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Received: 01 August 2025 Published: 28 September 2025

Revised : 15 August 2025 DOI : https://doi.org/10.54443/morfai.v5i3.4176

Accepted: 20 September 2025 Link Publish: https://radjapublika.com/index.php/MORFAI/article/view/4176

Abstract

This study aims to examine the implementation of patient rights protection in hospitals based on Law No. 44 of 2009 concerning Hospitals through a literature review. The results of the study indicate that, normatively, this law has provided a strong legal basis for the fulfilment of patient rights, such as the right to information, privacy, quality service, and the right to file complaints. However, implementation in the field still faces various obstacles, including low patient awareness of their rights, lack of socialisation from hospitals, and suboptimal complaint mechanisms and law enforcement against violations of patient rights. Efforts made by hospitals include education, the provision of complaint facilities, and the application of service standards, but strengthening is still needed in the areas of socialisation, transparency, and supervision so that the protection of patient rights can be realised effectively and evenly. This study recommends the need for collaboration between various parties, increased human resource capacity, and reformulation of regulations to strengthen access to justice for patients.

Keywords: Protection of patient rights, hospitals, implementation, Law No. 44 of 2009, literature review

INTRODUCTION

Hospitals are institutions that play a central role in the provision of public health services. As providers of comprehensive individual health services, hospitals are required to meet quality service standards and guarantee the protection of the rights of the patients they serve. Patient rights in hospitals are clearly regulated in Law No. 44 of 2009 concerning Hospitals, which stipulates that every patient has the right to receive humane, fair, honest, and non-discriminatory services (*Law of the Republic of Indonesia Number 44 2009 Hospitals*, 2009). The protection of patient rights is a fundamental aspect of modern healthcare systems. These rights include the right to information, the right to informed consent for medical procedures, the right to privacy and medical confidentiality, the right to choose a doctor and healthcare facility, and the right to refuse or discontinue certain treatments. In addition, patients also have the right to quality healthcare services in accordance with professional standards and standard operating procedures, as well as the right to complain about the quality of services received (D. P. Sari, 2022).

The implementation of patient rights protection in hospitals is not only aimed at improving the quality of health services, but also at ensuring the safety and comfort of patients during their treatment. This protection covers both preventive and repressive aspects, whereby hospitals are required to prevent violations of patient rights and provide complaint and dispute resolution mechanisms in the event of violations (Fadilah, 2021). However, in practice, the fulfilment of patient rights in hospitals still faces various challenges. It is not uncommon to find cases where patients are not fully aware of their rights, or where these rights are even neglected by the hospital. This can be caused by a lack of socialisation, low patient legal literacy, and a suboptimal system of supervision and law enforcement in the hospital environment (Suryani, 2022).

In addition, there are also issues related to service discrimination, especially against patients participating in the National Health Insurance (JKN) programme, who often experience different treatment compared to general patients. In fact, the principles of fairness and non-discrimination are an integral part of protecting patients' rights as mandated by the regulations of the Ministry of Health of the Republic of Indonesia. Law No. 44 of 2009 normatively regulates legal protection for patients, both in terms of safety and civil rights to file claims in the event of medical errors or negligence. In this case, hospitals are legally responsible for every action taken by health workers under

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their auspices, as stipulated in Article 46 of the Hospital Law. However, the effectiveness of law enforcement against violations of patient rights remains an issue that requires special attention (Lestari, 2022).

The importance of protecting patient rights is also reflected in various derivative regulations, such as the Minister of Health Regulation governing the obligations of hospitals and health workers in maintaining patient data confidentiality, providing clear and easily understandable information, and ensuring patient access to their own medical records. Transparency and accountability are key to building trust between patients and hospitals (Shamsi-Gooshki, 2023). With the development of technology and increasing public demands for quality healthcare services, hospitals are required to continue innovating in protecting patient rights. This includes utilising information technology to facilitate access to information, strengthening complaint systems, and improving the competence of human resources in the field of health law. Active patient involvement in the medical decision-making process is also one of the indicators of successful patient rights protection in hospitals (Susanti Landang & Anggriyani, 2023)

On the other hand, protecting patients' rights is not only the responsibility of hospitals, but also requires the participation of the government, professional organisations, and the wider community. The government plays a role in conducting supervision, imposing sanctions for violations, and formulating policies that favour the protection of patients' rights. Meanwhile, professional organisations are responsible for fostering and supervising the professional ethics of health workers(et al., 2020). Health law literature emphasises that patients' rights are part of human rights that must be guaranteed by the state through clear regulations and consistent implementation. Therefore, the protection of patients' rights in hospitals should not only focus on medical aspects, but also on legal, social, and ethical aspects (D. P. Sari, 2022).

