

LEGAL PROTECTION FOR PATIENTS OF HEALTH SERVICES AT RSUD ARGA MAKMUR BASED ON LAW NO. 8 OF 1999 CONCERNING CONSUMER PROTECTION AND LAW NO. 25 OF 2009 CONCERNING PUBLIC SERVICES.

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Abstract

This study examines the legal protection of patients as consumers of health services at RSUD Arga Makmur. This study aims to determine the legal protection of patients as consumers of health services and factors that support or hinder the legal protection of patients in RSUD Arga Makmur. In this study, the author examined the extent to which legal protection for patients of health services was carried out by health personnel in hospital. With the sociological juridical method, the author examines the legal protection of patients by considering the extent to which the patient's rights are fulfilled by healthworkers and hospital. The results showed that the legal protection of patients as consumers of health services at RSUD Arga Makmur is considerably good. The factors that hinder and support consist of internal and external factors which include communication, information, legal awareness, hospital facilities, work environment, and attitudes from the patient.

Keywords: *Patient Protection, Hospital, Regional-State Hospital (RSUD)*

A. INTRODUCTION

1. Background

Humans in their lives need rules that regulate the interaction of human life with one another. Without regulations governing their lives, humans will not be able

to live in an orderly manner. There is an opinion that says every human being is a consumer to get his needs or rights, consumers are always dealing with business agents, both goods and services.

The existing pattern of relationships between

consumers and business agents is often realized through settlements that lead to agreements.¹ A phenomenon that is currently developing in society is that health care is a human right. Thus, health services that meet the standards are expected to achieve an optimal health degree.²

In providing health services, several components are related such as health workers,³ health facilities⁴, and patients (consumers). These health services can be obtained by consumers or patients at health service

providers, generally obtained through individual services such as doctors in a private clinic or collective services from doctors, dentists, midwives that are available in health service institutions (hospitals, medical centers, maternity homes, and pharmacies).

With the development of science and technology in the health sector, sometimes it causes problems for patients/ consumers in providing health services. Recently there was a case where a hospital violated the rights of patients/ consumers, resulting in consumer losses. Consumers/ patients can only accept the conditions that have been set unilaterally by the hospital. For example, when a patient comes to the hospital, he has to sign the rules/ treatment agreement letter/ even the room rate provisions where the patient does not have the power to bargain. One of the main

¹ All obligations arise from either agreements or law, Article 1233 of KUH Perdata.

² Muhamad Ihsan, Pelayanan kesehatan rumah sakit dan undang-undang perlindungan konsumen ,YLKI. *Makalah*, stated in the 8th congress of Indonesian Hospitals Associations on 15th of Februari 2017, in Jakarta Convention Center.

³ Health Official shall be anyone who devotes himself/herself to the health sector and who has knowledge and or skill obtained through health education which for certain types requires authority to implement health efforts. Article 1 point 1 of Government Regulation No.32 of 1996 concerning Health.

⁴ Health facilities shall be the place used to implement health efforts. Article 1 point 4 of Government Regulation No.23 of 1992 concerning Health.

problems related to health is the health services provided by doctors. The services provided by the doctor are aids or assistance based on the patient's trust in the doctor. Without this belief, the health efforts given will not get maximum results. The correlation that arises in health care between doctors and patients in medical science is often referred to as therapeutic transactions.

The meaning of the transaction itself leads to a juridical meaning as a reciprocal relationship generated through communication, while therapeutic is defined as something that contains elements or medicinal values. However, therapeutic transactions between doctors and patients always take place in a changing atmosphere due to the emergence of various factors that influence the pattern of relation between doctors as medical service

providers and patients as recipients of medical services. Whereas medical services are an important part of the entire health service system, especially in the field of work of doctors, it is inseparable from the various sectors of human life that are interconnected, especially for developing countries like Indonesia.

One of the factors that influences the changes in the pattern of legal relations in therapeutic transactions is the increasing awareness of the public about their rights as patients. Most people understand that in their position as patients they have certain rights that are obliged to be respected by doctors. This awareness makes them no longer passively wait and agree with whatever the doctor suggests. However, this awareness is often not accompanied by knowledge of the obligations that come by the rights, so that when a

condition arises that is not desired by the patient, it will immediately be considered a violation of rights which can be used as a basis for filing a lawsuit. Lawsuits are often interpreted by the medical profession as an intervention so that they react very defensively. In the end, this reaction leads to the quality of the medical treatment given. Doctors will be very careful in carrying out their profession and even tend to take steps to refuse to give action if it is thought that such action will not help much in the patient's healing process.

