

***Hospital Responsibilities in Medical Services
Based on Law no. 17 of 2023 concerning Health
and Islamic Law***

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ABSTRACT

The hospital as one of the health service facilities is part of the health resources that have a vital role in creating a plenary health organization. Patient Safety Goals (SKP) have become a global issue in health services in hospitals so that they require special attention in their implementation. In addition to the SKP, each hospital also has an SOP (Standard Operating Procedure) that must be fulfilled by every worker, in this case the doctors at the hospital. When all procedures have been carried out and fulfilled by workers, the work provider, in this case the hospital, is obliged to protect their workers and how it is related with islamic law as an Indonesian way of life. The purpose of this study is to find out the legal responsibility of hospitals for medical accidents that occur in their hospitals according to Law No. 17 of 2023 and Islamic Law. The results of this study are that hospitals as providers of health services are required to implement hospital governance and clinical governance so that it can avoid problems with work accidents that might occur. So that the management of doctors and other workers must be good with the ultimate goal of increasing the health standard of the Indonesian people. Its fundamental in islamic way how important is health and trustworthiness in our lives especially if it connected with other lives.

Keywords: Hospital, Responsibility, Medical_services, Islamic, Law.

INTRODUCTION

Hospitals as a health service facility are part of health resources that have a vital role in creating complete health care. Patient Safety Targets (SKP) have become a global issue in hospital health services so they require special attention in their implementation. [1] Apart from the SKP, every hospital also has SOPs (Standard Operating Procedures) that must be fulfilled by every worker, in this case the doctors at the hospital. [2] When a doctor who has carried out standardized formal education as proven by a diploma and STR (Registration Certificate) then has obtained a SIP (Practice License) from the Health Organization (IDI) and when implementing health services has fulfilled the applicable SKP and SOP then The doctor will be legally protected in accordance with applicable laws and regulations. [3] If something undesirable happens, in this case the incident harms the patient, the incident is classified as a medical accident and then it must be proven whether this constitutes medical malpractice or medical risk. [4] This becomes important with the existence of Law No. 17 of 2023 concerning health that can criminalize doctors. Meanwhile, there are still many investigators and the public, especially patients, who do not understand the difference between medical risk and medical malpractice, so nowadays doctors may feel unable to carry out their service activities comfortably because they are easily accused of medical malpractice. The aim of this research is to find out whether the hospital's responsibility as a work provider is to protect its workers.

METHODS

The methods used in this research is normative research that links law with applicable laws and regulations. [5] The law that is being discussed in this research is Law No. 17 of 2023 concerning health and how it explains the hospital responsibilities in medical services in Indonesia.

RESULTS

The Law No.17 of 2023 concerning health from article 180 explains that hospitals have the role of carrying out individual health service functions in the form of specialties and/or subspecialties, educational and research functions in the health sector and carrying out good hospital governance and clinical management. [6]

Article 181 states that the administration of hospitals can be carried out by the regional government, the center or the community. Hospitals established by the central government are in the form of technical implementation units or specific agencies with the management pattern of a public service agency (BLU), while hospitals established by the regional government are in the form of special organizational units with the pattern of a regional public service agency (BLUD) and hospitals established by the community must be in the form of legal entities. with its business activities only operating in the hospital sector.

In Article 185 stated that the hospital is obliged to:

1. Providing correct information about hospital services to the public;
2. Providing safe, quality, anti-discriminatory and effective health services by prioritizing patient interests in accordance with hospital service standards;
3. Provide emergency services to patients, Create, implement and maintain quality standards for health services in hospitals as a reference in serving patients provide facilities and services for disadvantaged or poor communities;
4. carry out social functions for public health;
5. create, implement and maintain quality standards for Health Services in Hospitals as a reference in serving Patients;
6. maintain medical records;

