

Juridical Review of Hospital Licensing in The Era of Digitalization in Indonesia

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Abstract

This moment is in the era of digitalization, technical maintenance licensing has use application based our electronics know with OSS, *Online Single submission* with objective for convenience access and speed fulfillment document integrated requirements until to center or national. although so, service licensing in the era of digitalization still leaving long problem because glance just displacement from offline to online system. Establishment hospital also must get protection law and not quite enough answer legal order juridical hospital can operate task and his service in a way safe and protected. This matter in accordance with objective law health that is certainty law, protection law and justice. This article is type article science descriptive review from some literature and study theoretical with compare to study theoretical previously then analyzed and the results, which are delivered in form narrative. Still required regulation addition related house pain, sanctions and so on who have coherence and synchronization one with others who protect right and obligation all party in accordance with objective law that is certainty law, justice and expediency as well as with appropriate system with the era of digitalization that provides convenience access service public.

Keywords: Licensing, digitalization, objectives law, hospital.

1. INTRODUCTION

In the constitution 1945 Constitution of the Republic of Indonesia article 28 H paragraph (1) states that everyone has the right life prosperous born and inner, situated stay and get environment good life and healthy as well as entitled obtain service health and country must for hold it. Service health this can accessed by community at the facility service health. According to Constitution Health Number 17 of 2023 article 1 paragraph (8) in section provision general, facilities service health is place used for organize service health to individual or public with approach promotive, preventive, curative, rehabilitative and / or palliation is carried out by government central, government area, and / or public. Facility service health shared again become facility service health level first or abbreviated as FKTP and facility service level carry on or FKTL or facility reference from FKTP. In writing This we special discuss about fktl namely hospital. Hospital is facility providing services service health individual in a way plenary through service health promotive, preventive, curative, rehabilitative, and / or palliative with provide service take care stay in, take care of road and terrible emergency. Hospital also is institution service health for public with characteristics alone is influenced by development knowledge knowledge health, progress technology and life social economy society must still capable increase more service quality and affordable by society to be realized degrees highest health. Founding hospital of course must there is issued permits by authorized official. Licensing can defined as procedure or system regulated way connection public with country in matter exists people who ask for permission. Licensing enter in law public because related with legislation public will but on case case certain can enter law civil, for example on case case special like lawsuit licensing. House it hurts to do it service plenary and guard quality service still very needed in the country us, especially with progress technology rapid health of course needed hospital with equipment and treatment based progress technology medical latest. However on the other hand still lots house pain that hasn't happened yet do optimal service that causes its height complaint patient and anxiety public even case case lawsuit to house sick also tall. this matter cause loss for all party good house pain, energy medical and power health as well as patient that alone.

For increase quality service house it hurts, it's necessary done improvement to system licensing and classification hospital by government. Establishment hospital also must get protection law and not quite enough answer legal order juridical hospital can operate task and his service in a way safe and protected. This matter in accordance with objective law health that is certainty law, protection law and justice. Licensing is wrong one guarding mechanism quality service and ensure that facility service, energy medical and power health can fulfil standard competence for protect safety public also safety self alone. Before Constitution Health Number 17 of 2023 was ratified, Law Number 44 of 2009 concerning hospital become reference for hospital-home sickness in Indonesia. However since confirmed Constitution latest then the old one is stated no applies and revoked. for licensing house pain, regulation latest is regulation minister health republic of Indonesia number 3 of 2020 concerning classification and licensing hospital. Before that there is Regulation Minister Health Number 147/MENKES/PER/I/2010 concerning licensing hospital. Regulation Minister Health Number 340/MENKES/PER/III/2010 concerning classification hospital. Regulation Minister Health Number 56 of 2018 concerning Service licensing hospital. Regulation Minister Health Number 26 of 2018 is calm licensing hospital try integrated in a way electronic sector health. Regulation Minister Health Number 30 of 2019 concerning classification and licensing hospital. Constitution and regulation the is effort government for increase quality service house sick as well as give convenience for system licensing hospital. However often exists changes regulation as well as legislation related hospital this become problem for management hospital. This moment is in the era of digitalization, technical organizing licensing has use application based our electronics know with OSS, *Online Single Submission* with objective for convenience access and speed fulfillment document integrated requirements until to center or National. Although so, service licensing in the era of digitalization still leaving long problem Because glance just displacement from offline to online system. System licensing one door not yet can integrate a number of Institution Relevant government with licensing in Indonesia so reasonable only academics in the country this make the term "one door lots table" for licensing in Indonesia. For that writer interested write article with title, "Overview Juridical Licensing House Pain in the Era of Digitalization in Indonesia".

