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DEATH OF BPJS PESIENTS DUE TO SLOW HANDLING BY THE HOSPITAL

(*Kematian Pesien BPJS Karena Penanganan Lambat oleh Rumah Sakit*)

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Abstract

The purpose of this study is to see what the legal consequences are for the late hospital BPJS patients that cause death and whether there are factors that can affect the handling of BPJS participant patients by the hospital. This research includes normative law or doctrinal legal studies, library research or document studies— the Dean of the Law (statute approach), and the conceptual system (conceptual approach). Meanwhile, the abstract approach (conceptual approach) departs from the views and doctrines in the science of law to see which should be implemented or applied with the handling of BPJS participants by the hospital that causes death. The results showed that 1. Following the legal basis of Article 32 letter q of Law no. 44 of 2009 concerning Hospitals, reads: "Every patient has the right: to sue and/or sue the Hospital system. The hospital is suspected of providing services that do not comply with standards, both civil and criminal; In polite terms, the patient can file a lawsuit in court or through a dispute settlement agency against the hospital whose actions have harmed the patient so that the legal consequence of the hospital is the late arrival of the BPJS patient which causes death. In the form of verbal warning; Written warning; or fines and revocation of hospital license. And or take a criminal route by reporting the hospital's head and/or its health workers to the authorities. 2. In-hospital handling services for BPJS participants information by various factors, including; The level of competence of the hospital apparatus, the quality of the equipment used in the hospital, the organizational culture, the lack of knowledge of BPJS participants about procedures and patients in health care services
Keywords: *Dekay, Hospital BPJS*

Abstrak

Tujuan dari penelitian ini adalah untuk melihat apa akibat hukum yang ditimbulkan oleh pasien BPJS RS akhir yang menyebabkan kematian dan apakah terdapat faktor-faktor yang dapat mempengaruhi penanganan pasien peserta BPJS oleh rumah sakit tersebut. Penelitian ini meliputi studi hukum normatif atau doktrinal, studi pustaka atau studi dokumen — Dekan Hukum (statute approach), dan sistem konseptual (pendekatan konseptual). Sedangkan pendekatan abstrak (conceptual approach) berangkat dari pandangan dan doktrin dalam ilmu hukum untuk melihat mana yang harus dilaksanakan / diterapkan dengan penanganan peserta BPJS oleh rumah sakit yang menyebabkan kematian. Hasil penelitian menunjukkan bahwa 1. Mengikuti landasan hukum Pasal 32 huruf q UU No. 44 Tahun 2009 tentang Rumah Sakit, berbunyi: "Setiap pasien berhak: menggugat dan / atau menggugat sistem Rumah Sakit. Rumah sakit diduga memberikan pelayanan yang tidak sesuai dengan standar, baik perdata maupun pidana; Secara sopan pasien dapat mengajukan gugatan ke pengadilan atau melalui lembaga penyelesaian sengketa terhadap rumah sakit yang perbuatannya merugikan pasien sehingga akibat hukum rumah sakit adalah keterlambatan datangnya pasien BPJS yang mengakibatkan kematian.Berupa teguran lisan; teguran tertulis ; atau denda dan pencabutan izin rumah sakit. Dan atau menempuh jalur pidana dengan melaporkan kepala rumah sakit dan / atau tenaga kesehatannya kepada pihak berwenang. 2. Pelayanan penanganan di rumah sakit bagi peserta BPJS informasi oleh berbagai faktor, antara lain; Tingkat kompetensi aparatur rumah sakit, kualitas peralatan yang digunakan di rumah sakit, budaya organisasi, kurangnya pengetahuan peserta BPJS tentang prosedur dan pasien dalam pelayanan kesehatan. ces
Kata Kunci*: Dekay, Rumah Sakit BPJS*

INTRODUCTION

Life in a society that is adequate for health and welfare is the ideal of the nation because the success of a nation can be measured by the realization of the goals of national development. Therefore, measuring self-confidence is the welfare of society. Welfare is the main point because it relates to decent living for every community, such as the availability of facilities and infrastructure related to basic health needs (Purwandi, 2008).

