

# Legal Relationship Between Hospitals and Third Parties (Vendors) in Hospital Management System Providers (SIMR) Study at Mitra Medika Pontianak Hospital

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## Abstract

In the hospital context, vendors are important entities that provide various essential products and services for daily operations. From security guards to hospital management information system (SIMRS) providers, their presence is crucial in maintaining the efficiency and effectiveness of health services. Hospital relationships with these vendors often present legal complexities, especially in terms of contracts and shared responsibilities. With Law no. 17 of 2023 concerning Health This research aims to explore the legal relationship between hospitals and vendors in health services in Indonesia, considering the cooperation and legal protection required. This research uses a juridical analysis method with a focus on studying legal and regulatory documents related to hospital and vendor relationships. With research results. Hospital Management System (SIMRS): Digital transformation in hospitals through the implementation of SIMRS has replaced old and inefficient manual systems. RI Minister of Health Policy No. 82 of 2013 mandates the implementation of SIMRS in all hospitals to improve efficiency, data security and patient privacy, marking a significant change in the way hospitals manage health information. Duties and Functions of Hospitals (Law No. 17 of 2023): The new law regulates the roles and functions of hospitals more comprehensively, focusing on providing complete health services, from clinical care to rehabilitation, and emphasizing the importance of education and research in the health sector. Legal Relationship between Hospitals and SIMR Vendors: This regulation establishes the legal framework for the relationship between hospitals and SIMR vendors, covering contractual, data security and privacy aspects. Minister of Health Regulation No. 82 of 2013 and Law no. 17 of 2023 emphasizes the necessity of integrating SIMR with the National Health Information System, highlighting the need for integrated solutions that support high quality health services. Suggestion. Given the importance of information system integration, it is recommended that the government develop programs that support hospitals in implementing SIMR, facilitating integration and connectivity between hospitals. The program should be free and accessible to all hospitals, ensuring continuity of care and informed medical decisions. This initiative is expected to improve the quality of health services in Indonesia, in accordance with Law no. 17 of 2023.

**Keyword:** Legal Relationship between Hospitals and Vendors, Hospital Management System (SIMR), Mitra Medika Pontianak Hospital

## 1. INTRODUCTION

In the business world, the term "vendor" refers to a party or entity that provides certain products or services to organizations or other companies that need them. In the hospital context, vendors can be companies or individuals that provide various types of products, technology, and services that support daily hospital operations. Although security guards and medical equipment are the most common examples of vendors in a hospital setting, there are various other aspects that are often beyond general understanding. One example of a crucial vendor is a hospital management information system (SIMRS) provider. In today's

digital era, patient data and medical information are managed and stored in digital systems. Vendors providing SIMRS are responsible for ensuring that the data is stored securely, easily accessible to medical personnel, but protected from unauthorized access. Apart from that, hospitals also often collaborate with vendors in terms of supporting services such as catering services, medical waste management, as well as providing employee linen and uniforms. Catering services ensure that patients receive food that suits their dietary needs, while medical waste management ensures that hazardous waste is handled safely and in accordance with environmental health standards. Technology service vendors, such as telemedicine solution providers, are also growing in popularity, especially amid the global pandemic. Telemedicine allows patients to consult with doctors without having to come directly to the hospital, providing wider access to health for the community. This collaboration between hospitals and vendors is of course based on various considerations, one of which is the efficiency and effectiveness of services. However, this relationship also presents a number of legal issues that need to be considered. How the terms of the contract between the hospital and the vendor are drawn up, what are the rights and obligations of each party, and how to resolve disputes if problems arise, are some of the questions that arise regarding the hospital's legal relationship with the vendor. In the Indonesian context, Law Number 44 of 2009 concerning Hospitals states that hospitals can collaborate with third parties in providing several services, but must ensure that this collaboration does not interfere with services to patients. However, the law does not explain in detail the legal relationship with vendors, especially in more technical aspects. Considering the important role of vendors in hospital operations and the complexity of legal issues that arise, this research intends to dig deeper into the legal relationship between hospitals and third parties (vendors) in health services in Indonesia. In the midst of the increasingly complex development of health services, various regulations and policies have been launched to ensure that health services remain in accordance with predetermined standards and are able to answer the needs of the community. One of the regulations that is an important basis for health services in Indonesia is Law no. 17 of 2023 concerning new Health. Article 191 Home Sick have right: (a) determine the number, type, and qualifications of resources man in accordance with classification House Sick; (b) accept rewards service service as well as determine remuneration, incentive, And award in accordance with provision regulation legislation ; (c) do Work The same with party other in develop service; (d) accept help from party other in accordance with provision regulation legislation; (e) sue party Which result loss; (f) obtain legal protection in implementing it Service Health; And (g) promote Health services at Home Sick in accordance with provision regulation legislation invitation.

