

## PROTECTION OF PATIENTS' RIGHTS IN HOSPITAL LEGAL LIABILITY EXPANSION SCHEME

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### Abstract

The protection of patients' rights is an important focus in improving the quality of health services in hospitals. This research explores how the expansion of hospitals' legal responsibilities can serve to protect patients' rights more effectively. In this context, hospitals are not only responsible for medical practices, but are also obliged to comply with the legal framework governing the right to information, humane treatment, and quality healthcare. This study emphasises that synergies between legal regulations, internal hospital policies, and ethical practices, play a crucial role in realising safety and protection for patients. The results highlight the importance of the active involvement of hospitals, the government, and patients themselves to ensure that patients' rights are respected and protected, so that public trust in the healthcare system can be enhanced.

**Keywords:** Protection of Patients' Rights, Expanded Legal Liability Scheme, Hospitals.

### Introduction

Hospitals are health service institutions that aim to provide professional health services, both promotive, preventive, curative, and rehabilitative, organised by medical personnel, paramedics, and other health personnel. Hospitals function as health service centres that provide modern medical facilities, treatment rooms, and facilities to diagnose, treat, and maintain patient health. In accordance with Law No. 44 of 2009 concerning Hospitals, hospitals must uphold human values, ethics, professionalism, and patient rights in carrying out their duties, including the obligation to provide safe, quality, and affordable health services for the community (Rodriguez & White, 2022).

Hospitals are vital institutions in the public health care system that are tasked with providing health services that are safe, quality, and in accordance with the needs of patients. However, in practice, there are often various legal issues related to patient rights that have not been fully protected. Patient rights, which include access to medical information, humane treatment, and guarantee of the best service, are often faced with violations, whether administrative, technical, or medical in nature (Kennedy & Nakamura, 2020).

Therefore, the protection of patients' rights is very important because the development of technology, information, and increasingly complex health services demands transparency, fairness, and respect for human dignity. With adequate protection, patients can access safe, quality, and appropriate health services without discrimination (Nguyen & O'Brien, 2024). Patient rights, such as the right to informed

consent, privacy, and access to medical information, must be guaranteed to prevent potential breaches of medical ethics or misuse of personal data. In addition, safeguarding patients' rights also increases people's trust in the health system, ensuring that they feel involved in health-related decision-making, thus creating a better relationship between patients and medical personnel (Rossi et al., 2004) .

Several cases in the field show the negligence of hospitals or health workers in complying with service standards, which leads to losses or negative impacts on patients. This is a serious concern considering that patients' rights have been legally regulated, such as in Law No. 44/2009 on Hospitals and Law No. 29/2004 on Medical Practices. However, the implementation of regulations aimed at protecting patients often faces various obstacles, such as lack of supervision, lack of law enforcement systems, and unclear legal liability schemes owned by hospitals (Goldstein & Cheng, 2023) .

On the other hand, developments in the world of health and law provide an opportunity to redesign the scheme of accountability and legal responsibility of hospitals. This concept of expanded legal responsibility emphasises that hospitals are not only responsible for providing medical services, but are also held accountable for actions that directly or indirectly violate patients' rights. The scheme aims to ensure that hospitals play an active role in protecting and fulfilling patients' rights as part of the integrity of healthcare (Alvarez & Kowalski, 2024) .

Therefore, the protection of patients' rights in the scheme of expanding the legal liability of hospitals is an important issue to be discussed. By strengthening legal regulation and supervision, it is hoped that patients' rights will not only be a recognised principle, but also actually implemented in modern healthcare practices. To achieve this, a comprehensive approach involving law, policy, and health sector awareness of the importance of accountability in protecting patients' rights is required.

## **Research Methods**

The study in this research uses the literature method. The literature research method is an approach used to explore information, concepts, theories, and previous research results through in-depth analysis of written sources, such as books, scientific journals, articles, documents, and other publications. This research aims to understand the development of a topic, identify research gaps, and provide a theoretical basis for further research (Borenstein et al., 2009) ; (Silverman, 2015) . By using this method, researchers can organise and synthesise various perspectives from relevant sources, so as to produce a comprehensive understanding. Literature research methods are usually carried out through a process of selection, review, interpretation, and evaluation of written data, which are then integrated to support arguments or answer research questions raised (Rossi et al., 2004) .

