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The Ownership Law Aspect of Medical Records Are Correlated with the Protection of Patient Rights

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Abstract:

Article 12, point 1 of the Regulation of the Health Minister No. 269/MENKES/PER/III/2008 on Medical Record, Article 46, paragraph 1 of UUPK on the Implementing of Doctors' Documents of Medical Record on patients' records, and Article 47 of UUPK No. 29/2004 do not state that they belong to patients. The regulation of the Health Minister No. 269/MENKES/PER/III/2008 on Medical Record embodied in UUPK does not enlarge, diminish, or change the legal content on UUPK so that the contradiction in the ownership of medical records is not complete medical records.

The perspective of medical records is the domain of judicial normative.

This research was expected to produce a new concept of the ownership of medical records positively without hampering patients to obtain their rights and to create the idea of the ownership of medical records according the prevailing law of property in Indonesia. The ownership of medical records should belong partly to patients.

Keywords: Right to Own, medical records, patients

1. Introduction

Health services is one way that can be done to improve the welfare of society as a whole. Health services are: "Every effort is well held alone or together in an organization to improve and maintain health, prevent disease, cure disease and restore health directed to individuals, groups or communities"

In providing health care the hospital is expected to provide a quality service. Benjamin said that good health services generally means having a good medical record anyway. Unitary Republic of Indonesia is a country of law, all the deeds and actions is always based on the law, as well as in the relationship between the health professionals with the patient tied to a legal relationship.

Medical record is a file that contains records and documents on the identity of the patient, examination, treatment, actions, and services given by health workers towards patients. Medical records are needed in any health-care facilities, as well as health services on the legal aspects. From the legal aspect, medical records used as evidence in legal proceedings.

According to Law No. 44 Year 2009 About the Hospital of Article 46, the hospital is legally responsible for all losses incurred on omissions by health workers in hospitals. The legal responsibility of a hospital in the implementation of health care to patients can be seen from the aspect of professional ethics, administrative law, civil law and criminal law.

In health care, medical records are very attached in health services, so that no expression of medical colleagues a third party at the time of receiving the patient's physician. This is understandable because the medical record is a record of checks and actions related to the management of patients by doctors.

Medical record is the file containing the records and documents on his identity, examination, treatment, action, and other services that have been given to patients. The medical record is a collection of information about the identity, the results of anamnesis, inspection and record all activities of the health care on the patient and from time to time.

Gemala R. Hatta in his paper entitled "Health (medical records) in Legal Medicine, said" defined as a collection of medical records of all activities performed by the health service, written, pictured, on the activity of the patient. The medical record must be made in writing, complete and clear or electronically.

Medical record is written and recording information about the identity, history, physical determination, laboratory examination / radiology, diagnosis, all the services and medical treatment given to patients either outpatient services, inpatient, and emergency care provided to patients.

According to the Ministry of Health medical record is very important in measuring the quality of medical services provided by the hospital and its medical staff. One parameter for determines the quality of health services in hospitals is data or information from medical records were good and complete. Indicators of good quality medical record is the completeness of the contents, accurate, timely and compliance aspects of the requirements law.

In case of errors in recording the medical records, files and records should not be omitted or removed in any way. Changes records or errors in medical records can only be done with the write-off and stamped initials officer concerned.

The usefulness of medical records generally includes:

1. As a means of communication between doctor and other experts who took part in providing services, treatment and care to patients.
2. As a basis for planning the treatment / care should be administered to a patient.
3. As written proof for any act of service, the development of the disease and treatment during the patient visit / hospitalized.
4. As a useful material for analysis, research and evaluation of the quality of services provided to patients.
5. Protecting the legal interests of patients, hospitals and physicians and other health professionals.
6. Provide data specifically for research and educational purposes.
7. As a basis in calculating the amortized cost of medical services the patient.
8. Being a memory that must be documented and material accountability and reporting.

In addition, the use of medical records can be used as:

1. Maintenance of health and treatment of patients.
2. Evidence in the process of law enforcement, medical and dental disciplines and enforcement of medical ethics and ethics of dentistry.
3. The need for education and research.
4. Basic payer health care costs.
5. Data health statistics.

In managing medical records, every hospital always refers to the guidance or technical manual management of medical records made by the hospital concerned. Management of medical records in the hospital is to support the achievement of orderly administration in an effort to achieve the goal of hospitals, namely improving the quality of health services in hospitals. In the management of medical records to support the quality of services for hospitals, medical record management to be effective and efficient.

