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Implementation Of Restorative Justice In Resolution Of Medical Disputes Between Medical Personnel And Patients (Case Study At Bhayangkara Hospital Semarang)

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Abstract. *Law is all rules containing moral considerations aimed at human behavior in society which serve as guidelines for state authorities in carrying out their duties. Law is also defined as a collection of regulations (commands and prohibitions) that regulate the order of a society and therefore must be obeyed by that society. Gustav Radbruch states that the purpose of law is to achieve justice, create benefits, and create certainty. Certainty is intended to protect the interests of each individual so that they know what actions are permitted and which actions are prohibited, thereby protecting them from government arbitrariness. The benefit of law means that law is created for the true benefit, namely the happiness of the majority of the people. Meanwhile, justice means that a law must be just; the image of law is nothing other than justice. As one of the legal provisions that apply in positive law in Indonesia today is the Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. In Article 1 number 1 of the Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, restorative justice is the resolution of criminal cases by involving the perpetrator, victim, the perpetrator/victim's family, and other related parties to jointly seek a just solution by emphasizing restoration to the original state and not revenge. While According to the Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice in Article 1 number 3, it is mandated that what is meant by restorative justice is the resolution of criminal acts by involving the perpetrator, victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just resolution through peace with an emphasis on restoring the original state. Meanwhile, in Article 1 number 21 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, what is meant by restorative justice is an*

approach in handling criminal cases carried out by involving the parties, namely the victim, the victim's family, the suspect, the suspect's family, the defendant, the defendant's family, and/or other related parties which aims to restore the original situation.

Keywords: *Personnel And Patients; Medical; Restorative Justice.*

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia mandates that the Republic of Indonesia is a state of law, this means that all Indonesian citizens must submit to existing laws, this also means that all activities carried out in this republic must be in accordance with the positive laws in force in the Republic of Indonesia. In Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates that all citizens have equal status before the law and government and are obliged to uphold the law and government without exception, as well as Article 28 letter D which states that everyone has the right to recognition, guarantees, protection and certainty of fair law and equal treatment before the law.

Law is all rules containing moral considerations aimed at human behavior in society which serve as guidelines for state authorities in carrying out their duties. Law is also defined as a collection of regulations (commands and prohibitions) that regulate the order of a society and therefore must be obeyed by that society.[1] Gustav Radbruch[2]states that the purpose of law is to achieve justice, create benefits, and create certainty. Certainty is intended to protect the interests of each individual so that they know what actions are permitted and which actions are prohibited, thereby protecting them from government arbitrariness. The benefit of law means that law is created for the true benefit, namely the happiness of the majority of the people. Meanwhile, justice means that a law must be just; the image of law is nothing other than justice.

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Meanwhile, in Article 1 number 21 of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, what is meant by restorative justice is an approach in handling criminal cases carried out by involving the parties, namely the victim, the victim's family, the suspect, the suspect's family, the defendant, the defendant's family, and/or other related parties which aims to restore the original situation.

2. Research Methods

The type of research used in this thesis is sociological legal research. Sociological legal research is an empirical legal approach that aims to determine how a law actually applies in society or within a particular institution. This research not only examines written norms or regulations but also traces their implementation in practice, particularly regarding medical dispute resolution policies in hospitals.

This type of research was chosen because the object of study is not only limited to norms or provisions of laws and regulations regarding medical dispute resolution, but also includes how the medical dispute resolution policy is implemented, the obstacles faced, and the interactions between the actors involved.

3. Results and Discussion

3.1. Procedures for Receiving Complaints

Patients, families, and visitors to Bhayangkara Hospital Class II Semarang can submit complaints directly or indirectly. Complaints can be submitted directly to service staff, ward heads, or Public Relations and Marketing. Patients can also submit complaints indirectly through the Complaint Box.

Good and high-quality complaint handling will result in satisfaction, which is also the goal of the service. To satisfy those being served, officers must:

1. Behave politely

2. Receive complaints well and be neutral to calm the complaining customer.

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[1]Teguh Prasetyo, Legal Research, A Perspective of the Theory of Dignified Justice, Nusa Media, Bandung, 2019, H : 8

[2]Ida Bagus Gede Putra Agung Dhikshita, Manifestation of Gustav Radbruch's Theory of Legal Purpose and the Positivism School in Indonesia, 2021, https://advokatkonstitusi.com/manifestasi-teori-tujuan-hukum-gustav-radbruch-dan-mashab-positivism-di-indonesia/

3. Friendly, always smile and say thank you for the complaint submitted

3.2. Complaint Handling Based on Response Speed

Response Speed to complaints is the speed of the Hospital in responding to complaints whether written, verbal or through mass media that have identified the level of risk and risk impact by determining the risk grading/impact in the form of extreme (red), high (yellow), low (green) and proven by data, and follow-up on the response time of the complaint in accordance with the risk categorization/grading/impact.