Article 191 of Law no. 17 of 2023 provides clarity regarding the rights that hospitals have. Several important points that can be seen include, among others, the hospital's right to collaborate with other parties in developing services and obtain assistance from other parties in accordance with statutory provisions<sup>8</sup>. Even though the law does not explicitly mention 'vendors', it can be interpreted that the 'other parties' in question include vendors who provide support for hospital operations and services. In the context of the hospital's legal relationship with vendors, these points provide a strong foundation for hospitals to expand their network of collaboration and innovation in health services. However, this also raises the question: How should hospitals determine the right third party or vendor? What is the cooperation mechanism that is in accordance with this Law so that it can support improving the quality of health services without ignoring legal and ethical aspects? Apart from that, Article 191 also gives hospitals the right to obtain legal protection in providing health services. This indicates that any collaboration carried out by hospitals with vendors must be protected by a clear legal framework, considering the large potential risks that may arise from such collaboration, ranging from issues regarding confidentiality of patient data to potential financial losses. Considering the important role of vendors in hospital operations and the legal protection that must be guaranteed by hospitals, it is very important to examine further what the legal relationship between hospitals and vendors should be, especially in the context of Law no. 17 of 2023 concerning Health. Therefore, it is hoped that this research can provide guidance and recommendations for hospitals in establishing productive collaborations with vendors without ignoring legal and ethical aspects. Therefore, the author focuses this research by raising several problems. What are the Main Duties and Functions of Hospitals in Law no. 17 of 2023 concerning Health ? And what is the legal relationship between hospitals and third parties (vendors) in health services?

## 2. RESEARCH METHODOLOGY

This research uses a juridical analysis approach to focus on the study of legal and regulatory documents relating to legal relationships between hospitals and vendors in the context of health services. The data used is divided into two types: Primary Data, which includes laws, relevant regulations, and cooperation contracts between hospitals and vendors; and Secondary Data, obtained from books, journals, articles and other relevant literature. Data collection techniques involve the study of documents, including laws, regulations, and cooperation contracts. Next, the data collected will be analyzed using qualitative juridical methods, which involve interpretation and analysis of legal documents and information from interviews to interpret the legal relationship between hospitals and vendors. This research also includes data preparation and design according to the established research schedule.

### 3. RESULT AND DISCUSSION

#### *Hospital Management System (SIMRS)*

Hospital Management System Long before computers and the Ministry of Health's SIMRS and the internet were discovered, a hospital certainly needed a lot of support staff and various types of documents so that it could operate optimally. For example, a medical registration needs to be carried out directly in the hospital building by filling in a paper form. This certainly has various weaknesses, for example writing that is illegible and also wasteful use of paper and ink. However, as time goes by, many hospitals are now implementing the use of computers in their operations. The presence of the internet is also able to have a positive impact, namely through the availability of a system that connects various hospital operational activities in one place. The system in question is currently known as the Hospital Management Information System (SIMRS). In a larger scope, it can be said that the Ministry of Health's SIMRS is an application form of the Hospital Information System (SIRS). The Ministry of Health of the Republic of Indonesia has defined SIMRS as an IT communication system that creates integration of hospital service processes in the form of a network of coordination, reporting and administrative procedures where information can be obtained quickly, precisely and accurately. SIMRS itself is an important instrument in organizing hospital operations in the modern era. Through SIMRS, the process of collecting, processing and presenting data related to hospitals can be done more easily. The presence of SIMRS for hospitals is so important that the government of the Republic of Indonesia issued a hospital management information system policy through Article 3 of the Republic of Indonesia Minister of Health Regulation No. 82 of 2013. This article requires every hospital to operate by implementing the Ministry of Health's SIMRS.

#### *Article 3*

- (1). Every hospital is required to organize SIMRS.
- (2). The implementation of SIMRS as referred to in paragraph (1) can use an application with open source code provided by the Ministry of Health or use an application created by the Hospital.
- (3). The SIMRS implementation application made by the Hospital as intended in paragraph (2), must meet the minimum requirements set by the Minister.