Medical record made by a doctor or dentist immediately and comes after a patient receiving health care. Manufacture of medical records is done by recording and documenting the results of the examination, treatment, action and other services provided to the patient and the doctor or dentist that makes medical records has been responsible for the records and / or documents created in the medical record.

Medical records when linked to Article 499 of the Civil Code can be classified as an object. In the Indonesian legal system, known as 'material' which involves understanding:

1. Goods (object-bodied, tangible objects) are visual objects, whether movable or immovable, such as land buildings, animals, cars etc.
2. Rights (disembodied objects, intangibles) is a non-visual objects such as accounts receivable, the computer program.
3. Furthermore, through Article 504 of the Civil Code to clarify the states of matter that include:
 - a. Moving objects.
 - b. Immovable.

If referring to the grouping of material, then the medical record can be categorized as a moving object. Of medical records as immovable may be owned by the ruling party on the right material. What is meant by the ruling position is the position of someone who mastered a material, either by themselves, or through another person, and that maintain or enjoy it as a person who has the material.

Position ruling on a material obtained by committing pull the material in its power, in order to defend themselves. Strengthening medical records as objects because he can belong. Strengthening medical records can be held can be seen in the provisions of Article 47 paragraph (1) UUPK which states: "The document medical records referred to in Article 46 paragraph (1) of the PK is owned by a doctor, dentist or health-care facilities, while the content of the medical record belongs to patient.

Strengthening medical records as objects that can be owned can also be found in Article 12 of the Regulation of the Minister of Health No. 269 / Menkes / Per / III / 2008 on Medical Record, which states:

1. File medical records belonging to health care facilities.
2. Complete medical records belong to the patient.
3. Fill in the medical records referred to in paragraph (2) in the form of a summary of the medical record.
4. Summary of the medical records referred to in paragraph (3) can be given, recorded, or copied by the patient or the authorized person or a written consent or the families of patients who are entitled to it.

A problem then related to medical records is about ownership, UUPK in Article 47 does not mention that belong to the patient is the conclusion as set out in Article 12 of the Regulation of the Minister of Health No. 269 / Menkes / Per / III / 2008 on the Medical Record. Article 47 paragraph (1) of BFL mention the contents of the medical records belong to the patient.

Ownership of medical records is often a debate among health workers, because doctors assume full authority to the doctor but the patient medical records clerk insisted on maintaining a file of medical records in their work environment.

On the other hand, patients are often forced to carry or read a file that contains a history of the disease. This shows that the medical record is very important. Medical record is complete and accurate is an absolute requirement for evidence in medicolegal cases.

2. Discussion

Existence Medical Record in Health Care Accountability

The medical record is one of the vital documents that should be managed by hospitals and physician practices. He became the primary source to determine the health of the world developments, especially the role of the hospital and physician practices.

Ery Rustiyanto in Professional Ethics of Medical Record and Health Information states that the medical record is the "who, what, where and how patient care during hospitalization, to complete medical records should have enough data is written in a series of activities in order to produce a diagnosis, guarantee, treatment and outcomes." It can be concluded that the medical record is a document containing the medical information of a patient generated by the hospital or physician practice as a form of accountability document for any medical procedure that has been done.

Medical records created not only as a form of accountability document the activity, but also as a form of orderly administration to improve the performance of hospital services. In addition, the use of medical records, among others:

1. As a means of communication between physician and their experts who took part in providing medical services, care to patients.
2. As a basis for planning treatment or treatment that should be given to a patient.
3. As written evidence on any acts of service, disease progression, and treatment during the patient visit or hospitalized.
4. As the material is useful for analysis, research, and evaluation terhadap yang quality of service provided to patients.
5. Protecting the legal interests of patients, hospitals and physicians and other health professionals.
6. Provide data in particular are very useful for research and education.
7. As a basis in calculating the amortized cost of patient care
8. Be a source of memories that should be documented, as well as accountability and reporting materials.

