



Legal Protection for the Development of Professional Education for Nursing Staff

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Abstract

One part of the health workforce is nursing staff. Nursing staff who have graduated from a bachelor's degree and have not yet completed professional nursing education can only work in administrative services. In fact, hospitals allow them to provide professional services to patients. This is certainly not in accordance with the provisions of Law Number 17 of 2023 concerning Health, Article 212 of which stipulates that health workers with a bachelor's degree must undergo professional education to be able to practice professionally in health care facilities. Then in Government Regulation Number 28 of 2024 concerning the Implementation of Law Number 17 of 2023 concerning Health, health workers are given a maximum of five years from the enactment of this Government Regulation. The implementation of this regulation means that

nursing staff who do not fulfill their professional education obligations will lose their jobs, and nursing staff who continue their professional education need educational financial assistance from the agency. This study uses an empirical legal research method with a legislative and conceptual approach. Data analysis was carried out by collecting library data and field research results. The results of the research that has been conducted show that many nurses have not completed professional education but provide professional health services in hospitals. Nursing staff with civil servant status, in adapting to professional education, can be facilitated with study assignments, either through independent study or scholarship funding. This differs from government employees with contract agreements, who cannot be facilitated with study assignments.

KEYWORDS *Legal Protection, Professional Education, Nursing Personnel.*

Introduction

The success of health efforts depends on the availability of health resources in the form of adequate health personnel, facilities and infrastructure.¹ Health problems concern all aspects of life and encompass the entire duration of human life. Health services are a concept used in providing health services to the community². Health workers include clinical psychology workers, nursing workers, midwifery workers, pharmaceutical workers, public health workers, environmental health workers, nutrition workers, physical therapy workers, medical technicians, biomedical engineering workers, traditional health workers, and other health workers as determined by the minister.³

¹ Lucy K Tantum et al., "Environmental Infrastructure Maintenance Bottlenecks in Healthcare Facilities and Coping Strategies Among Healthcare Workers in Niger," *Environmental Health Insights* 18 (January 14, 2024): 11786302241271554, <https://doi.org/10.1177/11786302241271554>.

² Daniel A. Nagel, Lisa Keeping-Burke, and Isdore Chola Shamputa, "Concept Analysis and Proposed Definition of Community Health Center," *Journal of Primary Care & Community Health* 12, no. 7 (January 20, 2021): 452–54, <https://doi.org/10.1177/21501327211046436>.

³ Hee Sook Kim, "The Relationship among Personality Type, Self-Esteem and Mental Health of Nursing Students," *Journal of Korean Academy of Psychiatric and Mental Health Nursing* 12, no. 4 (December 31, 2003): 385–93, <https://doi.org/10.12934/jkpmhn.2003.12.4.385>.

One of the factors of success of the hospital in achieving the goal always plays a very big role in it, namely employees, in this case nurses, who contribute to a hospital. In the implementation of hospital services, one of the important roles is nurses.⁴ Human Resources (HR) are valuable assets in a company or organization such as a hospital. The success of a hospital in providing services is determined by the quality of human resources (HR).⁵ Health workers are not only agents of treatment and health services, but also agents of change who help build a stronger and more inclusive health system.⁶

The quality of care services provided by qualified nurses is one of the qualities of health services.⁷ Developing and improving the knowledge and skills possessed is the obligation of health workers in carrying out their duties⁸ The nursing career ladder is a system to improve performance and professionalism through increasing competency, which results in professional performance in nursing care services.⁹ One of the conditions that must be met by health workers to be able to work in health service facilities such as hospitals and community health centers is to have an active registration certificate,¹⁰ To obtain a Certificate of Registration, health workers must first take a national competency test organized by universities in collaboration with professional organizations, training institutions, or accredited certification institutions.¹¹

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- ⁴ Amir Amir, Lalu Sulaiman, and Menap Menap, "Determinan Kinerja Tenaga Perawat Di Ruang Rawat Inap RSUD Bima Tahun 2023," *Bioscientist: Jurnal Ilmiah Biologi* 12, no. 1 (June 30, 2024): 1263, <https://doi.org/10.33394/bioscientist.v12i1.10781>.
 - ⁵ Ahmad Muslim and Sutinah Sutinah, "Pengembangan Karier Profesional Perawat Non PNS Di Rumah Sakit X," *Jurnal Manajemen Kesehatan Yayasan R.S.Dr. Soetomo* 6, no. 1 (April 23, 2020): 16, <https://doi.org/10.29241/jmk.v6i1.262>.
 - ⁶ Hermien Hadiati Koeswadi, *HUKUM Untuk Perumah Sakitan*, 2002.
 - ⁷ Isabel Antón-Solanas et al., "Qualified Nurses' Perceptions of Cultural Competence and Experiences of Caring for Culturally Diverse Patients: A Qualitative Study in Four European Countries," *Nursing Reports* 12, no. 2 (May 5, 2022): 348–64, <https://doi.org/10.3390/nursrep12020034>.
 - ⁸ Agnes Rini Eka Wulandari et al., "Pengalaman Perawat Dalam Program Peningkatan Pendidikan Formal," *Jurnal Keperawatan Silampari* 6, no. 2 (March 31, 2023): 1400–1412, <https://doi.org/10.31539/jks.v6i2.4344>.
 - ⁹ Ekawati Saputri and Evodius Nasus, "Nurses' Perception About Career Ladder: A Mix Method Study," *Jurnal Keperawatan Malang (JKM)* 9, no. 2 (August 22, 2024): 153–66, <https://doi.org/10.36916/jkm.v9i2.286>.
 - ¹⁰ Suzanna et al., "Identification of Nursing Students' Anxiety and Readiness Facing Ners Competency Tests; Qualitative Study," *Journal Of Nursing Practice* 7, no. 2 (April 29, 2024): 389–95, <https://doi.org/10.30994/jnp.v7i2.492>.
 - ¹¹ Kathy B. Chappell et al., "Credentialing and Certification: Overview, Science, and Impact on Policy, Regulation, and Practice," *International Nursing Review* 68, no. 4 (December 30, 2021): 551–56, <https://doi.org/10.1111/inr.12721>.

