

Rights, Obligations and Responsibilities of Health Personnel and Patients in Law Number 17 of 2023 Concerning Health

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Abstract

This study in a way deep Constitution Number 17 of 2023 concerning Health, which is a legislative reform significant in sector Indonesian health. This study use method juridical normative with analyze data from regulation relevant legislation as well as literature related for identify change in rights, obligations and responsibilities answer power health and patients . Discussion result show that this law provide direction new in enhancement standard service health, strengthening protection law for power health, and improve participation active patient in the medical process. Conclusions of this study emphasize that Law no. 17 of 2023 opens road bright for the future power health in Indonesia with leads to practice more health ethical, fair, and professional. This law expected become base for enhancement quality service health and justice in access to service health across the country.

Keywords: Health law, health workers, rights and obligations

1. INTRODUCTION

With enactment Constitution Number 17 of 2023 concerning Health in Indonesia, occurred change big in structure regulation governing law sector health in this country. Enactment of the new law this no only is a step legislative but also reflective shift in view and handling to rights, obligations and responsibilities answer between power health and patients . Before enactment of Law no. 17 of 2023, regulations sector health in Indonesia Law Number 419 of 1949 concerning Hard Drugs Ordinance;

- 1) Law Number 4 of 1984 concerning Infectious Disease Outbreaks;
- 2) Law Number 29 of 2004 concerning Medical Practice;
- 3) Law Number 36 of 2009 concerning Health;
- 4) Law Number 44 of 2009 concerning Hospitals;
- 5) Law Number 20 of 2013 concerning Medical Education;
- 6) Law Number 18 of 2014 concerning Mental Health;
- 7) Law Number 36 of 2014 concerning Health Workers;
- 8) Law Number 38 of 2014 concerning Nursing;
- 9) Law Number 6 of 2018 concerning Health Quarantine;
- 10) Law Number 4 of 2019 concerning Midwifery

The lack of unity or precision can result in unequal legal rules in health services in this regulation, which often results in confusion in medical practice and unclear rights and obligations of patients and health workers. Need for legal reform in sector health become the more urge along with development technology medical and change demographic resident . Challenges new , like enhancement prevalence disease chronic and multiburden illness, need framework more laws adaptive and integrative. Therefore that, the formation of Law no. 17 of 2023 is expected become point come back in provide a consistent framework For arrange aspects that , make sure that rights patient protected temporary give clarity law for power health in operate his task. Legislative process that resulted in Law no. 17 of 2023 no only create rule new but also revoke a number of laws were assessed No

Again relevant or contradictory with need health moment This as it has been writer describe it on the page on . Revocation this covers laws from 1949 to 2019 , which include regulations about ordinance drug hard, handling epidemic disease contagious, practice medicine, up to nursing and midwifery. This step intended for simplify and modernize law health, strengthening integration between sector, as well increase efficiency in service health. Focus main from discussion this is study how about Law no. 17 of 2023 regulates rights, obligations and responsibilities answer power health and patients . This study aim For understand the changes stipulated by the new law and how change the influence interaction between patients and providers service health. This matter covers how Constitution provide protection for patient as well as ensure that power health can operate the practice with support clear law.

2. METHODOLOGY

This research uses normative juridical methods to examine the rights, obligations and responsibilities of health workers and patients in accordance with Law Number 17 of 2023 concerning Health. The primary data analyzed includes the text of the law and related laws that have been repealed. Analysis involves descriptive and prescriptive interpretation of legal norms to identify and explain the legal implications of the new provisions. The main aim of this research is to generate an in-depth understanding of the structure and content of the new regulations, as well as provide constructive recommendations regarding future health practices and policies.

