

Protection of Patient Rights in the Perspective of Law and Medical Ethics in Indonesia

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ABSTRACT

This research analyzes the law liability of hospitals for patients' rights in healthcare services in Indonesia, focusing on the implementation of Law No. 17 of 2023 on Health. Although this regulation provides a strong law basis, its implementation often experiences gaps, especially at the primary care level. The main contributing factors include a lack of public awareness of patients' rights, limited health facility capacity, and weak supervision. This research uses a normative law approach to explore the law consequences for hospitals that fail to fulfill patient rights, including liability for medical staff negligence. The analysis also covers medical ethics issues, such as the application of informed consent, as well as a comparison between Article 32 of the Hospital Law and Article 276 of the Health Law. The results of the research indicate the need for a more detailed law framework and an effective monitoring system to ensure the protection of patient rights and hospital accountability.

INTRODUCTION

Indonesia currently faces various complex challenges in providing equitable and quality access to health services. One very important aspect in this regard is the protection of patient rights, which has been a particular focus in recent years. Law No. 17 of 2023 on Health has established a significant law foundation related to patient rights and health service standards, which aims to improve the quality of health services and protect patient rights.

The reality on the ground, however, often shows a gap between regulations and their implementation, especially at the primary health care level. This can be seen from the large number of cases of patient rights violations, such as patient refusal, discrimination, and injustice in health care services. There are also still many health facilities that do not meet the health service standards set by Law No. 17 of 2023 on Health.

This gap between regulation and implementation can be caused by several factors, such as a lack of public awareness and knowledge about patient rights, as well as a lack of ability and capacity on the part of health facilities to provide quality health services. The lack of effective supervision and evaluation of the implementation of Law No. 17 of 2023 on Health can also be one of the causes of this gap.

In this case, a more in-depth analysis is needed to understand the causes of the gap between the regulation and implementation of Law Number 17 of 2023 concerning Health. This analysis can help identify effective solutions to improve the quality of health services and protect patients' rights. This analysis can also help develop effective strategies to raise public awareness and knowledge about patients' rights, as well as improve the ability and capacity of health facilities to provide quality health services.

Law of the Republic of Indonesia Number 17 of 2023 concerning Health (Health Law) is a new law that regulates health services in Indonesia, replacing Law Number 44 of 2009 concerning Hospitals (Hospital Law). The Health Law is the law that sets out the law rights and liabilities between patients and hospitals, including service standards.

Article 46 of the Hospital Law and Article 193 of the Health Law explicitly stipulate that hospital are legally liable for losses resulting from negligence on the part of health workers or hospital health personnel. This means that hospitals have a law liability to ensure that the health services provided to patients meet established standards.

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In this case, the agreement on law rights and obligations between patients and hospitals is a valid and binding contract. If the service does not meet the established standards, patients can seek justice through the law and use the court as a forum to resolve the discrepancy. The court, therefore, plays an important role in resolving disputes between patients and hospitals and ensuring that patients' rights are protected.

In practice, courts can use relevant law principles to resolve disputes between patients and hospitals. These law principles may include civil law, administrative law, and health law principles. The courts can thus ensure that patients' rights are protected and that hospitals are lawfully liable for losses resulting from negligence on the part of healthcare personnel or Hospital Health Resources.

The position of patients in healthcare can be analogized as "consumers" who have clear rights and obligations (Rusyad, 2018; Nasution, 2022). One of the most important rights of patients is the right to information and/or to give consent, known as Informed Consent. The concept of Informed Consent emphasizes the importance of patients having sufficient knowledge about the medical procedures that will be performed, so that they can make informed decisions about the healthcare services they receive.

Informed consent cannot be interpreted as a waiver of the patient's right to sue in the event of negligence or harm. Rather, informed consent is a process that ensures patients have sufficient knowledge about the risks and benefits of the medical procedure to be performed, so that they can make informed decisions about the healthcare services they receive. Informed consent does not waive the patient's right to receive services according to procedure, and doctors remain lawfully liability for their medical actions.

