

## Legal Protection for Patients in Medical Services at Bhayangkara Hospital Makassar

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**Abstract.** *Hospitals play a role in supporting public health. Hospitals are required to provide standard medical services to patients as recipients of health services. Medical services provided in hospitals do not always provide the expected results, sometimes negligence occurs that is detrimental to the patient. Therefore, legal protection is needed for patients in hospitals. This study aims to determine how the practice of legal protection for patients in medical services at the Bhayangkara Hospital Makassar, and to determine the form of responsibility of the Hospital in providing medical services to patients at the Bhayangkara Hospital Makassar. This research method is a type of empirical legal research with analytical descriptive research specifications. This study will see directly how the policies, rules and conditions in the hospital are related to legal protection for patients. The results of the study show that legal protection for patients in medical services at the Bhayangkara Hospital Makassar consists of preventive and repressive legal protection. Preventive legal protection includes completeness of administration, surveillance, implementation of Patient Safety Standards, Enforcement of Standard Operating Procedures, Education on Patient Rights and Obligations, Complaint services, and the existence of a Professional Committee and a Legal and Ethics Complaints Committee. Repressive legal protection includes fines, compensation or criminal penalties. The form of responsibility of the Hospital in providing medical services to patients includes professional ethical responsibility, administrative legal responsibility, civil legal responsibility, and criminal legal responsibility.*

**Keywords:** *Hospital; Patients; Protection; Responsibility.*

### 1. Introduction

Health is one of the most important necessities of life in carrying out daily activities. The government through the national health system strives to provide comprehensive, integrated, equitable and acceptable health and affordable for all levels of society. These efforts are carried out by emphasizing health services

for the community in order to achieve optimal health levels.

Based on the provisions in Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it has been emphasized that everyone has the right to obtain health services, and Article 34 paragraph (3) states that the state is responsible for providing adequate health service facilities and public service facilities. The provision of health services is carried out responsibly, safely, with quality, evenly and non-discriminatory. The government and regional governments are responsible for the provision of health services as described above.

Health services are basically aimed at implementing prevention and treatment of diseases, including medical services implemented on the basis of individual relationships between doctors and patients who need healing. Medical services are services received by a person in relation to the prevention, diagnosis, and treatment of certain health disorders. Medical services can be in the form of establishing a diagnosis according to procedures, providing therapy, carrying out medical actions according to medical service standards, then providing appropriate actions needed for the patient's recovery.

The relationship between a doctor and a patient is basically a civil legal relationship, in this case it is a legal relationship carried out by parties who are in an equal position. The form of legal relationship between a doctor and a patient is in the form of informed consent and therapeutic transactions. Informed consent is an agreement/agreement. A therapeutic transaction is an agreement relationship that arises between a doctor and a patient in health services in the medical field. Patients come to the doctor to be cured of their illness, and the doctor will make every effort to provide medical services to the patient, but the doctor does not guarantee that he will always be successful in providing medical services.

Medical services are a complex system and are at risk of accidents, so they must be carried out with great care by competent people who have special authority to do so. Information provided to patients must be clear and complete. The relationship between patients and doctors does not always run smoothly and sometimes problems occur due to the medical actions taken. This is where the suspicion of "malpractice" arises, due to therapeutic transactions that do not run well and optimally. Therefore, legal protection is needed for patients and doctors regarding their respective rights and obligations in a therapeutic transaction. The existence of legal protection in a therapeutic transaction will provide legal certainty in the implementation of medical services. both for doctors and patients.

Since the 12th century, the role of law can be trusted to be the "gods" who bring human salvation with the pretext of certainty, justice, peace, and tranquility. There are two functions of the law, namely protection and certainty for those who

carry out obligations in their relations with other parties.

Doctors who have implemented professional standards and have complete administrative requirements to practice (have a practice permit) have the right to obtain legal protection, so that they feel safe in carrying out their profession.<sup>6</sup>

Patients have the right to receive compensation if they receive inappropriate services. The public as consumers of medical services can submit their complaints to the medical team as an effort to improve internal medical services. When patients are harmed as recipients of medical services, legal protection is needed for patients.

Various legal protection efforts undertaken to provide comprehensive protection to the public as recipients of health services against the actions of doctors or dentists as providers of health services have been undertaken by the government by creating the Health Law and the Medical Practice Law as one of the national development efforts that lead to the realization of optimal health levels.

Hospitals have a role as providers of health services for patients to support public health. A patient who uses medical services is a consumer. The hospital is obliged to provide medical services according to standards to patients. The implementation of medical services in hospitals must be carried out well enough to fulfill the rights of patients which are carried out with full commitment, according to the duties and functions of the hospital. Every hospital is required to provide protection for users of health services (patients) in fulfilling their rights. Patient rights must be fulfilled considering that patient satisfaction is one of the indicators of service quality and the basis for providing protection to patients, while patient dissatisfaction can be the basis for lawsuits.