According to King Jr; an agreement both real and secretly written or oral between doctors and patients often create professional relationship, so that the obligations to be fulfilled by a doctor to a patient sometimes only be seen from any liability that is based on the basis of a service contract (service contract). This is according to Ing is a view that are too narrow. Although doctor-patient relationship largely based on the agreement between the two sides, so it is considered arising out of a contract that is at least made quietly, but not always. In fact, there is also a relationship between doctor and patient is based on an obligation to provide aid medical imposed upon the people to the doctor and not as an event arising from the existing contract between the parties, therefore, the obligation physician should be seen as one that is largely based on a professional relationship medical.

Although medical records are confidential and cannot be brought forward, unless obtaining permission from the owner of the medical record, does not mean that medical records should not be or cannot be destroyed. Therefore, the medical records of the use value of law and science, there are some rules that must be observed at the time of going to carry out the extermination:

1. File Medical Record that in case arrested 10 years after the last case is finished
2. In exceptional circumstances, save files medical records five years after the last patient visit, medical record file thereafter be destroyed unless hindered by existing regulations afterward, before the start of the destruction, treat the file as follows:
 - a. Taken primary information;
 - b. Saving files to children of certain ages in accordance with applicable regulations
 - c. Storing medical record file with mental disorders in accordance with applicable regulations.

Data and information quality medical services as well as integrated properly is the main source of clinical data derived from medical records.

On the other hand Leneen found based on the principle of self-determination (self-determination) and the principle that every person is responsible for himself, then everyone has the right to determine whether there are benefits of medical services provided or not; therefore if someone comes ride a bicycle a doctor to take advantage of the medical services provided, the action was based responsibility for their own health; here arise cooperation between doctor and patient, instead of buying and selling, at the time a patient comes to a doctor for help to pass contract to unwritten.

The obligation to make the medical record has been regulated in Law No. 29 of 2004 On Medical Practice. A doctor or a dentist in private practice or practice running in hospitals and other health care institutions are required to make medical records. Through medical records that made it a doctor or dentist can determine health services that have been provided to the patient and vice versa patients can know the action taken on her doctor, in addition, it also can be the size of the medical record of the quality of services provided.

Doctors no obligation to provide assistance in certain circumstances set forth special in the law, even the obligation of doctors to provide assistance can arise from an unwritten rule that if it is based on their accuracy or similarity of norms in a concrete case of immediate medical attention.

When observed those mentioned in the book of the Law of Criminal Procedure and the Civil Procedure Code (HIR) none of the rigor requires that electronic records are placed as the main evidence. HIR Article 164 asserts that the evidence consists of evidence by letter, with witness evidence, suspicion-suspicion, recognition and oath. Similarly, the Code of Criminal Procedure Article 184 confirms that legal evidence is witness testimony, expert testimony, letters, instructions, and the testimony of the defendant.

The second rule or regulation based on the above, none of which put the electronic evidence as the main evidence. Therefore, when medical records that had been written in the form of complete documents entered in evidence in the main because of its shape as evidence a letter to the Civil Procedure Code and documentary evidence in the Code of Criminal Procedure. If the consequences of the fall in electronic form, the consequence that the position as the main evidence becomes primary. The consequences this will also influence on the decisions of the judges will be, because as it is known medical record is a record of the documents examination, treatment and care measures that will be indispensable or only written evidence to the judge. Legally also can be said that the law practice of medicine cannot be said to be the selection of mandates failure by written or electronic, it looks possibility of electronically recording only placed on the explanation of the law is not on the torso legislation.

Proof is one of a series of trials that plays an important role. This is due to the evidence determined the guilt or innocence of a person. If the evidence presented at trial was insufficient or not as required, then the suspect will be released. However, if the submitted sufficient evidence that the suspect may be convicted. Hence the process of proving an important process lest the guilty freed because of insufficient evidence. Or even an innocent person actually convicted.

System verification from one country to another different course. It is usually adapted to the culture or ideologies that embraced the country. In general, the authentication system in a country distinguished by a country adopts the civil law and common law countries that follow. It is also based on some theoretical verification system. In theory, the proof system can be divided into four theories proving that theory system based on laws positively, based on the judge's conviction, based on the judge's conviction supported by a logical reason, and based on the legislation negative. , To view the authentication system in another country then it will be a comparison with some other countries, namely the Netherlands embracing civil law, common law that embraces Australia, and verification system in Islamic law are different from the four verification systems theory.

Regarding the significance of evidence in criminal procedural law, there are several legal scholars put forward different definitions. Andi Hamzah define evidence in an attempt to get explanations through the evidence and the evidence to obtain a conviction on whether or not the criminal act charged, and can determine whether there is an error on the defendant himself. Another with M. Yahya Harahap, assume that the definition of proof is provision restricting the court in his search for and defend the truth.