Legal protection of consumer rights in Indonesia has been regulated in Law No. 8 of 1999 concerning Consumer Protection, and for health services, it has been regulated in Law No. 23 of 1992 concerning Health.⁵

⁵ Consumer Protection Law is a part of consumer law which contains principles

The existence of protection provided by a rule of law will have consequences for the offender for his actions. The problem is whether only offenders who directly cause harm to consumers should be held responsible. For this reason, the aspect of the responsibility of business agents (Hospital/ RSUD) plays an important role in carrying out legal protection for consumers (Patients). If there is a case like this that is detrimental to the consumer or patient, then an alternative solution between the consumer or patient and the hospital is needed.

2. Problem Identification

or rules that deliver, and also contains properties that protect the interests of consumers. As for consumer law, it is defined as all legal principles governing relationships and problems between various parties which are related to each other including goods and or services, in social life. See Az. Nasution, *Konsumen dan Hukum : Tinjauan sosial, Ekonomi dan hukum pada perlindungan konsumen Indonesia* (Jakarta : Pustaka Sinar Harapan , 1995). p. 64.

Based on the background of the problems described above, several main problems in this study can be identified:

1. To what extent is the responsibility of RSUD Arga Makmur in providing health services to patients?
2. What are the factors that support patient satisfaction towards the services at the RSUD Arga Makmur?

B. RESEARCH METHOD

The research method is a system and a process that must be carried out absolutely in scientific research and development. The research aims to reveal the truth in a systematic, methodological, and definite manner.⁶ The methodology in this research was qualitative that described the phenomena that occur in the

field concerning the problem of patient protection as consumers at Arga Makmur Regional-State Hospital (RSUD Arga Makmur), North Bengkulu Regency. The phenomena are concerned about whether the services provided to patients or consumers are appropriate with the provisions stipulated in the prevailing laws and regulations. The research approach used in this research was the normative juridical legal research approach. Normative juridical research is the research that comes from legal norms contained in statutory regulations or court decisions.

As normative research, this research focuses on a literature study based on secondary data. This approach was used to examine in depth the services provided by RSUD Arga Makmur as well as the obstacles in carrying out duties in providing good services to patients or consumers. Furthermore, the data obtained both primary and

⁶ Soejono Soekanto, Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Raja Grafindo Persada, Ed ke 1 Cet ke 14, Jakarta, 2012, p. 1.

secondary, would be identified according to the form and type and then processed by grouping the data into the types based on the main problem of the study. Furthermore, the data would be presented in clear and simple sentence descriptions so that they are easy to understand, by processing and analyzing using inductive and deductive methods.

C. RESULTS AND DISCUSSION

1. The responsibility of RSUD Arga Makmur in providing health services to patients

The Health Services and BLUD Business Activities in RSUD Arga Makmur in 2018 include:

1. Emergency Care Unit (IGD)

Services in the Emergency Care Unit cover all emergency services, both accident cases, obstetrics cases, and

internal disease cases. To support the administration of emergency services, a 24-hour service system is implemented in the IGD, provided that:

- There are always 4 (four) skilled emergency nurses who are on-site every morning, afternoon and night shift
- There is always 1 (one) anesthetic nurse on call and ready to come any time needed
- There is always 1 (one) general practitioner skilled in general emergency and cardiac emergency cases on-site every morning, afternoon, and night shift.
- Pediatricians, obstetricians, Internist, and genital skin disease doctors, Cardiology specialists, neurologists, surgeons, Radiology specialists are on call and ready to come whenever needed

- Pharmacy is ready 24 hours with couriers ready to deliver drugs to the treatment room.
- Laboratory is ready 24 hours
- Radiology is ready 24 hours

2. Outpatient Services Unit

Services in the Outpatient Services unit include:

- General Surgery Polyclinic
- Children's Polyclinic
- Obstetrics and Gynecology Polyclinic
- Internist Polyclinic
- Cardiac Polyclinic
- Skin and Genital Polyclinic
- Neurology Polyclinic
- Dental Polyclinic
- General Polyclinic
- Physiotherapy
- Radiology

3. Inpatient Services

Inpatient services available at Arga Makmur Hospital are:

- Special Inpatient service / obstetric and gynecological diseases
- Children Inpatient service with care facilities for neonates, infants, and children up to 13 years of age.
- Internist and isolation Inpatient service
- Inpatient and surgery service
- VVIP and ICU/ICCU inpatient services
- Special Inpatient Class III using a PBI card (Rafflesia Room).