However, since the enactment of Law Number 17 of 2023 concerning Health for Health Workers, graduates of undergraduate academic education cannot immediately take part in competence test but must first take professional education, as regulated in Article 212, paragraph (2) of Law Number 17 of 2024, that students who have completed undergraduate health worker education as referred to in paragraph (1) can only carry out professional practice after completing professional education and being given a professional certificate.

Based on the above regulation, it is strictly regulated that students who graduate from undergraduate academic education must first continue their professional education in order to be able to work in healthcare facilities. Professional education in Law Number 17 of 2023 is a requirement that must be taken for S1 academic graduates, after which they can take the competency test to obtain a Registration Certificate as one of the requirements to be able to work in health care facilities.

Professional education for health workers is a continuing education program with the aim of health workers learning more deeply, strengthening ethics and responsibility in health services, and having professional competence according to their field of knowledge.¹² Health education is different from academic education because in the professional education program, the emphasis is more on the practice and application of knowledge of each health worker.¹³ Nursing staff are part of the health workforce who have a big responsibility in providing care and treatment to patients.¹⁴

Regarding the requirement to continue professional education for Health Workers, it is emphasized again in Government Regulation Number 28 of 2024 concerning the Implementing Regulations of Law Number 17 of 2023 concerning Health in Article 1164 that:

“Health Workers who are graduates of academic education and have provided Health Services and have a STR before the Government

¹² Olga Gershuni et al., “A Systematic Review on Professional Regulation and Credentialing of Public Health Workforce,” *International Journal of Environmental Research and Public Health* 20, no. 5 (February 24, 2023): 4101, <https://doi.org/10.3390/ijerph20054101>.

¹³ Lisa McKenna et al., “Postgraduate Nurse Education in Indonesia and Australia: A Comparative Analysis,” *Nurse Education Today* 131 (December 2023): 105954, <https://doi.org/10.1016/j.nedt.2023.105954>.

¹⁴ Novita Taneu and Rr. Erlita Yuliasesti DS, “Work Engagement: Psychological Well-Being Dan Perceived Organizational Support Perawat Di Daerah 3T,” *Psyche 165 Journal*, September 1, 2023, 175–82, <https://doi.org/10.35134/jpsy165.v16i3.264>.

Regulation comes into effect, can still provide Health Services and must adjust to the qualifications of the education profession within a maximum period of 5 (five) years calculated from the time the Government Regulation is enacted.”

Analyzing the contents of Article 1164 above, it is clear that health workers who are currently working in health service facilities such as hospitals, community health centers, and other health service facilities must adjust to professional education standards within a maximum period of 5 (five) years.

The requirement for health workers to adjust to the professional education that is currently working will face various obstacles.¹⁵ There are several things that can hinder the process of professional education for health workers who are currently working in health service facilities,¹⁶ namely health workers whose status is temporarily working and also obstacles in financing. Although this regulation aims to improve the quality standards of health workers, the absence of a lighter transition policy can be detrimental to health workers who have been working for years.

Therefore, there needs to be facilitation for Health Workers who are temporarily working but have not continued their professional education. The government should provide professional development programs that are easily accessible to Health Workers who face financial constraints through educational grants, scholarships or special pathways such as study assignment pathways for Health Workers who are temporarily working in health care facilities. In addition to cost constraints, there also needs to be certainty regarding licensing for Health Workers in continuing their professional education. The development of professional programs from the Regional Civil Service Agency of South Sulawesi Province specifically for Civil Servants (PNS) is guided by the Regulation of the Governor of South Sulawesi Number 45 of 2023 concerning Amendments to the Regulation of the Governor of South Sulawesi Number 40 of 2022 concerning Civil Servant Career Management. Article 15 letter C stipulates that:

¹⁵ Mainprice Akuoko Essuman et al., “Self-Reported Continuing Professional Development Needs of Medical Laboratory Professionals in Ghana,” *Human Resources for Health* 21, no. 1 (September 12, 2023): 74, <https://doi.org/10.1186/s12960-023-00859-9>.

¹⁶ Sofia Triliva et al., “Healthcare Professionals’ Perspectives on Mental Health Service Provision: A Pilot Focus Group Study in Six European Countries,” *International Journal of Mental Health Systems* 14, no. 1 (December 6, 2020): 16, <https://doi.org/10.1186/s13033-020-00350-1>.

"Competency development is an effort to fulfill Managerial Competencies, Technical Competencies, and Socio-Cultural Competencies in the form of education and/or training."