If the doctor's office made mistakes in dealing with patients, both her mistake in diagnosing diseases or mistakes in prescribing medicines, then by their medical record that has been made doctors will be able to be strong evidence where it died. And if it is brought within the realm of law, all the work on patients will also be very young to know.

The theory of proof is some evidence that the system could be used to judge mengungkap facts that occurred, the verification system is:

a. *Conviction-in Time*

Conviction-in authentication system, specify any time whether or not the defendant, is solely determined by the assessment of "faith" judge. In this authentication system, the judge has a large stake, if the judge was convinced that the defendant actually doing anything against her, the judge can convict him, and vice versa. The issue of where the judges get a conviction is not an issue. With this system, it is possible without punishment based on the evidence in the legislation.

The weakness of the system of verifying conviction-in time is if the evidence presented at trial to support the truth of the charges against the accused but the judge is not convinced that all the defendants can still be free. And conversely, if the evidence presented at trial did not support the truth of the charges against the accused but the judge believes the defendant actually did what was charged by the Public Prosecutor, the criminal can be imposed by a judge.

b. *Conviction-Raisonee*

In even this system can be said to be "the confidence of judges" still plays an important role in determining whether any of the accused. However, in this authentication system, the judge limited confidence factor. Indeed, in the end the decision is proven or not proven the charges made against the accused is determined by the judge but the judge is required to give its decision setting out the reasons what the underlying belief in the guilt of the accused. And the reasoning was to be "reasonable", which is based on an acceptable reason. Meaning received here the judges are required to outline the reasons logical and reasonable.

c. *Proof According to Act Positively*

The purpose of the verification according to the legislation in a positive way is to prove the defendant's guilt or innocence should be subject to the legislation. The system is very different from the system-in-time verification conviction and conviction-raisonnee. In this system there is no place for "conviction of judges". A person found guilty if the evidence and the evidence presented at the trial showed that the defendant is guilty. The process of evidence and the evidence presented strictly regulated by law.

d. *Proof According to the Law On Negative*

Unlike the authentication system according to the legislation in a positive way, in the authentication system according to the legislation negatively disyaratkan their conviction the judge to determine whether the accused is guilty or not. In this authentication system evidences are strictly regulated by law, as well as the means for establishing the pursued. When the evidence supports the charges made true to the defendant and shall arise belief in themselves will judge the truth of the evidence. If the evidence supports the truth that the defendant is guilty but has not raised confidence in the criminal judges themselves cannot be dropped.

While in Indonesia's legal system of evidence in criminal procedural law since the enactment het Herzeine Indonesisch Reglement (HIR) to become what is now referred to the Criminal Procedure Code verification system adopted by law are limited (negatief wettelijk bewijsstheorie).

The difference between these two books in terms of proof lies on it determines the minimal amount of evidence. Article 294 paragraph 1 HIR formulate:

No person should be punished, besides if the judge got confidence with valid evidence, that there has been action may be punished and that the accused person that's wrong about that action.

Article is then refined into Article 183 Criminal Procedure Code, which reads:

The judge must not convict to one unless with at least two valid evidence which he gained confidence that a crime actually occurred and that the defendant is guilty of doing it.

The formulation of article 183 Criminal Procedure Code is considered more perfect because clearly define how much evidence should be used judges to gain confidence and convict. Negative verification system is considered better in the Criminal Code and ensure legal certainty.

In a negative verification system adopted by Indonesia - as its core, which is laid down in Article 183 Criminal Procedure Code, concluded the basics are:

- a. The final goal of proof for deciding criminal cases, which if eligible proof could convict.
- b. Terms of outcomes evidence to convict.

Actually, the verification carried out for deciding the case in *casu* criminal cases, and not merely drop the criminal case. Because, to convict still needed more evidence of the guilt of the accused requisite criminal act.

Basically activity proof, in an attempt to achieve the degree of fairness and legal certainty of the highest in the judge's decision. Proof performed for deciding the case is confirmed or not in accordance with what has been indicted by the public prosecutor. There are two requirements to achieve an outcome of proof in order to convict. Both of these conditions are interrelated and inseparable.