Tasks and Benefits of Hospital Management Information Systems. Without using the SIMRS application, it does not mean that a hospital can no longer operate. Some hospitals even have separate procedures for emergencies when computers or the internet cannot be used. However, the use of SIMRS in hospitals will certainly provide various benefits, including the following:

a) Provide better service

The existence of SIMRS can make the work of hospital employees easier, namely by providing integrated medical record data, logistics and administration. This can certainly lighten the workload of hospital employees, so they can focus on providing the best service for patients. Apart from that, patients will also benefit from easily obtaining information related to the hospital in question, including information on the availability of inpatient rooms, treatment costs and other information.

b) Simplify the accounting process

One of the functions of SIMRS is to make it easier to record cash outflows and inflows. Through the integrated bookkeeping system contained in it, accounting staff can monitor the flow of money more easily. This can certainly have a positive impact on various things, including decision making by management.

c) Avoid logistics gaps

Vacancies in various kinds of logistics in hospitals, for example medicines or medical devices, can be avoided by implementing SIMRS. So, logistics staff can easily find out the availability of medicines through the minimum stock warning system. Apart from that, logistics staff can also coordinate more quickly to re-procure the goods needed because of SIMRS.

#### *Main Duties and Functions of Hospitals in Law no. 17 of 2023 concerning Health*

On August 8 2023, the President of the Republic of Indonesia finally signed Law Number 17 of 2023 concerning Health which was ratified at the DPR Plenary Session on July 11 2023. The new Health Law which was implemented this year has become a hot issue in the world of health. This law provides new direction in regulating the health system in Indonesia. However, what is the position and function of hospitals in Law Number 17 of 2023 concerning health? The new Health Law is a regulation that regulates various aspects of the health system in Indonesia. This law covers things such as promotive, preventive, curative and rehabilitative efforts. The aim is to improve the quality of health services, protect the community, and regulate the authority and responsibilities of health workers. According to the Indonesian Ministry of Health, there are a number of aspects that will be improved by implementing this Health Law, including: (1) Changing the focus from treatment to prevention (2) Facilitate access to health services (3) Preparing a resilient health system to face disasters (4) Increase the efficiency and transparency of health financing (5) Correct the shortage of health workers (6) Encourage the health industry to be independent in the country and encourage the use of the latest health technology (7) Simplifying the health licensing process (8) Protect health workers in particular (9) Integrating health information systems.

Health workers' attitudes towards the latest Health Law may vary. Some of them accepted it well because this law provides clear guidance in carrying out their duties and responsibilities. They consider this law a step forward in improving the health system in Indonesia. However, there are also health workers who have a critical view of this law. They argue that several articles in the law are still open to different interpretations and give rise to confusion. For example, the article regarding the authority and responsibilities of health workers has not been explained in detail, giving rise to uncertainty in carrying out their duties. In fact, there have been people who have held peaceful demonstrations voicing their rejection or asking for the law to be reviewed. It is also a good idea before holding a peaceful demonstration which can sometimes turn into chaos if it is "infiltrated" by irresponsible individuals, it is better to hold a discussion/discussion between health organizations so that they can give each other input and understanding of the articles which still raise pros and cons. There are several issues that have arisen related to the latest Health Law. One of them is the issue of regulations regarding the use of technology in health services. The law does not yet provide clear guidelines regarding the use of *telemedicine* or other remote health services. This is a concern for health workers who use this technology in their daily practice. Hospitals, which are defined as Health Service Facilities, have the main task of providing complete individual Health Services. This means hospitals are responsible for providing complete and comprehensive health services to individuals. The function of hospitals includes the provision of health services in various forms, namely promotive, preventive, curative, rehabilitative and/or palliative. These services should include inpatient, outpatient, and Emergency services. Quoted from the Law, "*Hospitals are Health Service Facilities that provide complete individual Health Services through promotive, preventive, curative, rehabilitative and/or palliative Health Services by providing inpatient, outpatient and Emergency services.*"

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- (1). The Hospital carries out individual Health Service functions in the form of specialists and / or subspecialties.
- (2). In addition to individual health services in the form of specialists and / or subspecialties, hospitals can provide basic health services.
- (3). In addition to providing individual health services as referred to in paragraph (1), hospitals can carry out educational and research functions in the field of health
- (4). Every hospital must maintain good hospital governance and clinical governance.

