

Juridical Analysis of Informed Consent as an Information Asset for Patients and Medical Personnel in Terms of Law No. 17 of 2003 Concerning Health

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Abstract

Study This do analysis juridical regarding informed consent and rights its ownership in context Law No. 17 of 2023 concerning Health, in particular highlighting ownership record medical by the facility service health. Through method study normative, research This study provision Constitution related issues and implications to practice health. Research result show that facility service health own not quite enough answer in storage and management record medical, however must ensure access patient to information medical they. Proposed recommendations covers strengthening framework law and practice operational for support right access information patients, as well enhancement awareness patient about right they.

Keywords: Informed Consent, Information asset rights, Patient, Medical Personnel

1. INTRODUCTION

Health services are nothing new in society, but as medical science and technology develop, ethical and legal aspects also experience changes and improvements. One important aspect of health services that is often in the spotlight is *informed consent*. The term *informed consent* was first introduced in the 20th century and has become an integral part of modern medical practice. In its development, the concept of *informed consent* was based on human rights, especially the right to regulate and determine everything regarding oneself. In a medical context, this means that patients have the right to receive complete and clear information regarding the medical procedures that will be performed on them, including the potential risks and benefits. This concept is firmly rooted in the principle of individual autonomy, where every individual has sovereignty over their body and self. According to Law of the Republic of Indonesia no. 29 of 2004 concerning Medical Practice, informed consent is defined as approval given by the patient after receiving information regarding the action that will be carried out on him. This means that *informed consent* is not just consent, but rather consent given after obtaining complete and adequate information. This mechanism is important so that patients can make the right decisions and according to their wishes. In providing health services, the existence of informed consent is a requirement that must be fulfilled. This is to protect the rights of patients and also prevent the possibility of legal disputes that could harm medical parties and patients. Any medical procedure performed without informed consent may be considered a violation of law and medical ethics. So far, the mandatory element of *informed consent* in health services has been recognized and regulated in various legal regulations in Indonesia. Through Law of the Republic of Indonesia no. 29 of 2004 concerning Medical Practice, it is emphasized that before carrying out medical procedures, a doctor must obtain written consent from the patient or the patient's guardian. This document should contain complete information about the type of action, potential risks and benefits, and other available alternatives. The aim is clear: to ensure that patients have the opportunity to fully understand the procedure they are about to undergo and provide informed consent.

Law No. 17 of 2023 concerning Health, as the latest regulation, reaffirms the importance of *informed consent*. According to the existing article, every medical action carried out must be based on the patient's

consent after obtaining clear and complete information. This not only confirms the principle of patient autonomy, but also guarantees legal protection for medical personnel and health service facilities. Through this regulation, the responsibility of Health Service Facilities in storing and protecting medical record data, including *informed consent*, becomes stronger. Analysis of old and new regulations shows that the Indonesian government consistently emphasizes the importance of *informed consent*. However, there are significant differences in recent regulatory approaches. In Law No. 17 of 2023, the emphasis is more on aspects of data protection and accessibility. In other words, while the old law focused more on the doctor's obligation to obtain consent, the new law places more emphasis on the patient's right to access information and the responsibility of health care facilities in safeguarding these documents. Apart from that, with the existence of Law No. 17 of 2023, there are new challenges for health service facilities. They must ensure that the system for storing and managing medical record data, including *informed consent documents*, is safe from the risk of loss, damage or leakage of information. This also raises questions regarding the extent of patients' rights to access and control their personal data, considering that medical records belong to health facilities but contain the patient's personal information. It cannot be denied that *informed consent documents* have an important role in the medical world. This document not only confirms the patient's consent to the medical treatment that will be received, but also becomes authentic evidence of the agreement between the medical personnel and the patient. Therefore, a deep understanding of ownership rights and access to these documents is necessary.