First, judges must use at least two valid evidence. These two items of evidence should not be different in kind. So it could have consisted of two items of evidence are the same, for example, the testimony of two witnesses.

The second is that judges gain confidence. The judge's conviction should be set up on facts obtained from the evidence mentioned in the first condition, which has been determined by the Criminal Procedure Code. Confidence judges fit into the scope of activities of proof if proof activity is seen not only to prove alone but to achieve the ultimate goal of completion of criminal matters that attract the ruling by the judge.

→ Owners Medical Record as Object Properties Material Linked with Legal Certainty

Legal certainty is a guarantee given by the authorities of certain of the rights and obligations of any legal subject, through legislation in which there are no particulars conflicting (contradiction or inconsistency), either vertically or horizontally and there is no sense - understanding or terms that can be interpreted differently / double, so that any legal subject will obtain the desired legal effect in a particular legal events. The law must be clear so that the public and judges can be guided. Certainty of orientation requires law-making procedures and the inauguration of a clear and public knowledge. This orientation certainty is also demanding that the law developed up to date, in accordance with developments in technology and the principle of living in the community. Legislation should be intertwined, it should be pointed in one direction so that people can make plans for the future, so were not made laws that contradict each other. Legal certainty rests on two components, namely: a). Certainty in orientation for the community (orientierungssicherheit / *cerritudo*). *Cerritudo* is the principle that people understand how behavior that others expect from him and how the response can be expected of others for his behavior. Factors that make reference to the community for the certainty of orientation in behavior among others, the legal norms that clearly establish what is required and what is forbidden, transparency laws prevent others from confusion normative and continuity of legal order to give guidance for the behavior of the future, b) certainty in the determination of the law by law enforcement (*realisierungssicherheit* / the Securities). *Securitas* is a principle that allows people to rely themselves to the protection, that the norms in force is respected and implemented, the court decision seriously implemented and adhered to the agreement. Legal certainty regarding the issue of "law being written down" and not about justice and expediency. Legal certainty it has nothing to do with "die sicherkeit durch das recht" such as ensuring that theft and murder under the law is a crime. Legal certainty is "sicherheit des rechts selbst" (certainty about the law itself). Meaning of legal certainty, namely:

- a. The positive law, it means that he is a law (*gesetzliches recht*).
- b. Law is based on the fact (*tatsachen*) and not a definition of ratings which will be conducted by the judge, such as "good faith" and "courtesy".
- c. Facts should be formulated in a clear manner, thus avoiding mistakes in meaning, while also easy to administer.

Positive law should not be changed frequently. Entity within the law not be achieved with unity in the preparation of positive law (example by codification), but with unity in the law how it is controlled. The rule of law that is certain in the same state can be interpreted differently by the two judges, who thus it can cause anxiety in the hearts of the people. This does not mean that judges are bound to the decision of another judge in the same matter. Instead, the problems associated with the exercise of positive law.

Pancasila, the Constitution of the Year NRI 1945, laws, government regulations, regulation Regions, Minister of Health, not to be contradictory. Definition of legal certainty has two aspects, namely about can it determines the law in matters of concrete and legal certainty, which means legal security. Legal certainty is a legal device that is capable of guaranteeing the rights and obligations of every citizen.

The hospital did not give definite information about the disease and the patient's medical records are required. This certainly is a violation of the provisions of Article 45 paragraph (1), (2), (3), (4), (5) and (6) of Law 29 of 2004 on the Practice of Medicine stating:

- 1) Any medical or dental actions to be performed by a doctor or dentist to a patient requiring approval.
- 2) Approval as referred to in paragraph (1) is given after the patient received a full description.
- 3) A description referred to in paragraph (2) shall include at least
 - a. Diagnosis and procedure of medical action,
 - b. Interest medical treatment done,
 - c. Another action alternatives and risks,
 - d. Risks and compilation that may occur.
- 4) The approval referred to in paragraph (2) may be provided either in writing or verbally.

Legal certainty the expected patients from health care not *terujut* because:

- a. Health providers (nurse / midwife, doctor / dentist, co-ass) less skill (lack of knowledge and skills).
- b. Carers do not understand the minimum service standards.
- c. Less socialized than the management of rights and obligations in performing the task.
- d. The management is less monitoring / evaluation / thorough / firmly, in assessing / respect of health care workers who excel.
- e. The management of less conducting the training.
- f. The management is less motivating performance.