4. Hemodialysis Services

RSUD Arga Makmur in 2016 was ready to serve dialysis patients. And the health personnel in this service have conducted special Hemodialysis training.

5. Laboratory Services

RSUD Arga Makmur Laboratory currently serves the tests of clinical pathology materials, while for anatomy pathology tests, the specialist is currently unavailable. RSUD Arga Makmur Laboratory has been serving drug use test both in the cases of drug abuse and employment purposes.

6. Radiology Services

Radiological treatments at RSUD Arga Makmur are carried out by permanent doctors (PNS) with radiology specialists. And the radiology room in RSUD Arga Makmur has been provided with sophisticated equipment such as one of the early detection tools for cancer cases using 4D USG.

7. Physiotherapy Services

Physiotherapy services in RSUD Arga

Makmur are carried out by physiotherapists, while the Medical Rehabilitation doctor is not yet available and the Medical Rehabilitation Service room is quite presentative.

8. General Surgery Services

Currently, RSUD Arga Makmur provides surgical services for obstetrics and gynecology cases and general surgery.

9. Pharmacy / Medicines and Health Supplies

RSUD Arga Makmur Pharmacy currently has four pharmacists who are civil servants (PNS) in the North Bengkulu Regency. In implementing services, RSUD Arga Makmur pharmacy applies the direct delivery system that eases the inpatients.

10. Food Catering and Nutrition Consultation Services

The nutrition services

in RSUD Arga Makmur are providing food for inpatients as well as nutrition consultations for patients who are on a diet.

11. Laundry Services

Laundry services in RSUD Arga Makmur are currently only limited to washing services for special looms that have been used by patients in RSUD Arga Makmur.

12. The improvement of human resources venue of field practice for Students from Nursing Nutrition, Midwifery Academy, and from the Faculty of Public Health, etc.

13. Cardiac Polyclinic

Cardiology specialists have provided services at the cardiac polyclinic in RSUD Arga Makmur. In 2015 a procurement of sophisticated medical devices namely ECHO Cardiograph was added.

14. General Administrative Services

General administrative services which function to support the smooth running of medical services include:

- a. Finance Regular Patient Requirements
- b. BPJS Patient Requirements and Other Insurance
- c. Management of other documents.

15. Medical Administrative Services

The services which function for the safety and comfort of providing health services for both patients and officers such as:

- a. Medical Record Form
- b. Recording the status of the patient
- c. Hospital reporting
- d. Archiving medical record documents
- e. Introduction to

- referral
- f. Medical certificate
- g. *Visum Et Repertum*,
etc.

1. Services Schedule

- 1). General Administration:
 - a. Monday-
Thursday: at 07.15
- 14.00 WIB
 - b. Friday: at 07.15-
11.30 WIB
 - c. Saturday: at 07.15-
13.30 WIB
- 2). Patient Registration
Patient Registration for
Clinic:
 - a. Monday-Thursday
: at 08.00- 11.30 WIB
 - b. Friday : at 08.00-
10.30 WIB
 - c. Saturday: at 08.00-
11.00 WIB
- 3). Polyclinic opens
everyday start at 8 WIB
along the work hours.
- 4). 24 hours Services
 - a. Inpatient installation
 - b. Emergency care unit
Installation (UGD)
 - c. Central Surgery

- Installation (IBS)
- d. Intensive Care Unit
(ICU)
- e. Radiology installation
- f. Pharmacy installation
- g. Hospital Facility
Maintenance
installation (IPRS)
- h. Corpse Handling
Installation
- i. Ambulance
- j. Receptionist

The improvement of the services in RSUD Arga Makmur will continue to be made in line with the increasing demands of the community for optimal, quality, and professional service.

Outpatient visit service reaches 28,763 patients per 2019. The outpatient service facilities in Arga Makmur Hospital include:

1. Pediatric Polyclinic
Pediatric Polyclinic is served by two Pediatricians, one of them is a permanent

doctor in RSUD Arga Makmur and the other is a non-permanent doctor. The number of patient visits in pediatric polyclinic reaches 3,408 patients per year.

2. Obstetrics and Gynecology Polyclinic

This polyclinic is served by two Obgyn Specialists. One specialist doctor has completed Subspecialty education (Sp2) or better known as a consultant on gynecological oncology (KOnk). The number of patient visits in Obgyn polyclinic reaches 5,388 patients per year.

