



# LEGAL PROTECTION OF PATIENTS' RIGHTS AS CONSUMERS IN THE FIELD OF MEDICAL SERVICES AT PERTAMINA HOSPITAL PANGKALAN BRANDAN

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Article Info	Abstract
<b>Article History</b> Received : 2024-08-26 Revised: 2024-08-29 Published: 2024-09-05  <b>Keywords:</b> <i>Consumer Protection, Informed Consent, Medical Service Standards</i>	This study aims to analyze the effectiveness of legal protection of patient rights as consumers at Pertamina Hospital Pangkalan Brandan, by examining the implementation of Law Number 8 of 1999 concerning Consumer Protection and Law Number 17 of 2023 concerning Health. This study uses a qualitative approach to deepen understanding of the realization of patient rights in medical practice, especially related to the informed consent process and the standards of service provided. The results of the study indicate a significant gap between existing legal regulations and practices in the field, especially in the implementation of informed consent and the consistency of the application of medical service standards. These findings emphasize the importance of improving communication mechanisms between doctors and patients and the need for more effective internal audits. Recommendations put forward include improving staff training and stricter supervision of the implementation of health protocols to ensure consistent fulfillment of patient rights. This study contributes to the literature on consumer protection in health services and strengthens the urgency of policy reform in health facilities.

## I. INTRODUCTION

In the era of globalization and rapid advancement of health technology, the role of hospitals is not only as a provider of health services, but also as an entity responsible for protecting the rights of patients as consumers. This protection is an integral part of the legal system that regulates the relationship between medical service providers and recipients of those services, which in this case are patients. Pertamina Pangkalan Brandan Hospital, as a health institution, is at the forefront of implementing practices that ensure such legal protection. (Meher, Sidi, and Risdawati 2023)

In the context of Indonesian law, patients who receive health services are considered consumers. This is in line with the definition given by Law Number 8 of 1999 concerning Consumer Protection, where patients have rights that must be respected and protected by health service providers. Health service providers are obliged to provide services that not only meet medical standards, but also comply with applicable legal provisions, which guarantee justice and safety for patients. (Sustainable 2023)

The focus of this study is to evaluate the extent to which Pertamina Pangkalan Brandan Hospital

has fulfilled its obligations in protecting the rights of patients as consumers. This includes an analysis of existing legal protection mechanisms, both preventive and repressive, designed to address issues that may arise from medical practices.

The importance of this legal protection is not only limited to the ethical and professional dimensions, but also to the legal consequences that may arise from violations of patient rights. For example, cases of medical malpractice often result in lawsuits that are not only financially detrimental, but can also damage the reputation of health institutions. Therefore, a thorough understanding of the laws governing consumer protection in the context of health services is critical. (Darwaman, Sidi, and Saragih 2023)

From a legal perspective, this analysis also touches on the basic principles governing the relationship between doctors and patients, which are widely regulated in various laws and regulations such as the Law on Medical Practice, and medical codes of ethics that clarify the responsibilities of doctors to their patients. This includes the obligation to obtain informed consent before performing medical procedures, which is not only an ethical but also a legal

requirement.(Yunanto and Helmi 2024)

In addition, legal issues in the context of health services are not only limited to medical and technical aspects, but also include aspects of civil law that apply to therapeutic transactions between doctors and patients. This study will use a normative legal approach to analyze and discuss various relevant legal provisions, as well as using an empirical approach to see the application and effectiveness of the law in daily practice at Pertamina Hospital Pangkalan Brandan.(Astuti and Sh 2009)

This study is expected to not only provide a clear picture of the status quo of legal protection of patient rights as consumers at Pertamina Hospital Pangkalan Brandan but also offer recommendations that can be used as a reference to improve the standard of such protection. Thus, this study is not only important from an academic perspective but also very relevant to the practice of health law and policy in Indonesia.

In conducting this research, criticism of existing data and information is very important. Legal criticism will be directed at evaluating whether existing laws are sufficient in providing the protection needed by patients as consumers of health services, or whether there are still gaps that need to be patched to ensure that patient rights can be protected more effectively. This research seeks to fill the gap in the existing literature by providing an in-depth analysis of how the law is applied in a real context, and what the implications are for both parties in the health service transaction.