Bhayangkara Hospital Makassar is one of the Level II hospitals located in the city of Makassar. Every day this hospital handles and serves patients who are members of the Indonesian National Police and their families as well as the general public. This hospital is also a referral for people in Central and Eastern Indonesia. Bhayangkara Hospital Makassar has 72 specialist doctors, 11 subspecialist doctors, and 23 general practitioners, 8 specialist dentists, and 1 subspecialist dentist. Doctors in carrying out their professional duties when carrying out medical procedures do not rule out the possibility of errors or negligence that can have fatal consequences for patients and of course this is very detrimental to the patient.

Bhayangkara Hospital has served 27,254 inpatients and 163,022 outpatients in 2024. With that number of patients, there is a possibility of complaints about the services provided. Doctors, in carrying out their professional duties when carrying out medical procedures, do not rule out the possibility of errors or negligence that can have fatal consequences for patients and of course this is very detrimental to the patient. Therefore, to prevent unwanted things, Bhayangkara Hospital

Makassar has standards for implementing the rights of patients and medical personnel, several forms of protection provided to patients and medical personnel in providing health services.

In mid-2024, Bhayangkara Hospital Makassar was hit by an issue of alleged malpractice cases that caused a patient to die. After clarification and a medical audit, the hospital management stated that the actions and treatment of the patient had been carried out according to procedure, and the patient died due to complications of his illness.

The incident began when patient N was diagnosed with gallstones and underwent gallstone removal surgery. During the surgery, it was discovered that the patient also suffered from intestinal tuberculosis so that the gallstone removal surgery could not be continued and the surgery was stopped. After the condition improved, patient N was allowed to go home and was asked to come back for a check-up of his surgical wound. However, patient N came a few days late on the appointed check-up day and ironically, an infection had occurred in the surgical wound and spread throughout the body, causing patient N to be beyond help. The family has accepted the condition after receiving an explanation and making peace with the hospital.

## **2. Research Methods**

The type of research used in studying the existing problems is a type of empirical legal research, where researchers will study the regulations that apply and how they are implemented at the Bhayangkara Makassar Hospital in relation to legal protection for patients. Dr. Bintan R. Saragih, in his book entitled *Empirical Legal Research Methodology*, empirical legal research is legal research that uses empirical data or data obtained through observation or measurement in real situations to answer research questions. Empirical research is based on reality in the field or through direct observation. Empirical legal research looks at social reality and how this law functions in life. The research specifications used in this study are analytical descriptive. to describe symptoms or events that occur in society accurately and of course clearly. In the book written by Soerjono Soekanto, it explains that descriptive research is to provide data that is as accurate as possible with humans, conditions or other symptoms. Then be able to provide complete data regarding the problems that occur, which are based on applicable laws and regulations as well as theories that are relevant to the laws and problems that actually occur, then collected through data that is obtained, processed, and arranged according to existing theories to obtain problem solving in accordance with applicable provisions.

### **3. Results and Discussion**

#### **3.1. Legal Protection Practices for Patients in Medical Services at Bhayangkara Hospital Makassar**

Legal protection means there is protection for human rights that are harmed by others. Legal protection according to Philipus M Hadjon is the protection of dignity and respect and recognition of human rights owned by legal subjects based on legal provisions.

Legal protection for patients as users of health services is closely related to the services provided by hospitals as providers of health services.

Legal protection in hospitals is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims, legal protection for victims of crime as part of community protection, and can be realized in various forms, such as providing resistance, compensation, medical services and legal assistance.

Legal protection efforts can be divided into two forms, namely: Preventive Legal Protection and Repressive Legal Protection.

1) Preventive legal protection is legal protection provided by the government with the aim of preventing a violation.

This is contained in statutory regulations with the aim of preventing violations and providing guidelines or limitations in carrying out an obligation.<sup>94</sup>

Preventive health efforts are preventive activities against a health problem/disease to avoid or reduce risks, problems, negative impacts resulting from the disease or actions taken.

Preventive legal protection carried out at the Bhayangkara Hospital in Makassar includes:

##### *a. Laws*

Every Hospital, according to the law, has many obligations, one of which is to prepare and implement internal Hospital regulations or also called Hospital By Laws. Internal Hospital Regulations (Hospital byLaws) are Hospital organizational regulations (corporate bylaws) and Hospital medical staff regulations (medical staff bylaws) which are prepared in order to implement good corporate governance and good clinical governance. To protect patients and the community who need treatment and to avoid violations, negligence of service obligations by doctors and Hospitals. Hospitals must have various rules to protect patients from Hospital practices that are not feasible to operate, protect health workers from dangers caused by the Hospital, protect the community from the impact of the Hospital environment, control the

