



Legal Sociology Study on Patient Rights in Health Services

Siswanto Pabidang^{1*}, Nadir², Adriana Pakendek³

¹Universitas Madura, Indonesia; e-mail: spabidang32@gmail.com

²Universitas Madura, Indonesia; e-mail: nadir@unira.ac.id

³Universitas Madura, Indonesia; e-mail: adriana.pakendek@unira.ac.id

* Corresponding Author : Siswanto Pabidang

Abstract. This study aims to examine the urgency of health services from a sociological study of health, secondly, to find out the rights of patients in health services based on health law. This type of research is qualitative research. The research specification in this writing is normative juridical (Legal Research). The type of normative juridical research is carried out by examining various kinds of formal legal regulations such as Laws, literature that is theoretical concepts which are then connected to the problem. The results of the study indicate that 1) the urgency of health services from a sociological study of health is based on the importance of health services that will pay attention to the rights of patients as recipients in accordance with applicable law; 2) patient rights in health services based on health law consist of patient rights, some of the most stated patient rights and also the basic rights of patients include: the right to medical information, the right to consent to medical action, the right to a second opinion, the right to see medical records.

Keywords: Rights, Health, Patients, Services, Urgency

1. INTRODUCTION

The regulation of health services for the people of Indonesia, philosophically comes from Article 34 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia which stipulates that health services are the responsibility of the state, and Article 28 H Paragraph (1) which stipulates the rights of citizens to receive health services. (Rusyd, 2018). Both articles are the embodiment of the principle of just and civilized humanity and the principle of social justice for all Indonesian people. Health services are the right of every person guaranteed in the 1945 Constitution, which is a constitutional mandate with the aim of advancing the welfare of society and improving the highest level of health for individuals, groups or communities.

PeHealth services consist of (1) individual health services; and (2) community health services. (Notoatmodjo, 2010). Peindividual health services are aimed at curing diseases and restoring the health of individuals and families. Health services are also regulated in the provisions of Article 5 paragraph (2) and Article 53 of Law Number 17 of 2023 concerning Health, namely: Article 4 reads: "Everyone has the right to obtain safe, quality and affordable health services."

Based on Article 5 of Law Number 17 of 2023 concerning Health, it regulates the rights and obligations of every person in realizing a healthy life. This article emphasizes that everyone has the right to a healthy life, while the state has an obligation to provide and guarantee quality health services for the entire community, as mandated in the 1945 Constitution of the State. BeBased on these provisions, it is emphasized that every citizen has the right to obtain and or receive services in the health sector, which are carried out in health facilities that have been prepared by the government. One of the facilities that organizes health services is a hospital, the scope of which includes health service efforts carried out by hospitals supported by medical personnel, health workers and other supporters, such as pharmacy, laboratory, radiology and so on.

Received: May 18th 2025

Revised: June 02th 2025

Accepted: June 20th 2025

Published: June 23th 2025

Curr. Ver.: June 23th 2025



Copyright: © 2025 by the authors.

Submitted for possible open

access publication under the

terms and conditions of the

Creative Commons Attribution

(CC BY SA) license

([https://creativecommons.org/li](https://creativecommons.org/licenses/by-sa/4.0/)

[censes/by-sa/4.0/](https://creativecommons.org/licenses/by-sa/4.0/))

The Statute's preamble mentions the right to health, which at first glance gives the impression that there is one word that is not written. In fact, the concept of the Statute clearly states "the right to health care", but for one reason or another this international document mentions "the right to health". So that health can be formulated as a condition characterized by physical, mental and social well-being, and not merely the absence of pain, illness and disability. (Fengker, 2007). Based on Article 1 paragraph 23 of Law No. 17 of 2023 concerning Health of the Populations aim every people who receive services from medical personnel and/or health workers.