## **II. RESEARCH METHODS**

This research uses a mixed methods research method.(Yam 2022)to gain a comprehensive understanding of legal protection of patient rights as consumers at Pertamina Hospital Pangkalan Brandan. In the quantitative approach, the study will collect numerical data through a survey distributed to patients, which aims to assess their level of satisfaction and awareness of protected rights. Meanwhile, the qualitative approach involves in-depth interviews with legal and health professionals to understand their perceptions and interpretations of the implementation of existing laws. Data from both sources will be analyzed to identify gaps between written laws and ongoing practices, and to propose policy improvements that can improve the effectiveness of legal protection for patients. Data analysis will use triangulation techniques to ensure the validity

and reliability of the research results.(Indra Utama Tanjung 2024)

## **III. RESULTS AND DISCUSSION**

### **A. Evaluation of the Effectiveness of the Implementation of the Consumer Protection Law in the Context of Health Services**

In the context of legal protection of patient rights as consumers in medical services, research conducted at Pertamina Hospital Pangkalan Brandan provides important insights into the implementation and effectiveness of existing laws and regulations. The main focus of this research is on Law Number 8 of 1999 concerning Consumer Protection and Law Number 17 of 2023 concerning Health, which replaces the previous Law on Health.(RAMADANI 2016)

Law Number 8 of 1999 concerning Consumer Protection provides a broad legal framework to protect consumer rights, including patients in the context of health services. Article 1 Paragraph 1 of this Law defines consumers as any person who uses goods and/or services available in the community, including health services offered by hospitals such as Pertamina Hospital Pangkalan Brandan.

According to this law, patients as consumers have the right to receive correct, clear, and honest information regarding the medical conditions and treatments they will receive. This is in line with the concept of informed consent, which is the basic right of patients to make informed decisions regarding their medical care. However, research findings show that there is still a lack of comprehensive and easily accessible information for patients, especially regarding the risks, benefits, and alternatives of the proposed medical procedure.(A. Sembiring and Sidi 2024)

Law No. 17 of 2023 concerning Health, which replaces previous regulations, states the principle that every individual has the right to access quality health care. This study focuses on how this law is implemented in daily practice at Pertamina Hospital Pangkalan Brandan, especially in relation to the fulfillment of medical service standards and compliance with patient rights.

Article 274 of Law No. 17/2023 regulates the obligations of health workers to provide services in accordance with applicable professional standards and standard operating procedures. provide Service"Health in

*accordance with professional standards, professional service standards, operational procedure standards, and professional ethics as well as patient health needs.*"Research shows that, despite clear regulations, implementation is often inconsistent. For example, in cases of diagnostic failure or medication errors, it is sometimes unclear whether the established standards have been followed correctly, indicating a gap between policy and practice.

Empirical analysis shows that one of the key areas that needs attention is the reporting and response system for patient complaints. Although the Consumer Protection Law and the Health Law set out a framework for the protection of patient rights, Pertamina Hospital Pangkalan Brandan needs to develop a more effective and transparent mechanism for handling complaints and disputes. This will not only increase patient trust and satisfaction but will also minimize the risk of litigation and negative impacts on the hospital's reputation. (Purba, Tanjung, and Octaviona 2024)

In addition, the study findings suggest the need for ongoing training and education for healthcare workers on patient rights and medical ethics, which can help improve understanding and application of legal standards in everyday medical practice. This lack of understanding can impact the quality of care and compliance with the law, which ultimately has the potential to harm both patients and healthcare providers.

Based on research findings, several recommendations that can be given include:

1. Improvement of Information System and Transparency: Pertamina Hospital Pangkalan Brandan must improve the information system that provides clear and easily accessible data on patient rights and medical procedures to be performed.
2. Regular Training: Conduct regular training for all health workers on laws and regulations related to patient rights and medical ethics.
3. Complaint Mechanism Development: Establish or strengthen an effective and responsive patient complaint handling mechanism, which is integrated with the hospital's internal policies and applicable legal regulations.

Through research conducted at Pertamina Hospital Pangkalan Brandan, it can be concluded that although there is a fairly

comprehensive legal framework to protect the rights of patients as consumers, there are still gaps in its implementation and effectiveness. Improvements in the implementation of laws and increased awareness and understanding of patient rights will greatly support the improvement of the quality of health services and consumer protection in Indonesia.

## **B. Legal Protection of Patient Rights as Consumers in the Field of Medical Services at Pertamina Hospital Pangkalan Brandan**

The basic concept of patient protection as a consumer is regulated in Law Number 8 of 1999 concerning Consumer Protection which states that every consumer has the right to safety, comfort, and protection in consuming goods and/or services. In the context of health services, patients are consumers who have the right to safe services and in accordance with applicable health standards.