function of the Hospital in the right direction, improve the quality of the Hospital, align services in the Hospital with government programs in the health sector and others. Therefore, in the Hospital, a guideline is needed as a Regulation to implement the applicable internal rules. In the hospital there are three functional units that are often called the three pillars, namely the owner or the owner's representative, the board of directors and medical staff, this must be regulated properly so that the Hospital can have good governance between Corporate Governance and Clinical Governance, from that the government issued the Regulation of the Minister of Health of the Republic of Indonesia number 772 / Menkes / SK / VI / 2002 concerning the Guidelines for Internal Hospital Regulations (Hospital Statutes or Hospital byLaws). Also the Decree of the Minister of Health of the Republic of Indonesia Number 631 / MENKES / SK / IV / 2005 concerning the Guidelines for Internal Medical Staff Regulations (Medical Staff bylaws) in Hospitals. Thus, the interests of Hospital byLaws can be seen for the benefitimproving service quality.

Bhayangkara Hospital Makassar has Hospital by Laws and Medical staff by Laws which function as a legal umbrella in organizing regulations, legal certainty and the running of the Hospital. It is the "rules of the game" of the Hospital management in carrying out its functions and duties. If the rules and management disciplines have been made well and also complied with, then Hospital Bylaws can be a tool to run risk management and good governance programs well and successfully. Hospital bylaws are legal products that are made and stipulated specifically referring to the vision, mission, culture and environment of Bhayangkara Hospital Makassar.

#### b. Administrative completeness

Administrative completeness related to the type and quality of basic services starts from the hospital's operational permit, medical personnel's practice permit, and administrative files related to medical actions and services to patients. This administrative completeness is a form of legal protection for patients who receive medical services at the hospital.

Bhayangkara Hospital only employs medical personnel who have a practice permit, as stated in Article 173 of Law No. 17 of 2023 concerning Health, that Health Service Facility Providers are prohibited from employing medical personnel and health workers who do not have a practice permit in accordance with the provisions of laws and regulations. All doctors who will work have a practice permit and have gone through the credentialing stage so that they are then given clinical authority to be able to provide health services.

Medical records and informed consent are one of the administrative files in the hospital. A medical action is preceded by an agreement between the doctor and

the patient, which is preceded by the patient's consent to undergo an examination. The existence of this agreement is the basis for the application of civil law aspects in medical services. One form of legal protection for patients is that patients have the right to choose medical personnel and determine their consent for the actions they will undergo, except in emergency conditions. One of the administrative files is informed consent, which is proof of consent for the implementation of medical actions. Bhayangkara Hospital Makassar provides digital medical record recording through e-medical records which are part of the hospital's management information system.

#### c. Surveillance

Surveillance is a systematic and continuous observation activity of data and information about the occurrence of diseases or health problems and conditions that influence the increase and transmission of diseases. Based on this data, the hospital management knows the most disease data groups served in the hospital, and makes a mapping. This describes the health conditions of the community in the city of Makassar. As a further step, the hospital provides information and education related to prevention and handling effectively and efficiently.

#### d. Quality and Patient Safety Committee

This committee regulates Clinical Quality Management, Risk Management and Patient Safety Management in the hospital. The Quality Committee assists the head of the hospital in managing and guiding quality improvement and patient safety programs, as well as maintaining hospital service standards, which has a membership consisting of at least medical personnel; nursing personnel; other health personnel; and non-health personnel. The number of Quality Committee membership personnel will adjusted to the capabilities and availability of human resources in the Hospital.

The Quality and Patient Safety Committee at Bhayangkara Hospital Makassar carries out the process of measuring data and validating data related to improving the quality and safety of patients in the hospital. The Committee/Quality Implementation Team can report the results of the PMKP program implementation to the Director every 3 (three) months. Then the Director will forward the report to the Supervisory Board. The report includes: Data measurement results include: Achievement of all quality indicators, analysis, validation and improvements that have been made. Also, reports of all patient safety incidents include the number, type (sentinel events, KTD, KNC, KTC, KPCS), type of incident and type of harm, follow-up actions taken, and the corrective actions can be maintained. In addition to the report on the results of the PMKP program implementation, the Committee/Quality Implementation Team also reports the results of the risk management program implementation in the form of monitoring risk handling that has

been implemented every 6 (six) months to the Director who will forward it to the Supervisory Board.

One of the work programs of the Quality and Safety Committee is the Determination of Patient Safety Standards and the Implementation of Standards. Operational procedures.

This is in accordance with Law No. 17 of 2023 concerning health, article 173, states that health service facilities are required to; "... provide quality health services and prioritize patient safety...".

Patient Safety Standards are steps taken to prevent patient injury and improve patient safety. The most common cause of malpractice risk is due to neglect of this patient safety element. Patient safety is a system implemented with the aim of:

- a) Creating a culture of patient safety in hospitals
- b) Increasing hospital accountability to patients and the community
- c) Reducing unexpected events/incidents in hospitals Patient safety targets in hospitals include:

- 1) Accuracy of patient identification.