Based on Article 23 paragraph (1) of Law Number 17 of 2023 concerning Health, it states that: "The provision of health services is carried out responsibly, safely, with quality, and evenly and non-discriminatory". Based on these provisions, every person or patient can obtain health service activities that are professional, safe, of quality, anti-discriminatory and effective and prioritize the safety of the patient's life over other interests. (Fengker, 2007). Therefore, patients have the right to obtain health services.

The role of hospitals is very important in providing legal protection for patients. According to Law No. 8 of 1999 concerning Consumer Protection, patients are consumers, consumers are every person who uses goods or services available in society. In general, patients are protected by Law No. 8 of 1999 concerning Consumer Protection, and Law No. 17 of 2023 concerning Health. Therefore, it is important for patients to be aware of what rights they get and the rules that apply as basic patient protection. Patient rights are regulated in Article 276 of Law No. 17 of 2023 concerning Health. These rights include: obtaining information about their health, adequate explanations regarding the health services received, and health services according to medical needs, professional standards, and quality services.

A hospital is a legal entity whose task is to provide public services, so in addition to its obligations towards patients, there are also obligations that need to be considered which are related to its legal status as a legal entity. (Notoatmodjo, 2010). In certain events in hospitals, there can still be a lack of response from the hospital in fulfilling patient rights in hospitals. Patient rights are rights that cannot be removed by anyone, including state authorities. These rights are inherent in humans themselves and others cannot replace them. A patient in a hospital also has rights that must be fulfilled and no one can refuse.

A patient in the hospital has the right to get the right service, facilities to support healing and the right medical personnel. Medical personnel in this case are doctors, dentists, specialist doctors, dental specialists. In certain circumstances, if there is a request for a second opinion from a patient or patient's family who is dissatisfied with the results given by the first doctor, and wants to ask for consultation or other considerations from a second doctor in the same hospital. This request from a patient is one of the rights of patients in the hospital.

This right is a right that must be respected and is one of the patient's rights. In receiving services in medical practice, patients have the right to ask for the opinion of another doctor or dentist as regulated in Article 276 of Law Number 17 of 2023 concerning Health. This right allows patients to get a second opinion regarding the diagnosis or treatment plan given by the previous doctor. Another term is the right to a second opinion. The right to obtain a second opinion is also regulated in Article 276 of Law Number 17 of 2023 concerning Health (Health Law) guarantees the patient's right to obtain health information and medical consultation, including the right to request consultation from another doctor who has a Practice License (SIP). Based on these provisions, it can be seen that patients undergoing services in hospital have the right to obtain the opinion of another doctor or dentist.

The existence of a phenomenon which shows that at the practical level of health services there are still violations of the fulfillment of patient rights. When the relationship between parties in health services is a form of commercial relationship, then both health workers and health service facilities (fasyankes) as business actors should be obliged to fulfill the rights of patients as consumers. This should also apply in the context of fulfilling patient rights in health services. This writing aims to study first, to study the urgency of health services from a sociological study of health, secondly, to find out the rights of patients in health services based on health law.

2. LITERATURE REVIEW

Sociology of Health Law

Law within the framework of sociology does not have the same meaning as it does in legal science. Sociology of law is primarily interested in the empirical or factual application of law. Sociology of law is not directly directed at law as a conceptual system itself, but rather at the social reality in which law plays a role.

Satjipto Raharjo explained that sociology of law is a science that studies law based on the application of law in society. Donald Black, sociology of law according to is a study that discusses special rules that apply and are needed, in order to uphold order in the life of society. Soetandyo Wignjosoebroto, sociology of law is a sociological study that focuses on legal problems as manifested as part of the life of society. Sociology of law aims to explain practically how sociology of law works. The study of sociology of law does not only examine law normatively, but is also associated with social phenomena that exist in society. This is related to the assumption that law is born from a social contract, namely an agreement made by members of society to maintain values.