The government makes intelligent national development contained in the preamble to the 1945 constitution, namely to improve national intelligence and people's welfare so that every implementation of the National Health System (hereinafter referred to as SKN) is based on the principles of Human Rights (hereinafter referred to as HAM). As stated in Article 28 H paragraph 1 outlines that everyone who has the right to physically and mentally, has a place to live and get a good and healthy living environment and get health services.

Health is the primary human need to carry out its functions and roles so that it can obtain welfare, and is a right for every citizen. However, the inequality of access to health services in each region has resulted in not many people getting adequate service facilities. So that in 2000 the concept of the development of the National Social Security System was issued which was later passed into Law No. 40 of 2004 on the National Social Security System (SJSN). The in includes the National Health Insurance (JKN) as one of the several flagship programs that will be implemented by the Indonesian government (Waluyo, 2002).

The government aims to make health development is to increase awareness, willingness, healthy life for everyone to realize the highest degree of health as a manifestation of welfare in general. Health development in Indonesia is carried out based on the SKN System which is an arrangement that collects various efforts of the Indonesian Nation in an integrated or mutually supportive manner to ensure a hot health status (Sunggono, 2006).

Social security in the form of health care for the community is implemented in the form of the JKN program which will be organized by the Social Security Administering Body (BPJS). Law of the Republic of Indonesia Number 24 of 2011 concerning Social Security Administering Bodies, as well as provisions, the National Social Security will be administered by the BPJS, which consists of BPJS Kesehatan and BPJS Ketenagakerjaan. Especially for JKN, it will be held by BPJS Kesehatan, whose implementation starts January 1, 2014.

The management of the BPJS is for the cost of health insurance or manpower for each community registered in the BPJS list, where each community is required to provide a certain nominal amount of contributions. At first glance, this BPJS management method looks like insurance in general, what distinguishes it is that BPJS is a government program that aims to guarantee the rights of its people.

The formation of health development for the central or regional government must work hand in hand in implementing a planned and integrated health development to realize a hot health status. One of the agencies that provide health services in a hospital.

Hospitals following their functions (carrying out medical services and medical support services) are obliged to seek, provide, provide quality services and meet the needs of the community for quality services. In the 1945 law Article 28 paragraph 1 outlines that every citizen has the right to health services that occur without differences in ethnicity, class, religion, sex, and social and economic status (Triwibowo, 2014).

However, what is felt by a handful of people is the fact that the services provided by service providers including hospitals are

still following what is outlined by law, one of which is the freedom that the community has in terms of health services. The service process in the hospital can be seen in Article 3 of Law of the Republic of Indonesia Number 44 of 2009 concerning the management of hospitals. Which aims to facilitate public access to health services, provide protection for patient safety, the hospital environment, and human resources in the hospital. Improve the quality and standards of hospital services. Provide legal certainty to patients, communities, human resources in the hospital.

However, some hospitals provide convoluted services, are not professional, and are slow in serving patients. The community hopes that the government will also address development in terms of public services. Because the community not only needs satisfaction in terms of physical development but also needs satisfaction from the public services provided by the government, be it the central government or local government.

Services in hospitals still have any problems or problems in terms of health services, especially BPJS patients, so that many people complain about services at the hospital. Delays in the problems of patients using BPJS always occur and can be proven from several reports published in mass media and other electronic media. People who complain about special services for patients using BPJS often experience events that result in death. Patients using BPJS admit to being disappointed with the delay in-hospital services. This is because the services at the hospital for patients using BPJS are not well served by officers or nurses. The disappointment felt by patients using BPJS, among others, is the absence of certainty in service procedures in redeeming drugs for patients who are experiencing severe pain.

Based on the phenomenon of this problem, it can be seen that the hospital as an official government institution that provides health services that serve the community is indicated to be unsatisfactory for patients and the reality is that it is not following the vision which states that "a commitment to always prioritizing discipline to realize health service and will continue to strive for the recovery and satisfaction of patients, always provide quality professional health services with excellent service standards based on humanitarian principles. Therefore, from the problem process above, the problem formulation in the study is what is the legal consequence of the hospital being late for the patient's BPJS which causes death? and Are there certain factors that can affect the handling of BPJS participant patients by the hospital?