2. METHODOLOGY

This article is type article science descriptive review from some literature and study theoretical with compare to study theoretical previously then analyzed and the results are delivered in form narrative. Or we know also with term approach *juridical empirical* that is with use technique collection material law and the data it consists of from studies the literature (*Library Research*) is then analyzed and served in a way descriptive and narrative.

3. RESULTS AND DISCUSSION

Overview juridical is review from facet law that is study that discusses about elements law in regulation and relevant sanctions with the regulation. Law licensing is governing law connection public with country in matter exists the requesting community permission. Aspect juridical licensing covers two matter that is prohibition for do something activity without permission and authority for give permission from body or state administration official. Administrative sanctions are possible worn to violation regulation and there is a number of type that is coercion government (*bertuurdwang*), withdrawal return favorable decision, imposition money forced by government (*dwangsom*), imposition administrative fines (*administrative bouste*). Regulation and laws in the field hospital there is a number of that is about permission establishment, management and other related settings with various aspect hospital. The most up-to-date regulations about licensing hospital is Minister of Health Regulation Number 3 of 2020 concerning licensing and classification hospital and regulation this already based digitalization. Minister of health regulation number 3 of 2020 concerning classification and licensing hospital we'll take a look of five things that is :

1. Requirements , articles 21,22, 23, 24, 25, and 26
2. Type permits , articles 27, 28, 29, 30, 31, and 32
3. Procedures licensing , articles 33, 34, 35, 36, and 37
4. Extension, increase class and change permission operational , articles 38, 39, 40 and 41.
5. Supervision, coaching and sanctions, articles 55, 57 and 58.

Table 1. Minister of Health Regulation 3 year 2020 about Classification and Licensing Hospital

Condition	Type Permission	System Method Licensing	Extension, Enhancement Class, and Change Permission Operational
<p>Chapter 21</p> <p>1. Every hospital must own permission after fulfil condition.</p> <p>2. Condition as intended on paragraph (1) Covers location, building, infrastructure, resources Power man, pharmacy, and equipment.</p>	<p>Chapter 27</p> <p>1. Permission hospital includes :</p> <p>a. Permission Establishing ;and</p> <p>b. Permission Operational.</p> <p>2. Permission founding as intended on paragraph (1) letter a is permission submitted by owner hospital for establish building or change function building which has there become hospital</p> <p>3. Permission Operational as referred to paragraph (1) letter b is permission submitted by head of hospital for do activity service health including determination class hospital with fulfil condition and /or commitment.</p> <p>4. Permission Founding As intended on paragraph (1) applies during hospital give service health .</p> <p>5. Permission operational as referred to paragraph (3) applies for period time 5 (five) years and can be extended during fulfil condition and classification hospital</p>	<p>Chapter 33</p> <p>1. Owner hospital must submit registration through system OSS for get registration number try.</p> <p>2. Number parent try as intended on paragraph (1) is identity try and used by owner hospital for get permission founding and permission operational.</p> <p>3. Owner hospital which has get number parent try as intended on paragraph (1) can published Permission Founding by Institution OSS.</p> <p>4. Owner hospital must do fulfillment commitment for get permission established that is effective.</p> <p>5. Fulfillment commitment as referred to paragraph (2) fulfilled most long 2 (two) year .</p> <p>6. Fulfillment commitment as referred to paragraph (4) done with convey condition Permission Founding as intended in Article 31 to Ministry Health for hospital class a and foreign investment, Local government province for hospital class B, and Local government district / city for hospital class</p>	<p>Chapter 38</p> <p>1. House leader pain must be do extension permission most operational slow 6 (six) month before permission operational end.</p> <p>2. Provision condition and system method permission operational as intended in article 32, art 34, and article 36 applies in a way mutatis mutandis to condition and system how to extend operational permit as intended on paragraph (1).</p>

