

# Legal Protection Of The Rights Of BPJS Kesehatan Patients In Orchid Rooms In Imelda Pekerja Indonesia General Hospital In 2023

Abdul Malik Ritonga<sup>1</sup>, Sarida Surya Manurung<sup>2</sup>, Evelyn Marito<sup>3</sup>, Jonni Sastra Manurung<sup>4</sup>

<sup>1,2,3,4</sup> Universitas Imelda Medan, Medan, Indonesia

Email: [abdulmalik@gmail.com](mailto:abdulmalik@gmail.com)

Email Penulis Korespondensi: [abdulmalik@gmail.com](mailto:abdulmalik@gmail.com)

**Abstract**– Legally protecting the rights of patients participating in the Health Social Security Administering Agency (BPJS) in obtaining health services, the government issued Law Number 24 of 2011 which determined that two State-Owned Enterprises, namely PT Askes (Persero) and PT Jamsostek (Persero) were changed to Public Service Materials to implement the five programs mandated by Law Number 40 of 2004, namely the Health Insurance program for BPJS Health and other programs are submitted to BPJS Employment. Hospitals in providing health services to BPJS participants are hampered by the lack of facilities and infrastructure in accordance with applicable standards. This research uses a descriptive research method with a qualitative approach, namely research conducted to systematically, factually and accurately describe or explain the facts and characteristics of a particular population. Based on the research, it was concluded that the legal protection of patient rights at RSU Imelda Pekerja Indonesia Medan was categorized as good. This is proven by the fulfillment of hospital rules and regulations, information on patient rights and obligations, information on diagnoses and procedures for medical procedures from health workers, patient complaints/complaints provided by the hospital.

**Keywords:** Legal Protection, patients, BPJS Kesehatan, hospital

## 1. PENDAHULUAN

Health services are one place where human rights can be realized and must be a concern for the government. According to Indonesian law, the definition of health is a state of physical, mental and social well-being that enables every person to live a socially and economically productive life. In the amendment to the 1945 Constitution, article 28 paragraph (1), it is stated that "everyone has the right to live in physical and spiritual prosperity, to live and have a good and healthy living environment and has the right to obtain health services." The state is responsible for providing health service facilities and adequate public service facilities" (UD 1945, 1945). The government's efforts to improve community welfare are by providing health service programs, namely the implementation of the National Health Insurance system by the Social Security Administering Body (BPJS) which was officially implemented on January 1 2014.

Based on BPJS Health, the number of users as of September 23 2016-2022 is 169,304,760 million people. The ongoing health problems in Indonesia require the government to take action so that people can still experience justice and obtain their rights and not cause harm. In order to improve the quality of public health, the government provides social security. This social security is organized by the government which is useful for meeting the basic needs of a decent life, starting from Jamkesmas, Jamkesda, ASKES and most recently the Social Security Administering Body (BPJS) for Health (Pertiwi & Nurcahyanto, 2017).

Based on research conducted by Arianto in 2017 with the research title "Overview of Outpatient Satisfaction of BPJS Health participants at the Pandak II Bantul Health Center, Yogyakarta" obtained satisfaction results based on the tangibles aspect, satisfied 71 (84.5%) dissatisfied 13 (15.5%) , reliability satisfied 63 (75%) dissatisfied 21 (25%), responsiveness satisfied 75 (89.3%) dissatisfied 9 (10.7%), assurance satisfied 68(81%) dissatisfied 9 (10.7%) , assurance satisfied 68 (81%) dissatisfied 16 (19%), and empathy satisfied 11 (13.1%) dissatisfied 73 (86.9%) patients. Based on the initial survey conducted at the Imelda Pekerja Indonesia General Hospital, patient rights have been fulfilled, this is because at the Imelda Pekerja Indonesia General Hospital, a policy regarding patient rights has been established.