Furthermore, it is clarified in paragraph (14) which stipulates that:

"Increasing qualifications as referred to in paragraph (1) letter c in the form of education through study assignments, and formal education at higher education levels in accordance with the provisions of the Laws and Regulations".

With the obligation to continue professional education for rescue workers who currently have the status of civil servants, where only state civil apparatus can be given study assignment facilities and do not pay attention to the funding facilities for government employees with contract agreements, it will burden these employees. Therefore, there is a need for a legal umbrella to protect workers so that they can continue their professional education and on the other hand do not lose their jobs. Legal certainty is necessary to ensure that individuals have the freedom to act and make decisions within the limits of the law. Legal certainty is embedded¹⁷ in progressive thinking that emphasizes that the law is not just written down that must be obeyed, but also a tool to achieve substantive justice and public welfare.¹⁸

Such guidelines can promote legal certainty, enhance coordination among jurisdictions,¹⁹ legal certainty ensures that policies requiring professional education²⁰ do not disadvantage nurses who have worked for a long time. Nurses who have worked for many years may face uncertainty in their careers, such as the risk of being fired from their jobs or restrictions on their right to

¹⁷ Yueyue Wu, "Embedded Fusion: The Certainty of Blockchain Technology Complements the High Degree of Probability of Legal Presumption," *Chinese Studies* 12, no. 02 (2023): 103–12, <https://doi.org/10.4236/chnstd.2023.122010>.

¹⁸ Jaakko Kalverkämper, "Re-Imagining Criminal Justice: The Ethical Fusion of Substantive Law and Procedural Law," *Social Science Chronicle* 2, no. 1 (June 30, 2023): 1–18, <https://doi.org/10.56106/ssc.2023.006>.

¹⁹ Etinosa Igbinenikaro and Adefolake Olachi Adewusi, "Developing International Policy Guidelines For Managing Cross-Border Insolvencies In The Digital Economy," *International Journal of Management & Entrepreneurship Research* 6, no. 4 (April 7, 2024): 1034–48, <https://doi.org/10.51594/ijmer.v6i4.983>.

²⁰ Siobhán O'Connor et al., "Artificial Intelligence in Nursing and Midwifery: A Systematic Review," *Journal of Clinical Nursing* 32, no. 13–14 (July 31, 2023): 2951–68, <https://doi.org/10.1111/jocn.16478>.

practice nursing, if there is no adequate legal certainty.²¹ Therefore, laws regulating the obligation of professional education must take into account transition factors and provide affected care with fair solutions, such as conversion programs or exceptions for experienced nurses.

From a legal protection perspective, legal certainty is also important to prevent certain parties from violating the policy.²² If there are no clear rules and consistent implementation, irresponsible parties can take advantage of this policy, for example, by setting inconsistent requirements or imposing disproportionate sanctions. Nurses play a vital role in the health care system in providing safe and quality nursing care. A nurse who practices nursing independently or performs medical procedures must first complete professional education and obtain a Registration Certificate and a Nurse Practice License. If a nursing staff has not completed professional education practices due to a shortage of staff at a health facility, then legally there is a violation.

If prohibited nursing acts result in patient losses, the healthcare facility where they work may also be held liable. In addition, the patient or their family may file a lawsuit against the hospital and the nurse for damages if malpractice or a medical error happens. In practice, the lack of nursing staff in many hospitals, particularly in rural locations, frequently compels management to adopt pragmatic measures like employing nurses who fall short of professional standards. This circumstance nonetheless does not legally excuse procedural infractions.

According to Satjipto Rahardjo, the theory of legal protection is basically an effort to protect human interests through legal regulatory standards to realize justice and trade in society. This theory is relevant in the practice of murder by staff who have not completed the educational profession because this problem is not only about violating the law but also about the importance of protecting the rights of all parties, both health workers themselves and patients who receive health services.

Method

²¹ Olga Canet-Vélez et al., "The Perception of Training and Professional Development According to Nursing Students as Health Workers during COVID-19: A Qualitative Study," *Nurse Education in Practice* 53 (May 2021): 103072, <https://doi.org/10.1016/j.nepr.2021.103072>.

²² Zaid Ibrahim Yousef Gharaibeh et al., "Examining Challenges and Prospects Associated with Implementing Legal Protections for Electronic Governances: A Generic Perspective from Developing Country," *Brazilian Business Review* 21, no. 5 (2024): e20231773, <https://doi.org/10.15728/bbr.2023.1773.en>.

The type of research used in this study is empirical legal research. Empirical legal research is a legal research method that functions to analyze and examine the work of law in society. In empirical legal research, many quantitative analysis methods are used. So that in empirical legal research examining people with living relationships in the middle of society, the empirical legal research method can also be said to be sociological legal research.²³

The location of this research is the South Sulawesi Provincial Health Service, the South Sulawesi Provincial Regional Personnel Agency, and the Tadjuddin Chalid Hospital, Makassar City. The Health Service was used as the research location to find data on the number of nurses in South Sulawesi in the last three years, and Tadjuddin Chalid Hospital was also used as the location for this research because there were nurses who had not completed their professional education but were practicing their profession or providing services to patients, while it was known that bachelor's degree graduates who had not continued their professional education were only given the task of taking care of the administration, not patient care. The research approach applied in this legal research is the statute approach.²⁴ This approach is basically carried out by examining all laws and regulations related to the problems (legal problems) being faced.²⁵ This approach is a study that prioritizes legal materials in the form of laws and regulations as basic reference materials in conducting research. Contextual approach (conceptual approach),²⁶ this approach is a type of approach in legal research that provides an analytical perspective on solving problems in legal research seen from the aspect of the legal concepts that underlie it, or it can even be seen from the values contained in the norming of a regulation in relation to the concepts used.²⁷

²³ Doron Dorfman, "Empirical Disability Legal Studies," *Annual Review of Law and Social Science* 20, no. 1 (October 17, 2024): 255–72, <https://doi.org/10.1146/annurev-lawsocsci-041822-033138>.