RESEARCH METHOD

This research includes normative law or doctrinal legal studies, also called library research or document studies. The Dean of the Law (statute approach) and the conceptual approach (conceptual approach). Meanwhile, the conceptual approach (conceptual approach) which departs from the views and doctrines in the science of law to see which should be implemented/applied concerning the handling of BPJS participants by the hospital that causes death. This research uses primary legal materials, secondary legal materials, and tertiary legal materials. (Sofie, at.al, 2020) "Primary legal materials are binding legal materials, while secondary legal materials are legal materials obtained through literature studies and tertiary legal materials, which provide information on primary and secondary legal materials." In data engineering, as much data as possible is obtained or collected on issues related to research, the writer will use primary and secondary legal materials here. As an interesting way from the collected research results, the writer will use the analysis of legal materials with a descriptive approach, interpretation, and legal reasoning / legal reasoning.

RESULTS AND DISCUSSION

Legal consequences for hospitals who are late in helping BPJS patients who cause death.

The National Health Insurance Program, whose implementation is entrusted to the Health Social Security Administering Body (BPJS) is still far from the meaning of justice. The implementation of BPJS Kesehatan still has many problems. The poor service for BPJS Kesehatan participants provided by the hospital has caused injustice in health care providers. The hospital seems not serious in handling BPJS Kesehatan patients.

Poor hospital services are detrimental to BPJS participant patients who have followed the rules to obtain maximum health services. Hospitals commit acts of discrimination, do not provide safe and quality services, and do not provide facilities and services for the poor, especially patients who receive full assistance by the government or are commonly referred to as BPJS participant patients, then the hospital has violated the patient's right to receive services. health easily, even though the patient is a BPJS participant.

The vulnerability of violations experienced by patients participating in BPJS requires legal protection that is accepted by patients participating in BPJS. This legal protection is expected to guarantee BPJS participant patients get maximum service from the hospital.

It is ironic to hear the news of the death of a BPJS patient due to negligence in the handling of the hospital in prioritizing social functions to save the patient's life. Most of the existing hospitals in this country, especially private hospitals that prioritize profit only, are trapped in the paradigm of the healthcare industry where patients are the market for the health services they offer. Isfandyarie, 2006.

Indonesia is a country that cares for its people as stated based on the state, namely Pancasila and the preamble to the 1945 Constitution, which describes a just and facing humanity. through government programs a BPJS card is formed for the community, so that people can get free medical treatment and quality, comfortable and safe hospital services but still far from people's expectations in wanting quality, comfortable and safe health services, and prioritizing humanity over money. (Astuti, 2009)

Hospitals always make it difficult for patients to get their right to access health facilities for their recovery. Hospitals have lost their social function and are prioritizing humanitarian food money to save patients' lives. The government must be responsible for the death of BPJS patients at the hospital because of fishermen by the hospital.

Hospitals are required to provide maximum assistance to the organization, both BPJS patients and general patients are on a priority scale as well as the code of ethics from doctors and hospitals. So that the house provides proper care according to medical standards and hospital care.

The hospital hopes the community to get health services. In response, in an emergency, health service facilities, both government and private, are obliged to provide health services for saving patient lives and preventing disability first (Siregar. 2003). Health care facilities, both government and private, refuse patients and/or ask for down payments. This is confirmed in Article 32 of Law Number 36 of 2009 concerning Health. This means that the hospital as a health service facility rejects patients who are in an emergency and is obliged to provide services to save patients' lives.

Koeswadji, 1998. The regulation or legal basis in every health service action in the hospital must be implemented following the provisions of Article 53 and Article 54 of Law Number 36 of 2009 concerning Health, as the basis and general provisions and provisions of Article 29 paragraph (1) letter (b) of the Law. -Law Number 44 of 2009

concerning Hospitals in providing health services. The administration of health in the hospital includes all aspects related to health care. Although it has been regulated in several laws, patients' rights, especially to get good and maximum service, are often collected by patients, especially BPJS participants. The bad services that are often received by BPJS participant patients include being rejected by the hospital, slow handling by the hospital, and a full treatment room.

