Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

Private Hospital Legal Entity Liability for Negligence in Health Services Based on Doctrine Corporate Negligence

Seska Pukul
Mahasiswa Program Studi Doktor Ilmu Hukum, Universitas Sam Ratulangi
Jl. Kampus No. 95115, Bahu, Kec. Malalayang, Kota Manado, Sulawesi Utara
Correspondence Email: 79seskapukul@gmail.com
ORCID ID: 0000-0002-1447-8940

ABSTRACT

This study aims to examine the nature of the doctrine of *Corporate Negligence* for negligence in health services in private hospitals, explain the legal arrangements for negligence in health services in private hospitals and find forms of responsibility for private hospitals for negligence in health services based on the concept of corporate responsibility. Regarding the responsibility of the Hospital for negligence in health services as regulated in Article 46 of Law number 44 of 2009, concerning Hospitals, it is not explained in detail who can represent the Hospital to be legally responsible for the negligence and loss as intended. This research used normative legal research and the literature study was carried out using a series of documentation studies by collecting, reading, studying, making notes, and quotes and reviewing library materials that are related to the problems under discussion. Based on the results, The point of the doctrine *Corporate Negligence* is to maintain safe and adequate facilities and equipment for patients, to select and retain only competent doctors, to supervise all those who practice medicine within the Hospital to treat patients and to formulate, adopt, and enforce adequate rules and policies for the treatment of patients.

Keywords: Corporate Negligence, Health Services, Liability, Negligence

JEL Classification Codes: I10, I18, I19

INTRODUCTION

Hospital is a place where medical personnel carry out their activities professionally based on the oath and code of professional ethic. Article 46 of Law Number 44 of 2009, concerning Hospitals, mentioned that hospitals are legally responsible for all losses caused by negligence committed by health workers at hospitals where they work. If it is reviewed further from the provisions of Article 46 of Law Number 44 of 2009, concerning Hospitals, in principle the legal responsibility of the hospital is the responsibility that can be imposed on the hospital as a health service facility in carrying out health efforts (Guwandi, 2006). Article 1367 paragraph (3) of the Civil Code stated as that employer and those who appoint other people to represent their affairs, are responsible for losses issued by their servants or subordinates in doing the work for which these people are used. The provisions of Article 1367 paragraph (3) of the Civil Code above explain that hospitals are responsible for all actions carried out by doctors/health workers who work

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

in hospitals. Several rules related to the title of this research are Law Number 44 of 2009, concerning Hospitals; Law Number 36 of 2009, concerning Health; Law Number 29 of 2004, concerning Medical Practice; Law Number 38 2014, concerning Nursing; Law Number 36 of 2014, concerning Health Workers; Law Number 4 of 2019, concerning Midwifery, Vicarious Liability/Respondents Superior Liability Doctrine, Captain Of The Ship Liability doctrine, Borrowed Servant Liability Doctrine, doctrine *Corporate Negligence* and various other provisions.

Although the responsibility of hospitals in Indonesia has been regulated in Article 46 of Law Number 44 of 2009, concerning Hospitals which basically stated that hospitals are legally responsible for all losses caused by negligence committed by health workers in hospitals but in its implementation turns out that the regulation does not necessarily result in the hospital being responsible for negligence committed by health workers. An example of a case involving medical personnel is the case of dr. Dewa Ayu Sasiary Prawani, at the Central General Hospital Dr. RD Kandow, Manado, North Sulawesi, on April 10, 2010, which case was registered with the Registrar of the Manado District Court under Number: 90/PID.B/2011/PN.MDO, the case was dated September 22, 2011 (Manado District Court Decision Number: 90/Pid.B/2011/PN.MND).