²⁴ Achmad Irwan Hamzani et al., "Legal Research Method: Theoretical and Implementative Review," *International Journal of Membrane Science and Technology* 10, no. 2 (August 24, 2023): 3610–19, <https://doi.org/10.15379/ijmst.v10i2.3191>.

²⁵ Irwansyah, *Penelitian Hukum, Pilihan Metode, Dan Praktik Penulisan Artikel Edisi Revisi*, 2022.

²⁶ Kevin Fredy Hinterberger, "A Critical-Contextual Approach in Comparative Migration Law," *International Journal of Migration and Border Studies* 7, no. 2 (2023): 114, <https://doi.org/10.1504/IJMBS.2023.128597>.

²⁷ Agus Budianto, "Legal Research Methodology Reposition in Research on Social Science," *International Journal of Criminology and Sociology* 9 (April 5, 2022): 1339–46, <https://doi.org/10.6000/1929-4409.2020.09.154>.

The author determines the data collection technique through library research, library research is research carried out using literature. In library research, the author collects data from reading, studying, understanding, and filtering literature that is relevant to the case in this study. Furthermore, through field research, the data collection technique carried out by the author is by interview, where the author conducts several questions and answers to all sources that have aimed to obtain accurate results.²⁸ The informants in this study were one person from the personnel department of the South Sulawesi Health Service, one person from the Human Resources department of Dr. Tadjuddin Chalid Hospital, a nurse and one person from the administration department of the South Sulawesi Regional Personnel Agency. This study is an empirical legal study by conducting interviews with informants who have been determined.

Data analysis carried out by the author is by collecting data through library research and field research. The data that has been obtained is then processed qualitatively,²⁹ namely by analyzing the data based on its quality and then described descriptively in the form of good, effective, and coherent sentences so that it can be properly understood by the reader.

In this study, the theory of legal certainty³⁰ and the theory of legal protection³¹ are used. According to Satjipto Rahardjo, the theory of legal protection is basically an effort to protect human interests through the application of legal regulations to realize justice and order in society, and According to Philipus M. Hadjon, legal certainty must be realized through regulations that are enforced without discrimination.

This provides certainty for health workers who must continue their professional education but are constrained by personal funding; on the other hand, if they do not continue their professional education, they will lose their

²⁸ Titus Utibe Monday, "Impacts of Interview as Research Instrument of Data Collection in Social Sciences," *Journal of Digital Art & Humanities* 1, no. 1 (October 2, 2020): 15–24, https://doi.org/10.33847/2712-8148.1.1_2.

²⁹ Victoria Reyes, Elizabeth Bogumil, and Levin Elias Welch, "The Living Codebook: Documenting the Process of Qualitative Data Analysis," *Sociological Methods & Research* 53, no. 1 (February 8, 2024): 89–120, <https://doi.org/10.1177/0049124120986185>.

³⁰ Gribova Evangelina Nikolaevna, "The Principle of Legal Certainty: Concept and Main Characteristics," *Advances in Sciences and Humanities* 9, no. 2 (June 10, 2023): 68–75, <https://doi.org/10.11648/j.ash.20230902.18>.

³¹ Safrin Salam, "Legal Protection Of Iindigenous Institutions In The Frame Of The Rule Of Law (Legal Protection Theory)," *Cepalo* 7, no. 1 (March 27, 2023): 61–70, <https://doi.org/10.25041/cepalo.v7no1.2898>.

jobs. Therefore, there needs to be legal protection for the rights of health workers who are currently working in health care facilities. The main basis for analyzing and solving the problems studied in this research is the theory of legal certainty. This theory ensures that clear, consistent, and predictable legal norms will be used to resolve each problem, providing certainty for the parties involved.³²

Result & Discussion

A. Licensing for Development of Professional Education for Nursing

In the world of work, nurses who have not completed their professional education face challenges. They still do not fully meet the professional standards set by national law, even though they have worked and contributed to health services. To gain full recognition as professional nurses, professional education such as the Ners program is essential. Therefore, they must adapt to the demands of this professional education, even though they are currently working. To ensure the quality of health services, professional education is very important, according to the government and related institutions. The goal is for every nurse to have moral, managerial, and professional competencies that are in accordance with national and international standards in addition to technical skills. This obligation applies to all nurses, including those who have worked in the field for years. One important part of the effort to improve the quality of health services in Indonesia is the implementation of this provision.

However, in practice, many nurses experience difficulties, especially related to financing professional education. The high cost of education is often the main obstacle, especially for those who come from areas with economic limitations. This condition creates a dilemma, where they must choose between continuing to work to meet their living needs or taking leave and finding additional funds to complete their professional education. This uncertainty burdens the psychological and professional burden of nurses in the field.