1. Red Grading Complaint

a. Understanding

Red Grade Complaints are customer complaints that tend to be related to the police, courts, death, threatening the system/continuity of the organization, potential material loss, etc.

b. Procedures for Handling Red Grading Complaints

1) Operational handling of customer suggestions/complaints is carried out by the General, Household, Legal, Public Relations and Marketing Sub-Sections of Bhayangkara Hospital Class II Semarang.

2) Preparation of facilities and infrastructure for media to receive customer suggestions/complaints, by installing a Complaint Box and providing a Complaint Sheet on box the in every unit service as well as center Information on IRJA, IRNA, and the Emergency Room of Bhayangkara Hospital Class II Semarang.

3) Check the Complaint Box every 2 times a week

4) Suggestions/complaints originating from the mass media and oral reports are then also written in the suggestions/complaints book.

5) Public Relations Officers must immediately report serious complaints, such as those that impact medical legal aspects or legal aspects, to the Head of the General, Household, Legal, Public Relations and Marketing Sub-Section.

6) The Head of the General, Household, Legal, Public Relations and Marketing Sub-Section reported the complaint to the Head of the Administration Section for follow-up by management.

7) All parties involved in management, together with the medical committee, discuss and evaluate the complaint.

8) After a meeting with the relevant parties, a complaint or case conclusion is drawn up, which is then presented in the form of recommendations. There are two types of recommendations:

a. Internal in nature, such as punishment or sanctions against employees or staff who are the subject of complaints.

b. External in nature, by following up on the complaint to the relevant party which will be submitted by Management.

9) Recommendations are filled in the follow-up column on the Handling Sheet and returned to the Public Relations Officer.

10) If the problem has been resolved, the handling/follow-up sheet is marked "close" or "C".

11) Follow-up for red grading is carried out within a maximum of 1x24 hours.

2. Complaints about Yellow and Green Grading

a. Understanding

Yellow Grading Complaints are customer complaints that tend to be related to media coverage, potential material losses, etc. Meanwhile, Green Grading Complaints are customer complaints that do not cause significant losses, either material or immaterial.

b. Procedures for Handling Yellow Grading Complaints

1. Operational handling of customer suggestions/complaints is carried out by the General, Household, Legal, Public Relations and Marketing Sub-Sections of Bhayangkara Hospital Class II Semarang.

2. Preparation of facilities and infrastructure for media to receive customer suggestions/complaints, by installing a Complaint Box and providing Complaint Sheets in the box in each service unit as well as the IRJA, IRNA, and IGD information centers of Bhayangkara Hospital Class II Semarang.

3. Check the Complaint Box every 2 times a week

4. Suggestions/complaints originating from mass media and oral reports are then written on the Complaints Sheet.

5. Record all suggestions/complaints received either through the Complaint Box or from mass media and/or verbal reports in the Complaint Book and Handling Sheet.

6. Submit the Handling Sheet to the General Administration (Incoming Mail) to be scheduled and given a Disposition Sheet.

7. The Complaint Sheet that has been given a disposition sheet is submitted to the Deputy Head according to each problem.

8. If the disposition has been issued by the Deputy Head, immediately submit 1 file of Complaint Sheets (consisting of the Complaint Sheet, Handling Sheet and Disposition Sheet) in accordance with the contents of the disposition.

9. The relevant Work Unit fills in the follow-up actions that have been carried out in the follow-up column on the Handling Sheet and returns it to the Public Relations Officer.

10. The Public Relations Officer confirms the Work Unit's follow-up to the person giving the suggestion/complaint by telephone.

11. If the problem has been resolved, the handling/follow-up sheet is marked "close" or "C".

12. Follow-up for yellow grading will take a maximum of 3 working days.

13. Follow-up for green grading will be carried out within a maximum of 7 working days.

3.3. Strategies To Reduce Customer Anger

1. Actions that may be taken by the recipient of the complaint:

1) Listen.

a. Allow the customer to vent their anger. Get to the root of the problem, remembering that at this stage we're dealing with feelings and emotions, not rationality. Emotions often cloud a customer's true intentions.

b. Listen with empathy, imagine we are in the position of a customer who is tired, anxious, sick, worried about the doctor's verdict, etc.

c. Look the customer in the eye and focus, remove all distractions. our concentration is on the customer (telephone, other guests, etc.).

d. Repeat every fact that the customer stated, as a sign that we really listened to them.

2) Try to agree with the customer.

a. This doesn't mean that we always agree with the customer, but as a tactic to calm the customer's anger, we look for points in the customer's statement that we can agree with.

b. For example, "Yes, sir, I agree that patients shouldn't have to wait so long to get a room. However, our treatment rooms are currently full, and we promise to find a solution and report it to you as soon as possible."