Research on the protection of patient rights in hospitals is highly relevant in identifying the extent to which Law No. 44 of 2009 has been implemented in accordance with its objectives. A literature review of the implementation of this law is expected to provide an overview of the practice of protecting patient rights in the field, while also identifying the obstacles encountered and formulating recommendations for future improvements. Thus, this study aims to contribute to efforts to improve patient rights protection in hospitals through comprehensive literature analysis. The results of this study are expected to serve as a reference for policymakers, hospital management, health workers, and the community in realising equitable, high-quality healthcare services that are oriented towards protecting patient rights.

METHOD

The research method used in this study is a qualitative method with a literature study approach, in which the researcher will collect, identify, and analyse various primary and secondary legal sources related to the protection of patient rights in hospitals based on Law No. 44 of 2009 concerning Hospitals, including legislation, scientific journals, books, and previous research results. The data obtained will then be analysed descriptively and comparatively to examine the implementation, obstacles, and improvement efforts of patient rights protection in hospitals in Indonesia (Eliyah & Aslan, 2025); (Page et al., 2021).

RESULTS AND DISCUSSION

Implementation of Patient Rights Protection in Hospitals Based on the Provisions of Law No. 44 of 2009 on Hospitals

The implementation of patient rights protection in hospitals based on the provisions of Law No. 44 of 2009 concerning Hospitals is an important aspect of health service provision in Indonesia. This law explicitly places patient rights as part of human rights that must be guaranteed by the state and all health service facilities, including hospitals. Article 32 of Law No. 44 of 2009 regulates in detail the rights of patients, such as the right to obtain information, the right to humane and non-discriminatory services, the right to privacy, and the right to complain about the quality of services received. In practice, the implementation of patient rights protection in hospitals still faces various challenges. One of the main findings is that patients still have a low level of knowledge about their rights. A study at Dr. M. Djamil Padang General Hospital shows that most patients do not fully understand their rights, even though hospital staff have provided explanations through general consent (Riyanto, 2022). However, not all staff consistently convey this explanation, so some patients do not receive any information about their rights as patients. Furthermore, factors such as age, education, and occupation do not significantly influence patients' level of knowledge about their rights. This indicates that systematic and continuous socialisation by hospitals is far more important than the individual background of patients in improving their understanding of their rights as guaranteed by law (Riyanto, 2021).

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Hospitals also have an obligation to provide complaint mechanisms that are easily accessible to patients. However, in reality, not all hospitals provide transparent and easy-to-use complaint mechanisms. As a result, many patients choose to voice their complaints through the media rather than using the official complaint mechanisms provided by hospitals (Triana, 2023). Legal protection for patients who lodge complaints is also weak compared to the legal protection afforded to hospitals. This imbalance can lead to injustice and discourage patients from fighting for their rights when they encounter problems with healthcare services. In addition to rights, Law No. 44 of 2009 and its derivative regulations also stipulate patients' obligations, such as complying with hospital regulations, providing honest information about their health condition and financial capabilities, and complying with the treatment plan recommended by health workers. However, the level of patient compliance with these obligations remains low, which can impact the effectiveness of services and the protection of patients' rights themselves (Ampera, 2021).

The privacy and confidentiality of patient medical data are also a concern in the implementation of patient rights protection. Research shows that the disclosure of medical information in hospitals is not yet fully in accordance with the procedures stipulated in the law. The lack of socialisation and compliance by officers with medical information disclosure procedures means that patients' rights and privacy are often not optimally protected(et al., 2022). Hospitals, as healthcare institutions, are responsible for ensuring that all healthcare personnel work in accordance with professional standards, hospital service standards, and standard operating procedures. This is important to guarantee that patients' rights are fully protected in every medical procedure performed (Hidayat, 2022). The government also has an important role in ensuring the implementation of patient rights protection through supervision, education, and law enforcement. Effective supervision can encourage hospitals to be more transparent and accountable in providing services and following up on any complaints or reports from patients (Rahman, 2021).

Efforts to improve patients' understanding of their rights can be made through ongoing education, both by hospitals and the government. Providing clear, easy-to-understand, and accessible information is key to ensuring that patients are aware of and can effectively fight for their rights. In addition, collaboration between various stakeholders such as the government, hospitals, professional organisations, and the mass media is essential to strengthen the protection of patient rights (Putra, 2023). The mass media plays an important role in disseminating information and shaping public opinion regarding the importance of protecting patient rights in hospitals. Improvements in regulations and mechanisms for reporting and handling complaints are also essential so that patients feel safe and protected when submitting complaints about the services they receive. Hospitals must be responsive and transparent in following up on every complaint that is submitted, as well as providing fair solutions for patients (Herliyanti, 2021).