Quality of service is an important element in the service organization. This is due to the quality of service is one tool used to measure the performance of the service organization. Therefore, the quality of service should receive serious attention from the management of the service organization. To set the quality of service to be achieved by a service organization, the organization must first have a concept, targets, goals / objectives clear.

Various definitions are given to experts to service quality. defines quality as a form of attitude, related but not the same as satisfaction, which is the result of a comparison between expectations with actual performance. But the quality of service and satisfaction is formed of different things. It was also stated that the most general sense of the difference in quality of service and satisfaction is that the quality of service is a form of attitude, the assessment is done in a long time, while satisfaction is a measure of the specific transaction. The difference between service quality and satisfaction leading to the disconfirmation way operationalized. In measuring the quality of services than is what it ought to be obtained, while in the comparable measure satisfaction is what customers might get.

Quality in health services consist of consumer quality (relating to whether service is provided in accordance with the desired patient), professional quality Ovveit (relating to whether the services provided meet the needs of patients in accordance with diagnosed by professionals), and quality management (who relates to whether the services rendered do without extravagance and error, at an affordable price, and meet official regulations and other regulations).

Notifying a truth that is expected, in this case about the disease, must be submitted when the family or the patient is completely ready to accept it. "The most important aspect of the doctor-patient relationship, throughout the ages, is the quality of humanistic doctor who good. Patients will find a doctor who cares about him as a human being, who would treat it in accordance with his rights as a patient.

Moral and medical ethics are the signposts parents to keep the relationship between doctors and patients in various dimensions above, to take place within the limits considered reasonable and good. Law as signposts, followed much later. The basic pattern of the relationship between doctor and patient, especially based on the socio-cultural circumstances and the patient's illness, a doctor-patient relationship, which it will lead to their distance. These factors include:

1. The development of science and medical technology,
2. Rise health care industry,
3. Improving the needs and demands of society towards cutting-edge medical care and quality.
4. Increased factor of education, knowledge, information flow, and legal awareness.
5. The birth of the human rights law, IT, consumers, the press.

In a contractual relationship, the relationship of demand and supply in the service will be difficult for physicians as it will be calculated cost-benefit for doctors. in health care, the devotion of the medical profession cannot escape from the dynamics of community life in which the relationship between doctor and patient is not like the olden times where the number of doctors is still limited.

Doctor-patient relationship is the equivalent, and with the increase of knowledge, information, and education, patients are increasingly demanding the fulfillment of their rights. The relationship between doctor and patient is not a contractual relationship. The doctor is needed is a friendly doctor who, satisfied with service, client centered approach, best attitudes. Patients requires that physicians always be friendly and understand the needs of patients.

Doctor-patient relationship can be described from several aspects, namely:

1. The religious nature,
2. is paternalistic,
3. The provision of services and consumer nature,
4. is a joint effort and partnership.

Even certain concrete case showed the act is wrong can sometimes be justified for certain reasons. That means for the concrete case of certain other terms are sometimes required, for example, propriety and justification from the point of common logic. For example, one in making a diagnosis, but the action was justifiable if there is a justification, for example in medical fact that there are (according to the standard test results) from the point of propriety justified to draw conclusions diagnosis. Hospital patients are consumers, so in general the patients are protected by Law No. 8 of 1999 on Consumer Protection (Law No. 8/1999). According to Article 4 of Law No. 8, 1999, the rights of the consumer are:

- 1) The right to comfort, security, and safety in consumption of goods and / or services;
- 2) The right to choose the goods and / or services and obtain goods and / or services in accordance with the exchange rate and conditions and guarantees promised;
- 3) The right to information is correct, clear and honest about the condition and guarantee of the goods and / or services;
- 4) The right to be heard opinions and complaints on goods and / or services used;
- 5) The right to advocacy, protection and mediation in consumer protection should;
- 6) The right to receive guidance and consumer education;
- 7) The right to be treated or serviced properly and honestly and not discriminatory;
- 8) The right to obtain compensation, compensation and / or reimbursement, if the goods and / or services received are not in accordance with the agreement or not as it should be;

3. Compliance Ownership of Medical Record Content Associated with Patient Rights Protection.

Medical records are complete, accurate, real, fast / punctual, honest and confidential is an absolute requirement for evidence in the case medikolegal. ownership case of the right material, then in the Indonesian legal system, known as 'material' which involves understanding:

- i. Goods (object-bodied, tangible objects) are visual objects, whether movable or immovable, such as land buildings, animals, cars etc.
- ii. Rights (disembodied objects, intangibles) is a non-visual objects such as accounts receivable, etc. computer program.