3) Stay calm and control yourself.

a. Remember that the characteristics of customers in hospitals are those who are anxious, restless and worried about the condition of themselves or their families, so it is very understandable that in such conditions someone tends to act emotionally.

b. Be careful with your tone of voice; keep it low, positive, and calming. Don't be swayed by the customer's high-pitched, fast-paced tone.

c. Convey information politely and slowly.

d. Always use respectful words like please, thank you for your feedback, and refer to the customer by name.

4) Acknowledge customer anger.

Use words like, "I understand that you're angry. You're right. If I were you, I'd probably be angry too. I promise this won't happen again in the future."

5) Apology.

a. In order to calm down angry customers, we must apologize no matter what happens.

b. An apology can be conveyed without having to admit fault.

c. Because mistakes often occur because customers don't understand the rules.

For example, “I apologize for this misunderstanding,”, “I apologize for the difficulties you have experienced.”

6) Show empathy.

a. Sympathy: Stop at pity. "I sympathize with the victims of natural disasters."

b. Empathy: Understanding the customer's problem and trying to do something to fix it.

c. Understand customer perceptions and put yourself in the customer's shoes.

2. Actions that may not be taken by the recipient of the complaint:

1) Don't argue.

Remember that we are currently in the process of calming the customer's anger. The opportunity to explain the facts and truth will come after the customer has calmed down and become more logical and rational.

2) Don't ask "Why?".

a) "Why didn't Mom come earlier?"

b) "Why did you lose your patient card?"

c) Such questions tend to increase customer anger because they feel blamed.

3) Don't be too quick to jump to conclusions or adhere to our perceptions.

4) Blaming the customer. "Don't get angry yet, ma'am. You're the one who arrived late."

5) Sarcastic (sarcastic). "We could do this, but it would cost quite a lot, sir."

6) Badmouthing others. "Yes, that nurse is indeed a mean person."

7) Interrupting customer conversations.

8) Giving non-verbal cues that contradict your verbal statements. "Yes, I'll help as much as I can," with a flat or bored expression.

9) Throwing it to someone else. “Well, that’s the billing department’s business, ma’am.”

10) Using clichés. “This is the standard rule.” “Other hospitals must have a harder time.”

11) Avoid humor. Humor can be used later when the problem is resolved and the customer's emotions have completely subsided.

12) Asking for mercy. "Please excuse me, ma'am. I'm having family problems." "If my boss finds out, I could lose my job."

13) If you generalize the problem and assume the complaint is commonplace, customers will be surprised that the company is taking steps to fix this common issue.

14) Finding fault with the customer. "Yes, we were negligent, but you didn't report it first."

15) Using technical terms that lay people don't understand.

3.4. Management Strategy in Handling Complaints

1. Revitalization of Quality Management

Management needs to continually motivate employees through continuous improvement. Improving employee performance requires a focus on the reward system. This reward system is crucial for motivating employee performance. Management needs to create a significant policy linking increased patient volume to increased incentives. To support quality improvement, revitalization of quality management is necessary. The hospital's existing quality control group needs to be revived. Top hospital management will not be able to control hospital quality without the support of all staff.

2. Public Relations Relationship with Journalists

Media pressure won't occur if complaints can be resolved at the service provider or manager level. Management must be proactive in handling customer complaints to prevent the spread of negative publicity. However, this should not only break the chain of negative publicity but also improve performance from the bottom up, enhancing service, and projecting a positive image. Therefore, establishing communication with journalists and the media is essential to filter complaints from spreading without a valid explanation from the hospital.

3. Solving Problems

a. Identify

Determine the root cause of the problem. Try to get details to help you understand the real issue. The most effective way is to ask directly, such as, "What time was your appointment?" "What queue number did you get?"

b. At the end of the conversation there should be answers to the following three questions:

- What happened that made the customer angry?
- What treatment do customers receive?
- What do customers want?

1) Assessment

At this stage, we understand the customer's problem and can visualize how to solve it. The following points need to be considered:

a. The impact of this problem on the public and on the company. Cost risks: cost, time, effort

b. Customer inconvenience

2) Negotiation

Win-win solution

3) Action

a. This process is based on WHAT and WHEN.

b. Customers should know what will happen to their complaint after they submit it, and when it will be addressed.

c. Set a realistic timeframe, it's better if we have plenty of time.

d. In realizing our promises. If it turns out that the promise cannot be realized by the deadline, contact the customer immediately and explain the problem.

4. Conclusion

Policy Restorative justice in resolving medical disputes between medical personnel and patients (case study at Bhayangkara Hospital Semarang) currently still cannot be felt in terms of legal certainty, benefits and justice. Kobstacles / weaknessesThe

implementation of restorative justice in resolving medical disputes between medical personnel and patients (case study at Bhayangkara Hospital Semarang) is located within the legal substance, legal structure and legal culture that currently exist at Bhayangkara Hospital. The implementation of restorative justice in resolving medical disputes between medical personnel and patients (case study at Bhayangkara Hospital Semarang) is currently in accordance with the Complaint Handling Guidelines made by Bhayangkara Hospital.

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