Law cannot apply without society. Because law is created and created by society to be used as a guideline for the behavior of members of society in their relationships with each other. In addition, of course, to maintain the integrity of society itself. Furthermore, because society has different characteristics and experiences, the law will also be different in each society. This is because society has different needs and values. The development of society itself is then related to changes in law that are adjusted to the needs

Health Services

Peservice kesehatan according to article 1 (3) Law No. 17 of 2023 about health is every effort carried out individually or together in an organization to maintain and improve health, prevent and cure disease and restore the health of individuals, families, groups and public. Law Number 17 of 2023 concerning Health regulates promotive health services. Article 1 of this Law defines "Health Efforts" which include all forms of promotive, preventive, curative, rehabilitative, and/or palliative activities. Promotive health services, which are part of health efforts, aim to maintain and improve the health of the community. Meanwhile, Article 1 (8) explains Health Service Facilities are places and/or tools used to provide health services to individuals or the community with a promotive, preventive, curative, rehabilitative, and/or palliative approach carried out by the Central Government, Regional Government, and/or the community.

The government stated that every health facility must provide maximum health services. Through promotive, preventive, curative, rehabilitative, and/or palliative services. Not only that, to realize this, the central government and regional governments are also required to ensure the availability of information facilities and health service facilities in the implementation of health that is promotive, preventive, curative, rehabilitative, and/or palliative. As per article 1, health facilities include health centers and hospitals. Community Health Center hereinafter referred to as Puskesmas is a first-level Health Service Facility that organizes and coordinates promotive, preventive, curative, rehabilitative, and/or palliative Health Services by prioritizing promotive and preventive in its working area. Hospital is a Health Service Facility that organizes complete individual Health Services through promotive, preventive, curative, rehabilitative, and/or palliative Health Services by providing inpatient, outpatient, and Emergency services.

Article 26 of the Health Law explains that health efforts in the form of services are carried out through primary health services and secondary health services. The implementation of health efforts includes 22 aspects of services, namely maternal, infant and child health, adolescent, adult, elderly (elderly), and people with disabilities, reproductive health, nutritional health, mental health, control of infectious diseases, and control of non-communicable diseases. Other aspects include efforts for vision and hearing health, family health, school health, occupational health, environmental health, dimensional health, health services in disasters, blood services, organ and/or tissue transplantation, cell-based therapy and/or stem cells, reconstructive and aesthetic plastic surgery, security of pharmaceutical preparations, medical devices, and PKRT, security of

addictive substances, medical services for legal purposes, and traditional health services. Technical aspects of health services start from health service standards, the implementation of primary health services and advanced health services, including health services in DTPK and areas with health problems and areas of no interest, as well as telehealth and telemedicine.

Based on the description above, health services provided in health centers, clinics and hospitals are regulated in general in the Health Law, in Article 1 paragraph (8) of the Health Law it states that the provision of health services is carried out responsibly, safely, with quality, evenly and non-discriminatory. In this case, every person or patient can obtain health service activities that are professional, safe, of quality, anti-discriminatory and effective and prioritize the safety of the patient's life over other interests.

Patient Rights

Dada patient or patient is someone who receives medical treatment, the word patient from Indonesian is analogous to the word patient from English, patient is derived from Latin, namely *patiens* which has the same meaning as the verb *pati* which means "to suffer", a sick person (who is being treated by a doctor), a sufferer (sick). See according to Article 276 of Law Number 17 of 2023 concerning Health regulates patient rights in receiving health services. These rights are:

1. Get information about his health:
Patients have the right to receive complete and accurate information about their health condition, including diagnosis, prognosis, and treatment plan.
2. Get adequate explanation regarding the health services received:
Patients have the right to receive clear and easy-to-understand explanations of medical procedures, risks, benefits, and available treatment alternatives.
3. Get health services according to medical needs, professional standards, and quality services:
Patients have the right to receive health services that are appropriate to their medical needs, carried out by competent and experienced medical personnel, and in accordance with applicable professional standards.