After Law Number 17 of 2023 concerning Health came into effect, the legal status of health workers, including nurses, changed significantly. To gain

³² Elsa Rina Maya Toule, "Rule of Law and Rule of Ethic in Law Enforcement in Indonesia," *SASI* 28, no. 1 (April 14, 2022): 56, <https://doi.org/10.47268/sasi.v28i1.752>.

full recognition as professional health workers, graduates of academic education, including nursing, must continue their professional education. This means that an academic degree is no longer sufficient to provide legal legitimacy to work as a nurse in a health care facility. To obtain a valid practice permit according to applicable legal provisions, professional education is an absolute requirement.

The legal status of nurses currently undergoing professional education is that they are considered medical personnel who are in the process of fulfilling formal legal requirements. During this education period, they are allowed to carry out limited practice, usually in the form of clinical practice under supervision, which is part of the professional curriculum. Any form of independent practice without supervision can be considered unlawful, and can result in administrative or criminal consequences.

Nurses who have worked and provided nursing services in health facilities but have not continued their professional education are in a legally vulnerable position. They have not met the professional requirements as stipulated in the Health Law, even though they have really contributed to health services. These nurses and the health service facilities that employ them can be subject to sanctions because the practices they carry out can be categorized as practices without a professional license according to health administration law.

This condition shows the gap between regulations and reality in the field. Many nurses worked before the Health Law was enacted or were constrained in continuing their professional education, either due to cost factors, limited access, or other social factors. Health law prioritizes the principle of patient protection and service quality standards, but in this case it must also consider the principles of justice and sustainability of the health workforce. Without a transition solution or adjustment mechanism, many nurses could lose their jobs or experience serious obstacles in their professional careers.

For nursing staff with civil servant status to continue their professional education, it has been regulated in the Regulation of the Governor of South Sulawesi Number 45 of 2023 concerning Amendments to the Regulation of the Governor of South Sulawesi Number 40 of 2022 concerning Civil Servant Career Management, regulated in Article 15 paragraph (14) that increasing qualifications as referred to in paragraph (1) letter c in the form of education through providing study assignments in formal education at the higher education level in accordance with the provisions of statutory regulations.

For State Civil Apparatus, competency development through study assignments is divided into 2 (two) parts, namely independent study assignments and study assignments with scholarships. Independent study assignments are continuing professional education but not leaving their duties, while study assignments with scholarships are nursing staff given time to focus on studying and leave their duties for some time according to the provisions set, while taking part in study assignments with scholarships, ASN employees only receive basic salary, previous facilities are still provided, and cannot receive remon salary and performance allowances.

One of the important stages in realizing competent and professional nurses is through professional education. After completing academic nursing education, students must then undergo a professional stage to obtain clinical skills directly in various health care facilities. In this process, prospective nurses are equipped with the knowledge to provide nursing services in accordance with health care standards by applying the theories they have learned. Through professional education, nurses not only have theoretical knowledge but also have practical skills that are very much needed when they provide health services.

Not only improving clinical skills, professional nursing education also provides professional confidence and ethical values in providing health services. A nurse must understand the importance of responsibility, empathy, and teamwork in the workplace because they are responsible for patient safety. Direct experience in handling patients facing various conditions is provided to students during the professional education process, with the hope of helping professional students develop their skills in communication style, decision-making, and time management. This is certainly very important in ensuring that a nurse works technically and is sensitive to the needs of patients and their families.

In some areas in South Sulawesi Province, nurses without a nursing degree have worked in hospitals with the status of State Civil Apparatus or Government Employees with Work Agreements. This phenomenon has caused debate because professional nursing education should be the minimum standard for nurses who work professionally in health care facilities. Although they have a nursing education from a bachelor's degree without work experience, there are concerns that their clinical skills and understanding of nursing practice do not fully meet medical standards.

Nurses who have not completed professional education can be accepted as State Civil Apparatus employees or government employees with a contract agreement but remain in a position not providing health services, only as administrative staff or other staff who do not provide direct health services to patients. Based on Law Number 17 of 2023 concerning health, in Article 212, paragraph (2), it states that students who have completed undergraduate health worker education can only practice the profession after completing professional education and being given a professional certificate. Therefore, it is necessary to make reconstruction arrangements in governance ASN management, especially in procurement, that can provide solutions to the scarcity of personnel.³³

Then it is emphasized in Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2023 concerning Health; it is regulated in Article 1164 that health workers who are graduates of academic education and have provided health services and have a registration certificate before this government regulation comes into effect can still provide health services and must adjust to the qualifications of professional education for a maximum of 5 (five) years from the date this government regulation is enacted. Therefore, professional education for nurses is the competency standard that must be possessed by a nurse when working professionally.

Nurses who are currently working in health care facilities, whether in hospitals, health centers, or clinics, whether they have the status of State Civil Apparatus or Government Employees with Work Agreements, must complete professional nursing education within a maximum period of five years after Government Regulation Number 28 of 2004 is stipulated. The purpose of this provision is to improve the quality of nurses working in health facilities so that they can provide safer nursing care, based on evidence, and in accordance with applicable professional standards.

