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Legal protection of patient rights in health services

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Abstract---Legal protection of patients' rights in healthcare is an essential component that ensures its integrity and quality. In this research project using literature research methods. The results demonstrate that government is playing an essential role in overseeing healthcare providers to ensure they adhere to ethical and legal requirements. It also stresses the significance of an effective grievance mechanism to ensure any violations to patients' rights are taken seriously. By creating an equitable and transparent health system, it is hoped to foster an environment in which patients know and can fight for their rights as patients. Adequate patient education and advocacy play a crucial role in increasing legal protection of patients and strengthening healthcare systems overall.

Keywords---legal protection, patient rights, health services.

Introduction

Health is one of the cornerstones of human existence that are guaranteed and protected by society. All individuals have an equal right to quality healthcare services without discrimination; such services must offer effective, safe, timely, patient-centric care that produces optimal outcomes. From the patient perspective, quality healthcare manifests itself through accessibility of care; clarity in information regarding medical procedures; respectful treatment without discrimination; these factors all add up to

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creating high patient satisfaction rates that lead them to follow treatment recommendations which ultimately influence clinical results (Bogusz & Sexton, 2022).

Healthcare providers recognize the significance of quality services from both an economic and a professional standpoint. Quality services help establish their professional image. Healthcare services that meet high standards have the power to attract and retain a skilled workforce - one of the keys to efficient healthcare delivery (Teremetskyi & Sadovenko, 2020). Continuous quality improvements will foster innovation and adoption of cutting-edge technologies to enhance diagnosis, treatment methods and patient safety while simultaneously reducing medical errors and increasing patient safety. Therefore, service providers, regulators and policy makers must prioritize improving healthcare quality as an effort to fulfil human rights to secure health (Ubaydullayev, 2021).

Health services often face various challenges in fulfilling their roles, such as protecting patients' rights. This includes providing them with information, protecting medical privacy and confidentiality, offering safe services at a quality standard, as well as receiving feedback about what services were received and being heard if any complaints are lodged against services received (Núñez, 2023).

Indonesia has experienced multiple instances of violations to patients' rights that have caused physical, psychological and financial losses to both patients and their families. Such violations include medical malpractice, discrimination in health services or negligence that results in death or permanent disability - evidence which underscores the necessity of having an effective legal protection system in place to defend these patients' rights and ensure quality healthcare services (Sand & Befring, 2022).

Indonesia already has regulations and policies regarding patient protection in place; however, their implementation and enforcement remain challenging due to public ignorance about patient rights and legal procedures that must be followed for legal protection. Furthermore, no adequate system exists for overseeing healthcare practices or assessment purposes (Herman, 2024).

Given these circumstances, it is necessary to conduct an in-depth review of Indonesian laws regarding patient rights protection.

Research Methods

The study in this research uses the literature research method. The literature research method is a systematic approach to collecting, reviewing and analysing published data to answer specific research questions. This method relies on secondary data sources such as scientific journals, books, conference articles, research reports, and relevant official documents (Syahrizal & Jailani, 2023); (Sahar, 2008).

Results and Discussion

Relationship between Regulations and Cases of Violation of Patient Rights

Patient Rights are a set of norms which outline the basic rights a patient should enjoy when receiving healthcare in the health system. The concept emerged due to an increased need to safeguard patients against unethical health practices, ensure they are treated with dignity, protect privacy and confidentiality of medical information and make informed decisions regarding their care (Sloot, 2023). Patient rights encompass but are not limited to accessing adequate healthcare, receiving full information regarding available treatment options as well as being given the choice whether or not to accept them, and accepting or declining particular treatments or procedures when needed (Sulistyaningrum et al., 2022).

Implementation of patients' rights promotes healthy interactions between healthcare providers and patients, prioritising patient well-being as a top priority. Within this context, they also gain the right to

actively participate in every stage of medical care they receive, such as seeking second opinions and maintaining privacy during treatments. Not only will implementation improve healthcare quality; it will also strengthen ethical healthcare systems. With rights come responsibilities: adherence to treatment plans as well as respecting the rights of healthcare providers are some examples (Bondarchuk, 2023).

The regulation on patient rights was created as a framework to ensure healthcare services are provided ethically and fairly, safeguarding individuals' fundamental rights in their interactions with healthcare systems. Not only does this regulation outline minimum standards of service providers; it also serves as an invaluable guideline for patients in understanding their rights and responsibilities within healthcare (McDonnell, 2024). As such, they serve an invaluable function in protecting them against harmful, discriminatory, or unprofessional healthcare practices that might compromise treatment outcomes or public trust in healthcare systems (Ginting, 2023).

Contravention of patients' rights often results from ignorance or disregard of established regulations, from not providing complete information on treatment options, violating patient privacy, to not receiving informed consent for certain medical procedures. Many times these violations take place due to a lack of education for healthcare providers regarding their rights and responsibilities as well as operational/financial pressures facing healthcare institutions (Subawati et al., 2020).

