

Disclosure of Medical Secrets in Handling *Corona Virus Disease (COVID)-19* Cases

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Abstract

Background: Novel Coronavirus or better known as Corona Virus Disease (COVID) 19 is a disease that first appeared in China in early December 2019. The disease quickly spread throughout China to Europe, the United States, Southeast Asia and Africa. Covid-19 is spread through droplets (particles) that come out through the human mouth when talking to others. This virus can infect everyone if the person is in contact with a covid-19 positive sufferer. So much for the ability of this virus to infect and spread is proven by the record that so far there are still many people infected with Covid-19 with increasing numbers. **Method:** This research method is a juridical-normative legal analysis. Legal research is based on the legal concept used. **Results:** The key to limiting the Covid-19 virus is that after knowing that something has been confirmed positive, tracing is immediately done to anyone who comes into contact with the patient. After all tracing is found, then a new examination is carried out whether they are also infected or not. **Conclusion:** There are several laws and regulations governing the opening of Patient Medical Rahasi, namely Law No. 36 of 2009 on Health and Regulation of the Minister of Health No. 269 of 2008 on Medical Records, which explicitly explains that related to the Covid-19 Pandemic is allowed to be opened Medical Secrets of patients concerning the interests and safety of the public.

Keywords: Covid-19 Cases, Medical Secrets, Patient, Doctor, Disclosure

Introduction

Novel Coronavirus or better known as Corona Virus Disease (COVID) 19 is a disease that first appeared in China in early December 2019. The disease was officially announced on December 31, 2019 which caused pain in 41 patients with details of 1 (one) person died. The virus is suspected by who to be from animals freely traded in Wuhan, China. One of the causes is the transmission or spread through bats that are then consumed by humans.

The disease quickly spread throughout China to Europe, the United States, Southeast Asia and Africa. Covid-19 is spread through droplets (particles) that come out through the human mouth when talking to others.² This virus can infect everyone if the person is in contact with a covid-19 positive sufferer.³

Due to the high level of virulence (the severity of the virus causing infection) of Covid-19, contact such as intense communication or long group discussions, risks being the place where the virus is attached especially in the mucosa area (tongue, oropharynx, nasal cavity and conjunctiva). Once Covid-19 sticks and eventually infects, if a person's immunity is low, then the person will very easily experience symptoms of Covid-19.⁴

Covid-19 shows symptoms of respiratory tract infections that will trigger the appearance of pneumonia (a respiratory tract infection that hits pulmonary tissue in

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the lungs). Individuals who do not use masks, are old age and have other accompanying diseases (hypertension, diabetes mellitus) become vulnerable individuals. The initial symptoms are body heat, accompanied by a dry cough until finally falling into a state of long-dry tightness eventually experiencing Acute Respiratory Distress Syndrome (ARDS) or respiratory failure until death. The symptoms so quickly depend on the level of immunity of the sufferer.⁵

So much for the ability of this virus to infect and spread is proven by the record that so far there are still many people infected with Covid-19 with increasing numbers. The total number of Covid-19 cases in the world amounted to 1,074,290 cases with 56,987 deaths. America is the country with the highest number of individuals with corona infection, which is 265,506 cases with approximately 6,786 deaths. While to date, Indonesia, in the span of 1 (one) month alone, the number of positive cases is 1,986 cases with a very high death of 181 people.⁶

The key to limiting the Covid-19 virus is that after knowing that something has been confirmed positive, tracing is immediately done to anyone who comes into contact with the patient. After all tracing is found, then a new examination is carried out whether they are also infected or not. But this becomes very complicated because finding tracing is a very difficult thing to do. Not closing the possibility, there must still be individuals who are not well tracked. In addition to tracing, another effective way is to conduct mass inspections and local quarantines or even until the lockdown of a wider area.⁷

Looking at its nature that has a very rapid and high deployment capability, it takes a good step one of which is the opening of the patient's personal data. This aims to facilitate *contact tracing* of the infected person and the individual in contact with the person. Personal data can be retrieved from medical records. Medical records contain information that is confidential. The contents of medical records belong to the patient, while the medical record file (physically) belongs to a hospital or health institution in accordance with Article 12 of the Regulation of the Minister of Health of the Republic of Indonesia Number 269 Year 2008 concerning Medical Records. The doctor is obliged to maintain the confidentiality of his patient both stated by his patient and the contents of the medical

record. But there is a tying if the medical record is to be opened.⁸

The President through the Minister of Manpower explained that there will be law enforcement against those who disclose patient secrets, including the identity of patients. According to the president's spokesman, this is because every medical secret is held by a professional who has a code of conduct. Several other figures also deplored the opening of the patient's identity for violating the 1945 Constitution and for violating human rights.⁹

However, the president's statement was questioned by the Indonesian Doctors Association (IDI). Chairman of the General Board (PB) IDI said that the opening of medical secrets that include the identity and address of the patient is allowed. This is done to facilitate contact tracing of those who have communicated or interacted frequently to individuals who have been declared positive for Covid-19. Hiding those who are positive about Covid-19 is actually harmful to the community because ultimately, we can not do good tracking so that the spread is increasingly difficult to prevent or stop.¹⁰

The discrepancy in views raises questions for the author. Due to the wrong decision making on the handling of Covid-19, it can cause tremendous harm to society nationally. For this reason, the author wants to raise the importance of disclosure of medical secrets or medical secrets of patients in holistic-comprehensive treatment for Covid-19, so that it can later suppress the spread and mortality rate and especially break the chain of transmission itself.