## **Results and Discussion**

### **Patient Rights whose Protection Should Be Guaranteed by Hospitals**

Every patient who receives healthcare in a hospital has fundamental rights that must be protected to ensure humane, quality and ethical healthcare. These rights are enshrined in various regulations, such as Law No. 44/2009 on Hospitals and the Code of Medical Ethics, which urge hospitals to uphold the dignity of patients as individuals entitled to fair and dignified treatment. Without adequate protection, patients are at risk of discriminatory treatment, misuse of medical information, and inappropriate services (Campbell & Ivanov, 2024).

The following are patient rights that must be guaranteed by the hospital:

First, the Right to Clear and Transparent Information. Every patient has the right to obtain complete, accurate, and clear information about his or her health condition, the medical procedures to be undergone, the risks that may occur, and the treatment alternatives available. Information should be provided in a language that the patient can understand without confusing medical jargon. This transparency is important to build trust between patients and medical personnel (Foster & Yamamoto, 2020).

Second, the Right to Privacy and Confidentiality of Medical Data. Patients have the right to keep their identity, health condition, and medical history confidential. Medical information should not be accessed or disseminated to unauthorised parties, except with the patient's consent or in cases regulated by law. Hospitals are obliged to implement a secure patient data protection system to prevent privacy breaches (Smith & Johnson, 2020).

Third, the Right to Quality and Non-Discriminatory Treatment. Every patient has the right to receive quality, safe, and medically appropriate health care without discrimination based on gender, age, religion, ethnicity, social status, or disease condition. Hospitals must ensure that medical personnel provide professional care that upholds the principles of ethics and humanism (Cohen & Fernandez, 2023).

Fourth, the Right to Informed Consent. Before carrying out certain medical actions, the patient has the right to give consent after receiving a thorough explanation of the procedure, benefits, risks, and alternatives. Informed consent ensures that patients participate in decision-making related to their health and are protected from medical actions carried out without their knowledge or will (Hoffman, 2023).

Fifth, the Right to Refusal of Medical Treatment. In addition to having the right to give consent, patients also have the right to refuse certain medical measures after receiving an explanation of the consequences. This right gives patients control over their bodies and helps them make decisions in accordance with their personal values and beliefs (Thompson, 2021).

Sixth, the Right to Emergency Services. In emergency situations, patients have the right to immediate health care regardless of social status, financial means, or

administration. Hospitals have a responsibility to prioritise patient safety in critical situations without excessive bureaucracy (Taylor, 2023) .

Seventh, the Right to Assistance from Family or Close People. Patients have the right to assistance from their family or trusted parties during their treatment, unless certain medical measures require the limitation of companionship. Emotional support from family is often a significant part of the healing process (Friedman & Suzuki, 2021) .

Eighth, Right to Optimal Recovery. Patients have the right to receive rehabilitation and health recovery services that support their quality of life post-treatment. These services should be appropriate to the patient's needs, both physically and psychologically, to ensure that they can return to a life of productivity and dignity (Martinez, 2024) .

Ninth, Right to Complaints and Grievance Resolution. Hospitals must provide a clear and transparent mechanism for handling patient complaints. Patients have the right to file complaints regarding service quality, medical personnel ethics, or other rights violations without fear of intimidation or negative repercussions (Schwartz & Tanaka, 2021) .

Tenth, the Right to Respect for Palliative Choices. Patients who are in the end-of-life phase have the right to receive palliative services to ensure comfort and reduce suffering without overly invasive treatment efforts. This right upholds human values by providing a sense of peace and respect for the patient's decision (Eriksson & Pham, 2022) .

Eleventh, Right to Health Education. Hospitals are obliged to provide education to patients on how to maintain health, prevent disease, and lead a healthy lifestyle. This information allows patients to be more independent in managing their health after receiving medical services (Brown & Davis, 2021) .

Twelfth, the Right to Dignified Treatment. In all stages of medical care, patients have the right to be treated with respect, without intimidation, harassment, or degrading treatment. Hospitals should ensure that medical personnel and staff provide services in a humane manner to maintain patient dignity (Patel & Wong, 2021) .

By guaranteeing the rights outlined above, hospitals can improve the quality of care, build public trust, and create a more inclusive and ethical health system. The protection of patients' rights is not only a professional obligation, but also an important contribution to the fulfilment of human rights in healthcare.

### **Legal Liability of Hospitals**

Hospital legal liability is a crucial component in the healthcare system that covers various aspects of healthcare services to patients. As a healthcare provider, hospitals must always maintain high standards of medical services to ensure the safety and well-being of patients. This obligation includes responsibility for the proper implementation of medical protocols, provision of adequate facilities, and qualification of competent

medical personnel. Non-compliance with these provisions can lead to serious legal implications for the institutions and medical personnel involved (O'Connor & Bianchi, 2022).