Medical personnel must pay attention to whether the patient's identity is correct or not. Patient identity is observed through the patient's name, date of birth, and medical record number. Accuracy of identity is very important to avoid errors in providing therapy and medical care. Errors in providing therapy and medical care can have very dangerous effects on patients due to medical personnel not being careful in recognizing the patient's identity.

- 2) Improved effective communication

Effective communication is carried out between medical personnel and patients, medical personnel with other personnel, medical personnel with the patient's family. Through effective communication, medical personnel can obtain objective data from patients and gain trust from patients which greatly determines the patient's diagnosis. Effective communication with other personnel is needed to work together in providing holistic health services.

- 3) Drug safety improvements

Medical personnel need to supervise and be aware of the administration of drugs to patients to achieve the goals of the therapy given. The principle of drug safety, the right drug and the right way of administration is one way to reduce patient accidents caused by drug administration errors.



#### 4) Ensuring the right location, right procedure, and right operation

The certainty of the operation location is an important thing that must be considered before performing surgery to avoid mistakes and accidents in the hospital. The accuracy of the procedure and the right operation to be performed are the next steps that must be considered to avoid negligence or incidents that may arise.

#### 5) Reducing the risk of healthcare-associated infections.

Hospitals are places where disease clusters gather, and where people hope to be healthy and no longer feel pain. Infections are very easy to occur in hospitals. Patients can be at risk of being infected with new diseases in hospitals due to negligence of medical personnel. Therefore, infection prevention measures such as the use of masks, gloves, hand hygiene, sterility of medical devices used must be considered and implemented to reduce the incidence of nosocomial infections.

#### 6) Reducing the risk of patient falls.

Patient safety while in the hospital must be considered and it must be ensured that the patient does not fall while being treated in the hospital. If a patient falls, either from the bed or when walking to the bathroom, it is necessary to get attention from nursing staff. Nurses can provide education to the patient's family and put up fall risk signs on patients who are at risk of falling to get more attention.

Standard Operating Procedures (SOP) in hospitals are documents that contain operational steps that must be followed by all staff and medical personnel. This SOP is a guideline or reference in carrying out work. SOP in hospitals is a tool for controlling services provided to patients in terms of health services and administrative services.

Article 274(a) of Law No. 17 of 2023 concerning Health states: "Medical Personnel and Health Personnel in carrying out their practices are required to provide health services in accordance with professional standards, professional service standards, operational procedure standards, and professional ethics as well as patient health needs"<sup>98</sup>

Bhayangkara Hospital Makassar creates SOP for every service in the hospital and requires all personnel to comply with the SOP that has been created. The purpose of this Standard Operating Procedure (SOP) is to facilitate the process of controlling every work process; facilitate the process of understanding staff systematically and generally, avoid errors during the work process, improve the quality of service.

#### e. Education on patient rights and obligations

In accordance with Article 189 of Law no. 17 of 2023, hospitals are required to provide correct, clear, and honest information regarding patient rights and obligations. Patients as service users are entitled to quality and satisfactory services. To make it easier for patients to obtain services, RS Bhayangkara Makassar, by utilizing technological advances, has a digital platform via website, Instagram, WhatsApp that can be accessed by everyone. The digital platform contains all information about RS Bhayangkara Makassar, starting from facilities, services, doctor schedules, visiting hours and so on. Patients can also register for care services through these media. Then to fulfill patient rights including obtaining information regarding the rules and regulations in force in the hospital, obtaining humane, fair, honest, and non-discriminatory services, obtaining quality health services in accordance with professional standards and standard operational procedures, obtaining effective and efficient services so that patients avoid physical and material losses, RS Bhayangkara Makassar has physically provided a suggestion box and complaint box and on the website there is also a contact via hotline or email so that what the patient needs and patient complaints can be met.

Everyone has the right to receive information about their rights, and patients also have the right to know their rights while in the hospital and receiving services. Bhayangkara Hospital puts up flyers containing information on patient rights and obligations in accordance with Article 276 of Law Number 17 of 2023 concerning Health regarding patient rights and obligations in several places such as elevators, patient waiting rooms, and always provides information on patient rights and obligations when patients register for inpatient care at the hospital.

Patient and Family Rights at Bhayangkara Hospital Makassar:

- a) Obtain information regarding the rules and regulations applicable at the Hospital;
- b) Obtain information about patient rights and obligations;
- c) Obtain services that are humane, fair, honest and without discrimination;
- d) Obtain quality health services in accordance with professional standards and operational procedure standards;
- e) Obtain effective and efficient services so that patients avoid physical and material losses;
- f) Submit a complaint regarding the quality of service received;
- g) Choose a doctor and class of treatment according to your wishes and the regulations in force at the Hospital;

