



Analysis of Patient Rights Protection through Medical Record Confidentiality and Information Disclosure System in Indonesian Hospitals

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Abstract

This study presents an in-depth analysis of patient rights protection, focusing on medical record confidentiality and the information disclosure system in Indonesian hospitals. The research utilizes a normative juridical approach, employing primary and secondary legal materials and combining statute and conceptual approaches. The analysis highlights gaps in the existing legal and policy frameworks that compromise patient rights, and the challenges healthcare providers face in maintaining medical record confidentiality and disclosure of information. These issues are further illuminated through a review of relevant academic literature, and corroborated by empirical evidence drawn from real-world case studies. Findings reveal a dichotomy between theoretical principles of patient rights and their practical implementation, accentuated by resource limitations, variations in law enforcement, and gaps in understanding among healthcare providers. The study concludes with recommendations for legal and policy reforms that can bridge these gaps, improve patient care, and strengthen trust in Indonesia's healthcare system. These reforms present both challenges and opportunities. While resource constraints and resistance to change may pose difficulties, the potential for improved patient care, enhanced public trust, and socio-economic development makes the pursuit of these reforms a necessary endeavour. This study contributes to a deeper understanding of patient rights protection and sets the stage for ongoing dialogue and action towards healthcare reform in Indonesia.

Introduction

Medical record confidentiality and the secure dissemination of health information are cardinal aspects of the healthcare system (Semantha et al., 2020). These facets uphold the ethical obligation towards patients and enforce legal compliance, as mandated by the Health Law of the Republic of Indonesia (UU Nomor 36 Tahun 2009).

As per Article 57 of the health Law, each individual has the right to privacy concerning their health information, which healthcare providers must respect (Health Law, 2009). Yet, certain circumstances necessitate the disclosure of this information, such as for patient referrals, research, or legal proceedings. This underscores the need for a robust information release system that harmonizes the need for data sharing with confidentiality maintenance (Semantha et al., 2020).

However, instances of confidentiality breaches in hospitals have been reported (Keshta & Odeh, 2021). These situations not only erode patient-provider trust but also infringe upon patients' rights, highlighting the inadequacies in the current systems and implementation practices.

The objective of this study is to scrutinize the efficacy of existing laws, particularly the Health Law of 2009 and other related Indonesia Law in protecting patient rights in terms of medical

record confidentiality and information release in hospitals. This research will be a combined legal and empirical study, inspecting the real-world scenario and juxtaposing it against legal expectations. The intent is to pinpoint gaps and propose measures for strengthened patient rights protection, considering the findings from previous studies about consumer rights protection in online transactions (Shalahuddin & Yunita, 2022).

The urgency of this research is evident in the expanding digitalization of healthcare services and the increasing emphasis on patient rights. As health information becomes more digitized, the risk of breaches in medical record confidentiality intensifies (Pool et al., n.d.). Despite the protections outlined in the health Law of 2009, there continue to be reported breaches of confidentiality in hospitals (Jusuf et al., 2023). Such occurrences undermine patient trust, impede the patient-provider relationship, and infringe on patients' rights to privacy.

The rationalization of this research lies in its aim to address the gaps in the implementation of the existing laws and regulations concerning medical record confidentiality and the release of health information. There is an evident need for robust legal frameworks and effective enforcement strategies to ensure patient rights are not compromised. However, a comprehensive analysis that connects the legal framework with the empirical reality is still lacking. This research intends to bridge this gap.

This study becomes even more pertinent in the context of online transactions, where the urgency to protect consumer rights has already been identified (Jusuf et al., 2023; Keshta & Odeh, 2021; Nass et al., 2009). The parallels between online transactions and digital health record handling can offer valuable insights into understanding the challenges and potential solutions in the healthcare sector.

This study's urgency stems from the pressing need to enhance patient rights protection in the face of increasing digitalization. The rationalization is derived from the need to bridge the gap between existing legal frameworks and their actual implementation, contributing to the betterment of healthcare practices and policy-making.

The overarching goal of this study is to analyze the effectiveness of existing laws and regulations, particularly the health Law of 2009, in protecting patient rights concerning medical record confidentiality and information release in hospitals.

Methods

The research adopts a normative juridical writing style, which includes a thorough literature evaluation ('law in books') focused mainly on authoritative legal sources, such as legislation, and secondary on important ideas and scholarly literature pertinent to the subject under consideration. These legal documents are utilized to critically investigate and illuminate the problem under consideration (Christiani, 2016).

Two alternative problem-solving methodologies are used in this study. The first approach, known as the Statute Approach, examines and digs into the existing laws and regulations pertinent to the legal situation at hand. The second approach, the Conceptual Approach, incorporates academic ideas gathered from relevant literature to give a sound theoretical foundation for the debate.