3. RESULTS AND DISCUSSION

Rights and Obligations of Health Workers in Providing Health Services

Article 273

1. Medical personnel and health workers in carrying out practice have the right to:
 - a) obtain legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, standard operational procedures and professional ethics, as well as the patient's health needs;
 - b) obtain complete and correct information from patients or their families;
 - c) receive appropriate salaries/wages, service benefits and performance allowances in accordance with statutory provisions;
 - d) obtain protection for safety, occupational health and security;
 - e) obtain health insurance and employment guarantees in accordance with statutory provisions;
 - f) receive protection from treatment that is inconsistent with human dignity, morals, decency and socio-cultural values;
 - g) receive awards in accordance with statutory provisions;
 - h) get the opportunity to develop themselves through competency, knowledge and career development in their professional field;
 - i) refuse the wishes of patients or other parties that conflict with professional standards, service standards, standard operational procedures, codes of ethics, or statutory provisions; and
 - j) obtain other rights in accordance with the provisions of statutory regulations.
2. Medical personnel and health workers can stop health services if they receive treatment that is not in accordance with human dignity, morals, decency and socio- cultural values as intended in paragraph (1) letter f, including acts of violence, harassment and bullying.

Article 274

Medical Personnel and Health Workers in carrying out mandatory practices:

- a. provide health services in accordance with professional standards, professional service standards, standard operational procedures, and professional ethics as well as patient health needs;
- b. obtain consent from the patient or his family for the action to be given;
- c. maintain patient health secrets;
- d. create and store records and/or documents regarding examinations, care and actions taken; And
- e. refer patients to medical personnel or other health personnel who have the appropriate competence and authority.

Article 275

- (1) Medical personnel and health workers who practice at health service facilities are obliged to provide first aid to patients in emergencies and/or disasters.

- (2) Medical personnel and health workers who provide health services in the context of life-saving measures or preventing someone's disability in emergencies and/or disasters are excluded from claims for compensation.

Before Law no. 17 of 2023, the governing regulations rights and obligations power health spread across various Constitution such as Law no. 29 of 2004 concerning Practice Medicine, Law no. 36 of 2009 concerning Health, and Law no. 44 of 2009 concerning Hospitals. However, regulations this often not in a way Specific handle the challenges that arise from development digital technology and needs modernization practice medical. For example, issue about patient data protection and use technology information in service health not enough get adequate attention. Articles 273 and 274 of Law no. 17 of 2023 reflects something approach holistic and integrated in set rights and obligations power health. This article with clear emphasize necessity protection strong law for power implementing health his task in accordance with standard profession, ethics profession, as well honor rights patient. For example, art the ensure that power health get complete and correct information from patient or his family, a condition important For giving service effective and ethical healthcare. More further, deep context of the digital era, art this give base strong for patient data protection becomes the more important along with increasing use system information digital health. This matter is enhancement significant from regulations before, which was less give emphasis on aspects security and privacy of data in practice medical. UU no. 17 of 2023 also provides attention specifically on safety and welfare power health, which includes right get protection on safety work and security, guarantee health, as well guarantee employment. This is response to need real power health problems that we often face risk tall in his work, especially in the middle pandemic or situation emergency health other. Article 275 in fact explicit arrange about obligation power health in give help first in circumstances terrible emergency, all at once give immunity from demands change make a loss moment do action rescue life in the same condition. Provision this show confession on importance action quick and precise in situation critical, all at once protect power health from consequence the law is not need consequence do action the. New law this no only reform aspects outdated laws, but also adapting self with change environment medical and technological. With thus, this law can considered as something revolution in law health that provides certainty more laws strong and adaptive for power health in Indonesia.

Patient Rights and Obligations in Health Services

Article 276

Patients have the right:

- a. get information about his/her health;
- b. receive an adequate explanation regarding the Health Services they receive;
- c. obtain Health Services in accordance with medical needs, professional standards and quality services;
- d. refuse or agree to medical treatment, except for medical treatment necessary for the prevention of infectious diseases and control of outbreaks or epidemics;
- e. gain access to information contained in medical records;
- f. ask for the opinion of Medical Personnel or other Health Personnel; And
- g. obtain other rights in accordance with the provisions of statutory regulations.

Article 277

Patients have obligations:

- a. provide complete and honest information about their health problems;
- b. comply with the advice and instructions of Medical Personnel and Health Personnel;
- c. comply with the provisions applicable to Health Service Facilities; and
- d. provide compensation for services received.