Corporate negligence was recognized as a cause of action by the Pennsylvania Supreme Court in the Thompson v. Nason Hospital corporate. Negligence is a doctrine under which a hospital is liable, if they fail to enforce proper standards of care for which patients have to pay. In the doctrine, *corporate Negligence* hospitals are responsible if they fail to enforce appropriate health service standards, which must ensure the safety and well-being of patients during hospitalization. Direct liability to hospitals can also be based on the fact that hospitals supervise people who work based on the doctrine of vicarious liability and corporate liability as a result of corporate negligence (Iheukwumere, 2001).

Many cases occur related to negligence of medical personnel in Indonesia and there is still no a legal certainty regarding the form of hospital responsibility as a legal entity that is responsible for the actions taken by their medical personnel. Therefore, the author chose this topic for this research and it formulates the problem as follows 1). What is the nature of the doctrine of corporate negligence for negligence in health services in private hospitals? 2). What are the legal arrangements for negligence in health services in private hospitals? 3). What is the form of liability of private hospitals for negligence in health service based on the concept of corporate responsibility?

This research is expected to be useful theoretically and can increase information and knowledge in the development of legal science related to the liability of private hospital legal entities based on the doctrine *Corporate Negligence*, as well as give contribution for science in general, especially for the study of positive law.

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

Literature Review
1. Liability Theory
According to Nieuwenhuis (1985), liability arises because of unlawful acts (*onrehmatigedaad*) and is the cause (*oorzaak*) of losses. While the perpetrator must be responsible for the loss.

2. Theory of Legal Entities
According to Proffesor Wirjono Prodjodikoro in Simanjuntak (2015), a legal entity is an entity which besides being an individual human being is also considered to be able to act under the law and has rights, obligations and legal relations with other people or entities.

3. Theory of Legal Certainty
Legal certainty contains two meanings, first is the existence of general rules to make individuals know what actions may or may not be carried out, and second, in the form of legal security for individuals from government arbitrariness because of the existence of general rules in nature that individual can know what the State may charge or do to them (Syahrani, 1999).

4. Overview of Legal
Responsibilities occur because of obligations that are not fulfilled by one of the parties to the agreement, it also makes the other party suffer losses due to their rights not being fulfilled by one of the parties. Ridwan Halim defined legal responsibility as a further consequence of the implementation of the role, whether the role is a right, obligation or power (Soekidjo, 2010).

5. General Overview of Hospitals
According to Article 1 of Law Number 44 of 2009, concerning Hospitals, hospitals are health service institutions that provide complete individual health services, both promotive, curative, and rehabilitative, which provide inpatient, outpatient services. roads, and emergency services.

6. Health Services
The Definition of health services is any effort carried out individually or simultaneously within an organization to maintain and improve health, prevent and cure disease, and restore the health of individuals, families, groups, and communities. While the definition of health services according to Law Number 36 of 2009, is a healthy condition, both physically, mentally, spiritually and socially that allows everyone to live socially and economically productive (Mubarak, 2009).

7. Corporate Negligence
In 1991, *Corporate Negligence was* recognized as a cause of action by the Pennsylvania Supreme Court in the Thompson Hospital v. Nason. Corporate negligence is a doctrine under which a hospital is liable if they fail to enforce proper standards of care for which patients have to pay. These "standards of care" ensure the safety and well-being of

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

patients during hospitalization (The National Law Review, 2015). Hospital duties that cannot be delegated, in the context of corporate negligence claims, are classified into four general areas 1) duty to use reasonable care in the safe and adequate maintenance of facilities and equipment, 2) duty to select and retain only competent doctors, 3) duty to supervise all those who practice medicine in hospitals, and 4) the obligation to formulate, adopt and enforce adequate and appropriate rules, policies and procedures to ensure quality care for patients.