- h) Requesting consultation regarding the illness suffered by another doctor who has a Practice License, either inside or outside the Hospital;
- i) Receive privacy and confidentiality regarding the disease they are suffering from, including their medical data;
- j) Receive information regarding the diagnosis and procedures for medical procedures, the purpose of medical procedures, alternative procedures, risks and complications that may occur, with a prognosis for the procedures to be performed and an estimate of the cost of treatment;
- k) Giving approval or refusing action to be taken by health workers for the disease suffered;
- l) Accompanied by family when in critical condition;
- m) Carrying out religious worship according to one's religion or beliefs as long as it does not disturb other hospital patients;
- n) Obtaining safety and security for oneself while being treated in the Hospital;
- o) Submit proposals, suggestions, improvements regarding the Hospital's treatment of him/her;
- p) Receive spiritual services in accordance with one's religion and beliefs and reject spiritual guidance that is not in accordance with one's religion and beliefs;
- q) Sue and/or sue the Hospital if the Hospital is suspected of providing services that do not meet standards, either civilly or criminally; and
- r) Complain about hospital services that do not meet service standards through print and electronic media in accordance with statutory regulations.

Obligations of patients and families at Bhayangkara Hospital Makassar:

- 1) Comply with the regulations that applicable in Hospital
- 2) Using hospital facilities responsibly
- 3) Respect the rights of other patients, visitors, and the rights of health workers and other personnel working in the hospital.
- 4) Provide honest, complete and accurate information, according to his/her ability and knowledge about his/her health problem.
- 5) Provide information regarding financial capabilities and health insurance that they have.
- 6) Adhere to the therapy plan recommended by the health care provider health at the Hospital and approved by the patient concerned after receiving an explanation

according to the information.

7) Accepting all consequences and personal decisions to reject the therapy plan recommended by a health worker and/or not complying with the instructions given by a health worker in order to cure the disease or health problem.

8) Providing compensation for services received

#### f. Complaints service

Patients can complain about services or sue the Hospital if they receive services that are not up to standard. To facilitate this, the hospital provides a complaint service. Patients or their families can file complaints about the services received either directly to management, or indirectly through the suggestion box or online complaints via call center, WhatsApp, website. The Hospital's public relations team is always ready to respond and serve these complaints within <24 hours.

Complaint Reports have also been integrated with the Hospital Management Information System (SIMRS), so that if a patient or a party representing the patient submits a complaint or input regarding the health services they receive, it will immediately appear on the digital platform of the patient's medical record system. With this integration, complaint data can be directly linked to the patient's medical records, making it easier for the medical team and hospital management to analyze, follow up and evaluate the quality of services provided. In addition, this digital system also allows hospital management to monitor complaint trends in real-time, so that it can be used as material for performance evaluation and continuous service improvement.

g. The Professional Committee and the Legal and Ethical Complaints Handling Committee  
The existence of the Professional Committee and the Legal and Ethics Complaints Handling Committee

Law and Ethics, which has members from various professions and medicolegal experts, is a form of supporting facility for Article 305 (1) of Law No. 17 of 2023 concerning Health, that

"Patients or families whose interests are harmed by the actions of medical personnel or health workers in providing health services can complain to the professional disciplinary council,"

The Legal and Ethical Complaints Handling Committee of Bhayangkara Hospital Makassar, which was formed in November 2024, provides a guarantee of legal certainty, where this committee will regulate all aspects related to complaint handling, starting from receiving complaints, the investigation process, to resolution. This committee not only functions reactively to complaints, but also proactively in identifying potential problems and preventing complaints related to health services at the hospital.

The members of the Legal and Ethical Complaints Handling Committee consist of several professions, namely medical personnel (doctors), paramedics (nurses and other health workers), health law experts and medicolegal experts.

## 2) Repressive Legal Protection

Repressive Legal Protection is a final protection in the form of sanctions such as imprisonment, fines, and additional penalties given if there has been a dispute or a violation has been committed. The form of protection for the community to obtain health services is a repressive aspect, namely when malpractice occurs by medical personnel in hospitals.

Repressive Legal Protection aims to resolve problems or disputes that arise. Handling of legal protection by general courts and administrative courts in Indonesia is included in this category of legal protection.

Article 193 of Law 17 of 2023 mandates that hospitals are legally responsible for all losses caused by negligence committed by Hospital Health Human Resources. The criminal legal responsibility of the hospital is borne by the owner or director of the hospital if it is related to negligence in carrying out the responsibility for carrying out its obligations and is directly or indirectly related to the occurrence of negligence committed by professional service providers when carrying out medical care/actions in the hospital.