Article 278

Further provisions regarding the rights and obligations of Medical Personnel, Health Workers and Patients are regulated by Government Regulations. Constitution Number 17 of 2023 concerning Health introduces articles new ones extensive arrange rights and obligations patient in reception service health, reflects something shift important from regulations previously such as Law no. 29 of 2004 concerning Practice Medicine, Law no. 36 of 2009 concerning Health, and Law no. 44 of 2009 concerning Hospitals. In articles 276 and 277, it is seen confirmation and expansion rights patient as well as explanation mandatory obligations fulfilled by the patient during the service process health. Article 276 emphasizes importance access information for patient, which is fundamental principles in service quality health. Patient entitled get information complete about health them, explanation adequate about services received, as well ability for reject or agree action medical. This right in a

way significant more detailed and comprehensive compared to with what is regulated in the previous law, that tended to be more general and less Specific in explain right patient for get information medical. As example, Law no. 29 of 2004 concerning Practice Medical generally emphasizes ethics and standards profession without in a way explicit arrange right patient For access record medical or request opinion second from power other health.

This shows that Law no. 17 of 2023 provides enhancement significant in transparency and participation patient in taking decision medical , which is in line with global trends in strengthening right patient. On the other hand, Article 277 explains obligation covering patients give complete and honest information about condition his health, obey advice medical, and conditions that apply at the facility health, as well pay rewards on service received. Obligation this no far different with what is stated in regulations before, however what stands out in the latest law This is affirmation that the patient also has role active in create results optimal health . This matter emphasize draft responsibility patients who do not only passive accept service , but also active participate in the healing process. Article 278 which states that provision more carry on about rights and obligations will arranged in Regulation Government , shows something dynamic and adaptive approach in regulations health. This matter possible adjustment more further as you can follow development technology medical and change in practice health, something is not too accommodated by law Previously it was more static. Therefore writer view, Law no. 17 of 2023 no only reform but also strengthening structure protective law rights patient while emphasize obligations them , marking something development important in law health in Indonesia. Added extensive details , focus on transparency and participation active patient reflect shift paradigm to direction service more health patient - centered, all at once confess complexity modern interactions between power health and patients in the digital era. Hospital Rights and Obligations in Health Services.

Article 189

- (1) Every Hospital has the obligation to:
 - a. provide correct information about Hospital services to the community;
 - b. provide safe, high-quality, anti-discriminatory and effective health services by prioritizing the interests of patients in accordance with hospital service standards;
 - c. provide emergency services to patients according to their service capabilities;
 - d. play an active role in providing Health Services during disasters in accordance with their service capabilities;
 - e. providing facilities and services for disadvantaged or poor communities;
 - f. carry out social functions, among others, by providing service facilities for indigent or poor patients, emergency services without down payment, free ambulances, services for disaster and outbreak victims, or social services for humanitarian missions;
 - g. create, implement and maintain quality standards for Health Services in Hospitals as a reference in serving Patients;
 - h. maintain medical records;
 - i. provide adequate public facilities and infrastructure, including prayer facilities, parking lots, waiting rooms, facilities for people with disabilities, breastfeeding women, children and the elderly;
 - j. implementing a referral system;
 - k. refuse the patient's wishes which are contrary to professional and ethical standards as well as statutory provisions;
 - l. provide correct, clear and honest information regarding the patient's rights and obligations;
 - m. respect and protect the rights of Patients;
 - n. implement Hospital ethics;
 - o. have an accident prevention and disaster management system;
 - p. implementing government programs in the health sector, both regionally and nationally;
 - q. make a list of Medical Personnel who practice medicine or dentistry and other Health Personnel;
 - r. prepare and implement internal hospital regulations;
 - s. protect and provide legal assistance to all Hospital officers in carrying out their duties; And
 - t. enforce the entire hospital environment as a smoking-free area.
- (2) Violations of the obligations as intended in paragraph (1) are subject to administrative sanctions in accordance with the provisions of statutory regulations.