Method

This research method is a juridical-normative legal analysis. Legal research is based on the legal concept used. According to Wignyosoebroto, there is a normative concept, in which in this concept, the law is the norm, and that is identified as justice that must be manifested (*iusconstituendum*). Norms manifested as explicit and formulated order positively and clearly (*iusconstitutum*) to ensure certainty.¹¹

This research in detail takes some primary and secondary legal materials. As the primary legal material, among others, in the form of legislation. As secondary legal material in the form of national journals and

international journals taken from related websites as supporting news. The journals taken are mostly in 2020. The data that has been obtained is analyzed in the content of the analysis that will be presented descriptively to obtain an overview of the events / problems studied.

Results

The Circumstances that Make the Patient's Medical Secrets Unlocked

According to PitoSoeparto, in Ethics and Law in the Field of Health, Indonesia does not adhere to the obligation to keep medical secrets absolutely.¹⁶ Some of the basics of opening medical records:¹²

1. Forceful Force Article 48 of the Criminal Code which reads

“Whoever commits an act due to the influence of coercion cannot be punished.” With this article, health workers are forced to reveal patient secrets because of the influence of force to protect: the public interest, the interests of innocent people, the interests of patients and the interests of health workers

2. Law Order (Article 50 of the Criminal Code)

“Whoever commits an act to carry out the provisions of the law, is not penalized.” If a health worker is called as an expert witness or witness in a court hearing, the obligation to keep the patient's secret may fall on the orders of the judge presiding over the trial (Article 170 paragraph 2 of the Criminal Code)

3. Order of Office (Article 51 of the Criminal Code paragraph 1)

“Whoever commits an act to carry out an order of office given by the authorities, is not penalized.”

4. Insurance interests

A doctor is obliged to fill out the formulis required by the patient or his family to get insurance compensation. In this case the obligation to keep medical secrets to the death, karen based on the regulations issued by the Minister of Manpower, without the information of the treating doctor, then labor insurance compensation will not be able to be given to the concerned.

Discussion

The Importance of Opening Medical Secrets in Covid-19 Patients

Enforcement of hukum related to the outbreak is also contained in the Health Law which explains the obligation of the government to explain and explain in detail the spread of Covid-19 cases. The government is obliged to announce the area where the source of the disease is spread, it is mandatory to disclose the type and spread of the disease, because Covid-19 is so easily contagious and can be transmitted in a short time. In fact, the government is considered sluggish in announcing this case, the announcement was only delivered a week after the announcement there were two people infected with the Covid-19 virus. Despite announcing that the virus was infected, the government did not disclose the patient's domicile. This reflects the government's indecisiveness or doubt in the disconnection of the Covid-19 transmission chain transparently and quickly.¹³

The National Disaster Management Agency (BNPB) expressly states that Covid-19 infection causes a certain state of emergency due to disaster. In its Decree, BNPB explained that the status of certain emergencies due to Covid-19 is extended and valid from February 29, 2020 to May 29, 2020. This explains the very high covid-19 pandemic rate.¹⁴

The mortality rates of countries in Europe and Indonesia are also very worrying. *Case Fatality Rate* (CFR) of these countries averages above 8%. Even in Indonesia alone the percentage of deaths is about 10%, and it is localized in DKI Jakarta (with very high cases. Therefore, the local government (especially DKI Jakarta) has confirmed that it will quarantine the area. But quarantine of the new territory can be done effectively if it really knows who the affected patients are including uncovering the domicile of the patient.¹⁵

Covid-19 is not a common cold, Covid-19 is a new virus that has the ability to transmit to individuals very quickly. Some studies mention that no therapy is really effective in dealing with this case of Covid-19, and once a person is already infected, then all the body's response depends on the immune system of each individual. Smeakin is elderly a patient and has many accompanying diseases, the more vulnerable the patient falls into a state

of respiratory failure. In China, it is mentioned that the peak of the Covid pandemic is in January-February. From March to April his case began to plague. However, there are still around 5-6 thousand people who are in serious care. This explains the virus's dangers because the single most effective way is to find a vaccine from Covid-19, not therapy.¹⁶

Conclusion

There are several laws and regulations governing the opening of Patient Medical Rahasi, namely Law No. 36 of 2009 on Health and Regulation of the Minister of Health No. 269 of 2008 on Medical Records, which explicitly explains that related to the Covid-19 Pandemic is allowed to be opened Medical Secrets of patients concerning the interests and safety of the public. However, PB IDI's desire to realize this was hindered by the government which had an impact on the government's indecisiveness in breaking the chain of Covid-19 transmission. This is because the government is reluctant to contact tracing accurate data and does not explain the domicile area in detail. Whereas the Covid-19 Pandemic can last up to more than 3 months, and all depends on the readiness and assertiveness of the government.

The government should seek accurate contact tracing through the opening of Patient Medical Secrets, especially by explaining the full address and details of the positive individual loplasi diagnosed with Covid-19 due to how dangerous the virus can spread and transmit to others.

Ethical Clearance- This research was a part of thesis that has been approved for publication

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Conflict of Interest- Nil.

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