		<p>C and class D.</p> <p>7. Fulfillment commitment to Ministry Health as intended on paragraph (6) can done through system online licensing Ministry Health .</p> <p>8. Fulfillment commitment to Government Provincial area or Local government district / city as intended on paragraph (6) can done through system agency online licensing giver permission each - each government area.</p> <p>9. System online licensing ministry health and agency giver permission each local government as intended on paragraph (7) and paragraph (8) can integrated with OSS system with method do interoperability.</p> <p>10. Ministry health, local government province, or Government Regency / city area do evaluation to fulfillment commitment as intended on paragraph (4) maximum 14 (four twelve) days since ownerhospital convey fulfillment commitment .</p> <p>11. Based on results evaluation as intended on paragraph (10), Ministry health, local government province ,or local government district/city give notification agreement</p>	
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		<p>or repair to owner hospital through system OSS.</p> <p>12. Owner hospital must do repair through system OSS since accepted results evaluation from ministry health, local government province, or local government district / city as intended on paragraph (11).</p> <p>13. In frame do repair as intended on paragraph (12), owner hospital can do extension fulfillment commitment maximum 1 (one) year since accepted notification repair through system OSS.</p> <p>14. Ministry health, government area province , or local government district / city do verification return to fulfillment commitment as intended on paragraph (13) most 10 (ten) days long since owner house sick convey return fulfillment commitment .</p> <p>15. Based on results verification as intended on paragraph (14), ministry health , local government province, or local government district / city give notification agreement or rejection permission founding to owner house sick through system oss. notifications agreement as intended on verse (15) is fulfillment commitment permission founding .</p>	
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Chapter 22	Chapter 28	Chapter 34	Chapter 39
<p>1. Location as intended in Article 21 paragraph (2) must be at on suitable land with plan system room region and / or plan system building environment district / city local, and allotment land for function hospital</p> <p>2. Land as intended on paragraph must own clear boundaries and be equipped access / door separated with building other functions in accordance with provision regulation legislation - invitation .</p>	<p>1. In matter hospital give service health certain, hospital must get permission from minister.</p> <p>2. Service health certain things that have to be done get permission from Minister as intended on paragraph (1) form service radiotherapy, medical nuclear, pregnancy with help or pregnancy outside method natural , organ transplants, and cell cause for study based service therapy .</p>	<p>1. for get permission operational ones published by institution oss, leader hospital must own permission founding and fulfillment commitment permission operational . fulfillment commitment Permission Operational as intended on paragraph (1) must done most long 3 (three) month for get permission operational which applies effective .</p> <p>2. Fulfillment commitment permission operational as intended on paragraph (1) done with convey condition Permission Operational as intended in Article 32 paragraph (1) to ministry health for hospital class a and capital investment foreigners, regional government province for house sick class b, and local government district / city for hospital class C and class D.</p> <p>3. Fulfillment commitment to ministry health as intended on paragraph (3) done through system online licensing ministry health .</p> <p>4. Fulfillment commitment to government provincial area or local government district / city as intended on paragraph (3) can done through system agency online licensing giver permission each - each government area.</p> <p>5. System online licensing</p>	<p>1. In validity period permission operational end and owner hospital not yet submit extension permission operational, house sick must stop activity his service except service emergency and patient which currently in maintenance stay. Hospital which no obey provision as intended on paragraph (1) and still organize service without permission operational, worn penalty criminal in accordance with provision regulation legislation - invitation .</p>