8. Thinking

This dissertation framework begins with the implementation of regulations relating to the form of hospital responsibility for negligence committed by medical personnel in medical services. The responsibility of the hospital itself has been stated in Article 46 of Law Number 44 of 2009, concerning Hospitals. The provisions of Article 46, in principle, explained that the legal responsibility of the hospital is the responsibility that can be imposed on the hospital as a health service facility in carrying out health efforts. However, in its implementation, Article 46 is considered to be still not effective enough or still experiencing ambiguity so that in several cases of hospital liability in Indonesia, hospitals as corporations cannot be held accountable. For this reason, several supporting doctrines are needed in the application of hospital regulations such as the doctrine Corporate Negligence.

RESEARCH METHOD

This study used normative legal research (Waluyo, 1996). This study was conducted using conceptual approach and comparative approach to the phenomenon of the application of the doctrine of *Corporate Negligence* legal to the liability of private hospitals with legal entities that occurred and examined the law as a rule, and examined the process of enforcing cases of negligence in medical services. The sources and types of data used were secondary data, consisting of 3 (three) legal materials, Primary Legal Materials, Secondary Legal Materials and Tertiary Legal Materials. The data were collected by using a series of documentation studies by reading, studying, making notes, and quotes and reviewing library materials that are related to the problems being discussed in the research.

After secondary data and primary data were collected and processed, then determining which data are good, through editing, interpretation, and systematization activities. The data, then analyzed by using qualitative technique. Descripting and making assessments based on the views of laws and regulations, theories or expert opinions and logic so that logical conclusions can be drawn and are answers from problems (Rianto, 2004).

RESULTS AND DISCUSSION

The nature of the Doctrine of *Corporate Negligence* against negligence in health services in Private Hospitals is reviewed through several important points, as follows:

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

1. Responsibilities of Hospitals Due to Negligence (Negligence*)*) in Health Services.

Negligence can be blamed and sued according to law if it meets the 4D elements (Triwibowo. 2014):

a. *Duty* (Liability)
b. *Dereliction of that duty* (Deviation of Obligations)
c. *Direct Causation* (cause or direct effect)
d. *Damage* (Loss)

2. Hospital Responsibilities in the Legal System *Common Law*.

According to Purnomo (2003), health responsibilities within the hospital according to the health doctrine are:

a. *Personal Liability* is the responsibility attached to the individual.
b. *Strict Liability* is responsibility without fault.
c. *Vicarious Liability* is the responsibility that arises as a result of mistakes made by subordinates.
d. *Respondent's Liability* is joint responsibility.
e. *Corporate Liability* is the responsibility that lies with the government.

Based on common law, the doctrine related to hospital responsibility is the doctrine of vicarious liability/respondent superior/let the master answer. Then, the doctrine vicarious liability developed so as to produce the doctrine corporate liability related to the Superior Respondent, which is a universally applicable doctrine, both in countries with a *common law system* and in countries with a *civil law system* (Guwandi, 2011). In this case, only a few doctrines used related to paper Corporate Negligence, which is:

a) Doctrine *Vicarious Liability* and *Respondent Superior*

Historically, the vicarious liability doctrine was formerly known as Respondeat Superior whose understanding was rooted in the relationship between the employer and their subordinates. In Indonesia, the responsibility of the employer to their subordinates are regulated in the Civil Code, namely Article 1366 jo. 1365 jo. 1367 paragraph (3). The patient's lawsuit is filed with the hospital as an employer who usually has a better financial situation than the doctor who is an employee. Moreover, the hospital can sue the doctor again by, for example, deducting the doctor's salary. The Doctrine *Superior Respondeat* emphasizes the responsibility of an employer which is not confined to a single employer but rather involves all superior above subordinate (Binder, Weisberg, & Kaplan, 2012). The Doctrine *Superior Respondeat* cannot be applied to subordinates who are *outsourced* or casual or contract employees, because they do not have a direct or permanent relationship between the employer and the subordinate (Dinstein, 1978).

b) Doctrine *Captain of The Ship* and doctrine *Borrowed Servant*

Traditionally doctrine *Captain of The Ship* and doctrine *Borrowed Servant* used to lawsuit for negligence that occurred in the operating room. However, due to the development (*care delivery*), the two doctrines can be used. Doctrine *Borrowed servant*: the employer