Research entitled "Informed Juridical Analysis Consent as an Information Asset for Patients and Medical Personnel in View of the Law No. 17 of 2023 concerning Health" was not appointed without reason. In this modern era, a person's personal information, including medical records, has very important value. On the one hand, patients have the right to ensure that their personal information is well protected. On the other hand, many parties may have an interest in this information, such as insurance companies, pharmaceutical companies, or even health research institutions. One case that occurred, where the insurance company was able to access a customer's medical history at a hospital, raised many questions. To what extent are third party access restrictions to patient medical records? What is the legal basis for the insurer to access this information? Does this not violate the patient's right to privacy? This case is a clear example that issues regarding ownership rights and access to *informed consent* are not only theoretical, but have direct implications in real life. This research is important because it will provide a clearer picture of the *informed position consent* as a form of information for the protection of legal rights within the legal framework in Indonesia, especially after the issuance of Law No. 17 of 2023. Through juridical analysis, it is hoped that answers can be found to questions that have arisen so far. Who actually has the right to *informed consent documents*? Is it the patient, the hospital, or even another third party? Who has the right to access the information and in what context? By answering these questions, it is hoped that this research can make a contribution to stakeholders in the health sector, especially in formulating policies that protect patient rights while ensuring the smooth running of health services. Apart from that, it is also hoped that the results of this research can become a reference for legal practitioners in handling cases related to *informed consent* in the future. With a research focus on Juridical Analysis of *Informed Consent* as an Information Asset for Patients and Medical Personnel in View of the Law No. 17 of 2023 concerning Health.

2. METHODOLOGY

This study reviewing informed consent as asset information for patient And power medical in context law Indonesian health, in particular based on Law No. 17 of 2023 concerning Health, use approach qualitative descriptive for obtain understanding holistic and deep. Method data collection via studies document law and analysis case relevant, together with analysis content, allows identification theme main and interpretation phenomenon law this in practice. Data triangulation and review by expert law health used for ensure validity and reliability research, which aims for provide analysis juridical comprehensive about informed consent and impact to patient as well as provider service health. Results from this study expected give contribution significant for understanding academic and practice of informed consent in law health, offers outlook for making policy and practice future law. Findings this aim for increase obedience to norm law and strengthen rights patient, while notice obligation provider service health, facilitating more dialogue effective between patient and professional medical, and open road for study more carry on in field law health.

3. RESULTS AND DISCUSSION

Position Informed Consent in Service Health

For patient, informed consent constitutes realization right they for accept information complete about condition medical, the action will be taken, risk, alternative therapy, and the prognosis. This study emphasize

importance doctor carry out informed consent effective for reduce gap knowledge between patient and doctor, so prevent malpractice. Recommendation from this study is for increase practice of informed consent among professional medical to use ensure transparency and participation patient in decision medical impact on they. With development awareness patient and demands will rights patient, informed consent becomes no only obligation ethical But also legal for practitioner health. Effective implementation of informed consent help in build connection trust between doctor and patient, respect autonomy patient, and support taking based decisions information. Besides that, remembering complexity action medical and potency risks involved, informed consent helps ensure that patient understand fully what are they approve, incl possibility results and the consequences. By Because that is, the application of comprehensive informed consent and systematic become key in increase quality service health and reduce conflict and possible misunderstanding ended on demands malpractice. This show urgency for keep going increase education and training for professional health about aspect law and communication in practice medical they. Informed consent in service health is a supporting fundamental principles right patient For make informed decisions about maintenance medical they. This confess autonomy patient and importance transparency in connection doctor-patient. Effective implementation of informed consent possible patient for understand in a way full about condition medical them, options available treatments, risks and benefit from every action medical, as well potency possible results happen.