Article 190

Hospitals are required to implement a Hospital Health Information System that is integrated with the National Health Information System.

Article 191

The Hospital has the right:

- a. determine the number, type and qualifications of human resources in accordance with the Hospital classification;
- b. receive compensation for services and determine remuneration, incentives and awards in accordance with statutory provisions;
- c. collaborate with other parties in developing services;
- d. receive assistance from other parties in accordance with statutory provisions;
- e. sue the party who caused the loss;
- f. obtain legal protection in implementing Health Services; And
- g. promote health services in hospitals in accordance with statutory provisions.

Article 192

- (1) The hospital is not legally responsible if the patient and/or his family refuses or stops treatment which could result in the patient's death after a comprehensive medical explanation.
- (2) Hospitals cannot be required to carry out their duties in saving human lives.

Article 193

The Hospital is legally responsible for all losses incurred due to negligence committed by Hospital Health Human Resources. Constitution Number 17 of 2023 concerning Health brings transformation deep into regulations service health at home sick in Indonesia. Articles 189 to 193 in accordance special set framework work new more broad and structured for rights and obligations hospital , marking enhancement significant in emphasis on quality and safety service , as well rights patient. Analysis this will study provision these and compare them with existing regulations previously, as listed in Law no. 44 of 2009 concerning Hospitals, para understand the impact and changes resulting from the new law. Article 189 Law no. 17 of 2023 provides explanation extensive about obligation hospital who is not only limited to provision service safe and quality health, but also includes role active in disaster , service social , and respectful to rights patient. This reflects shift from more approach general provisions taken by Law no. 44 of 2009, where is the focus main is in the settings administrative and management hospital without the same emphasis on function social and obligation ethics hospital.

Furthermore, Law no. 17 of 2023 confirms importance system information integrated health (Article 190), which requires hospital apply system connected information with system national. This matter is obvious improvement from condition before and show effort for modernize health data infrastructure To use support taking based decisions evidence and efficiency operational . Articles 191 and 192 add more Lots clarification about right hospital for get rewards on services provided and protection law in carry out duties, incl when face the situation in which the patient is reject treatment. Provision this strengthen position law hospital in system health, giving they autonomy more big in internal management as well in interaction they with patients and parties third. Emphasis on denial not quite enough answer law in Article 192 and responsibility answer law on negligence in Article 193 is indication important from the law's response to complexity medical and risk laws faced by the hospital. this article balancing between give freedom to hospital in situation emergency medical with still demand accountability tall on possible errors prevented or negligence. Therefore that, Law no. 17 of 2023 concerning Health shows commitment legislative to enhancement standard service health and protection patient through more regulations tighter and more inclusive to aspect social and ethical from service health . Compared to with Constitution previously , the new law This give framework more robust work for overcome challenge contemporary and supportive evolution need health public with consider integration technology and needs social change . Implementation provision This expected can leads to improvement quality service health and justice in access health in Indonesia, bringing system health national in line with continued global standards develop.

4. CONCLUSION

Law Number 17 of 2023 concerning Health marks a new era in the regulation of the Indonesian health sector, by providing a comprehensive legal framework for the rights, obligations and responsibilities of health

workers and patients. This law introduces more detailed and adaptive provisions, increasing legal protection for health workers in carrying out medical practice, while strengthening patients' rights in accessing information, quality health services, and participation in medical decision making. With a more patient-centered approach and an emphasis on high standards of ethics and professionalism, this law aims to improve the quality of health services and ensure safer and fairer medical practices in Indonesia.