Nursing professional education is a competency standard that must be met by nurses when working professionally. According to Health Law Number 17 of 2023, all nurses must complete professional education to obtain legal practice authority. Government Regulation Number 28 of 2024 strengthens this provision by stipulating that civil servant and government employee with work agreements nurses must complete professional education no later than five years

³³ Faradillah Paratama et al., "Reconstructing Civil Service Recruitment Policies in Indonesia: Ensuring Justice and Equity in Regional Asn Procurement Aligned With Sdg 8 and Sdg 10," *Journal of Lifestyle and SDG'S Review* 5, no. 1 (2025): 1–29, <https://doi.org/10.47172/2965-730X.SDGsReviewv5.n01.pe03100>.

after this regulation is enacted. If this obligation is not met, there is a possibility of losing status as a civil servant or government employee with work agreements. As a result, nurses who have worked without a profession for a long time face difficulties, especially regarding the certainty of their employment status.

Nurses who have been working for a long time without a nursing education must also consider their fairness from a legal ethics perspective. If they do not meet the new requirements, many who have been helping the health sector for years are now at risk of losing their jobs. Therefore, a fairer and more reasonable solution could come from a more humane legal approach, such as granting extensions to those facing difficulties or providing a pathway for prior learning recognition to recognize work experience as part of professional education.

From the perspective of state administrative law, the policy that differentiates the right to competency development between civil servants and government employees with contractual agreements causes inequality in the personnel system. Despite the fact that government employees with contractual agreements work under a contract, they still have the same responsibilities and duties in the field of health services. Therefore, the government should consider other options, such as providing incentives or subsidies for education for government employee nurses with contractual agreements who want to continue their education. This is very important to ensure that all health workers, both civil servants and government employees with contractual agreements, have the same opportunity to improve their skills without being limited by their employment status.

The government should revise the regulations related to competency development for government employees with contractual agreements, especially in the health sector, so that this policy is fairer and more effective. Work contract-based scholarships, which require government employee nurses with contractual agreements who receive educational assistance to serve for a certain period of time, are an alternative that can be considered. With a more inclusive policy, Indonesian health workers can continue to develop, and the quality of public health services can be maintained.

From a labor rights perspective, the government is also responsible for protecting the sustainability of nurses' jobs affected by this regulation. Nurses who are required to undergo professional education for a period of five years must be guaranteed that they will not lose their jobs during their education. In order to avoid news about the employment status of nurses, mechanisms such as

special contract extensions for government employees with contractual contracts who are undergoing education or re-hiring after completing professional education must be considered. In addition, the government must consider legal and social transitions when implementing this policy.

Not all nurses have equal access to professional schools, especially for nurses working in remote areas. As a result, to fulfill this obligation without disrupting health services in the region, solutions such as distance-based professional education or blended learning systems are needed. In addition, cooperation with teaching hospitals to provide more affordable facilities for nurses can also be an option to support their professional education.

The government should make more detailed regulations on school permits, scholarships, and other assistance programs to ensure that the obligation of nursing professional education is implemented fairly and does not create legal uncertainty. The imbalance between the obligation and the ability of nursing staff to fulfill it can occur if the legal certainty element of this policy is not strengthened. Therefore, it is very important for the government to ensure that these regulations not only require fulfillment of competency standards, but also offer practical solutions to enable nursing staff to perform their duties in a fair and reasonable manner.

Currently, Law Number 17 of 2023 concerning health and its derivative regulations stipulates that nurses must complete professional education before they can have full practice authority. However, many challenges hinder the implementation of this regulation in the field. Some of these include limited access to professional education, limited number of scholarships, and unclear study permit mechanisms for nursing staff who are still working. This policy must be examined from the perspective of Satjipto Rahardjo's legal certainty, especially from the perspective of legality and consequences for those who are subject to such responsibilities. Good regulation should allow nurses to meet the requirements of professional education.

From a legal certainty perspective, the state is responsible for establishing laws that define and protect the rights of nursing staff. If nurses are required to pursue a bachelor's degree within a certain time frame, they should know whether they can pay for their education in some way, whether through scholarships, loans, or other financing schemes that allow them to work while attending school. This regulation risks being ineffective and could even hurt the already underfunded nursing workforce. Law enforcement also mens the

implementation or application of the rules of laws both by legal apparatus and bureaucrats.³⁴

Satjipto Rahardjo argues that the law must develop and adapt to the demands of society. This means that policies must be evaluated and changed to better suit the needs of nursing staff in the field if the rules on the obligation of professional education pose many challenges in practice. Extending the deadline for the obligation of professional education or creating a mechanism to recognize work experience as part of the education process are some ways to solve this. Therefore, the law does not only function as a coercive force but also as a tool that helps society achieve justice and certainty.

In terms of the obligation of professional education for nurses, Satjipto Rahardjo's theory of legal certainty offers a relevant solution to the problems faced by nursing staff. According to this theory, the law must not only be normative, but also responsive to the social and economic conditions of nursing staff. Therefore, the government must ensure that this policy not only establishes obligations but also provides certainty about study permits, financing schemes, and protection of employment status. A more progressive and solution-oriented legal approach can enable the implementation of this policy more efficiently without burdening nursing staff who are struggling to improve their skills.