Types of patients include:

- a. Dad General category when entering the ER is to take care of the registration at the counter, and pay directly at the hospital cashier. With the procedure of bringing an identity card and medical card (if any).
- b. Dadsien who has a Jamkesda Card (Regional Health Insurance). Patients who have a Jamkesda card (Regional Health Insurance) must bring a letter from the Health Office, a referral from the Health Center, an Identity Card, and a Family Card. Each is photocopied 5 times. And take care of the requirements for guaranteeing the cost of treatment.
- c. Dadsien who is a member of Jasa Raharja Insurance. Patients who are members of Jasa Raharja insurance need to bring a medical card, identity card, hospitalization order letter, police report letter, and guarantee letter from Jasa Raharja. By taking care of the cost guarantee at the cashier.
- d. Dad Those who have a BPJS (Social Security Administration) Card. Patients must bring the Healthy Indonesia Card (KIS), identity card and Patient Eligibility Letter (SEP) issued by the hospital. .

3. METHODS

Legal research methods are procedures or steps that are considered effective and efficient. (Abdurrahman, 2003). Normative legal research methods have several contents, namely research type, problem approach, legal materials, procedures for collecting legal materials and processing and analysis of legal materials. (Poesoko, 2012). Legal research is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced. (Marzuki, 2014).

This type of research is qualitative research, a research method that emphasizes more on the aspect of in-depth understanding of a problem rather than looking at the problem. The research specification in this writing is normative juridical (Legal Research), namely

research that is focused on studying the application of rules or norms in applicable positive law. The type of normative juridical research is carried out by studying various kinds of formal legal rules such as Laws, literature that is theoretical concepts which are then connected to the problem.

The approach taken in this research is as follows:

- a The statute approach is an approach that is carried out by examining all laws and regulations related to the legal issue being faced.
- b The conceptual approach is an approach that departs from the views and doctrines that develop from legal science. Related to this research, it refers to the relationship between health law and developing doctrines.

Based on these views and doctrines, it is a basis for research in building a legal argument in solving the legal issues faced. The sources of legal materials used are:

- a Primary legal materials consist of legislation, official records or minutes in the making of legislation and judicial decisions.(Marzuki, 2014).
- b Secondary legal materials consist of all publications on law that are not official documents. Publications on law include textbooks, legal dictionaries and legal journals, and commentaries on court decisions. Secondary legal materials used in writing this thesis include legal textbooks and legal writings that are relevant to the content of the law being faced.
- c Non-legal materials, called tertiary legal materials, support primary legal materials and secondary legal materials.(Marzuki, 2014). Non-legal materials can be in the form of books outside of legal science obtained through the internet, dictionaries, or even scientific writing guidebooks.

Legal material analysis is a method used by the author in determining the answer to the problem being discussed. Peter Mahmud Marzuki stated that the steps that must be taken by the author in legal research are:

- a Identifying legal facts and eliminating irrelevant matters to determine the legal issue to be resolved;
- b Collection of legal materials and, if deemed relevant, also non-legal materials;
- c Conduct a review of the legal issues raised based on the materials collected;
- d Drawing conclusions in the form of arguments that answer legal issues;
- e Provide a prethesis based on the arguments that have been built in the conclusion.

Based on these steps, the author will conduct a review of legal issues to draw conclusions based on the legal materials that have been collected using the deductive legal material analysis method, namely starting from a general problem to specific matters.

4. RESULTS AND DISCUSSION

a. Urgency of Health Services from Health Sociology Study

Triwibowo (2013), explains that service is an offer from a person or group of people that is intangible and its production is not in the form of a physical product. Article 1 paragraph (3) of Law Number 17 of 2023 concerning Health explains that health services consist of individual and community services. Health services vary, including individual and community. Activities carried out to carry out health services include promotion, prevention, curative and rehabilitative. Health services consist of individual health services and community health services. Health services include activities with a promotive, preventive, curative and rehabilitative approach. Promotive health services introduce to the community, preventive health services carry out prevention, curative health services are healing diseases and rehabilitative services are for the recovery and return of sufferers to the community.