Articles that contain elements of negligence resulting in the death or injury of another person so that criminal responsibility can be held, namely articles 359 and 360 of the Criminal Code. Article 360 of the Criminal Code states "Anyone who, due to his mistake (negligence) causes another person to die, is threatened with a maximum imprisonment of five years or a maximum imprisonment of one year". A person can be subject to the threat of Article 359 of the Criminal Code, so the elements of the act that must be fulfilled are that there is an element of negligence on the part of the perpetrator, there is a certain form of the act, there is a result of the death of another person and there is a causal relationship between the form of the perpetrator's act and the result of the death of the other person. Article 360 of the Criminal Code states (1) "Anyone who, due to his negligence, causes another person to be seriously injured, is threatened with imprisonment ...." and (2) "Anyone who, due to his negligence, causes another person to be injured in such a way that ... is threatened with imprisonment"

One of the hospital's obligations as previously described is that the hospital prepares and implements internal hospital regulations (Hospital by Laws). Internal Hospital Regulations (Hospital by Laws) are the Hospital's organizational regulations (Corporate by Laws) and Hospital Medical Staff Regulations (Medical Staff by Laws) which are prepared in order to implement good corporate governance (Good Corporate Governance) and good clinical governance (Good Clinical Governance), which contains, among other things, objectives and rules

that bind all hospital administrators including management, doctors, health workers, health support staff and others. Hospital by Law made by the hospital of course refers to the regulations that govern it.

If a doctor is suspected of being the perpetrator who caused death or disability as threatened by Article 359 or Article 360 of the Criminal Code, then the doctor must be able to prove that he/she did not commit negligence in treating the patient. The doctor must be able to prove that what was done was in accordance with the standards and SOPs that have been set. Likewise, if a hospital is suspected of being the perpetrator who caused death or disability as threatened by Article 359 or Article 360 of the Criminal Code, then the hospital must be able to prove that the hospital did not commit negligence and has carried out all obligations that must be carried out by the hospital according to laws and regulations.

Bhayangkara Hospital Makassar has compiled and implemented Hospital by Law, Medical Staff by Laws, and various Standard Operating Procedures to ensure patient safety standards when providing health services. In the Hospital by Law of Bhayangkara Hospital Makassar article 104, it is also stated that the hospital is responsible for mistakes made as long as they still follow the rules or Standard Operating Procedures. In the Medical Staff Bylaws it is stated that the director, hospital management, and doctors or dentists are a trinity who together functionally lead the hospital and are jointly responsible for medical services to the community.

As stated in Article 193 of Law 17/2023, the Hospital is mandated to be legally responsible for all losses caused by negligence committed by the Hospital's Health Human Resources (HR), the existence of Hospital by Law at the Bhayangkara Makassar Hospital regarding the Hospital's responsibilities and the existence of an Ethics and Legal Committee tasked with resolving issues related to medicolegal and ethics at the Bhayangkara Makassar Hospital, is evidence of legal protection for patients.

According to the Head of Internal Supervision of Bhayangkara Hospital Makassar,<sup>101</sup> If the patient feels disadvantaged in material or immaterial matters, the patient is allowed to sue the hospital for compensation. This compensation will be given to the patient if the medical personnel are proven guilty. The hospital will first review whether the medical personnel, especially the doctor, have deviated from the Standard Operating Procedure or due to unintentional negligence. The provision of compensation, fines, and criminal sanctions to patients is a form of repressive legal protection enforced at Bhayangkara Hospital Makassar

### **3.2. Hospital Responsibilities in Providing Medical Services to Patients at Bhayangkara Hospital Makassar**

Hospital is a public organization that has responsibility for every public health service that it provides. This responsibility is to provide quality, affordable health services based on the principles of safety, comprehensiveness, non-discrimination, participation, and provide protection for the community as users of health services (health receivers), as well as for health service providers in order to realize the highest level of health. Hospital as a health service facility is a legal entity, so that the hospital has rights and obligations as well as responsibility for the provision of health services that it carries out..102

Bhayangkara Hospital Makassar has a vision to become a hospital that provides quality and comprehensive health services. Comprehensive Health Services are health services that include promotive, preventive, curative, and rehabilitative. This commitment is also stated in the Hospital by Law of Bhayangkara Hospital Makassar in Article 93 concerning the obligations of the Hospital, where Bhayangkara Hospital Makassar provides quality, anti-discriminatory, and effective health services by prioritizing patients according to hospital service standards and maintaining the quality standards of its services.

In relation to responsibility, according to Article 193 of Law Number 17 of 2023 concerning Health, "the hospital is legally responsible for all losses caused by negligence committed by the Hospital's Health Human Resources". This is implemented through the Hospital by Law of the Bhayangkara Makassar Hospital regarding the responsibility of the Hospital, Medical Staff by Laws, the establishment of the Professional Committee, the Ethics and Law Committee which is tasked with resolving issues related to medicolegal and ethics at the Bhayangkara Makassar Hospital.

In relation to health law, the scope of the hospital's legal responsibility in providing health services to patients can be seen from several aspects, namely the aspect of professional ethics, the aspect of administrative law, the aspect of civil law, and the aspect of criminal law.104

#### **3) Hospital Accountability in Professional Ethics**

Hospitals are where most of the medical legal personnel gather, namely legal provisions related to health services or health maintenance in carrying out their professions such as doctors, dentists, pharmacists, nurses, midwives, nutritionists, physiotherapists, medical record experts and others. Each profession must be guided by its professional ethics in providing health services.