Results and Discussion

In examining the protection of patient rights through the confidentiality of medical records and hospital information release systems in Indonesia, several relevant laws and regulations emerge as crucial touchstones. These legal frameworks not only underscore the criticality of upholding

patient rights but also underscore the necessity of stringent confidentiality measures for medical records and prudent information disclosure protocols in hospitals.

The Data Privacy Law or the Information and Electronic Transaction Law (Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (ITE) governs information processes within electronic systems, encapsulating digital medical records. The law is instrumental in outlining requisite security protocols and sanctions for infringements, thereby creating a regulated environment for electronic medical record privacy (Elnaiem et al., 2023; Lee et al., 2020; Setiawati et al., 2020).

Simultaneously, the Health Law (Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan) includes regulations regarding patient rights and obligations, most notably, the right to privacy and confidentiality during medical treatment. This law explicitly outlines healthcare providers' obligations, such as hospitals, to ensure the privacy of patient medical records (Benuf et al., 2019). Moreover, the Hospital Law (Undang-Undang Nomor 44 Tahun 2009 tentang Rumah Sakit) specifically addresses hospital operations and services, including the management and release of patient medical records. By reiterating the necessity for confidentiality, this law delineates mechanisms for information release, such as in public health emergencies or legal requirements (Nisak, 2021).

To assess the efficacy of the aforementioned laws in safeguarding patient rights, it is necessary to understand how these laws are implemented in practice and the extent of their reach. Notably, while these legal provisions explicitly outline the requirements for medical record confidentiality and the information disclosure system, their effective implementation in hospitals can be challenged due to numerous factors (Keshta & Odeh, 2021).

Firstly, digital transformation and electronic record-keeping in the healthcare sector have heightened the susceptibility to data breaches (Lee et al., 2020). Although the Information and Electronic Transaction Law (ITE Law) provides a foundation for electronic data protection, healthcare institutions might struggle with effective implementation due to a lack of technological infrastructure, inadequate staff training, and insufficient investment in cybersecurity measures.

Secondly, while the Health Law and the Hospital Law stipulate the patients' right to privacy and the obligation for medical record confidentiality, there can be a variance in the interpretation and adherence to these provisions. Factors such as varying staff awareness about the importance of confidentiality, institutional practices, and challenges in ensuring privacy in busy, resource-limited settings can potentially compromise patient rights (Scott et al., 2023).

Furthermore, the laws, while providing a robust framework for information release, do not account for all scenarios. For instance, ambiguous provisions regarding exceptions to the confidentiality rule can lead to potential misuse. While disclosure of health information can occur for valid reasons, such as a public health emergency or legal requirements, the lack of clear definitions and guidelines may result in inconsistent applications.

Internationally, the patient rights, medical record confidentiality, and the information disclosure system are fundamentally anchored in the principle of respect for patient autonomy and privacy (Alberton Coutinho Silva, 2021). This principle is acknowledged in various international frameworks such as the World Health Organization's (WHO) Declaration of Alma-Ata, the Universal Declaration of Bioethics and Human Rights by UNESCO, and the General Data Protection Regulation (GDPR) by the European Union (EU).

Like these international norms, Indonesia's legal provisions — articulated in the Hospital Law, Health Law, and ITE Law — uphold the right to confidentiality, privacy, and informed consent.

For instance, similar to the GDPR's emphasis on "the right to be forgotten," the ITE Law provides the right to deletion, granting individuals the power to control their personal data, including health information.

However, there are gaps in terms of comprehensive privacy regulations and explicit consent procedures compared to international standards. For instance, unlike the GDPR, which requires explicit consent for processing sensitive data like health records, the Indonesian regulations do not provide detailed specifications regarding the process of gaining informed consent for data collection and disclosure (Rosmaini et al., 2018).

Moreover, the current laws do not fully cover cross-border healthcare data exchange, a key aspect of GDPR. As Indonesia progresses towards digitizing healthcare and engaging in international research collaborations, aligning with international norms on data portability, and cross-border data transfer safeguards will become increasingly important (Adhalia, 2023). Thus, while Indonesia's existing laws mirror key elements of international standards in protecting patient rights and data, there remains an opportunity for enhancing clarity, providing detailed guidelines, and addressing emergent domains of digital healthcare.

The investigation into the pertinent theories and academic literature offers a deeper comprehension of patient rights, medical record confidentiality, and the information disclosure system. This review encompasses a range of perspectives, from bioethical and legal standpoints to health informatics and data privacy.