Service the legal world is a topic regarding "rights and obligations". Based on the law in the health sector, it revolves around the rights and obligations of health service providers on the one hand alongside the rights and obligations of patients on the other hand, covering both specific and general matters. The basis for the existence of these rights and obligations is stated in various regulations, both international and national. The implementation of services in the health sector will cause problems in the field, it is still necessary to have clear legal regulations (rights and obligations) between providers and

users of health services, especially in this case the state/government with its citizens/society(Bahri, 2016).

KeHealth is one of the basic human needs, besides clothing, food and shelter. The development of health services currently understands health ethics in improving community welfare. Understanding health ethics is a requirement that is considered increasingly necessary, because health ethics discusses the moral code of doctors in carrying out their profession, especially those related to patients. Therefore, the health system normatively fosters the development of special health laws (*Lex specialis*) which contain provisions for deviations/exceptionalism when compared to general legal provisions (*Lex generale*)(Bahri, 2016). Health ethics also discuss the moral code of health workers (medical personnel) in carrying out their profession, especially those related to patients, therefore this health ethics is a guide for health workers in carrying out their profession so that they can be considered professional.

Health is very important because as one of the most basic rights for humans, then the service of various laws and regulations. The 1945 Constitution of the Republic of Indonesia affirms in Article 28 H paragraph (1) that "everyone has the right to obtain health services". The existence of the right to obtain "health services" can be ascertained from the existence of the right to health itself. Law of the Republic of Indonesia No. 32 of 2009 concerning Protection and Management of the Environment. Article 65 paragraph (1) of this Law affirms that a good and healthy environment is part of Human Rights (HAM). Therefore, health needs are required to be fulfilled and the provision of resources that are indeed needed by the community in order to realize this health.

Health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in the Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. Therefore, every activity and effort to improve the highest level of public health is carried out based on the principles of non-discrimination, participation, protection, and sustainability which are very important for the formation of Indonesian human resources, increasing the resilience and competitiveness of the nation, and national development. Efforts to improve the highest level of health initially took the form of efforts to cure diseases, then gradually developed towards the integration of health efforts for the entire community by involving the community at large which includes promotive, preventive, curative, and rehabilitative efforts that are comprehensive, integrated and sustainable.

The existence of Complaints from the community, especially for people with lower middle class economy, are a reflection that health services in Indonesia as a whole are not optimal so that improvements are still needed in several sectors. In addition, the development of health technology that goes hand in hand with the emergence of the globalization phenomenon has caused many changes whose nature and existence are very different from the text contained in Law Number 17 of 2023 concerning Health. Improving the quality of health services will depend on the competence, availability, productivity and responsiveness of health professionals. Delays in receiving treatment are the most dominant factor for patients, many patients complain because the treatment they receive is very slow and does not meet patient expectations.

Health services do not only focus on the attention of the right medicine, right time, right patient, right dose, and right procedure. These health services require knowledge about the importance of the right approach in their implementation. This is related to the fact that health services are a social practice that positions health workers in front of whole humans who need a humanitarian approach. Therefore, knowledge about the socio-cultural aspects in improving health services is an important thing that needs to be understood by health workers. In this context, health services require services with the right approach, namely an approach that is socio-culturally aware. The most important thing is that health services will pay attention to the rights of patients as recipients in accordance with applicable laws.

b. Patient Rights in Health Services based on Health Law

Based on the Indonesian patient, it is analogous to the English patient. Patient is derived from Latin, namely *patiens*, which has the same meaning as the verb *pati*, namely to suffer. A patient is someone who receives medical treatment. (Soeparto et al., 2006). Dadsien ain person yesng based on inspection doctor stated suffer suffering from illness either in the body or in the soul. In its development, the patient is also interpreted broadly, including people who come to the doctor only for a check-up, for consultation about a health problem and so on. (Lubis, 2009).