Informed Consent covers various medical procedures, ranging from examinations to surgical procedures, which are given by patients or their authorized families. The Informed Consent process involves effective communication between patients and doctors, so that patients can have sufficient knowledge about the medical procedures that will be performed. The principle of Informed Consent for patients creates a framework that protects patients' rights and ensures doctors' accountability in medical practice.

In practice, Informed Consent can be implemented in various ways, such as through consent forms signed by patients or their authorized family members. It is important to remember,

however, that Informed Consent is not merely an administrative process, but also a process that ensures patients have sufficient knowledge about the medical procedures that will be performed. Informed Consent can thus be an effective tool for protecting patients' rights and ensuring doctors' accountability in medical practice.

A comparison between Article 32 of the Hospital Law and Article 276 of the Health Law reveals differences and similarities in the scope of rights recognized for patients. Article 32 of the Hospital Law specifically outlines the rights of patients in hospitals in detail, covering aspects such as information, health services, the right to file complaints, and the right to choose a doctor and class of care. This shows that Article 32 of the Hospital Law has a more specific and detailed scope in regulating the rights of patients in hospitals.

Article 276 of the Health Law has a more general scope and covers patients' rights in the context of healthcare services as a whole. This article does not specifically outline patients' rights within hospitals, but rather focuses on patients' rights in healthcare services in general. This shows that Article 276 of the Health Law has a broader scope and covers patients' rights in various aspects of healthcare services.

The difference in scope between Article 32 of the Hospital Law and Article 276 of the Health Law shows that these two articles have different objectives in regulating patient rights. Article 32 of the Hospital Law focuses more on patient rights within hospitals, while Article 276 of the Health Law focuses more on patient rights in health services in general. Both articles, however, share similarities in regulating patient rights, namely the right to obtain information, healthcare services, and the right to file complaints.

In further analysis, the difference in scope between Article 32 of the Hospital Law and Article 276 of the Health Law can be interpreted as an effort to improve the protection of patients' rights in various aspects of health services. Article 32 of the Hospital Law can be considered an effort to improve the protection of patient rights within hospitals, while Article 276 of the Health Law can be considered an effort to improve the protection of patient rights in health services in general.

The complexity of law interpretation regarding the liability of hospitals for the medical actions of their medical staff is a significant issue in the field of healthcare. Different interpretations of the law can lead to disparities in court rulings, creating challenges for medical practitioners, such as doctors, nurses, and hospitals themselves.

Disparities in court rulings can be caused by various factors, including differences in the interpretation of applicable laws and policies. This can cause uncertainty and confusion for medical staff and hospitals, thereby affecting the quality of healthcare services provided.

The conflict between the professional obligations of medical staff and the institutional liabilities of hospitals is also a significant dynamic in the law of liability. Medical staff have a professional obligation to provide optimal healthcare services, but hospitals also have an institutional liability to ensure that the healthcare services provided comply with applicable standards (Lee, 2022).

Balancing patient rights with hospital liabilities is a complex challenge that raises debates about how the law can accommodate patient rights while considering the liability of hospitals to provide quality healthcare services. This dynamic prompted the author to conduct research highlighting the interaction between these two entities, with the aim of analyzing the laws liability of hospitals towards patients' rights to compensation for damages in healthcare services.

This research aims to analyze the law consequences for hospitals related to patients' rights to compensation for losses in health services, using normative law research methods. This method allows the author to analyze and interpret relevant laws and regulations, as well as understand the law implications of interactions between hospitals and patients.

In this research, the author will analyze the laws and regulations that govern the law of liability of hospitals for damages to patients in healthcare services, with consideration of relevant laws and regulations, such as the Health Law and the Hospital Law. The author will also analyze the law of liability for hospitals regarding the rights of patients to damages in healthcare services, with consideration of court rulings and applicable policies.

This research is expected to contribute to the understanding of hospitals' law liability regarding patients' rights to compensation for damages in healthcare services, as well as the law consequences for hospitals related to patients' rights to compensation for damages in healthcare services. This research is also expected to provide recommendations for the development of a more effective law system that accommodates patients' rights while considering hospitals' liabilities in providing quality healthcare services.