In accordance with Article 274(a) of Law No. 17 of 2023 concerning Health, which states that "Medical Personnel and Health Personnel in carrying out their practices are required to provide health services in accordance with professional

standards, professional service standards, operational procedure standards, and professional ethics and patient health needs", at Bhayangkara Hospital Makassar, 105 there are committees that accommodate existing health professions, namely the Medical Committee for doctors, the Nursing Committee for Nurses, and the Other Health Workers Committee for Midwives, pharmacists, nutritionists, physiotherapists, laboratory technicians. In addition, Bhayangkara Hospital also formed an Ethics and Legal Committee, which was expanded to become a Legal and Ethics Complaints Committee, which has the following duties:

- 1) organizing and improving medicoethicolegal communication in hospitals;
- 2) organizing and improving ethical and legal knowledge for hospital staff;
- 3) organizing and improving risk management capabilities for ethical and legal issues at Bhayangkara Hospital Makassar.

In this study, the author will focus more on the medical profession, because medical services in hospitals are dominated by services by medical personnel, in this case doctors.

The essence of medical practice is the embodiment of a doctor's idealism and spirit of devotion, as stated in the doctor's oath and the Indonesian medical code of ethics. In carrying out his duties, a doctor is bound by medical ethics and legal regulations. The medical profession has ethical rules that must be adhered to by members of the profession. In Indonesia, a code of medical ethics has been created by the Indonesian Doctors Association (IDI) under the name of the Indonesian Medical Code of Ethics (KODEKI), which regulates the responsibilities of a doctor and the standards of medical professionalism. Article 7 paragraph (1) of the Indonesian Medical Code of Ethics (KODEKI) explains that the responsibility of a doctor's work includes healthy and/or sick people starting from the pre-pathogenesis period to palliative, individually or in communities/societies that require medical action, both conventional and interventional types, as well as individual guidance/advisory actions to community education to change sick behavior to healthy behavior).

The Indonesian medical code of ethics (KODEKI) is stipulated in the decree of the Minister of Health no. 434/Men.Kes/SK/X/1983 concerning the Indonesian Medical Code of Ethics. The medical code of ethics concerns two things that must be considered; First, the ethics of the medical profession, namely concerning issues related to the attitude of doctors, towards colleagues, assistants, the community, and the government. Second, the ethics of medical care are medical ethics for guidelines for everyday life, namely concerning the attitude of a doctor's actions towards patients who are his responsibility. If there are responsibilities and ethical rules that are violated, KODEKI has specifically regulated the ethical sanctions. For doctors who are members of the IDI, the institution authorized to resolve ethical violations is the Medical Ethics Honorary



Council (MKEK).

Bhayangkara Hospital Makassar has a medical committee which is an organization that accommodates the medical profession at Bhayangkara Hospital Makassar. This committee is directly responsible to the Head of the hospital and has the following duties: 107

- a. Carrying out credentials for all medical staff who will provide medical services at the Bhayangkara Hospital in Makassar.
- b. Maintaining the professional quality of medical staff, and
- c. Maintain discipline, ethics and professional behavior of medical staff.

The medical committee, through the Ethics and Professional Discipline Subcommittee, in carrying out its duties of maintaining the discipline, ethics and behavior of doctors, carries out:108

- d. development of ethics and discipline of the medical profession;
- e. examination of medical staff suspected of committing violations
- f. provide recommendations for disciplinary action on professional behavior in hospitals
- g. provide advice/consideration in ethical decision making in patient medical care
- h. provide recommendations for disciplinary action
- i. provide recommendations for mentoring/proctoring.

The Ethics and Discipline Sub-Committee of the Medical Committee works together with the Ethics Committee and the Legal and Ethics Complaints Handling Committee in handling cases of alleged violations of professional ethics that occur in the hospital, and provides recommendations to the Head of the Hospital as a consideration for the decision on sanctions to be given to the person concerned.

According to the head of the medical committee of the Bhayangkara Makassar Hospital<sup>109</sup>, if a patient or his/her family feels aggrieved by the actions of the medical personnel they receive, they can complain to the council, as stated in Law no. 17 of 2023 concerning the enforcement of the Discipline of Medical Personnel and Health Personnel. The Bhayangkara Makassar Hospital facilitates a complaint service at the hospital that is on standby for 24 hours. Patients or their families can submit complaints about the services received either directly to the management, or indirectly through the suggestion box or online complaints via the call center, WhatsApp, website. The Hospital's public relations team is always ready to respond and serve these complaints within <24 hours. If the contents of the complaint contain matters relating to ethics and professional discipline, it will

be forwarded to the Legal and Ethics Complaint Handling Committee for further investigation.