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

in the operating room is a working doctor or nurse. Meanwhile, doctors, surgeons, or other health workers can be held liable for lawsuits against temporary workers.

c) *The Doctrine of Corporate Liability*
According to this doctrine, the hospital according to the law can be held responsible for all events that occur behind the (*hospital wallswithin hospital walls*). This means that the patient can ask the hospital to be responsible for the mistakes or negligence of the doctor working at the hospital regardless of the status of the doctor, whether it is a permanent doctor or a visiting doctor.

3. Hospital Management in Relation to Professional Responsibilities.
Basically, the hospital is a complex organization (Adikusumo, 2003). The complexity of the hospital organization is due to the involvement of sources of power and autonomy from several parties, namely the involvement of the Government to ensure the fulfillment of public health, the involvement of hospital owners with a noble mission to establish and maintain the good name of their hospitals, the involvement of professionals such as doctors with responsibility to prioritize patient health and safety, involvement of hospital directors as an organ that encourages the creation of better management in hospitals, community involvement as users of health services and involvement of business people, especially the business of medical devices, drugs, and others that support health care (Sabarguna & Listiani, 2004).

Of the six sources of power and autonomy, there are relationships among the three parties that are important components of hospital organization that make the characteristics of hospital organizations unique. The relationship in question is the relationship that occurs among the *governing body*, hospital directors, and medical staff, that is, all three must complement and control each other according to their functions and authorities. The hospital's internal regulations can provide legal certainty in the division of authority and responsibility among the *governing body*, the board of directors and the medical staff (Decree of Minister of Health Number 772/MENKES/SK/VI/2002).

A. Legal Arrangements Against Negligence in Health Services in Private Hospitals Private Hospital

1.Liability according to the Civil Code (KUH Perdata)
In terms of civil law liability, the hospital as a legal entity is responsible as one *entity* (corporation) and is also responsible for the actions of the people who work in it (*respondeat superior*) as regulated in Article 1365-1367 of the Civil Code. Comparing the wording of Article 46 of Law Number 44 Year 2009 on Hospitals to Article 1367 of the Civil Code paragraph (3), it can be concluded that Article 46 of Law No. 44 of 2009 on Hospital is a *derivative* or a derivative of Article 1367 of the Civil Code subsection (3) which applies specifically to hospitals, or Article 46 of Law Number 44 Year 2009 is *lex specialist (*Arifin, 2016).

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

Claims or civil claims that can be submitted to the Hospital (legal liability) as previously mentioned are:

a. Liability based on default or breach for breach of promise based on *contract contractual liability* as stipulated in Article 1239 of the Civil Code.
b. Liability based on unlawful acts (*onrechtmatige-daad*) as regulated in provisions of Article 1365 of the Civil Code.