Based on the results of research conducted (Yadi, 2022) with the title Legal protection for BPJS Health patients at Eka Hospital Pekanbaru, the results obtained by researchers are that of the 10 patients who were interviewed by researchers, there were 4 patients (40%) answered that the patient's rights had been fulfilled by medical personnel and hospitals in terms of treating patients and receiving health facilities at the private hospital, while 6 patients (60%) answered that patient rights had still not been fulfilled by medical personnel or Hospitals both in terms of patient care and health facilities, this is due to the fact that there is still discrimination between patients who pay privately (general patients) and BPJS patients. There is another obstacle that is an obstacle in protecting the rights of BPJS patients, namely the lack of facilities and infrastructure that comply with applicable standards, such as rooms, classes, beds, medical equipment and other supporting services, due to limited existing funds. Also, the required medicines and consumable medical materials have not been met. Apart from that, the process for approval of operations/actions from BPJS takes a long time and not all care or treatment actions are covered by BPJS (Yadi, 2022).

There are government obligations and responsibilities in fulfilling the right to health services as intended in article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia and Law Number 36 of 2009 concerning Health (Health Law), the government is given the authority to plan, regulate , organize, develop and supervise the implementation of health efforts that are equitable and affordable to the community (Santoso, 2017).



## 2. METODOLOGI PENELITIAN

The type of research used is descriptive research using a qualitative approach. This research is used to determine the rights and legal protection for BPJS Health patients in the Anggrek room at RSUD. Imelda. The subjects in this research were 10 BPJS Health patients in the Orchid room at RSUD. Imelda Pekerja Indonesia General Hospital. The objects in this research are description of conditions that occur in the field carried out by researchers.

To limit the scope or understanding of the variables observed/researched, it is very necessary for these variables to be given boundaries or "operational definitions" (Notoadmodjo, 2012).

1. Legal Protection for BPJS Health Patients, namely the Hospital's obligation to provide correct, clear and honest information regarding the rights and obligations of patients as intended in article 2 paragraph (1) letter 1 is carried out to patients who require complete information about their rights and obligations
2. BPJS Health patient rights are the patient's obligations and rights in accordance with statutory regulations.

The research instruments used in this study were an observation guide and an interview guide which contained a list of reviews for patients regarding the rights of BPJS Health patients at RSUD. Imelda. The technique used in this research is descriptive, namely by describing the legal protection of the rights of BPJS Health patients at RSUD. Imelda Pekerja Indonesia General Hospital using the interview method.

## 3. HASIL DAN PEMBAHASAN

### 3.1 Informant Characteristics

Based on the results of interviews conducted by researchers, data was obtained based on the interview method with 10 informants. With the following characteristics:

**Table 1.** Characteristics of Informants by Age

No	Age	Amount (People)	(%)
1	>25 Year	4	40
2	30-35 Year	4	40
3	>40 Year	2	20

**Tabel 2.** Characteristics of Informants Based on Occupation

No	Work	Amount (People)	%
1	Private employee	3	30
2	Self-employed	4	40
3	Housewife	2	20
4	Not yet working/ Student	1	10

**Table 3.** Characteristics of Informants Based on Gender

No	Gender	Amount (People)	%
1	Man	2	20
2	Woman	8	80

### 3.2 Interview results of Informants Legal Protection of BPJS Patients' Rights in Daily Life

**Table 4.** Informant interview results

Question	Answer
1. Does the hospital have clear information instructions (service procedures and other information)?	<i>The informant "clearly conveyed the information"</i>
2. Do patients receive fair, honest, effective and quality services according to SOPs?	<i>Informant "the service here I receive is good, I don't feel this is distinguished"</i>
3. Is the patient given the authority to choose a treatment doctor?	<i>Informant: "Yes, as long as I am here, it is given"</i>
4. Do officers provide information to patients including, diagnoses, and procedures carried out by health workers	<i>Informant "Yes, especially only for me to be told about my diagnosis, or my illness"</i>



- about the patient's illness?
5. Does the patient get privacy and confidentiality of the disease suffered including his medical data? Informant "yes, right, here is very good about disease privacy?"
6. Is there a service setting up advice and input for patients? Informant "Yes There is"
- 

Based on the results of the interview, information on the flow/procedure at RSU Imelda Pekerja Indonesia has been clearly notified. And services at RSU Imelda Pekerja Indonesia are also fair, effective, and honest, and for the authority of patients in choosing doctors also exist and hospitals have been determined where patients can choose doctors according to their own wishes. Officers must also inform patients including, diagnoses, and procedures carried out by health workers about the disease suffered by patients, as well as maintain patient confidentiality. And at Imelda Pekerja Indonesia General Hospital have also provided complaint services for patients.