REFERENCES

- Abdi, Nuzul, Sudi Fahmi, and Bagio Kadaryanto. "Hospital Legal Responsibility for Doctors' Medical Actions." *Journal Of Science And Social Research* 5.3 (2022).
- Adelina Siregar, Rospita. (2020). *Health Law Teaching Materials Volume I*. UKI Press, Jakarta.
- Adji, Oemar Seno. (2015). *Professional Ethics and Liability Law Doctor's Profession Doctor's Crime*. Erlangga, Jakarta.
- Matippanna Ampera. (2022). *Health Law (Hospital Legal Responsibility Against Patients Under Implementation Health Services)*. Amerta Media, Banyumas.
- Andriyan, Dody Nur. (2016). *Constitutional Law and Systems Politics: Combination Presidential with Multiparty in Indonesia*. Deepublish, Yogyakarta.
- Ariyanto, Bambang (Editor). (2020). *Accountability Criminal on Actions Negligence in Medical Procedures in Hospitals*. Scopindo Media Pustaka, Surabaya.
- Banudi, La and Sapril (Editors). (2023). *Ethics and Law in Health*. Eureka Media Aksara, Purbalingga.
- Bustami. (2023). *Quality Assurance of Health Services and Their Acceptability*. Jakarta: Erlangga.
- Debby, Parulian. (2024). *Legal Protection for Health Workers Who Experience It Violence in Health Services Based on Perspective Regulation Health Legislation*. Thesis (Master's Thesis), Pasundan University.
- Efendi, Jonaedi and Rijadi, Prasetijo. (2022). *Normative and Empirical Legal Research Methods*. Kencana, Jakarta.
- Emi, Mimin. (2017). *Nursing Ethics Application in Practice*. EGC Medicine, Jakarta.
- Faqih, Mansour. (2020). *Gender Analysis and Social Transformation*. Student Library, Yogyakarta.
- Feriyansyah (Editor). (2019). *Legal Aspects of Ownership Record Medical to Protection of Patients' Rights*. We Write Foundation, Medan.
- Indah S., Maya. (2014). *Victim Protection, a Perspective Victimology and Criminology*. Prenadamedia Group, Jakarta.
- Health Act Expands Legal Responsibility of Hospitals." Accessed April 11, 2024. <https://www.hukumonline.com/berita/a/uu-kesehatan-besar-bayar-bayar-Hukum-rs-1t65bb5055237db/>
- Irwan. (2017). *Health Ethics and Behavior*. Absolute Media, Yogyakarta.
- Law Number 419 of 1949 concerning Hard Drugs Ordinance;
- Law Number 4 of 1984 concerning Infectious Disease Outbreaks;
- Law Number 29 of 2004 concerning Medical Practice;
- Law Number 36 of 2009 concerning Health;
- Law Number 44 of 2009 concerning Hospitals;
- Law Number 20 of 2013 concerning Medical Education;
- Law Number 18 of 2014 concerning Mental Health;
- Law Number 36 of 2014 concerning Health Workers;
- Law Number 38 of 2014 concerning Nursing;
- Law Number 6 of 2018 concerning Health Quarantine;
- Law Number 4 of 2019 concerning Midwifery
- Law number 17 of 2023 concerning Health.
- Mannas, Y.A. (2021). *Legal Protection for Doctors: Application of the Principle of Balance as one of the efforts towards National Health Law Update*. Rajagrafindo Perkasa.
- Naibaho, S., Triana, Y., & Oktapani, S. (2024). Hospital Legal Responsibility for Patients' Rights in Health Services. *Tambusai Health Journal*, 5 (1), 784–797. <https://doi.org/10.31004/jkt.v5i1.25587>
- Rights and Obligations of Medical Personnel, Health Personnel and Patients Regulated in the Health Law." Accessed April 10, 2024. <https://sehatnegeriku.kemkes.go.id/baca/rilis-media/20230919/0843872/hak-dan-kewajiban-tenaga-medis-tenaga-kesehatan-dan-patient-arranged-in-health-law/>
- Rights and Obligations of Health Workers." Accessed April 1, 2024. <https://puskesmaskejaksan.cirebonkota.go.id/2023/05/20/hak-dan-kewajiban-tenaga-kesehatan/>
- Sjahdeni, SR (2020). *Health Law regarding Medical Personnel Malpractice Law Volume 2*. IPB Press.

Understand Rights and Obligations Patients in Law no. 17 of 2023." Accessed April 11, 2024.
<https://www.rri.co.id/index.php/bali/kesehatan/534077/pahami-hak-dan-kewajiban-patient-dalam-uu-no-17-year-2023>