2. Liability of Private Hospitals according to Legislation Related Hospitals

a. *According to Law Number 44 of 2009 concerning Hospitals*
Article 46 of the Hospital Law limits the liability of hospitals for losses incurred by health workers in hospitals.
b. *Legal Relations between Medical Personnel and Hospitals in Law Number 29 of 2004 concerning Medical Practices*
The legal relationship between medical personnel and hospitals in this Law is not clearly regulated, but Article 41 and Article 42 of Law number 29 of 2004, the visible legal relationship is that the hospital as a health service facility is a place for the implementation of health service efforts used by doctors to practice medicine.
c. *Law Number 36 of 2014 concerning Health Workers*
Article 26 of Law Number 36 of 2014 shows that medical personnel, which in this case are included in health workers, have a legal relationship with hospitals, namely as labor relations, where hospitals are employers, and medical personnel as hospital workers.
d. *Law Number 13 of 2003 concerning Manpower*
Article 50 of the Manpower Act stipulates that employment relations occur because of an employment agreement between employers and workers/laborers. In the article, it can be correlated in the hospital's relationship with medical personnel of Non-State Civil Apparatus that the hospital as employer (entrepreneur) and medical personnel of Non-State Civil Apparatus as workers bound by a work agreement.
e. *Indonesian Hospital Code of Ethics (KODERSI)*
The Indonesian Hospital Code of Ethics (KODERSI) contains a series of values and moral norms for Indonesian hospitals to be used as guidelines and guidelines for all parties involved in the operation and management of hospitals in Indonesia. KODERSI is a moral obligation that must be obeyed by every hospital in Indonesia in order to achieve good, quality hospital services, and the noble values of the medical profession (Gunawan, 2018).
f. *Health Professional Code of Ethics*
Code of ethics is a code of conduct for professional development. The professional code of ethics is a collection of numbers determined and accepted by professional groups, which directs or gives instructions to its members how they should act in carrying out their profession and at the same time guarantees the moral quality of the profession in before the public.

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

3. Liability of Private Hospitals according to Court Decisions
There are several examples of cases regarding legal policies for negligence committed by medical personnel in health services, namely as follows:

a. *Supreme Court Decision No. 79 PK/PID/2013 regarding the case of dr. Dewa Ayu Sasiary Prawani and his two professional colleagues were* declared not legally and convincingly guilty of committing a crime.
b. *Decision of the Supreme Court of the Republic of Indonesia No. 1752 K/Pdt/2007 concerning the Abuyani Case with Dr. General Hospital. Mochammad Hoesin Palembang (RSMH).*

There was a case in Palembang (Dameria, Busro & Hendrawati, 2017), South Sumatra, where Abuyani was a cataract patient at Dr. General Hospital. Mochammad Hoesin Palembang (RSMH) could not hold the RSMH doctor responsible, because the RSMH leadership did not reveal the name of the doctor who performed cataract surgery on Abuyani's left eye which ended in blindness. Case at the Palembang District Court No. 18/Pdt.G/2006/PN.PLG dated July 4, 2006, jo. Palembang High Court Decision No. 62/PDT/2006/PT.PLG dated April 13, 2007 jo. Decision of the Supreme Court of the Republic of Indonesia No. 1752 K/Pdt/2007 dated February 20, 2008.

B. Forms of Liability of Private Hospitals for Negligence in Health Services Based on the Concept of Corporate Liability
In this section the author will discuss and find out how the form of civil hospital liability for negligence in health services based on the concept of corporate liability, following materials regarding this discussion, namely:

1. Private Hospital Liability as a Legal Entity for Medical Negligence

a. Hospitals as Legal Entities
Hospitals are responsible for providing quality and affordable health services based on the principles of safe, comprehensive, non-discriminatory, participatory, and providing protection for the community as users of health services *(health receivers), as* well as for health service providers in order to realize the highest degree of health (Machmud, 2008).

b. Employment Agreements Between Private Hospitals with Medics and Paramedics
A written agreement guarantees in detail and clearly the rights and obligations of each party. In addition, a written agreement can be used as strong evidence in the event of a dispute in court.

c. Therapeutic Agreements Between Hospitals and Patients
Therapeutic agreements are one of the agreements that explain the relationship between doctors and patients. In contrast to agreements made by society in general (Nasution. 2005), therapeutic agreements have a special object and nature.

2. Conditions for Liability of Private Hospitals in Accordance with the Doctrine of *Corporate Negligence*

a. Maintaining safe and adequate facilities and equipment for patients.