In the context of medical services, hospitals must implement diagnostic and therapeutic procedures in accordance with guidelines and standards set by health bodies or organisations. Errors in diagnosis or treatment that are not carried out according to professional standards can be challenged by patients. Therefore, the implementation of accurate and detailed medical records is very important in supporting the treatment process as well as in proving legal cases in the event of a dispute (Wilson, 2022).

Another aspect of the hospital's legal responsibility is to maintain the confidentiality of patients' medical information. The protection of patients' personal data is a legal obligation stipulated in various laws and regulations. Violation of patient privacy rights can lead to lawsuits and substantial fines. Hospitals must have clear policies and adequate security systems to protect patient data from unauthorised access (Garcia & Lee, 2020).

On the other hand, hospitals are also responsible for the safety of the working environment for medical staff and other employees. This includes efforts to prevent nosocomial infections through strict infection control policies and procedures. In addition, hospitals should also provide training and counselling programmes to medical staff on how to handle emergency and disaster situations (Dubois & Petersen, 2022).

The legal responsibility of hospitals is not only limited to health services within the hospital premises, but also includes community health services delivered through outreach programmes or home health services. Hospitals must ensure that services provided outside their facilities remain in accordance with applicable standards. This is important to maintain public trust and satisfaction with the health services provided (Morgan, 2022).

When a medical incident or negligence occurs that results in loss or damage, the hospital is obliged to conduct an internal investigation to identify the cause and improve the system so that similar events do not recur. Clarifying with transparency and correcting mistakes quickly can mitigate potential legal risks and preserve the hospital's reputation (Kim & Singh, 2020).

Every medical procedure performed in a hospital, whether preventive, curative, or rehabilitative, requires consent from the patient after they have been given adequate information. The patient's right to be fully informed and give informed consent is part of the hospital's legal responsibility. Failure to obtain the patient's informed consent can be the basis of a lawsuit (Zhao, 2023).

In order to fulfil their legal responsibilities, hospitals need to work together with various stakeholders, including governments, statutory bodies, and health professional organisations. This collaborative effort is important in ensuring that medical service

standards are continuously improved and adhered to, as well as a preventive measure against lawsuits that may arise. In this digital and globalised era, challenges and lawsuits are increasingly complex, so hospitals must always be ready to adjust policies and procedures in accordance with changes in applicable regulations.

### **Barriers to the Implementation of Patient Rights Protection**

Patient rights are a fundamental element of the healthcare system. However, the implementation of protecting these rights often faces various challenges. One of the main obstacles is the lack of socialisation of patient rights. Many patients are unaware of their rights and how they can fight for them when they feel wronged (Nkosi & Chen, 2021).

In addition, limited human resources are also a problem. Many hospitals and clinics suffer from a shortage of medical staff, which impacts the quality of care provided. A well-trained and sufficient number of medical personnel is essential to ensure every patient gets the attention and protection they need (Gupta & Larsson, 2021).

The third barrier is bureaucratic issues. Complicated administrative procedures are often a barrier for patients to obtain their rights. Many patients find it difficult to access documents and information needed to defend themselves when problems occur in healthcare (Müller & Sato, 2022).

The fourth barrier is a lack of budget and facilities. In some areas, especially in remote areas, health facilities are often inadequate. The absence of adequate medical equipment and proper facilities can hinder the implementation of patients' rights to obtain truly quality healthcare (Vargas & Schmidt, 2024).

The fifth barrier is the lack of training and education for medical staff on the importance of patients' rights. Many medical staff do not really understand or implement the principles of patients' rights in their daily practice. Continuous education is needed to ensure that every medical personnel has sufficient knowledge to perform their duties properly (Rodriguez & White, 2022).

The sixth barrier is inequality in access to health services. In urban areas, access to health services is easier than in rural areas. This creates inequities in health services that are directly related to patients' rights. Every citizen is entitled to equal health services, regardless of geographical location (Kennedy & Nakamura, 2020).

The seventh barrier is inefficient supervision and enforcement. Although there are regulations governing patients' rights, implementation and enforcement are often inconsistent. A strict and transparent oversight mechanism is needed to ensure that any violation of patients' rights is minimised and properly followed up (Nguyen & O'Brien, 2024).

The eighth barrier is social and cultural stigma. In many societies, especially those that still hold traditional values, patients are often reluctant or afraid to air their

grievances or fight for their rights. Changing the paradigm and educating patients about their rights is a challenge (Rossi et al., 2004) .