3. Surgery Polyclinic

This polyclinic is served by two surgeons and one personnel who has completed subspecialty education (Sp2) or better known as Digestive Surgery Consultant (SPBKBD). The number of patient

visits reaches 3,634 patients per year.

4. Internist Polyclinic

Internist Polyclinic is served by two specialist doctors and both of them are permanent doctors. The number of patient visits is 8,708 patients per year.

5. Skin and Genital Polyclinic

This polyclinic is served by one permanent doctor. The number of patient visits in this clinic is 567 patients per year.

6. Neurology Polyclinic

This polyclinic is served by one neurologist (contract doctor). The number of visits in this polyclinic is 1,997 patients per year.

7. Ear, Nose, and Throat (THT) Polyclinic

This polyclinic is served by Specialists. The number of visits in this polyclinic is 1,438 patients per year.

8. Dental Polyclinic

This polyclinic is served by one dentist (permanent doctor). The number of visits in this polyclinic is 961 patients per year.

9. General Polyclinic

This polyclinic is served by two General Practitioners (Permanent Doctors). The number of visits to this polyclinic is 2,517 patients per year.

11. Fisioterapi

The number of patient visits to physiotherapy is 1,790 patients per December 2019.

12. DOTS (Directly Observed Treatment Short)

The number of patient visits to VCT is 145 patients per December 2019.

2. The factors that support patient satisfaction towards the services in RSUD ArgaMakmur

Every patient who comes to the hospital not only hopes for a cure but also

wants to receive satisfying services. Many factors cause patient dissatisfaction, four of which are related to hospital management. These four factors were conveyed by Dr. Budi Hartono, SE, MARS in a doctoral promotion session with the title of dissertation on *Pengembangan Model Pengukuran Kinerja Rumah Sakit untuk Mencapai Misi Rumah Sakit di Indonesia*. The defense was held at the Faculty of Public Health Sciences, Universitas Indonesia. "There are so many human and non-human resources that are used by the hospital, but it is wasting because it does not give a clear impact on patient outcomes.

From the interviews with patients in RSUD Arga Makmur, from 15 respondents, 7 claiming satisfied with the while 8 respondents claiming dissatisfied with the services

provided in RSUD Arga Makmur.⁷

Therefore it can be concluded that there are patients in RSUD Arga Makmur that are not satisfied with the services, facilities, and performances provided in RSUD Arga Makmur. Thus, the author suggests RSUD Arga Makmur to pay more attention to the existing facilities and most importantly the performance of employees or staff, civil servants and non-civil servant employees. This has to be done so that the services given can be under SOPs and regulations which applies according to the laws and regional regulations as well as the Vision and Mission of RSUD Arga Makmur.

Furthermore, the complaints or service satisfaction from patients can be the inputs for RSUD Arga

Makmur to evaluate and improve its excellent service performance following the Vision of the hospital which is "to establish RSUD Arga Makmur as the superior, trustworthy and just hospital through excellent services".⁸

To provide satisfaction and comfort to patients through services, the following elements must be considered and addressed by RSUD Arga Makmur and the Regional Government regarding health services (medical) that are important things. The service quality should be maintained and improved according to the applicable service standards so that the community as consumers can experience the services provided. The service itself is essentially an attempt to help prepare everything that the consumer wants. There are three components involved in a

⁷ Interview result with the respondents

⁸ Visi RSUD Arga Makmur Kabupaten Bengkulu Utara.

service process, namely: service is very much determined by the quality of service provided, who is giving the service, and consumers who judge the services through the expectations they want.⁹

D. CLOSING

1. Conclusion

Consumer rights contained in the Consumer Protection Law are divided into 3 basic principles, namely the right intended to prevent consumers from losing, both personal and property loss, the right to obtain goods and services at a reasonable price, and the right to obtain proper dispute resolution against problems faced. While the obligations of consumers are to read, to follow the information instructions and procedures for safety and security, to

have good faith and intention, and to pay as it is supposed to be.

2. Suggestion

Suggestions from the author are that services to patients as consumers of the hospital should follow the SOPs and service standards that have been regulated in applicable legislation so that the rights of patients as consumers can be fulfilled properly. For hospital staff, it is suggested to RSUD Arga Makmur and local governments to pay more attention to service facilities in both the completeness of medical equipment and employees who work in the hospital to maximize the services to patients as consumers.

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