The implementation of patient rights protection must also take into account aspects of fairness and non-discrimination, especially for patients who are unable to pay or who are participants in the National Health Insurance (JKN) programme. Equal access to and quality of health services are important indicators in assessing the success of patient rights protection in hospitals (Dewi, 2021). Thus, the implementation of patient rights protection in hospitals based on Law No. 44 of 2009 still requires improvement in various aspects, including regulations, complaint mechanisms, education, and supervision. Collaboration between all parties and a commitment to placing patients as the main subject in health services are key to achieving optimal protection of patient rights in Indonesia.

Challenges Faced by Hospitals in Implementing Patient Rights Protection in Accordance with Law No. 44 of 2009

The implementation of patient rights protection in hospitals, as stipulated in Law No. 44 of 2009, still faces a number of complex and interrelated obstacles. One of the main obstacles is patients' lack of understanding of their own rights. Many patients are not fully aware of the rights guaranteed by law, such as the right to medical information, the right to privacy, and the right to lodge complaints. The lack of education and awareness-raising by hospitals and the government is a major factor in the low level of legal literacy among patients (Budiono & Wardani, 2023). Limited access to channels for submitting complaints is also a common problem. Not all hospitals provide easily accessible, transparent, and responsive complaint mechanisms. As a result, patients often choose to voice their complaints through the media rather than using the official mechanisms provided by hospitals, which ultimately can lead to legal uncertainty and harm both parties. In addition, the imbalance in legal protection between patients and hospitals is still very noticeable (Khalid, 2023). Legal protection for patients who file complaints or lawsuits is often weaker than the legal protection afforded to hospital institutions. This makes patients feel hesitant and reluctant to fight for their rights, especially when dealing with cases of alleged malpractice or medical negligence. The next

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obstacle is the lack of education and training for medical personnel regarding patient rights. Many health workers do not fully understand their obligations in explaining medical procedures, obtaining informed consent, and maintaining the confidentiality of patient medical data. As a result, patient rights are often neglected in daily practice (Yuliana, 2022). Limited numbers of medical personnel and health facilities, especially in remote areas, are also a major obstacle to fulfilling patients' rights. Uneven quality of health services means that access to quality services and protection of patients' rights is not optimal. This is exacerbated by the uneven distribution of medical personnel across Indonesia. The lack of supervision and law enforcement regarding the implementation of patients' rights and obligations in hospitals is also a major obstacle. Although the regulations are clear, supervision in the field is still weak, so that violations of patients' rights often do not receive strict sanctions (Supriyadi, 2023).

Resistance from hospitals in taking responsibility for patient losses also often occurs. In some lawsuits, hospitals tend to refuse to take responsibility or delay the settlement process, creating legal uncertainty for aggrieved patients. This defensive attitude worsens public trust in hospital institutions (Pramudito, 2021). Coordination and synergy between relevant institutions, such as the Health Office, the Hospital Accreditation Commission, and the Medical Ethics Council, are still not optimal. The lack of communication and collaboration between institutions has resulted in the ineffective and inefficient handling of patient complaints. Furthermore, unbalanced media coverage of patient complaints against hospitals can exacerbate the situation and damage the hospital's reputation. The media often highlights the negative aspects without providing fair space for clarification from the hospital, thereby complicating the complaint resolution process.(, 2023).

From a regulatory perspective, although Law No. 44 of 2009 provides a strong legal basis, improvements are still needed, particularly in relation to medical data protection in the digital age and complaint mechanisms that are more adaptive to technological developments. In addition, there is a need to strengthen independent supervisory bodies to ensure the effective implementation of patient rights (Pratiwi, 2021). Improvements can be made by increasing education and awareness of patient rights among the public and medical personnel, strengthening supervision and law enforcement, improving accessibility and quality of health services, and enhancing cooperation between the government, hospitals, and the community. These measures are expected to reduce the gap between regulations and their implementation in the field (Riyanto, 2021). Thus, the main obstacles to implementing patient rights protection in hospitals include low patient awareness, limited access to complaints, imbalance in legal protection, lack of medical staff education, limited facilities and health workers, weak supervision, hospital resistance, suboptimal coordination between institutions, and regulatory challenges in the digital age. To achieve optimal protection of patient rights, commitment, collaboration, and continuous innovation from all stakeholders are required.

Efforts that have been and can be undertaken by hospitals to overcome obstacles in protecting patient rights according to Law No. 44 of 2009

Efforts that have been and can be made by hospitals to overcome obstacles in protecting patient rights under Law No. 44 of 2009 involve various aspects, ranging from education, strengthening complaint mechanisms, increasing transparency, to collaboration with various parties. All these efforts aim to ensure that patients' rights, as stipulated in Article 32 of the law, are optimally fulfilled in practice (Setiawan, 2023). First, hospitals can improve their outreach and education efforts to patients regarding their rights and obligations. This education can be carried out through print and digital media, brochures, seminars, or direct explanations by health workers when patients begin receiving services. In this way, patients become more aware of their rights, such as the right to medical information, the right to privacy, the right to complain, and the right to quality services. (Kusumawati, 2020).