		<p>ministry health and agency giver permission each local government as intended on paragraph (4) and paragraph (5) can integrated with system oss with method do interoperability .</p> <p>7. Ministry health, local government province, or governmentregency/ city area do verification and maximum visitation 14 (four twelve) days since leader house sick convey fulfillment commitment as intended on paragraph (1).</p> <p>8. Visitation as intended on paragraph (7) done by team which on duty do evaluation suitability commitment to fulfillment classification hospital</p> <p>9. Team as intended on paragraph (8) includes :</p> <p>a. Team which formed by director general, consists on element ministry health, department health area province, department health area district / city, and association hospital, for house sick class a and house sick planting capital foreign ;</p> <p>b. Team formed by service health area province, consisting on element ministry health, department health area province, department health area</p>	
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		<p>district / city , and association hospital, for hospital class B; and</p> <p>c. Team formed by service health area districts / cities, consisting of on element service health area province, department health area district / city , and association hospital, for hospital class C and class D.</p> <p>10. Based on results verification and visitation as intended on paragraph (7), ministry health, local government province, or government agency / city area emit notification agreement or rejection through system oss no later than 10 (ten) days since done visitation .</p> <p>11. Notifications agreement as intended on paragraph (10) is fulfillment commitment Permission Operational.</p>	
<p>Chapter 23</p> <p>1. Building and infrastructure as intended in chapter 21 paragraph (2) must fulfil principle safety, health, comfort, and security as well as convenience.</p> <p>2. Plan block building hospital must is at in one area integrated and each other connected .</p> <p>3. Building and infrastructure as intended on paragraph must fulfil requirements</p>	<p>Chapter 29</p> <p>1. Permission founding and permission operational is licensing try sector health published by minister, governor, or regent / guardian city based on respective authority - each through oss institutions are appropriate with provision regulation legislation .</p> <p>2. Minister , governor , or regent / guardian city in publish permission as intended on paragraph (1) must consider distribution hospital in a way evenly in each region province and district / city based on mapping with notice amount and</p>	<p>Chapter 35</p> <p>1. Deep matter hospital owned by government center and government area not yet do management finance body service general or body service regional general, permit founding obtained through submission application owner hospital to minister, governor, or regent / guardian city as giver permission in accordance with class house sick with attach document condition permission founding as intended in chapter 31.</p> <p>2. Giver permission must publish letter For agreement or rejection application permission</p>	<p>Chapter 40</p> <p>1. Enhancement class Hospital done with fulfillment amount place sleep in accordance with classification hospital .</p> <p>2. Enhancement class Hospital as intended on paragraph (1) only can done to house the pain has been accredited in accordance with provision regulation legislation - invitation .</p>

<p>technical in accordance with provision regulation legislation - invitation .</p>	<p>distribution population, ratio amount place sleep, and access public in accordance with provision regulation legislation - invitation.</p> <p>3. Permission founding and permission operational house sick class a and house sick foreign investment given by minister through director general.</p> <p>4. Permission founding and permission operational house sick class B is given by governor after get notification from head service which authority in the field health on local government province.</p> <p>5. Permission founding and permission operational hospital class C and hospital class D is given by regent / guardian city after get notification from head service which authority in the field health on government area district / city .</p>	<p>founding accompanied with reason rejection maximum 14 (four twelve) days work since letter application and document condition permission founding as intended on paragraph (1) accepted complete.</p> <p>3. In matter application permission founding rejected, owner hospital can submit application repeat permission founding.</p>	
<p>Chapter 24</p> <p>1. Source power man as intended in article 21 paragraph (2) is power still working in a way full time.</p> <p>2. Constant power work in a way full time as intended on paragraph (1) lifted and set by leader hospital. Besides power still as intended on paragraph (1), hospital can employ power no still and / or consultant based on need and</p>	<p>Article 30</p> <p>1. Publishing permission through Institution OSS as intended in Article 29 paragraph (1) done in form document electronic in accordance with provision regulation legislation - invitation in the field information And transaction electronic</p> <p>2. For hospital owned by government center or government area with management finance body service general or body service regional general , provision licensing try sector health through oss institute as intended on</p>	<p>Chapter 36</p> <p>1. Hospital owned by government center and regional government which not yet do management finance body service general or body service regional general and has own permission founding, can do application permission operational to director general, governor, or regent / guardian city as giver permission in accordance with class hospital with attach document condition Permission Operational as intended in Article 32 paragraph (1).</p>	<p>Chapter 41</p> <p>1. Hospital that add amount place sleep, and fulfil amount place minimal sleep class hospital on must do change permission operational in accordance with classification hospital as intended in Article 17 And Chapter 19.</p> <p>2. Besides provision as intended on paragraph (1), change Permission Operational must done if happen change :</p> <p>a. body law ;</p>