Firstly, in the bioethical discourse, the principles of autonomy and privacy are often underscored in relation to patient rights and medical record confidentiality. Beauchamp and Childress's Four Principles of Bioethics, namely autonomy, beneficence, non-maleficence, and justice, are seminal to understanding patient rights (Shea, 2020). Respect for patient autonomy involves the right to make informed decisions regarding their healthcare, including access to and control over their medical information.

Simultaneously, the privacy principle emphasizes confidentiality, a cardinal principle in the healthcare profession as espoused by the Hippocratic Oath, and in modern-day legal frameworks like the Health Insurance Portability and Accountability Act (HIPAA) in the U.S. (Ashfaque, 2020).

Secondly, in legal literature, scholars often grapple with the balance between privacy and the necessity of information for optimal healthcare and research. Privacy laws protect against unauthorized disclosure of medical information, but they must also account for the necessity of information sharing for healthcare provision and medical research (Surmiak, 2020).

Finally, health informatics literature presents an evolving discourse around the security and interoperability of health data systems. As healthcare increasingly relies on digital records and data sharing across providers, ensuring secure systems and data protection while maintaining effective information flow for patient care is critical (Rosmaini et al., 2018).

The theoretical foundation of legal and institutional frameworks for the protection of patient rights in Indonesia is built on several pivotal principles. Foremost, the principle of patient autonomy is recognized in the health care system of Indonesia. This concept asserts that individuals have the inalienable right to make informed decisions about their own healthcare. In practice, this principle is concretely embodied in the Law of the Republic of Indonesia Number 36 of 2009 on Health. According to this law, patients are guaranteed the right to obtain complete and transparent information regarding their health status and treatment options (Setiawati et al., 2020).

Further principles underpinning the theoretical basis include beneficence and non-maleficence. These principles mandate healthcare providers to act in the best interest of the patient and to do no harm, respectively. The Health Law of Indonesia underscores these principles, setting stringent standards for health services, and ensuring that they are safe, ethical, and professional.

Justice as a principle ensures the equitable distribution of health resources and care. This principle is reflected in the Indonesian constitution's directive that equal access to healthcare services for all citizens must be guaranteed. In addition to these bioethical principles, the protection of patient rights in Indonesia is viewed through the prism of human rights. This lens emphasizes the right to health, privacy, and information. As such, Indonesia's Human Rights Law integrates international human rights principles into the national legal framework, thus establishing the right to privacy and information.

In the specific area of health informatics, the theoretical basis draws from the concepts of interoperability, data security, and privacy. These ideas are incorporated into Indonesia's Law on Information and Electronic Transactions, which regulates the conduct of electronic transactions and provides protection for digital information, including health data. This comprehensive approach to patient rights protection in Indonesia reflects a dynamic interplay of various legal theories and principles, all aimed at safeguarding patients' interests within the healthcare system.

The interplay between the statute approach, which examines the legal provisions in place, and the conceptual approach, which reviews the theoretical underpinnings and interpretations of those laws, provides a holistic view of patient rights protection in Indonesia. The statute approach reveals a robust legal framework for patient rights in Indonesia, encompassing a variety of laws such as the Law of the Republic of Indonesia Number 36 of 2009 on Health and the Law on Information and Electronic Transactions. These legal provisions explicitly enshrine patients' rights to informed consent, confidentiality of medical records, and the protection of digital health data.

On the other hand, the conceptual approach underscores the underlying principles driving these legal provisions. The principles of autonomy, beneficence, non-maleficence, and justice, all fundamental to bioethics, are reflected in the aforementioned laws. Furthermore, the integration of international human rights principles into the Indonesian legal system emphasizes the rights to health, privacy, and information.

The synthesis of these two approaches illuminates how the statutory and conceptual elements interact to create a comprehensive and multifaceted framework for patient rights protection. While the statute approach delineates the legal obligations and standards, the conceptual approach provides a deeper understanding of the ethical and human rights implications of these statutes. This synergy ensures not only that patients' rights are legally protected, but also that they are understood and respected within the broader socio-cultural and ethical context of healthcare in Indonesia (Jusuf et al., 2023; Warijan et al., 2019).

Consequently, this synthesis underscores the importance of a multifaceted approach in analyzing patient rights protection, underscoring the value of both legal provisions and the conceptual understanding of these rights. It also highlights areas of potential legal reform, such as enhancing the interoperability and security of digital health data, to further strengthen patient rights protection in the evolving healthcare landscape (Warijan et al., 2019).

The application of current laws and theories in the day-to-day delivery of healthcare provides invaluable insights into the practical realization of patient rights. Despite the existence of robust laws and ethical theories on paper, the degree of their implementation in clinical practice often varies, highlighting a potential gap between theory and practice.