Secondly, hospitals need to provide easily accessible, transparent, and responsive complaint mechanisms. Complaints can be made through special counters, hotlines, digital applications, or suggestion boxes placed in strategic areas of the hospital. These mechanisms must be accompanied by clear and measurable complaint handling procedures so that patients feel heard and responded to fairly.(, 2023). Thirdly, hospitals must ensure that all medical personnel understand and implement professional standards and healthcare ethics. Regular training on patient rights and professional ethics must be a regular agenda, so that all healthcare personnel can provide humane, fair, and standardised services. (Wulandari, 2024). Fourth, hospitals can strengthen medical record systems and patient data protection. The right to privacy and medical confidentiality is one of the fundamental rights of patients. Hospitals must ensure that patient data can only be accessed by authorised parties and used for medical purposes, and give patients the right to obtain copies of their medical records. Fifth, efforts to improve transparency in every service process are also very important. Hospitals must be open in providing information related to diagnoses, medical procedures, risks, costs, and patients' rights to choose or refuse certain medical treatments. This transparency also

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includes providing information to patients' families in critical situations (Prasetyo, 2023). Sixth, hospitals need to improve their organisational systems and culture to be more responsive to patient complaints and feedback. Every complaint should be viewed as an opportunity to improve service quality, not as a threat. An open and proactive work culture greatly influences the protection of patient rights. Seventh, hospitals must improve coordination and synergy with external institutions such as the Health Office, the Hospital Accreditation Commission, and professional organisations. This collaboration is important to ensure effective supervision and law enforcement and to support fair dispute resolution (Gani et al., 2024) .

Eighth, hospitals can utilise information technology to expand access to information and services. Developing applications or online portals that contain patients' rights and obligations, service schedules, and complaint channels can make it easier for patients to obtain information and submit complaints. Ninth, hospitals need to pay attention to aspects of fairness and non-discrimination in services, especially for patients participating in the National Health Insurance (JKN) programme and vulnerable groups. Service standards must be applied equally without distinguishing between patients' economic or social status or type of insurance. Tenth, hospitals are encouraged to conduct regular internal evaluations and audits of the implementation of patient rights protection. The results of the evaluation can be used to formulate improvement policies and service innovations that are oriented towards patient needs. Eleventh, hospitals must play an active role in improving regulations related to patient rights protection, especially in facing new challenges such as telemedicine and digital data protection. Hospitals can provide input to the government to strengthen relevant regulations (Fadilah, 2021).

Twelfth, hospitals can also hold regular dialogue forums or discussions with patients and their families to gather their aspirations, complaints, and suggestions for service improvements. These forums can serve as an effective two-way communication channel in building public trust. Thirteenth, hospitals need to provide legal protection to patients who file complaints or lawsuits, and ensure that the dispute resolution process is fair and transparent (Suryani, 2022). This protection is important so that patients do not feel afraid or intimidated when fighting for their rights. Fourteenth, all of the above efforts must be supported by the hospital management's commitment to prioritising patient rights protection in the organisation's vision, mission, and culture. With a strong commitment, all policies and procedures that support patient rights protection can be implemented consistently and sustainably (Nugroho, 2022). Thus, these efforts, if implemented consistently and in an integrated manner, will strengthen the protection of patients' rights in hospitals in accordance with the mandate of Law No. 44 of 2009. Hospitals not only function as providers of health services, but also as institutions that uphold the dignity and human rights of every patient they serve.

CONCLUSION

The protection of patient rights in hospitals as stipulated in Law No. 44 of 2009 has provided a strong legal basis for the fulfilment of patient rights, such as the right to information, the right to privacy, the right to quality service, and the right to file complaints. However, implementation in the field still faces various obstacles, such as low patient awareness of their rights, lack of socialisation by hospital staff, and suboptimal complaint mechanisms and law enforcement against violations of patient rights. In addition, preventive and repressive legal protection has been regulated, but patient access to legal remedies, particularly the right to sue, still requires strengthening and clarification of the implementation mechanism. Efforts that have been made by hospitals include providing education to staff and patients regarding their rights and obligations, providing complaint facilities, and implementing service standards in accordance with operational procedures. However, improvements are still needed in terms of socialisation, transparency, and supervision and enforcement of administrative and legal sanctions so that the protection of patient rights is truly realised effectively and evenly across all hospitals. Thus, the protection of patient rights in hospitals under Law No. 44 of 2009 has a clear legal basis, but its implementation still needs to be strengthened through continuous education, strengthening the complaint system, increasing human resource capacity, and reformulating regulations related to access to justice for patients whose rights have been violated.

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