to put notice board. However he did not know about the recent regulation which mentions that nurse obliges to put the notice board for the clinic.

Stevy, the owner of clinic, said in the interview that there is no socialization from the government of nursing clinic related to the regulation and competency. This condition made Stevy does not understand deeply about his right and obligation, especially the obligation to putting the notice board.

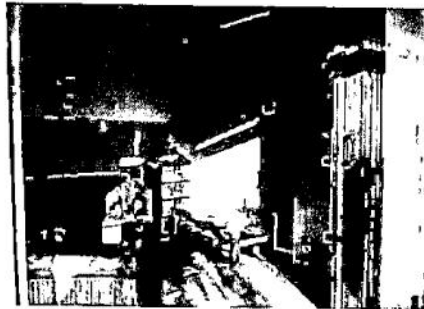
Picture 6 – Stevy's Nursing Practice Permit Letter



Picture 7 – Stevy's Nursing License



Picture 8 – Stevy's Clinic



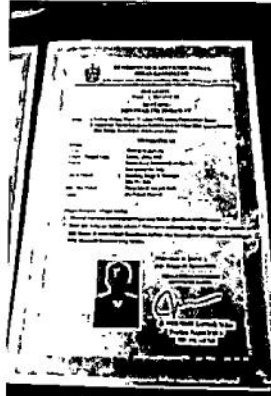
c. Unoperated Clinic

Teguh Slameto is owner of unoperated clinic. It is located in Imogiri, Bantul. There are some reasons why the clinic does not operated, as follows:

- There is no patient come to the clinic;
- His clinic is located in the residential. The resident choose to go to the general doctor if there is a medical problem;

Because of that, he does not put the notice board in front of his clinic.

Picture 9 – Teguh Slameto's Nursing Practice Permit Letter



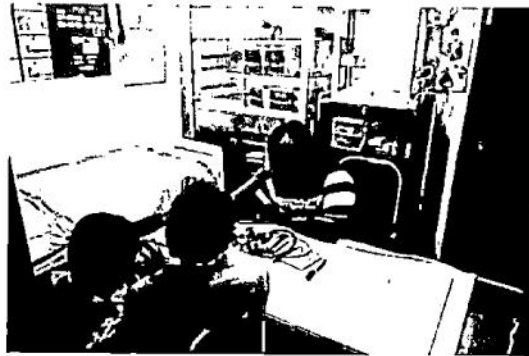
d. The Ideal of Nursing Clinic

There is one clinic located in Sanden, Bantul which is owned by Slamet S.Kep, Ners. The clinic is the ideal model of nursing clinic. The clinic is operated from 5.00– 6.45 am in the morning and 4.00 – 8.00 pm in afternoon. The clinic fulfills the standard of the regulation of Nursing Practice Permit Letter. Such as: conducting the nursing competence, putting the notice board, giving the over-the-counter medicine etc.

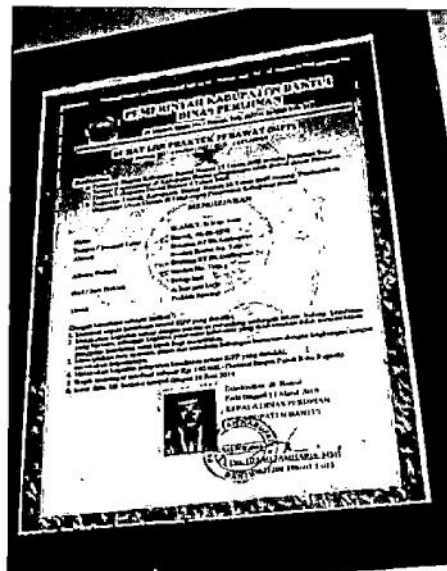
In the clinic there is notice board, which mentioned the clinic operating's time and the type of service. The patient usually came to the clinic in evening during 4.00 – 7.00 pm. In the clinic, he also put the health information as like as the effect of smoking, the baby's growth and others.

In giving the treatment, Slamet conduct his competence as a nurse. He does not overlap the other health professional competence. He just gives over-the-counter medicine to the patient. He does not have high doses medicine. If there is a patient has severe disease he will refer to the doctor or to the health public service.

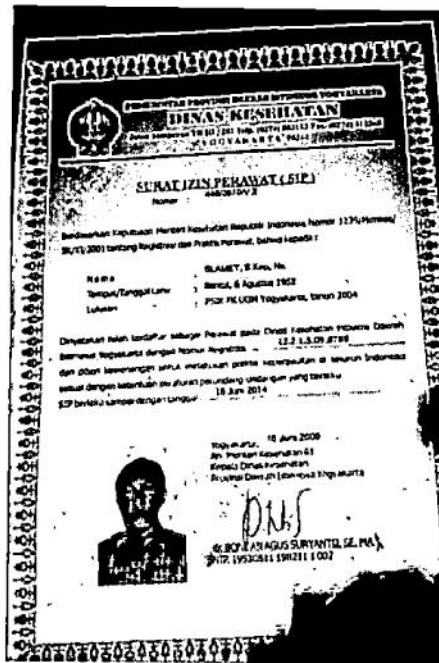
Picture 10 – The situation in assessment process



Picture 11 – Slamet's Nursing Practice permit Letter



Picture 12 – Slamet's Nursing License



Picture 13 – The Notice Board of Clinic



3. The Problem of Supervisions

There are some models of supervision mechanisms in the health field namely briefing and inspection. Health Bureau is an authorized body to

conduct the supervision. In Article 67 of Byelaws No. 4 of 2010 stated about supervision, as follows:

- a. Health Bureau is an authorized body to conduct the supervision, control and training;
- b. In order to conduct those mechanisms, Health Bureau could make a collaboration with the Organization of Profession;

Relating to the issue of nursing clinic, Health Bureau has a Supervision and Control Program (*Program Pengawasan dan Pengendalian [Wasdal]*). In this program Health Bureau invited nurse and for making the briefing. Actually it is a simple supervision mechanism for nurse related to nursing clinic.

The control mechanism in *Wasdal* may not cover the problem of nursing clinic. As the last explanation related to the implementation of nursing clinic, there are some problem from misuse of Nursing Practice Permit Letter, the clinic does not operated and the owner does not put the notice board.

If the government inspects the entire clinic, those cases may be solved. Because of there is no inspection, the government stated there is no sanction for nurse relating to the infringement of Nursing Practice Permit Letter. The normal sanction is only permit rejection because of the document is not completed. It proves that the role of government relating to control the nursing clinic is not enough.