With thus, informed consent plays a role as bridge communication between doctor with patient, reduce gap knowledge, and ensure that decision medical taken based on good understanding. Furthermore, informed consent is not only own dimensions ethical, but also legal. This matter reflect confession law to right individual for determine what happened on body they alone and importance protection patient from action medical that is not desired or no in accordance. Proper implementation of informed consent helps prevent happen malpractice medical , reduce potency conflict law, and build trust in connection doctor-patient. Practice this also important for increase quality service health, guarantee obedience patient to plan maintenance, and increase results health in a way whole. Remember complexity action medical and possible consequences arise, urgency for strengthen informed consentpractices in system health is clear. This need commitment from professionals health for keep going increase ability communication they and ensure that patient given enough information for make the right decision. Besides that, institution health and maker policy need support promoting environment effective informed consent practices, incl through development policy, training professional, and education patient. In this context, informed consent is not only seen as formality administrative, but as element critical from maintenance quality patients. This need holistic approach and integrated, involving all holder interest in system health, for ensure that right and kind patient always become priority. Through enhancement awareness, education, and training, as well application supporting policies, informed consent is possible keep going become pillar important in service ethical health and centered on patient.

Informed Consent As Asset Information in Service Health

Accessed on Explanation Article 173 Law Number 17 of 2023 concerning Health What is meant by "medical records" or known Also *Informed Conccent* is a document containing patient identity data, examinations, treatment, procedures and other services that have been provided to the patient which are created using an electronic system intended for maintaining medical records. In the event that a Health Service Facility cannot maintain electronic medical records due to technical obstacles, non-electronic medical records can be used until the obstacles are resolved, and medical record data can be re-entered into the electronic medical record system. In context by law, informed consent is presumed as right patient for get information complete about procedure proposed medical, incl benefits, risks, and alternatives are available, so they can make informed decisions about maintenance they. This draft supported by various regulation international, like Declaration of Helsinki issued by association medical the world, which confirms importance agreement after information as principle ethics in study involving medical subject man. More further, the laws in many country has develop framework work for ensure that informed consent practices were implemented in a way effective in system health. For example, in some jurisdiction, law health national in a way specific arrange procedure and informed consent document, stipulates standard for communication between provider service health and patients, as well elaborate right patient for reject or agree action medical after accept adequate information

Article 296

- (1) Every medical personnel and health personnel who provides individual health services is obliged to keep a medical record
- (2) In the event that individual health services as intended in paragraph 1 are carried out at a health service facility other than an independent practice place, the maintenance of medical records is the health service

facility

- (3) Medical records as intended in paragraph 1 must be completed immediately after the patient has finished receiving health services
- (4) Every medical record entry must contain the name, time and signature of the medical personnel or health personnel providing the service or action
- (5) Medical records as intended in paragraph 3 must be kept and kept confidential by medical personnel, health personnel and leaders of health personnel service facilities.

Article 297

- (1) Medical record documents as intended in article 296 belong to the health service facility
- (2) Every patient has the right to access the information contained in the medical record document as intended in paragraph 1
- (3) Health service facilities are obliged to maintain the security, integrity, confidentiality and availability of data contained in medical record documents as intended in paragraph 1.

Constitution Number 17 of 2023 concerning Health set record medical as owned by facility service health, however give right to patient For access the information contained therein. Articles 296 and 297 respectively explicit arrange manufacture, storage, and confidentiality record medical, confirmed not quite enough answer power medical And facility service health in its management . Furthermore , Article 298 assigns to Ministry Health not quite enough answer record data management medical as part from health data management national. Analysis law this show importance record medical in system health, no only as documentation medical but also as asset managed information with strict for guard privacy patient and integrity system health. Storage and management record appropriate medical care with constitution this ensure that right patient on privacy and access information fulfilled, temporarily facility service health and power medical fulfil obligation ethical and legal them.

4. CONCLUSION

Conclusions of analysis juridical regarding informed consent and rights its ownership based on Law No. 17 of 2023 concerning health is that facility service health acknowledged as owner record medical. This matter confirm not quite enough answer facility in store, manage and maintain confidentiality record medical, while still give right access to patient to the information contained in record medical the. Possible advice given is importance strengthening framework law and practice operations at the facility service health For ensure that rights patient in access information medical they fulfilled, in line with maintenance data privacy and security. Facility service health should too increase awareness patient about rights and responsibilities answer they related with record medical, as well facilitate the access process more information easy for patient.

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