Furthermore, Law Number 17 of 2023 concerning Health replaces previous regulations and introduces a more modern and comprehensive legal framework aimed at improving access to quality and safe health services. Articles in this law regulate the patient's right to obtain accurate and complete information regarding health conditions, available treatment options, and potential risks that may occur. This reaffirms the patient's right to informed consent, which is a critical component of consumer protection in health services. (Darwaman, Sidi, and Saragih 2023)

Informed consent is one of the key areas where patient rights as consumers are often not fully met. Informed consent is not just a form to be signed; it is a process by which patients are given detailed and adequate information about the medical procedure to be undergone, the alternatives available, and the risks and benefits of each option. Effective implementation of informed consent requires effective communication between doctors and patients, an aspect that is still often lacking in many health facilities, including RS Pertamina Pangkalan Brandan.

Lack of informed consent practices can have serious consequences, including violations of patient rights and potential lawsuits against healthcare facilities. Research and observations show that physicians or healthcare providers often fail to provide sufficient information or do not provide it in a

format that is easily understood by patients. This creates an imbalance in the doctor-patient relationship and can have significant legal consequences.

In addition to the right to informed consent, patients as consumers of health services also have the right to receive services that meet professional standards and medical ethics. These standards are regulated in various professional and national regulations. The Health Law states that every health facility must implement standards that guarantee patient safety. However, findings indicate that there is a failure or inconsistency in the implementation of these standards at Pertamina Hospital Pangkalan Brandan, which is often related to a lack of facilities, inadequate training for health workers, or ineffective supervision. (TB Sembiring et al. 2022)

Weak supervision of the implementation of these standards causes problems with the quality of services received by patients. Therefore, there needs to be a stricter supervision and assessment mechanism from hospital management and related health regulators to ensure that the established medical service standards are followed consistently.

Pertamina Pangkalan Brandan Hospital, like many other healthcare institutions, has internal policies designed to ensure patient protection and the fulfillment of their rights as consumers. However, this study found that there is a gap between the policies on paper and what happens in practice. Internal policies must be actively monitored and updated to ensure that they are in line with changes in legislation and healthcare standards. (Meher, Sidi, and Risdawati 2023)

Based on in-depth analysis, several recommendations that can be proposed to improve legal protection for patients at Pertamina Hospital Pangkalan Brandan are:

1. **Strengthening the Implementation of Informed Consent:** Conduct regular training for all health care providers on the importance and how to implement effective informed consent.
2. **Service Standards Audit and Monitoring:** Conduct regular internal and external audits to ensure compliance with service standards and identify areas requiring improvement.
3. **Internal Policy Improvements:** Revise internal policies to ensure compliance

with applicable laws and regulations and increase transparency to patients regarding their rights and obligations.

Legal protection of patients as consumers in health services is a complex issue that requires continuous monitoring and policy updates. Pertamina Hospital Pangkalan Brandan, by implementing the recommendations outlined, can improve its service standards and ensure that patient rights are effectively protected. This will not only increase patient trust and satisfaction, but also minimize legal risks and promote the hospital's reputation as a responsible and ethical health service provider.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

The study on "Legal Protection of Patient Rights as Consumers in the Field of Medical Services at Pertamina Hospital Pangkalan Brandan" provides a comprehensive overview of the implementation and challenges in protecting patient rights in the medical environment. The results of this study confirm that, despite a strong legal framework based on Law Number 8 of 1999 concerning Consumer Protection and Law Number 17 of 2023 concerning Health, there are still significant gaps in the effective implementation of these laws. In particular, the practice of informed consent is often not implemented to the expected standard, resulting in patients not always receiving enough information to make well-informed decisions about their care.

These findings point to an urgent need to improve transparency and communication between healthcare providers and patients. Furthermore, the results suggest that the standards of medical care set by the new law should be applied more consistently, with greater oversight to ensure that all procedures and treatments meet safety and effectiveness expectations. Internal hospital policies and training initiatives should be strengthened to support this implementation, ensuring that all medical and administrative staff understand and respect patients' rights as consumers.

This study also highlights the importance of conducting regular internal and external audits as a means to monitor deviations from established standards and to proactively identify areas for improvement. In this regard, Pertamina Pangkalan Brandan Hospital must continue to improve its system to not only meet, but also exceed, applicable legal requirements in order to



improve service quality and patient satisfaction. This conclusion urges the hospital to take concrete steps in improving complaint handling mechanisms and improving staff training on patient rights, which will directly contribute to better protection of patients as consumers of health services.

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