JURIDICAL STUDY OF CIRCUMS BY NURSES IN INDEPENDENT NURSING PRACTICES

Junaedi
Program Pasa Sarjana Magister Ilmu Hukum Universitas Borobudur
juntanpajin675@gmail.com

ABSTRACT
One cultural heritage of the Indonesian nation is the traditional Etu boxing tradition. Apart from being loaded with various skills and skills for self-defense, studying the Etu custom is also to test the virility and courage of youths in Nagekeo Regency, which is rich with the traditions surrounding it. Sports reviewing Etu customs are rich in socio-cultural values and philosophical meanings. This study aims to determine: 1) The noble values contained in Etu sports, 2) Describe the formation of Community Character in Etu sports, and 3). Describing Sports Activities For Schools. in the Nagekeo district of East Nusa Tenggara, and saw the process of inheriting the traditional Etu sport of boxing from generation to generation. This study uses a data approach obtained using Miles Matthew’s analysis. B and Huberman Michael, which consists of three stages, namely data reduction and data presentation, and ends with concluding. The results of the study show that the study of Etu adat is not just a sport. Sport observing the Etu custom is a means to gain movement experience, which is helpful for the growth and development of physical and fitness, mental and courage, in addition to uniting and familiarizing one another, but values and meaning in society. The process of inheriting the traditional Etu boxing tradition has also been going well until now.

Keywords: Values, Culture, Sport, Etu, Learning

INTRODUCTION
In the preamble to the 1945 Constitution, it is clearly stated that the ideals of the Indonesian nation are at the same time national goals for the Indonesian nation. The national goal is to protect the entire Indonesian nation and all of Indonesia's bloodshed, educate the nation's life, promote public welfare, and participate in carrying out world order based on freedom, eternal peace and social justice. To achieve these national goals, sustainable development efforts are carried out which are a series of developments that are comprehensive, directed and integrated, including health development.

Health development is one of the elements of public welfare that must be realized by the government in accordance with the ideals of the Indonesian nation as stipulated in the Constitution, namely to fortify the entire Indonesian nation and all of Indonesia's bloodshed and to improve public welfare, educate the nation's life and participate in carrying out world order. based on freedom, lasting peace and social justice.

Health is a human right and one of the elements of welfare that must be realized by the state in accordance with the ideals of the Indonesian nation as referred to in Pancasila and the Preamble of the Constitution. Therefore, every activity and effort to improve the highest degree of public health is carried out based on non-discriminatory, participatory, protective and sustainable
principles which are very important for increasing the resilience and competitiveness of the nation, the formation of Indonesia's human resources, and national development.

The medical actions carried out by the doctor aim to cure the patient which is carried out by means of medication or surgery, while nursing actions aim to improve or maintain the patient's optimal health. Nurses in carrying out their duties must always be under the supervision of a doctor, because in nursing practice there is a dependent function, in which in this function the nurse acts to assist doctors in providing medical services. Nurses help doctors provide services in terms of treatment and special actions that are the authority of doctors and should be carried out by doctors, such as placing infusions, administering drugs and making injections.

Circumcision is a minor surgical procedure, namely removing part or all of the foreskin of the penis for a specific purpose. The most common circumcision performed on men for religious and cultural reasons.

Nurses as health workers whose job is to provide care have now shifted to medical personnel. The shift was illegal because most of the nurses who practiced at home were unlicensed. Apart from being unlicensed, nurses who carry out treatment should receive sanctions for actions outside their area of expertise, namely nursing.

During the circumcision, the head of the victim's genitals was severed causing serious injuries and he had to be rushed to the hospital. In practice, the DL is not accompanied by a permit or other registration letter. DL was named a suspect and charged under Article 360 of the Criminal Code and Article 84 paragraph of Law Number 36 of 2014 concerning Health Workers.

In a different place, in September 2018 a malpractice occurred which resulted in the loss of the genitals of a nine-year-old boy with the initials MI in Kubang Hamlet, Pekalongan Regency. The circumcision was carried out by a paramedic named Bardi, who is seventy years old, and Bardi is a retired civil servant or ASN at a health center in Pekalongan. Bardi performs circumcision using a modern circumcision device in the form of a laser. During the circumcision process, the tip of MI's vital tool was also cut off by about 2 cm. In practice, Bardi did not have a medical registration certificate and also did not have a nurse practice license, so the police declared the paramedic's activities illegal.