RESEARCH METHOD

Normative law research is the type of research used in this research, which focuses on the study of legislation in a coherent law system and unwritten law values that exist in public. According to Soemitro (2023), normative law research aims to analyze and interpret legislation relevant to the issues raised in the research.

The research approach is an important aspect in answering the questions raised in this research. This research uses several research approaches that are relevant to the questions raised, namely the statute approach, case approach, conceptual approach, and analytical approach.

The statute approach is used to analyze and interpret legislation relevant to the issues raised in the research (Ali, 2021; Rahardjo, 2021). This approach focuses on reviewing laws and regulations that apply within a coherent law system.

The case approach is used to analyze and interpret court decisions relevant to the issues raised in the research. This approach focuses on reviewing court decisions that have been made by the court in resolving disputes related to the issues raised in the research (Effendi & Ibrahim, 2018).

The conceptual approach is used to analyze and interpret law concepts relevant to the issues raised in the research. This approach focuses on examining law concepts that are relevant to the issues raised in the research. The analytical approach is used to analyze and interpret data relevant to the issues raised in the research. This approach focuses on examining data that is relevant to the issues raised in the research.

By using several research approaches that are relevant to the issues raised in the research, this research is expected to contribute to the understanding of the issues raised in the research. This research is also expected to provide recommendations for the development of a more effective law system in resolving disputes related to the issues raised in the research.

RESULT AND DISCUSSION

The law liability of hospitals towards patients' rights in health services is a very important issue in the health system. According to Supriadi (2001), hospitals have a law liability to provide quality and safe health services for patients. This is included in the concept of "medical law" which emphasizes the importance of hospitals complying with applicable health standards.

From a human rights perspective, hospitals' law liability regarding patients' rights in health care is also very important. Tampubolon, Siregar, and Siburian (2022) state that the state has a liability to guarantee the right to health for its citizens, including the right to quality health care. The hospital as a provider of health care also has a law liability to fulfill the rights of patients.

In health ethics and law, Triwibowo (2014) states that hospitals have a law liability to comply with health ethics principles, including the principles of autonomy, beneficence, non-maleficence, and justice. This means that hospitals must ensure that the health services provided to patients are of high quality, safe, and in accordance with applicable health standards.

The law liability of hospitals towards patients' rights in health services is a very important issue in the health system. Hospitals have a law liability to comply with applicable health standards, fulfill patients' rights, and ensure that the health services provided to patients are of high quality, safe, and in accordance with the principles of health ethics.

Law Liability of Hospitals for Patients' Rights to Compensation for Losses in Health Services

Articles 192 and 193 of the Health Law are the law that covers the idea of the hospital's law liability for the patient's rights in health services. In this case, Article 192 of the Health Law says that the hospital can't be held law liability if the patient or their family refuses or stops treatment that could lead to the patient's death, after a thorough medical explanation.

Essentially, the right of patients to make decisions regarding their health care is a fundamental principle recognized in health law (Rusyd, 2018). This right includes the right to refuse treatment, which is part of the patient's right to autonomy. Article 192 of the Health Law, however, provides a significant exception, whereby hospitals will not be held under any liability for the death resulting from such refusal or discontinuation of treatment, after a comprehensive medical explanation has been provided.

In this case, comprehensive medical explanations are a key element in determining the law liability of the Hospital. These explanations must include clear and accurate information about the risks and consequences of treatment, as well as available treatment alternatives. The patient can then make a decision based on complete and accurate information, and the Hospital can fulfill its laws' obligation to provide quality health services.

Article 192 and Article 193 of the Health Law emphasize that the law liability of hospitals regarding patients' rights in health services is a complex and multifaceted concept. This concept requires comprehensive medical explanations, patient autonomy rights, and the law liability of hospitals to provide quality health services.

Article 192 and Article 193 of the Health Law emphasize that the law liability of hospitals for patients' rights in health services is a complex and multifaceted concept. This concept requires comprehensive medical explanations, patient autonomy rights, and the law liability of hospitals to provide quality health services.