In Indonesia, the legislative framework, as prescribed by the Health Law and the Law on Information and Electronic Transactions, establishes comprehensive legal protections for patient rights. It mandates that healthcare providers uphold principles such as informed consent, confidentiality, and the protection of health data (Jenie & Yuni Lestari, 2019; Sugiarti et al., 2020; Wahyuni et al., 2020). Nevertheless, implementation remains a critical challenge. Factors such as resource limitations, lack of awareness among healthcare providers and patients, and inadequacies in the enforcement of legal sanctions may limit the effectiveness of these legal provisions in actual healthcare settings (K Pool et al., 2019; Setiawati et al., 2020).

Moreover, while bioethical principles underpin the conceptual framework for patient rights protection, the incorporation of these principles into routine healthcare practice is often uneven. The principle of autonomy, for instance, which requires that patients make informed decisions about their healthcare, can be compromised by issues such as limited health literacy among patients or lack of sufficient time during clinical encounters for thorough discussion of treatment options (Driever et al., 2022; Harzheim, 2023).

Therefore, understanding the realities of healthcare delivery highlights the need for strategies to bridge the gap between the statutory and conceptual ideals and their implementation in practice. These may include improving health literacy among patients, enhancing the enforcement of legal provisions, and incorporating bioethics education in the training of healthcare providers (Wahyuni et al., 2020).

The understanding of patient rights protection, medical record confidentiality, and information disclosure in real-world hospital settings can be significantly deepened through the examination of case studies. These real-world scenarios provide a tangible illustration of how laws and theoretical principles are enacted or violated, and can yield significant insights into the effectiveness of current policies and practices.

For instance, a 2020 study by Asmaningrum et al. (2020) explored a case in which a patient's medical records in a hospital in East Java were inadvertently disclosed to the public. Despite the existence of laws and regulations governing the confidentiality of medical records in Indonesia, the breach occurred due to insufficient data security measures within the hospital. This incident highlighted the need for more robust enforcement of data protection laws, as well as the necessity of implementing more comprehensive data security practices in healthcare institutions (Wahyuni et al., 2020).

In another case study, Lestari (2021) examined a situation in which the rights of a patient in a Jakarta hospital were compromised due to inadequate informed consent procedures. The study found that the patient was not adequately informed about the nature of the procedure, which contravened the Indonesian Health Law's requirement for informed consent. The study underscored the need for improved education for healthcare professionals about patient rights and the informed consent process (Lestari, 2021).

These case studies demonstrate the vital role of both the statutory and conceptual aspects in protecting patient rights, maintaining medical record confidentiality, and ensuring proper information disclosure. Moreover, they illustrate the gaps in current implementation and enforcement, and underscore the need for continued vigilance in improving healthcare delivery practices.

The discussion around the protection of patient rights, confidentiality of medical records, and disclosure of information is further enriched when empirical evidence, including firsthand experiences and observations, is factored into the dialogue. It is through these real-life examples and experiences that abstract concepts and regulations become more concrete,

allowing for a deeper comprehension of the challenges and potential solutions to these problems.

For instance, research conducted by Setiawan involving healthcare practitioners in Jakarta revealed several instances where medical professionals were unaware of the complete breadth of patient rights as stipulated by Indonesian law, leading to unintentional breaches of these rights. This study not only corroborates the case study analysis but also points to a systemic issue regarding awareness and understanding of the law among healthcare practitioners (Setiawati et al., 2020).

In addition, data collected through surveys and interviews with patients have indicated a level of dissatisfaction with how their information is managed in healthcare settings. Patients have reported instances of their medical information being discussed without their permission or being given to them in a way that they didn't fully understand, leading to confusion and distress (Driever et al., 2022; Lestari, 2021). These firsthand accounts underscore the need for better patient-centered communication and strict adherence to the law in information disclosure processes.

Thus, these observations and experiences collected from the field provide invaluable context to the discussion, emphasizing the urgency of addressing these issues, and the necessity of implementing changes that uphold the spirit and letter of the law while also catering to the needs of the patients.

In assessing the current legal and institutional frameworks related to patient rights, confidentiality of medical records, and information disclosure, several gaps and areas for improvement have been identified.

Firstly, the current laws, while comprehensive in scope, suffer from implementation and awareness issues (Masri, 2022; Raissa & Afifah, 2021). This challenge is evident among healthcare professionals, with some being unaware of the full spectrum of patient rights as provided by the law. This lack of awareness can lead to inadvertent breaches of patient rights and points towards the need for improved education and training among healthcare professionals about legal obligations and ethical best practices.