RESEARCH METHOD

The approach method used in this study is a sociological juridical approach, namely a legal research that examines and analyzes legal behavior and the source of the data used comes from primary data.

RESULTS AND DISCUSSION

The Authority of Nurses in Circumcision Actions in Independent Nursing Practices

Authority is the power obtained by legal subjects on the basis of ability possessed to exercise such authority while own ability closely related to competence. So it can be interpreted that the authority of nurses in Circumcision action will be born when it has related competencies with Circumcision. This can be proven by data obtained from the field. Based on the results of the research that has been done, the following data is obtained:
Table: 1.1. Types of Nurse Certificates

<table>
<thead>
<tr>
<th>Type</th>
<th>There is (%)</th>
<th>There isn’t any (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession of D3/S1 Nursing Diploma</td>
<td>100%</td>
<td>-</td>
</tr>
<tr>
<td>Ownership of a Circumcision Certificate</td>
<td>100%</td>
<td>-</td>
</tr>
</tbody>
</table>

The data above shows that nurses already have skills in their field, evidenced by diplomas and competency certificates possessed. An impossible nurses will take risky actions such as circumcision if a nurse do not have the knowledge and competence in that field.

Table: 1.2. Ownership and Availability of Administrative Files in Nursing Practice

<table>
<thead>
<tr>
<th>Type</th>
<th>There is (%)</th>
<th>There isn’t any (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership of STR and SIPP</td>
<td>100%</td>
<td>-</td>
</tr>
<tr>
<td>Availability of Informed Consent and Documents Nursing every patient</td>
<td>20%</td>
<td>80%</td>
</tr>
</tbody>
</table>

The data above shows that administratively the completeness of the service is in practice independent nursing is still not perfect, this is evidenced by the absence of SOPs and also Informed Consent and Nursing Documents on independent nursing practice. This is very important considering that with the completeness of the administration then will be able to give birth to attributive authority. As stated in Article 58 UU no. 36/2014 concerning Health Workers that every health worker who does the practice is obliged to provide services in accordance with the SOP, obtaining the consent of the recipient health services, and create and keep records of documents regarding examinations, care, and actions taken.

Diagrams: 1.1. Reasons for Nurses Performing Circumcision
The data above shows that circumcision was performed by nurses is a form of human values carried out by those concerned with prioritizing professional ethics and patient safety in every action. That matter carried out considering the large number of requests from the community to provide services that are as desired, and strengthened by overmacht conditions and local wisdom. From the results of the data mentioned above, it can bring up a legal reasoning scheme about There are invasive actions, one of which is circumcision.

**Legal Protection for Nurses in Actions of Circumcision in Independent Nursing Practices**

Table: 2.1. Legal Protection Efforts For Nurses

<table>
<thead>
<tr>
<th>Preventive Safeguards</th>
<th>Repressive Safeguards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preventive protection measures include:</strong></td>
<td><strong>Protection measures Repersive includes:</strong></td>
</tr>
<tr>
<td>1. From yourself:</td>
<td>1. From yourself, ie by giving guarantee or compensation to the client when the client has feel they have been wronged.</td>
</tr>
<tr>
<td></td>
<td>2. From others, ie by doing represented mediation by a mediator from aid agencies law for help dispute resolution.</td>
</tr>
<tr>
<td>a. Complete service administration includes; Diplomas, STRP, SIPP, and Certificates Competence.</td>
<td></td>
</tr>
<tr>
<td>c. Fulfillment of Client Rights, and Nurse Obligations.</td>
<td></td>
</tr>
<tr>
<td>2. From other people, namely by:</td>
<td></td>
</tr>
<tr>
<td>a. Counseling, seminars and workshops are held law for nurses.</td>
<td></td>
</tr>
<tr>
<td>b. Existence of implementing policies or regulations able to protect the practice of nurses who are made by the Head of Health Service Facilities, Department of Health, as well as local government. or Village Government.</td>
<td></td>
</tr>
<tr>
<td>c. There is a collaboration between professional organizations PPNI with other professional organizations, as well as officials law enforcer.</td>
<td></td>
</tr>
</tbody>
</table>

As a form of legal protection for nurses who perform invasive actions on independent nursing practice, actually this has been seen in legal efforts preventive actions made by State Institutions, namely; UU no. 38/2014, and Permenkes No. 26/2019.