Responding to community complaints, representatives of the management of the Indonesian Hospital Association (PERSI) clarified why many BPJS member patients were rejected by the hospital. They argued that the pattern of changes in JKN management from era to era was one of the causes. Not to mention the added uncertainty of the hospital regarding the regulation of JKN that has been made.

Certain Factors That Can Affect Management of BPJS Participant Patients by the Hospital

The hospital as a health facility that provides health services to the community has a very strategic role in accelerating the improvement of community health status. Therefore, hospitals are required to provide quality services according to established standards and can reach all levels of society. The hospital is also one of the health service facilities which is part of the health resources that are indispensable in supporting the implementation of health efforts.

Hospital as one of the health service facilities is part of health resources that are indispensable in supporting the health efforts. The implementation of health services in hospitals has very complex characteristics and organizations. Different types of health workers with their respective scientific devices interact with each other. Medical science and technology are developing very rapidly which must be followed by health workers to provide quality services, making the problems more complex in the hospital Agus. 2006.

Hospital administration law in Article 3 of Law Number 44 the Year 2009 Hospitals aims to:

1) Facilitate public access to health services;
2) Providing protection for the safety of patients, the community, the hospital environment, and human resources in the hospital;
3) Improve quality and maintain hospital service standards; and
4) Provide legal certainty to patients, communities, hospital human resources, and hospitals.

For this reason, in carrying out these objectives the hospital is expected to provide good and non-discriminatory services between general patients and BPJS patients. Public services, in this case, are hospital servants who are BPJS patients and general patients provided by the hospital bureaucracy by various factors including the following:

a) Tingkat kompetensi aparatur rumah sakit

   The competence of the apparatus is accumulated from some sub-variables such as level of education, number of years of work experience, and variety of training received. It can be said that the higher the education level of an officer, the better the services provided because of the knowledge he has, as well as work experience and the variety of training received.
b) Quality of equipment used in the hospital

   The quality of the equipment used to process services will affect the speed of the process, and the quality of the output that will be produced. It can be said that organizations that use computer service technology have different methods and work processes from organizations that still use manual methods. With modern

technology, it can produce more and more quality output in a relatively faster time.

c) Organizational culture
Organizational culture is a system of shared meanings held by members that distinguish an organization from other organizations. The culture of paternalism that still dominates the bureaucracy in Indonesia has created a pattern of relationships between superiors and subordinates such as patron-clients, the nature of this relationship implies that the patron or father should protect and meet the needs of clients or children. Meanwhile, clients or children are obliged to be loyal and maintain the good name of the patron or father. This patron-client relationship has consequences, that is, if there are mistakes they will cover each other's mistakes

In addition to the 3 factors mentioned above that can affect the handling of BPJS participant patients by the hospital, 3 certain factors inhibit the treatment of BPJS participants in the hospital, including the following: 1) Lack of knowledge of BPJS participants about the procedures and mechanisms for patients to obtain health care services; 2) Facilities and Infrastructure of Healthcare Partnership Facilities for BPJS Health; and 3) Lack of awareness of BPJS Kesehatan participants in reporting

CLOSING

Following the legal basis is Article 32 letter q of Law no. 44 of 2009 concerning Hospitals, reads: "Every patient has the right: to sue and/or sue the hospital if the hospital is suspected of providing services that do not comply with standards, either civil or criminal; In civil terms, the patient can file a lawsuit in court or through the consumer dispute settlement agency against the hospital whose actions have harmed the patient, resulting in legal consequences for the hospital being late in treating BPJS patients which caused death. In the form of verbal warning; Written warning; or fines and revocation of hospital license. and/or take the criminal route by reporting the hospital leadership and/or health personnel to the authorities and the hospital handling services for BPJS participants are influenced by various factors including; Competency level of hospital apparatus, quality of equipment used in hospitals, organizational culture, lack of knowledge of BPJS participants on patient procedures and mechanisms in obtaining health care services, facilities and infrastructure for health care partners of BPJS health partners, Lack of awareness of BPJS Health participants in providing reports, Efficiency, hospital design, staff management, and clinical effectiveness.

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