Secondly, existing policies around the confidentiality of medical records and information disclosure have room for improvement. Despite clear regulations, breaches in confidentiality and improper information disclosure are prevalent, primarily due to systemic issues and lack of adherence to set protocols (Tarigan & Maksum, 2022). This area needs a re-evaluation of current policies and practices, with a view to enforce stricter compliance and accountability measures.

Finally, patients' lack of awareness about their rights also presents a significant challenge (Susanti & Yulianto, 2020). There is a need for public awareness campaigns and patient education initiatives to ensure that they are aware of their rights, the significance of medical record confidentiality, and what constitutes appropriate information disclosure.

Addressing the identified gaps and enhancing the protection of patient rights and medical record confidentiality in Indonesia necessitate an array of legal and policy reforms. Primarily, the implementation of more stringent legal consequences for breaches of patient rights and confidentiality is required. The current legal consequences do not appear to be sufficient deterrents, given the prevalence of these breaches. Therefore, reviewing and revising these legal consequences could be an effective way to deter such actions.

Next, policy reforms should focus on developing a more robust and standardized system for maintaining medical record confidentiality. This could include regular audits of hospital data

systems, the establishment of clear protocols for data access and sharing, and mandatory training for all healthcare professionals on these protocols. Furthermore, technological improvements could play a role in improving confidentiality, such as the use of encrypted digital medical records systems (Agustina et al., 2019; Li Member et al., 2012).

Lastly, the introduction of a comprehensive patient education initiative could significantly improve patient awareness about their rights, confidentiality of their medical records, and proper information disclosure procedures. Hospitals could implement a mandatory process whereby patients are educated about these topics upon their first interaction with the healthcare system, and relevant written materials could be provided in easily understandable language (Davis et al., 2002).

On one hand, one potential challenge is the resource investment required for such comprehensive reform. Improving data systems for medical record confidentiality, for instance, would require significant funding for technology upgrades and ongoing maintenance. The initiative of educating patients about their rights would also require human resources, materials development, and possibly, translation services to ensure accessibility of the information across different language groups in Indonesia (Agustina et al., 2019; Davis et al., 2002; Riadi et al., 2020).

There could also be resistance from healthcare professionals who may find new protocols and systems cumbersome and time-consuming, thereby affecting their work processes. Overcoming this resistance would likely involve an extensive change management process, including training and possibly incentives to promote compliance with new procedures (Effendy, Charisma, Setyowati, 2019).

On the other hand, these reforms also present significant opportunities. Enhancing the protection of patient rights and confidentiality could improve the public's trust in the healthcare system. It could also promote better patient engagement as individuals who understand their rights and feel confident that their information is secure may be more likely to actively participate in their care (Widyahening, Indah S., Harimurti, Kuntjoro, 2019).

Furthermore, the transition towards digitalization could also open opportunities for the creation of jobs and development of new skills among healthcare and IT professionals in Indonesia, thereby contributing to the overall socio-economic growth of the country (Kusnanto, Hari, Rochmah, Thinni Nurul, 2018). Therefore, while challenges to these reforms are expected, they are outweighed by the significant opportunities and long-term benefits they present for patients, healthcare professionals, and the healthcare system in Indonesia as a whole.

Conclusion

The current legal framework, derived from both primary and secondary law sources, sets the foundation for patient rights protection, including the confidentiality of medical records and disclosure of information. However, the effectiveness of this framework is compromised by several challenges. These include resource limitations, a lack of comprehensive understanding of patient rights among healthcare providers, and disparities in law enforcement across regions.

On the other hand, the theoretical perspectives, drawn from the academic literature, shed light on the nuances of patient rights and healthcare provision. These perspectives emphasize the importance of communication, respect for patient autonomy, and the ethical implications of confidentiality and disclosure. However, the gap between theory and practice presents challenges in applying these principles in the context of Indonesia's healthcare system. The empirical evidence and case studies further underscore the need for legal and policy reforms. These include strengthening the legal provisions for patient rights and medical record

confidentiality, enhancing enforcement mechanisms, and promoting awareness among patients and healthcare providers.

The proposed reforms present potential challenges, including resource constraints and resistance to change. However, they also offer significant opportunities for improving patient care, building trust in the healthcare system, and promoting socio-economic development. In essence, the protection of patient rights, through enhanced medical record confidentiality and an effective information disclosure system, is a multifaceted issue requiring collaborative efforts from legal, healthcare, and policy-making stakeholders. It is an investment worth making, given its profound implications for the quality of healthcare, patient satisfaction, and public trust in Indonesia's healthcare system.

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