Dadpatients are recipients of health services in hospitals, whether they are healthy or sick. (Mertokusumo, 2005). SecaIn general, rights are a person's demands for something that is his personal need, in accordance with justice, morality and legality. Sudikno Martokusumo in his book *Mengenal Hukum Sebuah Pengantar* states that in the sense of law, right ain interest law yesg protected by law. Self-interest means a demand that is expected to be fulfilled. So it can be said that rights are a demand whose fulfillment is protected by law. (Mertokusumo, 2005).

YesNus Sidabalok stated that there are 3 (three) types of rights based on the source of fulfillment, namely:

1. Human rights by nature, namely the rights we obtain as soon as we are born, such as the right to life and the right to breathe. These rights may not be violated by the state and the state is even obliged to guarantee their fulfillment.
2. Rights that arise from law, namely rights granted by the state to its citizens. These rights are also called legal rights.
3. Rights arising from contractual relationships. These rights are based on agreements/contracts between one person and another. (Sidabalok, 2006).

Based on Article 276 of Law Number 17 of 2023 concerning Health, it is explained that patients have rights including:

1. Get information about his health
2. Get adequate explanation regarding the Health Services received
3. Get health services according to medical needs, professional standards, and quality services.
4. Refuse or approve medical action, except for medical action required for the prevention of infectious diseases and the management of outbreaks or epidemics.
5. Gaining access to information contained in medical records
6. Ask for the opinion of medical personnel or other health workers and
7. Obtain other rights in accordance with the provisions of laws and regulations.

Patient rights are actually basic rights and are derived from the basic rights of individuals, the right of self-determination, or *zelfbeschikkingsrecht*. Rights, in Black's Law Dictionary 7th ed, meaning as a right which contains several things, including natural rights, political rights, and personal rights (civil rights) (Ari, 2010). Patient rights are the authority of a patient to fulfill his/her demands in accordance with moral or ethical principles. (Diwa Dewi, I. & Mustikasari, 2008). Patient rights can arise from the legal relationship between health workers and patients and arise from the professional obligations of health workers based on professional provisions. Fred Ameln mentions several patient rights. According to him, these rights include the right to information, the right to provide information, the right to choose a doctor, the right to choose a health facility, the right to medical confidentiality, the right to refuse treatment, the right to refuse a certain medical action, the right to stop treatment, the right to see medical records, and the right to a second opinion. The rights that patients have include:

a. Right to information

The right to information is the right to obtain information from a doctor about matters that relatedbro therebro tohis health, dnatural hal happen connectbro ddoctor-patient. Ideally, the minimum information that must be conveyed is:

- 1) Diagnosis (analysis of disease according to medical knowledge)
- 2) Risks of medical procedures
- 3) Alternative therapies, including the advantages and disadvantages of each alternative therapy.

- 4) Prognosis (healing efforts)
- 5) How doctors work in the medical procedure process
- 6) The advantages and disadvantages of each therapeutic alternative are broadly
- 7) See all possible risks
- 8) Possible pain

b. Right to consent

In connection with action medical so right For determine self Alone formulated with what is known as informed consent. This right is the patient's basic human right to refuse or approve medical action, except for medical action required for the prevention of infectious diseases and the management of outbreaks or epidemics after the doctor gives information as in the article Article 276 of Law Number 17 of 2023 concerning Health.

c. The right to medical confidentiality

Information obtained by doctors in carrying out their profession is known as medical confidentiality. Doctor obliged For keep information confidential about patient And patient's illness. This doctor's obligation becomes the patient's right. The right to medical confidentiality is the individual right of the patient. Individual rights will be set aside if society demands.

d. Right to a second opinion

Fact become proof sometimes it happens difference pegot antar the first doctor and the second doctor. It is possible that a patient secretly goes to the second doctor without the knowledge of the first doctor. What is meant by a second opinion is a collaboration between the first and second doctors. The first doctor will provide all the results of his work to the second doctor. This collaboration is not on the patient's initiative. By institutionalizing the right to a second opinion as a patient's right, the benefits to the patient are enormous. First, the patient does not need to repeat routine examinations anymore. Second, the first doctor can communicate with the second doctor so that with openness from experts who are of the same level of ability, they can produce better results.