Based on Law no. 17 of 2023 concerning Health, the main tasks and functions of hospitals in Indonesia have been designed to address complex and dynamic health needs. Hospitals not only function as providers of health services, but also as centers for education and research in the health sector, and play a role in managing public health. *First*, as a health service provider, hospitals have an obligation to provide



complete individual health services, which include specialist and/or subspecialist services as well as basic health services. This service is not only limited to treatment and recovery, but also includes preventive and promotive aspects. Hospitals, as primary health institutions, must be able to provide these types of services to meet the diverse health needs of the population. *Second*, hospitals have an important role in health education and research. In this context, a hospital can be designated as an educational hospital, which functions as a place for education, research and integrated health services. This function reflects the important role of hospitals in developing health human resources and advancing science in the health sector through research. This teaching hospital collaborates with universities in organizing educational and research programs, including specialization and subspecialization programs. *Third*, hospitals have a responsibility for good governance, which includes hospital governance and clinical governance. This includes implementing health service quality standards, medical record management, as well as managing human resources and health facilities. Hospitals also have an obligation to provide safe, quality, non-discriminatory and effective services, prioritizing the interests of patients. This emphasizes the importance of service quality and patient safety in healthcare practice. *Fourth*, the hospital has an organizational structure that includes elements of leadership, medical services, nursing, medical and non-medical support, administration and operations. This structure is designed to ensure effective and efficient management, as well as compliance with high healthcare standards. *Fifth*, hospitals are also required to implement a Health Information System that is integrated with the National Health Information System. This shows the important role of information technology in managing health data, which is very important for making informed decisions in health services, resource management, and research and development in the health sector. *Finally*, the law gives hospitals the right to determine the number and qualifications of their human resources, receive compensation for services, collaborate, and obtain legal protection. This shows that hospitals have autonomy in some aspects of their management, which is important for efficient and effective operations. Thus, hospitals in Indonesia are expected to not only become providers of health services, but also become centers of excellence in health education and research, and play a critical role in improving the quality of public health. These overall functions reflect the holistic approach taken by Law no. 17 of 2023 in improving the quality of health services and ensuring better health for all Indonesian people.

#### *Hospital Legal Relationship with Third Parties Hospital Management System (SIMR in Health Services.*

Republic of Indonesia Minister of Health Regulation No. 82 of 2013 concerning Hospital Management Information Systems and Law Number 17 of 2023 concerning Health which the author adopted in this research became the legal basis for analyzing SIMR, both the legal relationship between vendors and hospitals and the responsibility for using the application, especially at Mitra Medika Hospital. Pontianak. This legal aspect is closely related to the implementation, management and compliance with statutory standards in the use of SIMR in the health service environment. Minister of Health Regulation No. 82 of 2013 mandates that SIMR used by hospitals, both public and private, must comply with statutory standards Article 3 Paragraph (1) *Every hospital is obliged to organize SIMRS*. This includes data security, patient privacy, and efficiency in managing health information. On the other hand, Law no. 17 of 2023 concerning Health requires hospitals to implement a Hospital Health Information System that is integrated with the National Health Information System. Article 190 *Hospitals are required to implement a Hospital Health Information System that is integrated with the National Health Information System*. Compliance with these regulations not only guarantees quality of care, but also ensures the protection of patient data and compliance with privacy and data protection laws. In a legal context, the relationship between the hospital and the vendor providing SIMR is regulated through a collaboration contract. This contract must include clauses on technical specifications, data security, confidentiality and other provisions that are in line with applicable regulations. The vendor is responsible for providing a system that meets established data security standards, while the hospital has the responsibility to use the system in accordance with applicable policies and procedures. Data security and confidentiality is one of the most important legal aspects in this relationship. Vendors need to ensure that the systems they develop are able to protect patient data from unauthorized access or data leaks. This includes implementing encryption technology, firewalls, and other security measures. Hospitals, on the other hand, must ensure that access to the system is limited to authorized personnel only and that all data use complies with applicable data protection laws. Borrowing opinions from 2 legal experts, namely Friedrich Kessler and Lawrence O. Gostin. Friedrich Kessler, with the Theory of Obligations Based on Contracts, states that contracts create a series of legal obligations between the parties

involved. In the context of Mitra Medika Hospital and SIMR vendors, the cooperation contract is the legal basis that determines the obligations and rights of each party. The contract includes clauses on technical specifications, data security and confidentiality.