Article 193 of the Health Law stipulates that the hospital is legally liable for all losses caused by negligence on the part of hospital health personnel. This principle covers situations where losses arise due to negligence on the part of medical staff or hospital health workers. In this case, Article 193 of the Health Law is in accordance with the general principles of health law, which stipulate that healthcare providers are liable for negligence that causes harm to patients.

Article 193 of the Health Law emphasizes that hospitals have significant law liability towards patients. This principle encompasses not only ethical and moral liabilities, but also clear and explicit law liability. In situations where harm arises due to negligence, hospitals must carefully consider the balance between patients' rights and their ethical and moral liabilities to provide quality healthcare services.

Article 193 of the Health Law can be interpreted as an effort to improve the quality of health services in hospitals. By establishing clear and firm law liability, this article can encourage hospitals to improve the quality of health services and reduce the risk of negligence that could cause harm to patients.

In order to ensure fairness and accountability, a more detailed legal framework is needed to assess patients' decisions to refuse treatment. This law should make sure that comprehensive medical explanations are given clearly and accurately. The Hospital's healthcare human resources monitoring and performance assessment system should also be strengthened to prevent negligence and provide adequate protection for patients' rights.

The law protection provided must be sufficient to protect patients' rights in a balanced manner, while taking into account the liabilities and sustainability of health services. In this case, the law system must ensure that patients' rights to make

decisions about their health care are respected, while also ensuring that hospitals are liability for negligence that could cause harm to patients.

The law system that is implemented provides an adequate framework for dealing with situations where patient decisions can have serious consequences for their health. The law system must therefore ensure that patients have the right to make decisions about their care, but it must also provide adequate protection for dealing with situations where patient decisions can have serious consequences for their health (Brazier et al., 2023).

The balance between patients' right to autonomy and the ethical and moral liability of hospitals to provide safe and quality healthcare services is key to achieving justice. The law must ensure that hospitals are held accountable for negligence that may cause harm to patients, and that patients have the right to make decisions regarding their treatment (Gignon et al., 2013).

The law liability of hospitals regarding patient rights in healthcare involves aspects such as standard-compliant services, information obligations, and the implementation of Health Information Systems. Patient rights are constitutional rights that underpin human rights, and violations of hospital obligations, as stipulated in Articles 192 and 193 of the Health Law, can have serious law consequences.

In this case, the law should make sure that hospitals are liable for any mistakes that could hurt patients, and that patients have the right to make decisions about their care. So, the law should make sure that patients' rights are protected and that hospitals are liable for any mistakes that could hurt patients (Rusyad, 2018).

The law should make sure that justice and accountability are given to everyone involved in cases of negligence by hospital health care workers. There needs to be a more detailed law and an effective monitoring system to make sure that patients' rights are protected and hospitals are held accountable for any negligence that could cause harm to patients.

Hospitals, as medical institutions and law entities, have an obligation to maintain a balance between protecting patient rights and fulfilling hospital obligations. The rights and obligations of patients and hospitals are interrelated, so there needs to be an adequate law framework to handle situations where patient decisions can have serious consequences for their health.

Maintaining a balance between protecting patient rights and fulfilling hospital obligations is crucial in the law and order between patients and

hospitals. The law system should therefore ensure that hospitals are held accountable for negligence that may cause harm to patients, and that patients have the right to make decisions regarding their treatment.

Within the framework of medical service agreements, there are three interrelated law aspects, namely the law relationship between patients and health workers, the law relationship between health workers and hospitals through employment contracts, and the law relationship between patients and hospitals. Based on these law relationships, the law consequences arising from health service agreements made by health workers in hospitals with their patients cannot be borne solely by health workers.

This is because there is a contractual relationship between healthcare workers and hospitals in the form of employment contracts, meaning that hospitals are also liable for the medical actions performed by medical personnel at the hospital. Based on the Hospital Law, hospitals are liable for the medical actions performed by medical personnel at the hospital, meaning that patients can sue hospitals for damages suffered.

Hospitals have broad and complex liabilities toward patients, healthcare workers, and public as a whole. These liabilities encompass various interrelated aspects, including the provision of quality healthcare services, patient safety, and the fulfillment of patients' rights and obligations.