Violation of patient rights can have severe repercussions for healthcare providers and patients alike, from physical and emotional harm to legal and financial implications for them. To combat this situation, healthcare institutions must understand and implement patient rights regulations while also training staff members adequately on ethics and healthcare law - this increased awareness can help prevent abuses while simultaneously building public trust in healthcare services (Saura-Freixes, 2023).
So the link between regulations and cases of patient rights violations underscores how regulations alone are insufficient without effective implementation and monitoring. Quick responses to violations as well as transparent channels for patients to report injustices are vital components in protecting patients' rights; as a result, all stakeholders in health systems must work toward creating an environment which upholds and respects them.

Factors Causing Low Legal Protection of Patient Rights

Legal protection is an integral component of our legal system that ensures individuals and entities in society enjoy protection against unfair or unlawful actions that would compromise their rights. This term encompasses various branches of law, such as criminal, civil, administrative and constitutional (Tseruashvili, 2022). Legal protection ensures that everyone can enjoy their rights and freedoms in accordance with applicable laws and regulations, providing a framework to resolve disputes or rights violations through an independent and impartial judicial system. Individuals and entities alike can use this protection not only for security but also to maintain social order and stability (Dasgupta & Mukherjee, 2023).

Legal protection in practice is administered through various institutions such as police, courts and law enforcement agencies which work in collaboration to enforce laws in an equitable and efficient manner (Zakal, 2023). Clear legal procedures, access to justice systems and transparently implemented laws are cornerstones of an effective legal protection system. Fairness and equal application of the law without regard for social status or power provide individuals with legal certainty they need to participate in public life with confidence. Furthermore, government's proactive efforts at developing and revising legal regulations ensures legal protection is always relevant to today's changing society dynamics (Nodirbekovna, 2023).

Lack of legal protection of patients' rights can be caused by various factors; one key one being an ignorance amongst patients themselves regarding their rights. Many are unaware they have a right to

obtain full information regarding medical treatments they will receive, privacy and confidentiality in medical treatment, consent or refuse medical treatments etc. Due to limited education or information resources for patients, providing optimal legal protection may often prove challenging due to inaction taken when their rights are breached by healthcare professionals or individuals acting illegally against patients' rights (Lehka, 2022).

Attributing to patients' rights not being fully protected legally is the legal system's lack of support for patient rights, with laws and regulations often being vague in securing certain patient rights. When disputes or violations do arise, legal processes can often prove ineffective; weak enforcement of existing laws as well as lack of oversight leave patients without enough legal protection against malpractice by healthcare providers (Leheza & Pushkina, 2022).

An overwhelmed healthcare system is one of the primary factors contributing to low legal protection for patients. Without sufficient medical staff, adequate equipment, or service facilities available at each health facility, medical personnel often find themselves working under immense strain which compromises standard of care they should provide patients. Furthermore, legal rights may not always receive priority consideration in such circumstances, leading to reduced quality care as well as weak legal protection for them (Luo, 2022).

Culture and socioeconomic factors also impede legal protection for patients. In certain cultures, doctors are seen as undisputed authorities and patients may feel uncomfortable questioning medical decisions or asserting their rights. Socioeconomic barriers - like cost - also hinder patients in seeking redress for violations; further compounded by stigma and discrimination that vulnerable populations such as people living with certain diseases, people with disabilities, poor and minority communities might face (Karall, 2021).

Complex medical technology and procedures contribute to poor legal protection of patient rights, with medical developments constantly leading to new procedures that existing regulations cannot keep up with. This creates a gap between medical practice and legal framework; where patients may not be fully protected against potential risks associated with new treatments that have yet been clearly legitimized legally (Kukushkina, 2024).

Patient health information management also plays a key role in undermining their legal protection. With digital transformation and electronic storage of health records, risks associated with personal data and health information breaches increase exponentially. Regulations must keep pace with technological innovations in order to safeguard patient privacy and confidentiality; unfortunately, existing ones often are outdated or not strong enough and so remain at risk, leaving patient privacy vulnerable (Khayrulina, 2021).

To strengthen legal protection of patients' rights, collaborative efforts among healthcare industry players, regulatory agencies, civil society organisations and patients themselves are necessary. Healthcare providers must train staff on patients' rights and implement practices which prioritise protecting these rights; government and relevant agencies should update and strengthen regulations so they are implemented efficiently; while public education and advocacy should increase to raise public awareness of patients' rights while simultaneously finding ways to advocate for these rights (Ramadianto & Imaniyati, 2024).

Legal protection of patients' rights is an essential aspect of healthcare that still needs improvement. Factors such as lack of awareness and access to information, inadequate regulations, overburdened healthcare systems and cultural and socioeconomic issues all play a part in poor protection of patient rights. With legal reform, patient education and capacity building of health workers we can achieve

improvements in delivery and protection of patient rights which will create more equitable healthcare systems that guarantee patients safety and comfort while receiving healthcare services.

Patient Rights Protection Regulation in Indonesia and International Comparison

Indonesia has given more attention than ever to protecting patients' rights over the last decade, particularly since the passage of Law No. 36/2009 on Health. This law serves as an essential framework to outline patient rights and obligations to healthcare providers alike; patient rights such as accessing information about treatments available or not and having privacy and confidentiality of health data protected are included within it. Furthermore, Indonesia also has Law 44/2009 which regulates rights for hospitalised patients to offer them better protection and improve overall service quality in Indonesia (Wulandari, 2023).