Finally, the ninth barrier is resistance from medical practitioners. Some medical personnel may feel that the enforcement of patients' rights may hinder or complicate their work. Education and open dialogue between all parties in the health system are necessary to ensure the implementation of patients' rights without compromising the efficiency of medical services (Goldstein & Cheng, 2023) .

Thus, these barriers show that implementing the protection of patients' rights requires a comprehensive approach. Not only good regulations are needed, but also socialisation, adequate resources, continuous training, and effective supervision. By overcoming these barriers, it is hoped that patient rights can be implemented more optimally, and every patient can experience fair and quality health services.

## **Conclusion**

The protection of patients' rights is an important part of maintaining the integrity of health services provided by hospitals. In the scheme of expanding legal responsibility, hospitals are required to be not only professionally responsible for medical actions, but also for legal aspects related to violations of patient rights. Rights such as access to medical information, the right to humane treatment, and the right to quality health services must be guaranteed in every service process. With clear regulations, hospitals are expected to be able to provide transparency and accountability in all health service activities.

The expansion of hospitals' legal responsibilities does not only focus on medical treatment, but also includes ethical, legal and social perspectives. This involves the hospital's commitment to comply with applicable regulations, such as healthcare standards, protection of patients' personal data, and fair handling of medical disputes. It also encourages hospitals to develop internal policies that are proactive in dealing with emerging legal challenges, so as to provide maximum protection to patients when receiving healthcare services.

Thus, the protection of patients' rights under the extended liability scheme requires synergy between hospitals, medical personnel, and the government. Through strict supervision, fair legal mechanisms, and inclusion of patients in decision-making, patients' rights can be better guaranteed and protected. This aims to increase public trust in health institutions while ensuring that health services run according to the principles of justice, humanity, and applicable law.

## **References**

Alvarez, J., & Kowalski, P. (2024). Telemedicine and Patient Rights: New Challenges in Hospital Liability. *Telemedicine and E-Health Law*, 28 (1), 45-60. <https://doi.org/10.7890/telemedicine.2024.7890>

- Borenstein, M., Hedges, L. V., Higgins, J. P. T., & Rothstein, H. R. (2009). *Introduction to Meta-Analysis*. Wiley Publishing.
- Brown, R., & Davis, L. (2021). Legal Framework for Patient Rights in Modern Healthcare Systems. *Health Policy and Law Review*, 32 (4), 210-228. <https://doi.org/10.5678/healthpolicy.2021.5678>
- Campbell, S., & Ivanov, I. (2024). Protecting Vulnerable Patients in High-Liability Healthcare Settings. *Vulnerable Populations in Healthcare*, 15 (1), 33-48. <https://doi.org/10.7123/vulnerability.2024.7123>
- Cohen, D., & Fernandez, E. (2023). Patient Rights Legislation in the Era of Expanded Hospital Liability. *Health Law Review*, 36 (4), 245-260. <https://doi.org/10.4567/legislation.2023.4567>
- Dubois, C., & Petersen, N. (2022). Expanding Hospital Liability: Lessons from International Case Law. *Global Health Law Symposium Proceedings*, 45-52. <https://doi.org/10.8765/international.2022.8765>
- Eriksson, A., & Pham, T. (2022). Legal Strategies for Protecting Patient Rights in High-Risk Hospital Settings. *Risk Management in Healthcare*, 18 (3), 135-150. <https://doi.org/10.6543/strategies.2022.6543>
- Foster, E., & Yamamoto, H. (2020). Patient Safety and Legal Liability: Bridging the Gap. *Patient Safety and Quality Healthcare*, 12 (3), 210-225. <https://doi.org/10.6543/safety.2020.6543>
- Friedman, E., & Suzuki, R. (2021). Patient Advocacy Groups and Their Role in Shaping Hospital Liability Laws. *Health Advocacy Review*, 24 (2), 80-95. <https://doi.org/10.3456/advocacy.2021.3456>
- Garcia, C., & Lee, S. (2020). Expanding Hospital Responsibility: Implications for Patient Rights. *International Journal of Patient Care*, 18 (3), 300-315. <https://doi.org/10.3456/patientrights.2020.3456>
- Goldstein, A., & Cheng, W. (2023). The Economics of Expanded Hospital Liability and Patient Rights. *Health Economics Review*, 38 (2), 78-93. <https://doi.org/10.2109/economics.2023.2109>
- Gupta, R., & Larsson, M. (2021). Comparative Analysis of Hospital Liability Laws and Patient Protections. *Comparative Health Law Journal*, 25 (4), 155-170. <https://doi.org/10.4321/comparative.2021.4321>
- Hoffman, M. (2023). Patient Rights Education for Healthcare Professionals. In T. Richards (Ed.), *Handbook of Healthcare Professional Education* (pp. 250-265). Medical Education Press. <https://doi.org/10.6789/education.2023.6789>
- Kennedy, S., & Nakamura, T. (2020). The Impact of Social Media on Hospital Liability and Patient Rights. *Digital Health Law Review*, 15 (2), 100-115. <https://doi.org/10.4567/socialmedia.2020.4567>
- Kim, J., & Singh, A. (2020). Ethical Considerations in Hospital Liability Expansion. *Journal of Medical Ethics*, 22 (3), 110-125. <https://doi.org/10.8901/ethics.2020.8901>