Providing quality healthcare services is an important aspect of a hospital's liability. This includes maintaining facilities, equipment, and healthcare personnel so that the services provided are safe, effective, and of high quality. Medical standards and patient needs must be the main reference in the provision of healthcare services.

Patient safety is also a very important aspect of a hospital's liability. Hospitals must ensure patient safety while they are in the hospital, including medical risk management. Clear and comprehensive information must be provided to patients regarding medical procedures, risks, and treatment alternatives.

Fulfilling patients' rights and obligations is another very important aspect of a hospital's liabilities. Hospitals must ensure that patients' rights are fulfilled in accordance with laws and regulations, and provide education to patients about their rights and obligations during their treatment at the hospital. In this way, hospitals can ensure that patients receive quality and safe healthcare services.

Human resource management is an essential aspect of hospital operations. Hospitals must therefore build and maintain a team of qualified healthcare personnel through recruitment, training, and development. Ethical standards and professional practices must also be established for all healthcare personnel to ensure that the healthcare services provided are in accordance with ethical and safety principles (Aningsih, 2007).

An integrated Health Information System is an important foundation for supporting patient data management and service quality monitoring. Electronic medical records also need to be implemented to ensure that patient data can be accessed and managed effectively. The hospital is also expected to collaborate with other parties, including government agencies, other health institutions, or other partners, to improve services and public health.

Financial and resource management is also a key focus in hospital operations. Hospitals must therefore ensure that financial and resource management is carried out efficiently and transparently, and guarantee the availability of funds for facility maintenance and other operational needs (Dalmy, 1998). Developing health programs and participating in public empowerment efforts related to health issues are also part of a hospital's liabilities.

As a center for research and development, hospitals are liable for continuously improving service standards and contributing to medical science. Hospitals must therefore ensure that research and development are conducted in a systematic and structured manner, and that research results can be applied in healthcare practice (Mashari & Putra, 2023).

The liability of hospitals encompasses various interrelated aspects, including human resource management, health information systems, financial and resource management, health program development, and research and development (Gomes et al., 2023). Hospitals must therefore ensure that all these aspects are adequately fulfilled to guarantee that the healthcare services provided comply with ethical principles, safety standards, and human rights.

Hospital resistance to accountability creates law uncertainty for patients, emphasizing the need for stronger law protection for patient rights. Regulation and law enforcement need to be improved so that patients receive adequate protection. Improving accountability and law protection systems requires the involvement of relevant parties, including government agencies, health organizations, and civil society (Masic & Izetbegovic, 2014).

This phenomenon of resistance creates an atmosphere of law uncertainty for patients who feel aggrieved. Resistance from hospitals can refer to various attitudes or actions that show disagreement or refusal to acknowledge or take liability for the losses suffered by patients. This can include refusal to provide clarification or admission of fault, as well as attempts to deny law liability for incidents that occur within the hospital environment (Purwoto, 2022).

The law uncertainty arising from hospital resistance can be multifaceted. Patients and their families may find it difficult to assess whether they have a strong law basis to claim compensation or liability for the losses incurred. Slow or inaccessible law processes can add to the uncertainty, presenting extra challenges for patients seeking justice (Lesmonoajati, 2020).

In this context, it is crucial to examine the law aspects related to hospital resistance. Resistance may arise due to specific law considerations or ambiguities in regulations governing hospitals' liability for patient harm. Improvements in law provisions and more consistent law enforcement could therefore help reduce this uncertainty.

The hospital's resistance to accountability can also form the basis for recommendations for improvements in hospital policy and managerial practices. Measures that promote transparency, accountability, and improved relations between hospitals and patients can play an important role in overcoming this resistance and building a more equitable and trustworthy environment in health care (Iyas, 2014).

The Law on Hospitals and Patients' Rights to Compensation for Losses in Health Services

The law liability of a health institution, particularly a hospital, towards patient rights is a central issue that continues to be discussed in the health law system. Patient rights, especially those related to health services provided by hospitals, play a crucial role in determining the law consequences for hospitals related to losses that may be experienced by patients.