<p>ability hospital in accordance with provision regulation legislation - invitation</p>	<p>paragraph (1) is carried out for extension permission operational .</p>	<p>2. To document application permission operational as intended on paragraph (1), ministry health , local government province, or government regency / city area do verification and visitation .</p> <p>3. Visitation as intended on paragraph (2) done by team that own task and element as intended in chapter 34 paragraph (8) and paragraph (9) most long 14 (four twelve) days since assignment .</p> <p>4. Team as intended on paragraph (3) must convey report results visitation most long 7 (seven) day work after visitation done .</p> <p>5. Based on results verification and visitation as intended on paragraph (2), director general , governor , or regent / guardian city must publish letter agreement or rejection application permission most operational 10 (ten) days long since accepted report results visitation .</p>	<p>b. Name hospital ; c. ownership capital; d. type hospital ; and / or e. home address Sick .</p> <p>3. Change Permission Operational as intended on paragraph (2) letters a and letter b done with attach :</p> <p>a. Permission Operationa l before change ; b. letter statement replacement body law and / or name hospital which signed owner house sick ; and c. change deed notary public.</p> <p>Provision condition and system method permission operational as intended in chapter 32, article 34, and article 36 applies mutatisly mutandis against change permission operational as intended on paragraph (1) and paragraph (2) letter c until with letter e.</p>
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<p>Chapter 25</p> <p>1. Pharmacy as intended in article 21 paragraph (2) is service pharmacy ensure availability preparation pharmacy, tool health, and material medical finished use what is safe, quality, useful, and affordable .</p> <p>2. Service pharmacy as intended on paragraph (1) carried out in installation pharmacy in accordance with provision regulation legislation - invitation .</p>	<p>Chapter 31</p> <p>Condition for obtain permission founding hospital includes :</p> <p>a. document study and planning building which consists on <i>feasibility study</i> (fs), <i>details engineering design</i> , and <i>masters plan</i> ; and</p> <p>b. service fulfillment tool health .</p>	<p>Chapter 37</p> <p>1. Permission operational load determination class based on results evaluation fulfillment amount place sleep as intended in article 17 and chapter19.</p> <p>2. In matter results evaluation no fulfil provision as intended on paragraph (1), determination class on permissionoperational set based on results visitation amount place sleep .</p>	
<p>Chapter 26</p> <p>1. Equipment as intended in Chapter 21 paragraph (2) includes equipment medical and equipmentnon-medical ones fulfil standard service, condition quality, security, safety, and worthy use .</p> <p>2. Equipment medical as intended on paragraph form equipment appropriate medical care with need service hospital.</p>	<p>Chapter 32</p> <p>1. Condition for obtain permission operational includes :</p> <p>a. profile hospital at least covers vision and mission, scope activities, plans strategy, and structure organization;</p> <p>b. <i>self-assessment</i> covers type services , resources power man ,equipment, and building and infrastructure hospital with refers on attachment that is part no inseparable from regulation minister this ;</p> <p>b. letter information or certificate permission appropriateness or utilization And calibration tool health ;</p> <p>c. certificate accreditation ; and letter statement which includes commitment amount place sleep for hospital capital investment</p>		

	<p>foreign based on agreement / work the same international in accordance with provision regulation legislation .</p> <p>2. Certificate accreditation as intended on paragraph (1) letter d fulfilled for extension permission operational .</p>		
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Like mentioned above related with sanctions, on article 57 paragraph (1): In carry out supervision, govt center and government area lift power supervisor based on competence and his expertise in accordance with provision regulation legislation. Article (2): Supervisory staff as called on paragraph (1) implements nature of supervision technical medical and technical hospital. So on article 58 paragraph (1): minister, governor, regent / mayor in carry out coaching and supervision as on article 55 can wearing administrative action against house pain that doesn't obey provision in regulation this minister. Furthermore on paragraph (2): this administrative action as mentioned on paragraph (1) can form reprimand verbal, reprimand written , adjustments permission operational, termination temporary activity part house pain, extraction permission house pain, extraction permission practice power health and / or retraction permission operational. In Article 55 paragraph (1): Ministers, governors , and regent / Mayor carry out coaching and supervision to maintenance hospital in accordance tasks, functions And authority each in accordance with provision legislation. Paragraph (2): In carry out coaching And supervision as intended on paragraph (1), Minister , Governor , Regent / Mayor can include society, association hospital, and / or organization profession. Furthermore paragraph (3): Apart from Minister, Governor , Regent / Mayor as intended on paragraph (1), Council Supervisor hospital and body supervisor hospital can do coaching and supervision in accordance with provision regulation legislation. Board Supervisor hospital explained in minister of health regulation number 44 of 2009 concerning house sick article 56 and followed up with minister of health regulation number 10 of 2014 concerning board supervisor hospital. Board supervisor hospital owned by government formed with decision governor / regent / mayor on proposal head or director the hospital. Whereas for hospital owned by company limited, gathering or foundation formed with decision head company limited, chief gathering or head / chairman foundation. However we know that after constitution health number 17 of 2023 was ratified so constitution number 44 of 2009 stated no legitimate again and revoked and we still wait constitution or regulations derivative as replacement the old law that has been stated no legitimate and revoked including about hospital.