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

b. Selecting and retaining only competent doctors.
c. Supervising everyone who practicing medicine within their walls for patient care.
d. Formulating, adopting and enforcing adequate rules and policies to ensure the quality care for patients

3. The concept of Private Hospital Liability against Negligence based on the Doctrine of Negligence the *Corporate*

The Law number 44 of 2009, article 46, concerning Hospitals do not clearly explain the contents of the article. Then a few studies on the description of deficiencies in the content of Article 46 which fit combined with the doctrine of *Corporate Negligence* or less as follows:

a. Regarding who can represent the hospital to be held accountable: For hospitals with public corporations, this provision is in accordance with Law number 40 of 2007, concerning Limited Liability Companies (UU PT). Meanwhile, for hospitals that are legal entities, according to Article 35 Paragraph 1 of Law no. 16 of 2001, concerning Foundations as amended by Law No. 28 of 2004, the responsibility lies with the management of the Foundation.
b. What is meant by legally responsible is that the hospital can have legal relations with other legal subjects in carrying out health services. In this case, private hospitals must be able to be responsible for the four terms of hospital liability in accordance with the doctrine of *corporate negligence.*
c. In the case of this loss, in accordance with the requirements for liability under *corporate negligence* which requires private hospitals to make policies related to financial administration management if they have to be materially responsible.
d. In the case of medical negligence, in accordance with several requirements in *corporate negligence,* namely private hospitals are responsible for placing competent doctors and health workers and must supervise health service activities.
e. Health Workers according to Article 1 point 1 of Law Number 36 of 2014 concerning Health Workers, in accordance with one of the requirements in *corporate negligence*, private hospitals are responsible for placing competent doctors and health workers.

CONCLUSIONS

1. The point of the doctrine *Corporate Negligence* is to maintain safe and adequate facilities and equipment for patients, to select and retain only competent doctors, to supervise all those who practice medicine within the Hospital to treat patients and to formulate, adopt, and enforce adequate rules and policies for the treatment of patients.
2. Legal arrangements for negligence in health services in private hospitals are found in articles of the Civil Code articles 1367, 1366, 1365, 1329 and 1320.
3. The form of hospital liability for negligence in accordance with the liability of a private hospital is, who represents a private hospital to be accountable is the director of a private hospital. Furthermore, they are legally responsible for providing the four elements in *Corporate Negligence*. Medical negligence is when doctors

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

practice bad practices that are not in accordance with service standards in carrying out their profession in private hospitals. Losses are not only material losses, but also immaterial which causes suffering due to injury to the patient. Health workers are all people who carry out health professions in private hospitals in accordance with health service standards.

Suggestions

1. The form of liability of private hospitals related to negligence in health services as described by the doctrine *Corporate Negligence* still does not explain in more detail about the parties who can be held accountable, for this reason the doctrine *Corporate Negligence* must make it clearer about who can represent private hospitals for negligence committed by medical personnel in health services in order to know the differences in the responsibilities of private hospitals as legal entities with other corporations.
2. Legal arrangements in Indonesia regarding the responsibility of private hospitals for negligence have not been able to position the hospital as the party responsible for the negligence of medical personnel due to article 46 in Law number 44 of 2009 concerning Hospitals is still experiencing legal ambiguity, to be supplemented or added with several doctrines that are in accordance with the principles of accountability for private hospitals.
3. The form of liability of private hospitals in Indonesia must adhere to the requirements or principles of hospital accountability in accordance with the doctrine *Corporate Negligence*, then implement them to the regulation regarding the responsibility of private hospitals to complete Article 46 UURS.

REFERENCES

Adikusumo, S. (2003). *Manajemen rumah sakit.* Jakarta: Pustaka Sinar Harapan.

Arifin, D. A. (2016). Kajian yuridis tanggung jawab perdata rumah sakit akibat kelalaian dalam pelayanan kesehatan. *Jurnal Idea Hukum*, *2*(1), 77-89.