### 3.3 Discussion

From the results of research conducted by researchers on 10 respondents at RSU Imelda Pekerja Indonesia Medan concerning Legal Protection of Patient Rights for Patients BPJS Kesehatan Participants have been carried out in accordance with article 3 of the 1945 Law, this is also in accordance with the SOP for patient rights that have been set at RSU Imelda Pekerja Indonesia, namely BPJS Kesehatan patients already have the right / obligation to get good facilities in their treatment, get visits at any time while being treated, and there is no difference in these patients just because the patient is a participant of BPJS Kesehatan, and from the results studied through interviews of respondents (patients) Imelda Pekerja Indonesia General Hospital get a lot of good responses / answers that are quite satisfactory in terms of patient service, especially patients participating in BPJS Kesehatan.

This is in line with the laws and regulations on Legal Protection of Patient Rights written by the Minister of Health of the Republic of Indonesia No.4 of 2018 article 16 paragraphs 1, 2, 3, namely the obligation of hospitals to provide true, clear and honest information about the rights and obligations of patients as referred to in article 2 paragraph (1) letter 1 carried out to patients who require complete information about their rights and obligations including information about the cost of health services and health insurance. Information about patient rights as referred to in paragraph (1) includes information on patient rights in determining approval of medical actions or treatment to be carried out on patients. In article 17 paragraph (1) as written, the obligation of the Hospital to respect and protect the rights of patients as referred to in article 2 paragraph (1) point m is carried out by enforcing Hospital regulations and standards, carrying out services oriented to the interests of patients and conducting.

The results of the study are also in line with research conducted by (Yadi, 2022) explaining that the rights of patients at Eka Hospital based on their percentage there are 60% of patients who answer that the rights of patients have not been fulfilled by their medical personnel or hospitals in terms of handling patients and health facilities where there is still discrimination between patients who pay personally and BPJS Health patients and there are obstacles that become obstacles in their rights These patients are the unfulfilled infrastructure facilities that comply with applicable standards such as rooms, classes, beds, medical devices, and the unfulfilled medicines and consumables needed. In addition, the length of the approval process for actions / operations from BPJS Health and not all treatment or treatment actions are covered by the BPJS.

Regarding legal protection of the rights of BPJS Health patients at RSU Imelda Pekerja Indonesia, that the rights of BPJS Health patients must be in accordance with the standard procedures applicable to the law on BPJS patient rights where the rights and obligations of patients and patient services are good and good, it's just one obstacle in the inpatient room at the hospital. This is also in line with what was stated by (Hidayatullah Elmas, 2017) regarding the patient's right to compensation if the services received are inadequate as consumers of medical services, the community can submit their complaints to the medical team in an effort to improve internal medicine. When a patient is disadvantaged as a recipient of health services, the patient's law is required that hospitals must provide adequate health services to the patient's standard of medical care.

## 4. KESIMPULAN

From the results of the study, it can be concluded that from the 10 informants interviewed regarding legal protection of the rights of BPJS patients, it was declared good and carried out effectively by its officers, including in the registration section or when patients entered the hospital. At RSU Imelda Pekerja Indonesia, 15 rights and obligations of patients have also been determined in accordance with Permenkes RI No.4 of 2018 article 17 paragraph (2), and have been fulfilled.