Patients have certain rights that are guaranteed and protected by law in health care services. These rights include the right to information, the right to receive good quality care, the right to understand the medical procedures that will be performed, and the right to privacy and confidentiality of health data. Hospitals, as health care providers, have an ethical and the law liability to ensure that these rights are respected and protected.

In this case, hospitals must ensure that the healthcare services provided comply with the standards set by applicable laws and regulations. Hospitals must also ensure that patients have access to clear and accurate information about the healthcare services that will be provided, and ensure that patients have the opportunity to understand the medical procedures that will be performed.

When patient rights are violated or healthcare services are inadequate, questions arise about the laws and regulations that hospitals must comply with (Widanti & Supriadi, 2012). These questions can be answered by analyzing specific cases in which patients suffered losses due to negligence or inappropriate actions on the part of hospitals.

One concrete example can be found in cases where patients suffer losses due to misdiagnosis. In such cases, hospitals may be considered to have violated patients' rights to accurate and clear information about their health conditions. The law that hospitals may face in such cases may include compensation or damages to patients who have suffered losses (Hartawidjaja et al., 2022).

Another case that can be used as an example is when patients suffer losses due to improper treatment. In such cases, the hospital may be considered to have violated the patient's right to health care services in accordance with the standards set by applicable laws and regulations. The laws that hospitals may face in such cases may include compensation or damages to patients who have suffered losses, as well as disciplinary action against medical staff liable for improper treatment (Wahyudi, 2011).

In both cases, the hospital can be considered to have violated the patient's rights and must be held responsible for the losses suffered by the patient. It is important for hospitals to ensure that the health services provided comply with the standards set by applicable laws and regulations, and to ensure that patients' rights are respected and protected (Harmoni et al., 2022).

Relevant court rulings can provide a clearer picture of the liability consequences for hospitals that violate patient rights. For example, the case of a patient who lost his sight after undergoing eye surgery at a hospital can be an interesting starting point. The patient felt that his right to clear information had been violated because he was not informed of the identity of the doctor performing the surgery. The court ruled that the hospital was liable for the patient's losses.

Court decisions such as this create precedents that provide a law basis for patients to seek compensation or other law liability from hospitals.

The applicable law consequences depend on the extent to which the hospital violated the patient's rights and the amount of loss suffered by the patient as a result of the negligence. It is therefore important for hospitals to understand the applicable law and relevant court decisions to avoid undesirable law consequences.

Hospitals can also take steps to minimize the risks associated with this law. This includes implementing best practices in providing healthcare services, creating policies that support patient rights, and improving transparency in communication between hospitals and patients. In this way, hospitals can minimize law-related risks and increase patient confidence in the healthcare services provided.

The discussion regarding the liability of hospitals in relation to patients' rights to compensation for damages in healthcare services is a complex and relevant topic. Through a deep understanding of applicable laws and court decisions, we can explore in greater depth the dynamics of the relationship between patients and hospitals in the field of healthcare law. It is therefore important for law experts and healthcare practitioners to gain a better understanding of this topic and develop effective strategies to avoid undesirable law consequences.

CONCLUSION

Law No. 17 of 2023 on Health provides a strong law foundation, but its implementation in the field still faces various challenges, including a lack of public awareness, the inability of health facilities to meet standards, and resistance from hospitals to take liability for negligence.

In conclusion, protecting patient rights and hospital law liability are critical aspects of creating a fair and high-quality healthcare system. An imbalance between regulation and implementation can undermine public trust in healthcare institutions. Strategic measures are therefore needed to bridge this gap, including strengthening the law system, raising public awareness, and improving hospital management.

As a suggestion, the government needs to improve its supervision and evaluation of health regulation implementation, including the enforcement of Law No. 17 of 2023. Health facilities must be given support to improve their capacity, whether through training for health workers, modernization of facilities, or strengthening of health information systems. Public education on patient rights also needs to be promoted to increase active participation in maintaining the quality of health services.

Hospitals are also expected to be more transparent and accountable in carrying out their duties. The implementation of high ethical and professional standards, as well as improved communication between healthcare workers and patients, can help minimize conflicts and strengthen trust. With these measures, it is hoped that the healthcare system can be more responsive to the needs of the public and at the same time provide adequate protection of patients' rights.

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