e. Right to see medical records

Make record medical become obligation from doctor/home Sick since enactment. Patients have the right to access information in their medical records, in accordance with Article 276 letter e of Law Number 17 of 2023 concerning Health. This right is also regulated in Article 297 paragraph (2) of the Health Law. Based on Article 276 letter e, it is explained that patients have the right to access information contained in medical records. Article 297 paragraph (2) states that health service facilities are required to maintain the security, integrity, confidentiality, and availability of data contained in medical record documents. Article 276 stipulates that every health service facility that provides outpatient or inpatient services is required to create medical records.

Declaration on the Rights of the Patients yesng issued by WMA (Wworld Medical Association) contains the patient's rights to confidentiality as follows:(Sampurno, 2011):

- a. Seemua information yesg identified about status health patient, condition medical history, diagnosis, prognosis, and medical treatment, as well as all other information of a personal nature, must be kept confidential, even after death. Exceptions to this are that relatives of patients may have the right to receive information that may inform them about risks to their health.
- b. InConfidential information may only be disclosed if the patient gives explicit permission or can be legally provided to other health care providers only on a "need to know" basis unless the patient has given explicit permission.
- c. SeeAll patient data must be protected. Protection of data must be appropriate during storage. The human substance from which data can be derived must also be protected. Declaration This Also state there isa exception to obligation guard Confidentiality if there are several things is relatively not a problem.

Based on sociological studies, servicer in the health sector is one dimension of stratification that cannot be influenced by capitalists. In American medicine, two class systems are known. Low-income people who have difficulty getting welfare in the health sector and rich people who can easily get good and classy services in the health sector. There are three bases of stratification in medical institutions, namely:

a. Profficialism :

Orange-people who are trained in a particular profession, who have the expertise to assess aspects of medical techniques. Because of this autonomy, doctors can dominate the division of labor in the medical field, this authority can be extended to social and economic aspects of health services. The authority held by doctors is generally based on rational considerations.

b. Elitism:

Elitisme in the medical field makes doctors take specialist education, and also work in hospitals that are usually filled with experts, so that hospitals that should need experts do not get them. The implications of elitism are widespread so that as a result they tend to work for large hospitals. And vice versa for doctors who do not have the opportunity to continue their specialist education who work in distant places, causing the quality of their services to be poor for patients.

c. Communication Limitations and Medical Stratification:

The existence of a competence gap is a source of stratification in the health sector, patient ignorance is one of the potentials for blackmail, Freidson said that the special position of doctors will be threatened if their actions and decisions must be clear and justified by the patient. The insistence on trust is a way for patients to surrender to the doctor, this allows doctors to maintain that they are the ones who have the authority in that knowledge. The doctor's ability to control and manipulate is what is contrary to the doctor-patient relationship.

In addition, patient rights in terms of consumer protection, hospital patients are consumers, so in general patients are protected by Law No. 8 of 1999 concerning Consumer Protection (Law No. 8/1999). According to article 4 of Law No. 8/1999, consumer rights are:

- a. The right to comfort, security and safety in consuming goods and/or services;
- b. The right to choose goods and/or services and to obtain said goods and/or services in accordance with the exchange value and conditions and guarantees promised;
- c. The right to correct, clear and honest information regarding the condition and guarantee of goods and/or services;
- d. The right to have opinions and complaints heard regarding the goods and/or services used;
- e. The right to receive advocacy, protection and appropriate efforts to resolve consumer protection disputes;
- f. The right to receive consumer guidance and education;
- g. The right to be treated or served properly and honestly and without discrimination;
- h. The right to receive compensation, damages and/or replacement, if the goods and/or services received do not comply with the agreement or are not as they should be;

Protection of patient rights is indeed regulated in Law Number 17 of 2023 concerning Health. This law emphasizes the importance of patients' rights to obtain information about their health, explanations about health services, and quality health services.