According to this theory, vendors are responsible for providing systems that meet established data security standards. This includes developing systems that are safe, reliable, and appropriate to the clinical and administrative needs of the hospital. Next, Lawrence O. Gostin with the Theory of Authority " *Public Health Law* ". This theory focuses on the authority and responsibility given to entities in the context of health law. Here, Mitra Medika Hospital as a SIMR user has an obligation to use the system in accordance with applicable policies and procedures. This includes adequate staff training, proper management of patient data, and compliance with applicable health regulations. The hospital is also responsible for errors in use of the system, which can include errors in managing patient data or using system features. In practice, Mitra Medika Hospital must negotiate and agree to a contract that explicitly outlines the vendor's obligations and responsibilities, in accordance with the Theory of Contractual Obligations. This includes, but is not limited to, technical aspects of SIMR, technical maintenance and support, as well as risk prevention and mitigation efforts related to data security. Meanwhile, based on the Theory of Authority in the Context of Health Law, Mitra Medika Hospital must take proactive steps to ensure that the use of SIMR is in accordance with health practice standards and applicable regulations. This includes employee training, monitoring system usage to prevent errors, and ensuring that all updates and changes to the system remain aligned with clinical and administrative needs. Risk management is also an important part of this relationship. Hospitals and vendors must both understand the risks associated with using SIMR, including technical, operational, and legal risks. Contracts between hospitals and vendors must include clauses regarding liability for damage, system failure, or data breaches, as well as steps to be taken in the event of such incidents. In addition, SIMR must be compatible and can be integrated with the National Health Information System. This means that the system being developed must be able to communicate and exchange data with other systems used in the national health environment, in accordance with interoperability standards set by the government. Hospital Management Systems (SIMR) are also discussed specifically in CHAPTER hospitals in carrying out this SIMR. Why not, the government only sets rules, both in Regulation of the Minister of Health of the Republic of Indonesia Number 82 of 2013 concerning Hospital Management Information Systems, and Law Number 17 of 2023 concerning Health, in essence, that every hospital is obliged to carry out SIMR with the standards they have determined. Meanwhile, with which vendor and in what form or form and operation the state does not want to know about this. For this reason, the author says that the government's policy should be called a "selfish policy", with the presence of Health Law Number 17 of 2023 concerning Health, not as a regulator and shelter for health services but on the contrary.

Therefore, we are waiting for the government regulations that have been promised. Hopefully, the government in the case of SIMR will provide a free application or system that is not only integrated but automatically synchronized not only with the center but also with similar hospitals based on Article 344. *Further provisions regarding Health Technology are regulated by Government Regulations.* The next thing that is no less interesting to discuss is, what is the hospital's responsibility if an error occurs in the hospital's use of SIMR? When referring to *Article 197 Health Human Resources consist of: c. health support or support staff. Article 200 (1) further clarifies that health support or support personnel as referred to in Article 197 letter c work at Health Service Facilities or other institutions in the Health sector. (2) Further provisions regarding support or health support personnel as intended in paragraph (1) are regulated by Government Regulation.* There are lots of vendors offering Hospital Management Systems such as Ksatria Medical Systems, Krakatau Medika, inovamedika.co.id, Trustmedis, Aido Health and many others. We consider that it is certain that all these vendors understand and are very knowledgeable in their fields, therefore we do not doubt that. However, behind all of that, we are looking forward to the implementation of the Health Law in the form of an Omnibuslaw which replaces the 14 Laws relating to health (UU No. 17 of 2023 concerning Health) as the Sapujagad Law which is considered capable of providing legal certainty that is not only for patients but also health workers and entrepreneurs in the health sector. Hopefully in the future, the government will not only act as a SIMR regulator by setting standards but will also provide a solution in the form of a SIMR that can be enjoyed by all health services in this country.

#### 4. CONCLUSION

**Main Duties and Functions of Hospitals:** Law no. 17 of 2023 stipulates that hospitals have the main task of providing comprehensive health services, which include promotive, preventive, curative, rehabilitative and palliative aspects. This task is carried out by providing inpatient, outpatient and Emergency services. Apart from that, hospitals can also function as centers for education and research in the health sector, as well as implementing good governance, including clinical governance. **Hospital Legal Relations with Third Parties (Vendors):** In the context of health services, the relationship between hospitals and vendors, especially Hospital Management System (SIMR) providers, is regulated through collaboration contracts. This contract includes technical specifications, data security, confidentiality and other provisions in accordance with applicable regulations. The vendor is responsible for providing a system that meets data security standards, while the hospital is responsible for using the system in accordance with applicable policies and procedures, including compliance with personal data protection standards. Overall, Law no. 17 of 2023 emphasizes the importance of providing effective, efficient and high standard health services, as well as fostering responsible legal relationships between hospitals and vendors in the health ecosystem.

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