Indonesia faces various difficulties when compared with international regulations from developed nations when implementing patient rights protection. For instance, countries like the US established HIPAA to protect patient privacy and health information. HIPAA allows patients greater control over their data while setting strict limits on its use or access. Likewise, Europe provides extensive protection of personal data including health data through GDPR which tightly regulates its management (Pushkina, 2022).

One of the key distinctions between Indonesia and these countries lies in implementation and enforcement. In the US and EU, there are agencies dedicated to making sure regulations such as HIPAA and GDPR are strictly observed, with severe sanctions for violations. Meanwhile in Indonesia despite having regulations in place, enforcement can still face various obstacles due to limited resources, lack of awareness among healthcare providers and patients, as well as an unresponsive supervisory system (Wulandari, 2023).

Indonesia can learn from best practices in other countries to adapt its approach in implementing and enforcing regulations to protect patients' rights, while international experience offers insights into establishing effective oversight and enforcement systems and using technology to protect patient rights and improve healthcare as a whole. With international assistance and co-operation, Indonesia could go even further towards protecting patient rights while improving healthcare services quality.

Impact of Patient Rights Violations on the Health System

Patient rights violations have the power to have an enormously damaging effect on a country's healthcare system, in terms of public trust, institution performance, financial burden and international reputation. Public trust can dramatically deteriorate when serious and widespread patient rights violations take place - trust between healthcare providers and patients is fundamental; when trust has been violated through invasion of privacy or misdiagnosis or treatment without their proper consent this can cause individuals not to seek future medical advice or adhere to recommended treatment plans, which in turn threaten overall public health (Pushkina, 2022).

Second, patient rights violations can impede healthcare institutions' performance. Health professionals engaging in patient rights violations could face legal or professional sanctions and reduce their availability to provide services, while institutions may need to dedicate significant resources to respond to lawsuits instead of improving service quality. Furthermore, such an environment could promote fearful defensiveness among healthcare workers which prevents innovation or learning from mistakes for the improvement of services (Arindrajaya, 2022).

Financially, patient rights violations can place a substantial financial strain on healthcare systems. Legal costs related to violating patient rights may require considerable expenditures on legal fees, fines and

damages settlements, while revenue losses due to damaged reputation could force patients away. Ultimately these expenses reduce funds available for facility upgrades, procuring of cutting edge medical equipment or staff training - essential components of providing quality healthcare (Ikhsan et al., 2022). Finally, patient rights violations can have an adverse impact on a country's international healthcare standards reputation. With globalisation at play and information about incidents of poor care surfacing quickly and forming public perceptions globally (Isnainul et al., 2022). Countries perceived as weak in protecting patients' rights may find it hard to attract investment into healthcare sector investment or co-operation partnerships and even medical tourists (an increasingly significant source of revenue in many nations), as well as face increased scrutiny and criticism from international human rights bodies and organisations that might impede efforts at improving its healthcare system (Rachman & Hendrawan, 2021).

Reducing and preventing patient rights violations requires the joint efforts of all stakeholders in the health system, including governments, health institutions, health professionals and the general public. Continuous improvements to ethical standards, training and oversight play an essential part in protecting patients' rights while mitigating negative effects on the healthcare system as a whole.

Conclusion

The legal protection of patients' rights in healthcare is an important pillar that underpins a fair and quality healthcare system. The general conclusion that can be drawn is that this protection is not only concerned with the recovery aspect when patients' rights are violated, but also prioritises the prevention of such violations through various regulatory and policy schemes. The application of strict ethical and legal standards by healthcare institutions and medical practitioners, supported by effective oversight and accountability systems, is at the core of protecting patients' rights. These measures ensure that patients are well-informed, treated fairly, and have access to safe and high-quality care.

The government's active role in regulating and overseeing the delivery of health services is crucial. This includes licensing healthcare providers, accrediting medical facilities, and enforcing applicable laws and regulations. The government is also responsible for ensuring that its citizens have access to information regarding their rights as patients and how to obtain legal protection when those rights are violated. This creates an environment where citizens are empowered to be an active part of their own healthcare process, increases transparency, and ensures accountability of service providers.

At the implementation level, having clear and effective legal channels for patients to file complaints and claims is essential. Transparent and independent complaint handling not only ensures that violations of patients' rights are taken seriously but also acts as a deterrent against similar violations occurring in the future. In addition, patient rights education and advocacy must be strengthened through various information channels, so that the general public is more aware of their rights and dare to fight for them. Thus, legal protection of patients' rights is an integral fundament of a well-functioning health system. This requires cooperation and commitment from all parties involved, including the government, health professionals, health institutions, and the public. Through strong regulation, effective oversight, and continuous education and advocacy, it can be expected that the protection of patients' rights will continue to improve, protecting the interests of patients while also advancing the overall quality of healthcare.

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