#### 4) Hospital Accountability in Administrative Legal Aspects

The implications of administrative law in the hospital-patient relationship are related to policies or provisions that are administrative requirements for health services that must be met in order to provide quality health services. Violations of policies or provisions of administrative law can result in administrative legal sanctions in the form of revocation of business licenses or revocation of legal entity status for hospitals, while for doctors and other health workers it can be in the form of verbal or written warnings, revocation of practice licenses, delays in periodic salaries or delays in promotions to a higher level.

The hospital's responsibilities within the scope of administrative law are:

##### a. Serving patient administration needs

The task of hospital administration is to record the administration of patient admissions at the hospital. Patient records are divided into inpatients, outpatients, and emergency care patients. These three types of services have different administrative filing.

##### b. Managing personnel administration in hospitals.

Recording all forms of administration related to employee activities in the hospital is included in the hospital administration task. Employee spending and matters regarding improving human resources within the hospital also require good and complete administrative records. Because the hospital's financial evaluation can also be seen from here.

##### c. Take notes about health facilities in the hospital.

Hospital administration tasks also include recording the health facilities available in the hospital, starting from additions, repairs to various types of facilities and equipment, medicines, and others.

##### d. Arrange the schedule of the on-call doctor and other staff in the hospital.

Hospital administration staff are also responsible for arranging personnel duty schedules, to ensure the continuity of hospital services, especially services that run 24 hours. They are tasked with arranging the schedules of all doctors in the hospital. Of course, this requires precision in order to be able to provide an appropriate schedule and increase patient satisfaction with hospital services.

##### e. Recording hospital financial administration.

This task is important considering that hospital financial records can be an

assessment of the general condition of the hospital, whether it is in good condition or not. Financial recording must be done transparently and structured so that the assessment, coordination, and arrangement processes can be done more easily.

Head of Medical Services at Bhayangkara Hospital Makassar,<sup>111</sup> explained that in the scope of administrative law, the responsibility of Bhayangkara Hospital Makassar can be seen starting from the requirements for establishing a business to the activities of providing health services to the community. Bhayangkara Hospital has a valid operational permit, has medical personnel, paramedics, administrators, financial staff and other professional staff who support hospital operations, and has the supporting facilities needed for health services at the hospital. The Bhayangkara Hospital Makassar administration system is currently integrated into the Bhayangkara Hospital Makassar Management Information System which is digital-based. This electronic information system is real time and is directly connected to all service units in the hospital. This Hospital Management Information System consists of several parts, such as patient administration, medical record management, drug inventory management, and the provision of overall medical services, as well as complaint services. This information system further improves the efficiency, effectiveness, professionalism, performance and access and services of the hospital.

Bhayangkara Hospital Makassar has around 750 employees. Employee administration in the hospital is managed in the administration and general affairs department. Management prepares employee formations, recruitment and acceptance of employees based on the hospital's needs plan. Employee archives are stored digitally and in hardcopy in the personnel department and in the unit where they work. The hospital also routinely conducts monitoring and evaluation activities related to the activities and performance of each unit, so that the performance of existing personnel can also be evaluated.

Recording of health facilities at Bhayangkara Makassar Hospital uses the ASPAK application (Application for Facilities, Infrastructure, and Medical Equipment). ASPAK is a web-based application developed by the Ministry of Health. Through this application, management of existing infrastructure data can be more easily managed, the information presented can be viewed in real time, and it simplifies the health facility accreditation process.

Bhayangkara Hospital Makassar provides inpatient, outpatient and emergency services. Emergency services are available 24/7. The personnel duty schedule is arranged based on a shift system to ensure service activities take place.

Financially, Bhayangkara Hospital Makassar has been awarded the title of Class B Hospital with financial management of Public Service Agency (PK-BLU) from the Ministry of Finance. This reflects that in terms of financial administration, Bhayangkara Hospital Makassar is in the healthy category with good and

accountable financial management.

#### **4. Conclusion**

The practice of legal protection for patients in medical services at Bhayangkara Hospital Makassar has 2 forms, namely Preventive Legal Protection and Repressive Legal Protection. Preventive Legal Protection aims to prevent a health problem/disease to avoid or reduce risks, problems, adverse effects due to disease or actions taken, including Laws, administrative completeness, surveillance, Patient Quality and Safety Committee, Education on Patient Rights and Obligations, Complaint services, and the existence of a Professional Committee and a Legal and Ethics Complaint Committee. Repressive Legal Protection aims to resolve problems or disputes that arise, in the form of compensation, fines, or criminal penalties. The Hospital's responsibility in providing Medical Services to Patients at Bhayangkara Hospital Makassar includes aspects of professional ethics, aspects of administrative law, aspects of civil law, and aspects of criminal law. The hospital is legally responsible for all losses incurred due to negligence committed by the Hospital's Health Human Resources. Professional aspects related to medical code of ethics, administrative aspects related to supporting documents for medical services, civil aspects related to negligence committed by medical personnel resulting in losses for patients, criminal aspects related to medical actions that do not comply with hospital service standards.

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