## REFERENCES

- Azmi, N. (2020). Pengaruh Locus of Control (Lokus Kendali), Self Efficacy (Efikasi Diri), dan Lingkungan Kerja terhadap Kinerja Karyawan di Bank Syariah Mandiri Wilayah Bogor.
- Cahyono, B. (2016). Penggunaan Software Matrix Laboratory (Matlab) Dalam Pembelajaran Aljabar Linier. *Phenomenon : Jurnal Pendidikan MIPA*, 3(1), 45–62. <https://doi.org/10.21580/phen.2013.3.1.174>
- Erdiwan, Sinaga, J. P., & Sinambela, M. (2020). Pelayanan Kesehatan Pada Peserta Bpjs Kesehatan Di Rsud Simeulue Tahun 2018. *Jurnal Kajian Kesehatan Masyarakat*, 1(2), 42–48.
- Hatta. (2013). Pedoman Manajemen Informasi Kesehatan Disarana Pelayanan Kesehatan.
- Hidayatullah Elmas, M. S. (2017). Pengendalian Kualitas Dengan Menggunakan Metode Statistical Quality Control (Sqc) Untuk Meminimumkan Produk Gagal Pada Toko Roti Barokah Bakery. *Wiga : Jurnal Penelitian Ilmu Ekonomi*, 7(1), 15–22. <https://doi.org/10.30741/wiga.v7i1.330>
- Huraerah, A., Martiawan, R., & Mulyana, Y. (2019). Ketidakadilan Bagi Masyarakat Miskin dalam Aksesibilitas Jaminan Kesehatan Nasional Di Kota Bandung. *Jispo*, 9(1), 455–469.
- Permenkes. (2018). PERATURAN MENTERI KESEHATAN REPUBLIK INDONESIA NOMOR 26 TAHUN 2018 TENTANG PELAYANAN PERIZINAN BERUSAHA TERINTEGRASI SECARA ELEKTRONIK SEKTOR KESEHATAN.
- Pertiwi, M., & Nurcahyanto, H. (2017). Efektivitas Program BPJS Kesehatan di Kota Semarang (Studi Kasus Pada Pasien Pengguna Jasa Bpjs Kesehatan Di Puskesmas Srandol). *Journal of Public Policy and Management Review*, 6(2), 416–430. <https://doi.org/10.14710/jppmr.v6i2.16050>
- Pradoko, S. (2017). Paradigma Metode Penelitian Kualitatif; Keilmuan Seni, Humaniora, dan Budaya.
- Prasasti, T. I., & Santoso, D. B. (2017). Keamanan dan Kerahasiaan Berkas Rekam Medis di RSUD Dr. Soehadi Prijonegoro Sragen. *Jurnal Kesehatan Vokasional*, 2(1), 135. <https://doi.org/10.22146/jkesvo.30326>
- UUD1945,7(1945).[https://jdih.komisiyudisial.go.id/upload/produk\\_hukum/UUD1945PerubahanKedua.pdf](https://jdih.komisiyudisial.go.id/upload/produk_hukum/UUD1945PerubahanKedua.pdf)
- RSU.Imelda (2023) 'No Title'. Medan.
- Sahir, S. H. (2022). *Metodologi Penelitian*. Yogyakarta: Penerbit KBM Indonesia, 2021.
- Santoso, B. (2017). Pengaruh disiplin kerja, motivasi, dan komitmen organisasi Terhadap kinerja karyawan pada PT. Bank negara Indonesia .
- Sugiyono. (2016). *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Penelitian Pendidikan: Metode, Pendekatan, Dan Jenis. Jakarta:Kencana
- Soraya, Asih, H.A. and Asnuriyati, W. (2021) *Konsep Dasar Rekam Medis dan Informasi Kesehatan (RMIK)*. Edited by TimyHea. Malang: CV. Literasi Nusantara Abadi.
- Trisnaeni, F., Mahyudin, & Muslihudin. (2015). Hubungan Mutu Pelayanan Kesehatan Dengan Tingkat Kepuasan Pasien Selama Berkunjung Di Puskesmas Sungai Durian Kecamatan Sungai Raya Kabupaten Kubu Raya Tahun 2014. *Jurnal ProNers*, 3(1), 1–7.
- Yadi, A. (2022). *Perlindungan Hukum Pada Pasien BPJS Kesehatan di Rumah Sakit Eka Hospital Pekanbaru*.