Furthermore, if their rights are violated, the legal remedies available to the patient are:

- a. Submit a lawsuit against the business actor, either to a general court or to an institution that has special authority to resolve disputes between consumers and business actors (Article 45 of the Consumer Protection Law No. 8 of 1999)
- b. Report to the police or other investigators. This is because in each of the laws mentioned above, there are provisions for criminal sanctions for violations of patient rights.

Demandn society about the importance of good and clean clinical governance is important for health service providers to do. The second aspect is the existence of efforts and abilities to provide effective services. In reality, in providing effective and satisfying health services. There is a recode of the duties and functions of health services in the initial understanding of what is meant by health services is to eliminate symptoms of the disease. This understanding has begun to be abandoned and is now directed at health services as part of the education process and learning of healthy living for every member of society. This is where changes in the codes of roles and functions of health services are made. This means that a health worker is required to provide comprehensive services starting from symptoms, causes, to the effects of the disease itself so that a patient can truly have a quality of life.

5. CONCLUSION

Based on the description, it can be concluded that 1) the urgency of health services from the study of health sociology is based on the importance of health services that will pay attention to the rights of patients as recipients in accordance with applicable laws; 2) patient rights in health services are based on health law consisting of patient rights, some of the most stated patient rights and also the basic rights of patients include: the right to medical information, the right to consent to medical actions, the right to a second opinion, the right to see medical records. Regulations on legal protection of patient rights in the Laws and Regulations on Health in Indonesia, are based on Law Number 17 of 2023 concerning Health. The patient rights protected in these two laws are to get a complete explanation of medical actions, ask for the opinion of another doctor or dentist, get services according to medical needs, refuse medical actions and get the contents of medical records, medical secrets and the right to claim damages for errors or negligence in health services, which are then further regulated in several regulations of the Minister of Health.

Suggestions that can be submitted include the government improving public health services by providing decent health facilities. The hospital prioritizes patients in health services with proper procedures and regulations.

REFERENCES

- [1] Abdurrahman, S. and. (2003). *Legal Research Methods*. Rineka Cipta.
- [2] Ari, Y. & H. (2010). *Criminal Law of Medical Malpractice*. Andi Publisher.
- [3] Bahri, S. (2016). *Introduction to Accounting*. CV. Andi Offset.
- [4] Diwa Dewi, I. & Mustikasari, SA (2008). Fulfillment of patient rights in a hospital in Jakarta. *Indonesian Nursing Journal*, 12(2).
- [5] Lubis, S. (2009). *Understanding Consumer and Patient Rights*. Yustisia Library.
- [6] Marzuki, PM (2014). *Legal Research*. Kencana Prenada Media Group.
- [7] Mertokusumo, S. (2005). *Understanding the Law: An Introduction*. Liberty.
- [8] Notoatmodjo, S. (2010). *Health Ethics and Law*. Rineka Cipta.
- [9] Poesoko, H. (2012). *Course Dictation on Legal Writing and Research Methods*. Faculty of Law, University of Jember.
- [10] Rusyad, Z. (2018). *Patient Protection Law, The Concept of Legal Protection in the Fulfillment of Health Rights by Doctors and Hospitals*. Setara Press.
- [11] Sampurno, B. (2011). *Final Report of the Health Law Compendium Compilation Team*. National Legal System Research and Development Center, BPHN, Ministry of Law and Human Rights of the Republic of Indonesia.
- [12] Sidabalok, J. (2006). *Consumer Protection Law in Indonesia, Liability according to Civil Law*. Raja Grafindo Persada.
- [13] Soeparto et al., P. (2006). *Ethics and Law in the Health Sector*. Airlangga University Press.
- [14] Tengker, F. (2007). *Patient Rights*. CV. Independent Forward.
- [15] Triwibowo, C. (2013). *Nursing Service Management in Hospitals*. TEAM.