Constitution No. 44 Year 2009 about Hospital

Act no. 44 year 2009 about hospital is act key in problem p management licensinhospital , yes a number of governing provisions about licensing namely : in provision article 25 mention that :

1. Every organizer hospital must own permission
2. Permission as intended on paragraph (1) consists from permission establish and permission operational
3. Permission establish as intended on paragraph (2) given for period time 2(two) year and can be extended for 1 (one) year
4. Permission operational as intended on paragraph (2) given for period time 5 (five) years and can be extended return during fulfil condition
5. Permission as intended on paragraph (2) given after fulfil requirements as per arranged in this constitution.

Then on provision Chapter 26 act which the same confirm following :

- a) Permission hospital class A and hospital planting capital foreign or investment in country given by Minister after get recommendation from official which authorized in field health on government area province
- b) Permission hospital planting capital foreign or planting capital in country as intended on paragraph (1) is given after get recommendation from agency which carry out affairs planting capital foreign or planting internal capital country

- c) Permission hospital class B is given by provincial government after get recommendation from officials with authority in the field health on government area regency /city
- d) Permission hospital class C and class D given by government area regency /city after get recommendation from authorized official in field health on government area regency /city.

Provision Chapter 27 to Permission hospital can revoked If :

1. finished period validity ;
2. No Again fulfil condition and standard ;
3. Proven do violation to regulation legislation ; and / or
4. On order court in frame enforcement law and sound provision chapter 28 pressing that provision more carry on about licensing arranged with regulation minister.

Minister of Health Regulation No. 147 Year 2010 About Licensing Hospital

Licensing hospital arranged in minister of health regulation no. 147 year 2010 about house licensing sick about licensing hospital. Every hospital must own permits consisting from permission establish hospital and permission operational hospital. Permission operational hospital shared Again become permission operational temporary and permission operational still based on chapter 2 minister of health regulation no. 147 year 2010 about licensing hospital about licensing hospital. Furthermore application permission establish and permission operational hospital submitted based on classification hospital in provision chapter 3 minister of health regulation no. 147 year 2010.

Chapter 3

1. Application permission establish and permission operational hospital submitted according to type and classification hospital
2. Permission establish and permission operational hospital class a and hospital foreign investment or investment in country given by minister after get recommendation from authorized official in field health on government area province
3. Permission establish and permission operational hospital class b given by provincial government after get recommendation from official which authorized in field health on government area regency /city.
4. Permission establish and permission operational hospital class C and class D given by government area regency /city after get recommendation from official which authorized in field health on government area regency /city.
5. System method giving permission establish and permission operational hospital as intended on paragraph (2), paragraph (3) and paragraph (4) held in accordance with provision regulation legislation

About provision in Minister of Health Decree No. 2264/MENKES/SK/XI/2011 about Implementation Licensing hospital (“Minister of Health Decree 2264/2011”) on points second said : “Service health regency /city and service health province can do giving process recommendation for extension permission operational for hospital private which body law foundation and / or gathering throughout include activity maintenance hospital or service health in in budget basically ”. From the provisions mentioned above, Minister of Health Decree no . 2264 years 2011 just affirmation from Chapter 3 Minister of Health Regulation No. 147 year 2010 and no make provision article 7 paragraph (4) uu no. 44 of 2009 concerning hospitals become no applies .