Binder, G., Weisberg, R., & Kaplan, J. (2012). *Criminal law- cases and materials*. Alphen, Netherlands: Wolters Kluwer

Codes in Civil Law 1367, Article 3, *concerning hospitals are responsible for all actions carried out by by doctors/health workers who work in hospitals.*

Decree of Minister of Health Number 772/MENKES/SK/VI/2002, *concerning the hospital's internal regulations can provide legal certainty in the division of authority and responsibility between the governing body, the board of directors and the medical staff.*

Dinstein, Y. (1978). *Israel yearbook on human rights*. Leiden, Netherlands: Martinus Nijhoff Publishers.

Dameria, R., Busro, A., & Hendrawati, D. (2017). Perbuatan melawan hukum dalam tindakan medis dan penyelesaiannya di Mahkamah Agung (Studi kasus perkara putusan Mahkamah Agung Nomor 352/PK/PDT/2010). *Diponegoro Law Journal, 6*(1), 1-20.

Journal of the Community Development in Asia (JCDA)
Vol. 4 No. 3, 117-127, September, 2021
E-ISSN: 2654-7279/P-ISSN: 2685-8819
DOI: https://doi.org/10.32535/jcda.v4i3.1186
http://ejournal.aibpm.org/index.php/JCDA/index

Gunawan, S. (2018). Rahasia medis vs keterbukaan informasi dari perspektif etika. Retrieved online from https://slidetodoc.com/rahasia-medis-vs-keterbukaan-informasi-dari-perspektif-etika/

Guwandi, J. (2006). *Dugaan malpraktek medik dan draft RPP. Perjanjian terapik antara dokter dan pasien.* Jakarta: Penerbit Fakultas Kedokteran Universitas Indonesia.

Guwandi, J. (2011). *Hukum rumah sakit dan corporate liability*. Jakarta: Fakultas Kedokteran Universitas Indonesia.

Iheukwumere, E. O. (2001). Application of the corporate negligence doctrine to managed care organizations: Sound public policy or judicial overkill? *Journal of Contemporary Health Law & Policy*, *17*(1), 585-617.

Machmud, S. (2008). *Penegakan hukum dan perlindungan hukum bagi dokter yang diduga melakukan medikal malpraktek*. Bandung: Mandar Maju.

Manado District Court Decision Number: 90/Pid.B/2011/PN.MND, *concerning the case of dr. Dewa Ayu Sasiary Prawani*

Mubarak, W. I. (2009). *Ilmu keperawatan komunitas: Pengantar dan teori*. Jakarta: Salemba Medika.

Nasution, B. J. (2005). *Hukum kesehatan. pertanggung jawaban dokter*. Surabaya: Rineka Cipta.

Nieuwenhuis, J. H. (1985). *Pokok-pokok hukum perikatan [D. Saragih, Tran].* Surabaya: Universitas Airlangga.

Purnomo, B. (2003). *Hukum kesehatan*. Yogyakarta: Bahan Kuliah Pascasarjana UGM.

Rianto, A. (2004). *Metodologi sosial dan hukum*. Jakarta: Granit.

Sabarguna, B.S., & Listiani, H. (2004). *Organisasi dan manajemen rumah sakit*. Yogyakarta: Konsorsium Rumah Sakit Islam

Simanjuntak, P. N. H. (2015). *Hukum perdata Indonesia*. Jakarta: Kencana.

Soekidjo. (2010). *Etika hukum kesehatan.* Jakarta: Rineka Cipta.

Syahrani, R. (1999). *Rangkuman intisari ilmu hukum*. Bandung: Penerbit Citra Aditya Bakti.

Triwibowo, C. (2014). *Etika dan hukum kesehatan*. Yogyakarta: Nuha Medika.

The Law Number 44/2009, *Concerning hospitals*

The National Law Review. (2015). *Corporate negligence in medical malpractice*. Retrieved online from https://www.natlawreview.com/article/corporate-negligence-medical-malpractice

Waluyo, B. (1996). *Metode penelitian Hukum*. Jakarta: Sinar Grafika.

Waluyo, B. (1996). *Metode penelitian hukum*. Jakarta: Sinar Grafika.