B. Funding for Professional Nursing Education for Civil Servant

Financing of professional education for Civil Servants has been regulated in the Regulation of the Governor of South Sulawesi Number 45 of 2023 concerning Amendments to the Regulation of the Governor of South Sulawesi Number 40 of 2022 concerning Civil Servant Career Management in Article 15 paragraph (14) which explains that improving employee qualifications in the form of providing study assignments in formal education at higher education levels is in accordance with the provisions of statutory regulations.

Hospitals always open up space for all health workers who work to continue their education, one of which is at Dr. Tadjuddin Chalid General Hospital Makassar. This hospital is a hospital under the auspices of the Ministry

³⁴ Hasbir Paserangi, Ratnawati, Sukarno Aburaera, M. Said Karim, "Law Enforcement in Indonesia: A Review from Legal Apparatus Roles," *Journal of Law, Policy, and Globalization* 58 (2017).

of Health of the Republic of Indonesia. In terms of developing professional education for health workers, Dr. Tadjuddin Chalid General Hospital allocates education funds from the Public Service Agency funds. The funding is by facilitating health workers and medical personnel to continue their education with the help of scholarship funds from the Public Service Agency budget.

The hospital scholarship from the Public Service Agency budget is only intended for health workers and medical personnel needed by the hospital, such as for the procurement of surgical specialists; then the doctor will be given a scholarship to pursue his surgical specialist education. However, the funding regulations for Civil Servant and government employees with work agreement who wish to undertake professional education are regulated directly by the Ministry of Health.

The procedure for submitting scholarship funding for nursing staff working at the Ministry of Health Hospital is by fulfilling all the requirements and internal administration of the hospital, such as having worked for 2 (two) years and behaving well while working, as well as having a recommendation from the hospital leadership. After all the complete files from the hospital, the files will then be processed at the Ministry of Health. Unlike Health Centers or Hospitals that are not under the auspices of the Ministry of Health, the procedure starts from the Health Center or Hospital then after that to the District/City Health Office.

Nursing professional education for nurses still faces many problems in its implementation. Among them are the high level of education, limited practice space, and the constant need to adapt to advances in the health sector. Therefore, in order for this professional program to be successful, educational institutions, hospitals, and government policies must support it. Graduates of nursing professional education will be able to become reliable health workers and be ready to face challenges in the world of nursing if they have a good education system and adequate support.

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Professional education students not only pay tuition fees but also have to finance their living expenses during the professional education process. This professional education development program requires students to remain focused on practicing in hospitals or other healthcare facilities for a very long period of time, which makes it difficult for students to work while studying. This causes many students to have difficulty meeting their basic needs, such as transportation costs and food costs, and also their place of residence, especially for students who have to live in a different city from the city where they work. Economic constraints can hinder education and can cause some students to postpone or even stop their professional education.

Students who have financial constraints also face difficulties if they do not receive scholarships or professional education assistance from the ministry or agency where they work. Although there are several government institutions and campuses that provide scholarships for professional nursing education, the number available is still limited with tight competition to get it. There are so many students who do not meet the administrative requirements or do not know about the assistance program.

On the other hand, nurses of State Civil Apparatus and Government Employees with Contract Agreements who are willing to continue their professional education face problems regarding the certainty of study permits from the Regional Personnel Agency and related institutions. A clear policy on study permits and work adjustment mechanisms are needed because many nurses have to work full time in hospitals or government health facilities. Without flexible rules, nurses will have difficulty balancing their academic and work responsibilities, which can have an impact on public health services. Therefore, additional regulations must be made immediately regarding safe study permit procedures for nurses of the State Civil Apparatus and government employees with contract agreements.

In addition to administrative issues, the main obstacle for nurses who are required to continue their studies is the cost of professional education. Nursing education is very expensive, including tuition fees, internships, and other academic fees. Many nurses will face financial problems if this obligation is not accompanied by financial assistance programs such as scholarships or government subsidies. Therefore, the government must ensure that nurses of the State Civil Apparatus and government employees with contract agreements

who are qualified to meet the competencies stipulated by law can obtain professional education with financial support. The government's obligation to provide scholarships to PPPK nurses can be seen as a form of preventive legal protection. With scholarships, nurses can improve their skills and the quality of health services they provide to the community. If the government does not provide access to scholarships or capacity-building programs for government employee nurses with contract agreements, there will be an imbalance in terms of career development and increasing the competence of health workers. Therefore, regulations governing the rights of government employee nurses with contract agreements to receive scholarships must be strengthened so that legal protection for this profession is more optimal.

The relationship between the theory of legal protection and the government's obligation to provide scholarships for nurses The government employees with contract agreements are to ensure the welfare and development of health workers' competence. The government, as a policy maker, must ensure that existing policies are not only administrative in nature but also provide real protection for nurses who are government employees with contract agreements. With strong legal protection, health workers can carry out their duties more professionally so that the quality of public health services will increase.

The source of funding for scholarships for nursing staff who wish to take professional education is from the Ministry of Health, Ministry of Finance, Ministry of Education, and scholarships from the South Sulawesi Provincial Government. Specifically, the South Sulawesi Provincial Health Office collaborates with the Ministry of Health in providing educational assistance or scholarships. The requirements that must be met by nursing staff are to follow the requirements of each agency where the nurse works and also the scholarship provider.