Material law in Indonesia, the right material (zakelijk recht) is a right which provides direct control over an object that can be maintained against any person. Material rights are property rights that provide direct power over the thing. Direct rule means that there is something there is a direct relationship between people who are entitled to and the object. The right material (zakelijkrecht) is the absolute right of an object which rights it gives direct control over an objects and can be defended against the owner of the object.

From these formulations, it can be said that the right material is an absolute right that provides direct control over an object that can be maintained every people and has inherent properties.

Zakelijk material recht rights is a right which provides direct control over an object that can be maintained against any person. Material rights are property rights that provide direct power over the thing. Direct rule means that there is something there is a direct relationship between people who are entitled to and the object. The right material (zakelijkrecht) is the absolute right of an object in which the rights it gives direct control over an objects.

Ownership of medical records to distinguish between a file and its contents, although the contents of the file and a unity that cannot be separated. From the legal standpoint, the medical record is a document in the form of paper and contains writings that implies about a situation, fact or deed. However, the ownership of the file and its contents can be distinguished, namely medical record file-owned health care facilities while the contents of the patient's medical records as specified in Article 12 Permenkes Medical Record. Article 47 paragraph (2) of Law No. 29 Year 2004 regarding Medical Practice states: Medical Records should be stored and kept confidential by a doctor or dentist and leader of the health service facilities. Associated with the obligation to keep medical confidentiality provided for in Article 48 of Law No. 29 Year 2004 regarding Medical Practices. Patients are someone who is receiving medical treatment. Said Indonesian patients from analog to patient word of English. Patient derived from the Latin patient having a similar meaning with starch verb meaning "suffering", the sick (who cared for the doctor), pain (pain). Meanwhile, according to Indonesian dictionary, the patient is in the Law of the Republic of Indonesia Number 29 Year 2004 regarding Medical Practice states that the patient is any person who consults her health problems to obtain medical care is needed, either directly or indirectly to the doctor or dentist, from some sense it can be concluded that the patient is: a. each person; b. accept / receive medical care; c. directly or indirectly; and D. of power of health. Provision the medical records referred to in paragraph (1) and (2) regulated by the Regulation of the Minister. Patients' rights over the content of medical records is also affirmed in Article 52 of Law Practice of Medicine: "The patient, in receiving services in medical practice, have the right, to get a full description of the medical procedure referred to in Article 45 paragraph (3); ask the opinion of a doctor or another dentist; get services according to medical need; refuse medical action; and get contents of the medical record. "

1. Existence Medical Record (Medical record) in accountability Health Care is as a communication tool between physicians with their experts who took part in providing medical services, care to patient. As written proof for any act of service, disease progression, and treatment for patients visit / treated at hospital. As material which is useful for analysis, research, and evaluation of the quality of service given to patient. To protect legal interest to patients, hospitals and physicians and health professionals.

2. The right of ownership of medical records in relation to patients' rights is that Article 47 paragraph (1) of the Act Medical Practice that documents medical records of the doctor, dental doctor, or facility health services, while the content of medical records belonging patient. Ownership medical records to distinguish between a file and its contents, although the contents of the file and is a unity that cannot separated. From the legal standpoint, the medical record is documents be paper and contains writings that implies about a state, fact or deed.

3. Owners Legal Aspects of Medical Records (Medical Record) are associated with the legal provisions is that the material in Indonesia Accordingly Although the legal aspects of ownership of medical ream not in accordance with the law of matter that exist in Indonesia. Indonesian law governing the material in strong ownership for someone to have something that has become due, including the ownership of the contents of the medical record. Because the relationship between doctor or hospital is not a relationship that gave birth to the engagement, because if the patient cannot be saved life is also no rules that must be demanded by law, unless a doctor who did mal practice. If the doctor cannot be prosecuted then how it is possible in terms of ownership rights of medical records should be divided into two patterns of ownership, because most helpful to have a health record that is patient. To check the disease in time to be dating a patient may not be to the same place with the same doctor anyway. If each patient's treatment by bringing health records, then this will greatly help the patient to repeat itself or whether a disease suffered ever first.

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