As Article 36 letter a Law no. 38/2014 concerning Nursing which reads: "Nurses in carrying out nursing practice have the right to protection law insofar as carrying out duties in accordance with service standards, professional standards, standard operating procedures, and provisions of Legislation". Then Article 58 paragraph (2) of Law no. 38/2014 concerning Nursing reads: “Anyone who doesn't have STR, doesn't have SIPP, doesn't put up a nameplate independent nursing practice, do not have competence, will be subject to sanctions administrative form; verbal warning, written warning, administrative fine, and revocation permission".
The same thing was conveyed by Umar Faruk as Secretary of the DPD PPNI Sidoarjo who said that in Sidoarjo Regency there is no regional regulation that specifically regulates it authority and legal protection for nurses, there are regulations from the center, namely UU No.38/2014 and Permenkes No. 26/2019, and all the nurses know about it. Which the Sidoarjo Regency Health Office has carried out so far by providing guidance and monitoring, the rest for a fatality or unexpected failure, the Health Office will make every effort to provide assistance.

Not only from PPNI Sidoarjo, Siti Anis Susalwati from the Sidoarjo Health Office too argued that nurses who perform circumcision in nursing practice independently is allowed as long as the method used does not endanger the patient and clinically tested. Nonetheless, the nurse must be lawful and comply all provisions that apply in carrying out nursing care. It is intended for minimize the occurrence of negligence in carrying out circumcision actions. Public health Office Sidoarjo will also carry out supervision and coaching for nurses who obtain permits independent nursing practice from the Department of Health. Gerardus Gegen as the Director of LBHPI said that regarding legal protection for nurses who carry out circumcision actions, namely by carrying out coaching and assistance because it is feared that the nurse concerned will provide services nursing beyond its reasonable limits. Based on the results of the analysis above, the researcher concludes that nurses are in transactions therapeutics in the field of nursing services are protected by the central government and the government area through laws and regulations that apply to nursing implementers. In addition, nurses who perform circumcision are also protected by professional organizations PPNI and also the Indonesian Nurse Legal Aid Institute. On the other hand, patients who receive circumcision actions also get safety guarantees as stated in Article 58 paragraph (1) Law no. 36 of 2009 concerning Health which reads: "Everyone has the right to claim compensation against a person, health worker, and/or health administrators who cause losses due to mistakes or negligence in health care they receive."

CONCLUSION

From the description of the results and discussion above, it can be concluded: That a nurse who already has a certificate of professional diploma and also a certificate competency that performs circumcision as a form of professionalism profession, from the aspect of customary law is permissible because it is based on the 2nd Pancasila Precept that efforts made to help others are the embodiment of just and civilized human values. This is in line with the concept of Good Samaritan Law which states that a person cannot be held responsible for their actions based on good faith on the other hand if they look at the situation harm others and they choose not to react, to which they may subject to legal responsibility for his indifference. Authority that is born above the act of circumcision carried out by the nurse is a state of overmacht so that giving rise to attributive authority which is the implementation of engagement law. The authority to carry out circumcision is permissible as long as it is carried out accordingly with Standard Operating Procedures, Professional Standards, Competency Standards, and Standards Legislation. Delegation of authority as outlined in Permenkes No. 26/2019 only applies to health service facilities, such as; hospitals, clinics and Public health center. In addition, if in an area where nurses carry out independent nursing practices If there are no medical personnel, the nurse has the authority to perform circumcision because it is intended for health development programs in the
community. The act of circumcision carried out by a nurse is a limited authority incidental services, and not carried out continuously for a long period of time long. That nurses who perform circumcision in independent nursing practice preventive measures have been protected by the central government and local governments through coaching and supervision by the health office and also the PPNI professional organization even though there is no regional regulation yet which regulates invasive actions on the nurse. The most important thing is the nurse the person involved in circumcision must pay attention to the principle of patient safety and also have a practice permit and competence mastered.

REFERENCES
DPP PPNI, 2017, Pedoman Praktik Keperawatan Mandiri, Jakarta: DPP PPNI.