TABLE 1: Data on the Number of Nursing Personnel in South Sulawesi 2022

Agency	Civil Servant	Non – Civil Servant	Totally
Community Health Centers Regency/City	4.218	6.494	10.712
Hospital Regency/City	4.575	9.783	14.358
Public Health Office Regency/City	67	183	250

Clinic Regency/City	-	-	-
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Source: Public Health Office South Sulawesi

Based on Table 1, the number of nursing personnel in South Sulawesi in 2022 was quite significant, especially in district/city-level health care facilities. Community health centers had 10,712 nursing personnel, consisting of 4,218 civil servants and 6,494 non-civil servants. In district/city hospitals, the number was higher, at 14,358, consisting of 4,575 civil servants and 9,783 non-civil servants. Meanwhile, in district/city health offices, there were 250 nursing personnel, consisting of 67 civil servants and 183 non-civil servants. These data indicate that non-civil servant nursing personnel outnumber civil servants in almost all types of institutions.

This situation reinforces the importance of legal protection in the form of educational support, financial assistance, and scholarships for nursing personnel, particularly non-civil servants or those with work contracts who are obliged to improve their professional competence. The large number of non-civil servants demonstrates that competency improvement policies should not focus solely on civil servants. Regional governments and relevant agencies need to ensure equitable access to professional education programs, training, and scholarships. Therefore, legal protection for nurses is not merely administrative but also tangible, supporting career development, improving the quality of healthcare services, and fulfilling the public's right to professional healthcare.

TABLE 2: Data on the Number of Nursing Personnel in South Sulawesi 2023

Agency	Civil Servant	Non – Civil Servant	Totally
Community Health Centers Regency/City	4.585	6.380	10.965
Hospital Regency/City	5.275	9.595	14.870
Public Health Office Regency/City	51	62	113
Clinic Regency/City	120	958	1078

Source: Public Health Office South Sulawesi

Based on Table 2, the number of nursing personnel in South Sulawesi in 2023 reached 27,026, spread across community health centers, hospitals, health offices, and district/city clinics. Puskesmas employs 10,965 nursing personnel, comprising 4,585 civil servants and 6,380 non-civil servants. District/city hospitals employ a higher number of nursing personnel, at 14,870, comprising 5,275 civil servants and 9,595 non-civil servants. Meanwhile, district/city health offices employ 113 nursing personnel, comprising 51 civil servants and 62 non-civil servants. District/city clinics employ 1,078 nursing personnel, comprising 120 civil servants and 958 non-civil servants.

The data shows that non-civil servant nursing staff still dominate the healthcare workforce in South Sulawesi in 2023. The number of non-civil servants reached 16,995, while civil servants numbered 10,031. This situation demonstrates that the need for competency improvement, professional education, and financial assistance is not only relevant for civil servants but is also crucial for non-civil servant nursing staff, including government workers with work contracts. Therefore, policies on scholarships, educational subsidies, and capacity building need to be designed fairly and inclusively so that all nursing staff have equal opportunities to improve their professional competency. This is crucial for strengthening legal protection for nurses while improving the quality of healthcare services to the public.

TABLE 3: Data on the Number of Nursing Personnel in South Sulawesi 2024

Agency	Civil Servant	Non – Civil Servant	Totally
Community Health Centers Regency/City	5.285	5.281	10.566
Hospital Regency/City	6.234	9.493	15.727
Public Health Office Regency/City	53	70	123
Clinic Regency/City	173	1.276	1.449

Source: Public Health Office South Sulawesi

Based on Table 3, the number of nursing personnel in South Sulawesi in 2024 reached 27,865, spread across community health centers, hospitals, health offices, and district/city clinics. Puskesmas employs 10,566 nursing personnel, comprising 5,285 civil servants and 5,281 non-civil servants. District/city hospitals employ 15,727 nursing personnel, comprising 6,234 civil servants and 9,493 non-civil servants. Meanwhile, district/city health offices employ 123 nursing personnel, comprising 53 civil servants and 70 non-civil servants. District/city clinics employ 1,449 nursing personnel, comprising 173 civil servants and 1,276 non-civil servants.

The data shows that the non-civil servant nursing workforce remains larger, at 16,120, compared to the 11,745 civil servants. The dominance of non-civil servants is clearly visible in district/city hospitals and clinics. This situation emphasizes the need for competency development policies, professional education, educational assistance, and scholarships to be provided proportionally to all nursing staff, including government workers with work contracts. With the continuing large number of nursing staff in public service, the state and local governments need to ensure concrete legal protection so that nurses' competency development is not hampered by the burden of educational costs. This is crucial to ensure nurses' welfare, secure career development, and improve the quality of healthcare services for the community.

Conclusion

Licensing related to the requirements for nurses to be able to take professional education is carried out by checking in stages. If the nurse works in a health center, it starts from the licensing standards of the agency or health center, as well as if working in a hospital and clinic. In mapping the availability of nursing staff, if nurses who previously took professional education with a scholarship study assignment return to the provisions of each hospital to map the need for nursing staff to fill the vacancies.

The source of funding for scholarships for nursing staff who wish to take professional education is from the Ministry of Health, Ministry of Finance, Ministry of Education, and scholarships from the South Sulawesi Provincial Government. Specifically, the South Sulawesi Provincial Health Office collaborates with the Ministry of Health in providing educational assistance or scholarships. The requirements that must be met by nursing staff are to follow

the requirements of each agency where the nurse works and also the scholarship provider.

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