Decision Minister Health No. 2264 of 2011 concerning Implementation Licensing Hospital

Decision minister health in points second minister of health decree no. 2264 of 2011 precisely confirm return provision in UURS and minister of health regulation no. 147 year 2010 related implementation extension permission operational hospital. So that hospital can established by foundation that has meaning and objective as well as activity in field hospital with obtain permission establishment and permission operational . Meaning and objective as well as activity hospital that established by foundation this must be included in budget base and will required for obtain recommendation extension permission operational the hospital.

Overview from corner LEGAL view

According to Gustav Radbruch, law must contain three mark identity that is principle certainty law (*rechtmatigheid*) reviewing principle from corner juridical, basic justice law (*gerechtigheit*) reviewing principle from corner philosophical where justice is similarity right for everyone in front court and principle expediency law (*swech matigheid or doelmaticheid or utilities*). Certainty law can interpreted that there is no confusion public will rule law good in the rules alone nor in its implementation as well as in enforcement the law. Certainty law also tightly connection with effectiveness law, so something regulation nor constitution or

regulations stated effective if its maintenance implemented for prosperity just people and sustainable. Likewise with regulations or regulation about house sick must in line with mandate Pancasila and the state constitution republic of indonesia in 1945. So existing regulations should give road best for the licensing system house sick so that on implementation ndan expediency finally pregnant principle law good certainty law, justice and expediency law for hospital and management, energy health and patient until objective enhancement degrees health achieved. existing regulations must reflect principle and objective law. About certainty law in regulation about hospital, naturally with refers on values country law (*rechtsstaat*) based on Pancasila as a ambition nation. However, still there is a number of provisions that do not in accordance or no synchronous between regulation legislation - invitation nor regulation minister health in realize quality service hospital as well as give road best for system licensing house it hurts, so certainty expected law good for hospital along its management until service as well as maintenance hospital not yet fulfil certainty law which should.

4. CONCLUSION

System licensing hospital in Indonesia already more well in the era of digitalization. Already give convenience and more access fast compared to before the era of digitalization, appropriate with minister of health regulation number 3 of 2020 concerning classification and licensing house the pain inside explain about implementation of the oss system, *online single submission*. However still required improvement this digital application is for all related agencies with system licensing hospital integrated in application. Aspect law in regulation hospital good in provision constitution nor rule minister good health basically must guided on pancasila and the 1945 constitution should be also load right and obligation as well as mandatory requirements fulfilled by house pain, energy health nor patient for realize development health in indonesia as high as possible. Still required regulation addition related house pain, sanctions and so on who have coherence and synchronization one with others who protect right and obligation all party in accordance with objective law that is certainty law, justice and expediency as well as with appropriate system with the era of digitalization that provides convenience access service public.

REFERENCES

- Adrian Sutedi . (2008) Law Licensing In Sector Public , Rays Graphics:Jakarta , p.184.
Constitution Health Number 17 of 2023.
Constitution Number 44 of 2009 Concerning Hospital.
Constitution The Foundation of the Republic of Indonesia in 1945 .
Hujibers , T. (2010). Philosophy Law , ctk . Fifteenth , Kanisisus , Yogyakarta.
Nuance Team Aulia (2010). House III-Act Republic of Indonesia Number 44 of 2009 Concerning Hospital . Bandung, Nuance Aulia . p.1.
Philipus , M. H. (1987). Protection Law For the Indonesian People. Bina Ilmu Surabaya.
Regulation Minister RI Health Number 3 of 2020 Concerning Classification and Licensing Hospital .
Regulation Minister RI Health Number 56 of 2014 concerning Classification and Licensing Hospital . Part considering , letter a.
Ridwan (2003) Law State Administration . Yogyakarta:UUI Press, p.60.
Utrecht, E. (1957). Introduction In Indonesian Law (Trans . By Moh . Saleh Djindang). Jakarta : Ichtar New Van Hoeve .
Yulisar Khiat (2021) Review Juridical About Certainty Law To Licensing House Illness in Indonesia UKI Press, volume 7, pp.6-18,22.