7. provide adequate public facilities and infrastructure, including prayer facilities, parking, waiting rooms, facilities for people with disabilities, breastfeeding mothers, children and the elderly;
8. refer patients if they are not in accordance with the competency of the service;
9. refuse the patient's wishes which are contrary to professional and ethical standards as well as statutory regulations;
10. provide correct, clear and honest information regarding the patient's rights and obligations;
11. respect and protect the rights of Patients;
12. implement Hospital ethics;
13. have an accident prevention and disaster management system;
14. implementing government programs in the health sector, both regionally and nationally;
15. make a list of Medical Personnel and Health Personnel who practice;
16. prepare and implement internal hospital regulations (hospital by laws);
17. protect and provide legal assistance to all Hospital officers in carrying out their duties; And
18. enforce the entire hospital environment as a smoking-free area

In Article 185 above, 20 points have been explained regarding hospital obligations, one of which is in point s, namely that hospitals are obliged to protect and provide legal assistance to all hospital staff in carrying out their duties. And Article 188 emphasizes that hospitals are legally responsible for all losses incurred due to negligence committed by medical personnel and hospital health workers.

Article 293 explains that a head of a health service facility is prohibited from employing medical personnel and health workers who do not have a SIP to practice at the health service facility. This article reaffirms the obligations of hospitals even from the time they recruit workers and carry out regular evaluations to ensure that all services run optimally. [7]

Apart from the 20 points in Article 185 and several additional articles regarding hospital obligations. The rights of hospitals are also explained in article 186 where hospitals have the right to determine the number, type and qualifications of human resources in accordance with the hospital classification; receive compensation for services and determine remuneration, incentives and awards in accordance with statutory provisions; collaborate with other parties in order to develop services; receive assistance from other parties in accordance with statutory provisions; sue the party who caused the loss; obtain legal protection in implementing health services and promoting health services in hospitals in accordance with statutory provisions. This is complemented by article 187 that hospitals are not legally responsible if patients and/or their families refuse or stop treatment with a comprehensive medical explanation and hospitals are not required to carry out their duties in order to save human lives. [9]

Health and medical services is so important in our lives as moslem because how much our religion teaches to take care of our health because Allah own all this universe and us, especially.Hospitals with an Islamic label have more responsibilities, because they do not just provide health services to patients. However, health services are provided with efforts to maintain faith, worship and muamalah in accordance with Islamic values. There are 4 main characteristics of Islamic service, namely rabbaniyah, akhlaqiyah, waqi'iyah and insaniyah. The difference between Islamic health services and non-Islamic health services lies in the rabbaniyah characteristics, namely belief and surrender of everything to the will of Allah SWT. Meanwhile, the other characteristics are characteristics generally found in hospital services. However, the way it is implemented and developed is different from Islamic health services which are based on sharia principles. [10]

In Quran Al Isra verse 82: And We have sent down from the Qur'an (something) which is a remedy and mercy for those who believe, while for the unjust (the Qur'an) it will only increase losses. [11]

(يا رسول الله ألا نتداوى ؟ قال : (تداووا ، فإن الله لم يضع داء إلا وضع له شفاء إلا داء واحد) قالوا : يا رسول الله وما هو ؟ قال : (الهرم

"O Rosululloh, shall we seek treatment?, the Prophet said," seek treatment, for indeed Allah does not send down diseases, except that he definitely sends down a cure, except for one disease (for which there is no cure)," they asked, "what is that?" ? The Prophet said, "old disease." [12]

So doing medical services right is the way we have to treat others like we want to be treated is Islam's way of life and hospitals as one of the facilities providing medical services have to make rules that ensures the workers do their best services.

CONCLUSION

Hospitals have a very big role in improving the level of public health. The articles above also describe up to 20 basic obligations of a hospital and the 7 rights it has. If an undesirable incident or medical accident occurs during its service, the hospital has an obligation to protect its workers and has a big responsibility which also includes bigger penalties, but on the other hand, the hospital is also protected by law if it has carried out its obligations well. All of this must be done correctly as a moslem because our religion teach us that way.

AUTHOR CONTRIBUTIONS

Ulfi Nabila as main author have made substantial contributions to conception, analysis and interpretation of data

Manfarisyah has been involved in drafting the manuscript and gave important intellectual content and given final approval to be published.

Muhammad Hatta has been involved in drafting the manuscript and gave important intellectual content and given final approval to be published.

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