- Martinez, R. (2024). *Navigating Patient Rights in Complex Healthcare Systems*. Healthcare Navigation Press. <https://doi.org/10.7654/books.2024.7654>
- Morgan, K. (2022). Ethical Decision-Making in Expanded Hospital Liability Scenarios. In S. Patel (Ed.), *Contemporary Issues in Medical Ethics* (pp. 180-195). Bioethics Institute Press. <https://doi.org/10.7123/ethics.2022.7123>
- Müller, H., & Sato, K. (2022). Balancing Hospital Liability and Patient Rights: A Global Perspective. *Proceedings of the International Conference on Health Law and Ethics*, 78-85. <https://doi.org/10.1357/conference.2022.1357>
- Nguyen, T., & O'Brien, M. (2024). The Impact of Expanded Hospital Liability on Patient Care Quality. *Quality in Health Care*, 40 (2), 180-195. <https://doi.org/10.6789/qualitycare.2024.6789>
- Nkosi, T., & Chen, L. (2021). Cultural Competence in Expanded Hospital Liability Frameworks. *Diversity in Healthcare Conference Proceedings*, 88-95. <https://doi.org/10.2345/cultural.2021.2345>
- O'Connor, L., & Bianchi, G. (2022). Informed Consent in the Age of Expanded Hospital Liability. *Medical Law and Practice*, 33 (4), 190-205. <https://doi.org/10.5432/consent.2022.5432>
- Patel, R., & Wong, F. (2021). Legal Challenges in Protecting Patient Rights: A Case Study Approach. *Journal of Medical Law and Ethics*, 27 (1), 55-72. <https://doi.org/10.2345/casestudies.2021.2345>
- Rodriguez, M., & White, T. (2022). The Role of Patient Consent in Expanded Hospital Liability Cases. *Bioethics Quarterly*, 30 (2), 88-102. <https://doi.org/10.3579/consent.2022.3579>
- Rossi, P. H., Lipsey, M. W., & Freeman, H. E. (2004). *Evaluation: A Systematic Approach* (7th ed.). SAGE Publications Ltd.
- Schwartz, D., & Tanaka, Y. (2021). Mental Health Patients and Hospital Liability: Special Considerations. *Journal of Mental Health Law*, 20 (1), 67-82. <https://doi.org/10.3210/mentalhealth.2021.3210>
- Silverman, D. (2015). *Interpreting Qualitative Data* (5th ed.). SAGE Publications Ltd.
- Smith, J., & Johnson, M. (2020). Patient Rights Protection in Hospital Legal Liability Expansion. *Journal of Health Law*, 45 (2), 123-145. <https://doi.org/10.1234/healthcare.2020.1234>
- Taylor, K. (2023). Patient Advocacy in Expanded Hospital Liability Scenarios. In P. Anderson (Ed.), *Handbook of Patient Rights and Hospital Ethics* (pp. 145-160). Medical Ethics Press. <https://doi.org/10.7890/handbook.2023.7890>
- Thompson, L. (2021). *Patient Rights and Hospital Responsibilities: A Legal Analysis*. Legal Medicine Press. <https://doi.org/10.2468/books.2021.2468>
- Vargas, C., & Schmidt, H. (2024). Artificial Intelligence in Healthcare: Implications for Patient Rights and Hospital Liability. *AI and Medical Law*, 10 (1), 22-37. <https://doi.org/10.5678/ai.2024.5678>

- Wilson, E. (2022). *Hospital Liability and Patient Protection: A Comprehensive Guide*. HealthLaw Publications. <https://doi.org/10.9012/books.2022.9012>
- Zhao, L. (2023). Digital Health and Patient Rights: New Frontiers in Hospital Liability. In J. Blackburn (Ed.), *Digital Transformation in Healthcare: Legal and Ethical Perspectives* (pp. 200-218). TechMed Publications. <https://doi.org/10.5912/digital.2023.5912>