

## PRIVATE HOSPITAL OBSTACLES ARE LINKED TO LAW NO. 17 OF 2023 CONCERNING HEALTH. IN THE THIRD PART CONCERNING THE HOSPITAL

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### ABSTRACT

Public institutions that focus on organizing and providing patient services to the community are hospitals. Private hospitals are health service bodies managed by foundations or certain groups of organizations together with educational institutions. The aim of this research is to find out what kind of constraints or barriers are experienced by private hospitals, especially those that are then linked to Law No. 17 of 2023 concerning health. This research method uses a qualitative phenomenological method aimed at describing or explaining a person's personal experiences, including experiences of relationships with other people, using literature study as a data collection procedure. The results of this research are that private hospitals in Indonesia are still not optimal in their efforts to fulfill the general provisions regarding hospitals that have been stipulated in Law No. 17 of 2023 concerning health. Due to the obstacles faced in its operations, such as the Bunda Lhokseumawe Hospital which is hampered by the lack of specialist doctors at the hospital which results in less than optimal treatment services at the hospital, then the Surya Husadha Nusa Dua Hospital which is located in Bandung, with problems. delays in the distribution of food preferences, as well as three private hospitals in Yogyakarta which were hampered by lack of medicine stock in these hospitals.

**Keywords:** Private Hospitals; Law; Health

### Introduction

Public institutions that have a focus on organizing and providing patient services to the community are hospitals, on that basis hospitals are seen as a planned form that unites all health work or professions, diagnostic equipment, therapy, equipment and physical equipment into a designed system. or structured to provide health services to the community (ANDRILIA, 2016). Generally, in developing countries, such as Indonesia, hospitals always focus on social benefits and do not think about economic benefits, but good health services have now become a concern or something that the public hopes for. How a hospital can effectively and efficiently win the hearts of the public by creating a good name or positive branding in terms of its services is what is the problem, in increasingly difficult competition. Professional medical strength is no longer something that is needed nowadays, an appropriate marketing strategy is also something that is needed (Djohan, 2015).

According to Wilson in his journal, Djohan (2015) stated that the current market is formed by customers who are educated, sophisticated, change their circumstances easily, and are not loyal to just one brand or brands. Therefore, partners who develop and are made to run a business or venture properly must be the attention of a company. In line with Wilson's opinion that hospital competition continues to increase and the older the market becomes, the more susceptible it is to increasing demand for hospital institutions or doctors from all its customers. The main goal of society today is the health services provided by its hospitals. So that business competition in the health services industry is no longer based only on the professional abilities of medical personnel but also in terms of service (Djohan, 2015).

Consumer (sufferer) loyalty is very essential whether seen from the point of view of the service owner or from the point of view of the consumer or patient, in the health services industry. According to Mac Stravic in his journal, Djohan (2015), patient loyalty functions to increase quality because patient loyalty is able to help sustain the treatment being carried out, improve the information expressed by the patient so that the doctor is able to provide a good diagnosis, and be more obedient. again with a doctor's advice, satisfactory treatment, reduced costs for finding a replacement doctor, trust, and reduced patient anxiety, as well as reducing the risk impact of a treatment (Djohan, 2015). A patient is a customer who uses health services (Suhardini, 2016).

Good health services are something that people must get when they come to hospitals, both private and government. This is in line with the statement contained in the journal Hutama et al (2018) stating that as a health service facility, hospitals must control the quality of services provided. (Hutama, Mutiasari, & Asrinawati, 2018). This is because hospitals have the obligation to provide aid or assistance without requiring payment in advance, this is regulated in Article 32 paragraphs (1) and (2) of Law Number 36 of 2009 concerning Health, namely. Article 32 paragraph (1) In emergency situations, health service equipment, whether private or government, health services to save the lives of sufferers and overcome what is being overcome is something that must be done by hospitals, whether private or government. In terms of hospital services and standards, this has actually been regulated and contained in legislation (Wahyuni, 2017).

In the process of providing services, hospitals also prepare or provide facilities for various kinds of food choices that provide their own tastes. All of these things are directed at meeting the needs of the patient and to be able to finish the food provided by the hospital so that the patient's healing process runs quickly. In this position, nutrition services are for a supporter who provides food for patients more creatively and by presenting new menus so that patients can choose their own food menu according to their tastes, but the nutritional content contained in the food is still taken into account by the hospital. One of the important things in providing services to patients is food, this is what determines the amount of food that will be given, the service staff will provide

equipment with their skills in serving food to patients (Kalimantari & Teddy Priantara, 2019).

Implementation of provisions in the health domain, by providing social welfare in maintaining, protecting and providing for a decent life, is a manifestation of the government's responsibility. The central government created a national medium distance development plan through the Ministry of Health of the Republic of Indonesia. By fully surrendering to the system, the government can be enthusiastic about implementing it. In an effort to shape community welfare, especially for health needs, local government has an active function in it (Prayogi, 2018). In the realization of a government, the government has the authority to set hospital standards by referring to Law no. 17 of 2023 concerning health. Therefore, the aim of this research is to find out what kind of obstacles or obstacles are experienced by private hospitals, especially those which are then linked to Law no. 17 of 2023 concerning health, especially in the third part concerning hospitals.

### Research Method

The phenomenological qualitative research method was used in this research. According to Eko Sugiarto in his journal Ivo et al (2018) stated that phenomenological research is a form of qualitative research that looks closely at personal understanding of experiences. This phenomenological research method aims to describe or explain what a person's personal experiences are like and what happens in a person's life, including experiences of relationships with other people. Human instruments in qualitative research are useful for determining the center of observation, appointing informants for data material, collecting data, measuring data quality, analyzing data, describing data and creating determination of the research results. (Ivo, Manik, & Simamora, 2018). Meanwhile, according to Apriani (2014) in his journal states that qualitative research is interpreting a phenomenon from the part of the meaning that is brought closer to humans. (Apriani, Kasmirah, & Yulianti, 2014).

The data collection method is carried out through literature study and documentation sourced from documents, books, journals, articles / other online media (Sidiq, Umar & Choiri, 2019). This literature study aims to increase researchers' information and also enrich the data or materials needed for observations regarding field observation objects. The nature of this literature study is important because it can help the writer obtain signs in the object or target of the research (Lubis, Ramdan, & Wiryany, 2022).

### Results and Discussion

#### Definition of Hospital

According to Law no. 17 of 2023 concerning health, hospitals are health service facilities (Dewan Perwakilan Rakyat RI, 2023). Meanwhile, according to Verleye in his journal Keumala and Zanzibar (2020) states that health services are part of the theme of health services which have an important aim as services that provide efforts in the form of prevention and improving health, through the community as the object. Meanwhile,

according to Vandenneele, health services are efforts carried out individually or as a group in a structure or organization to maintain and improve health, overcome, and heal and restore personal, group, family or community health. So it can be concluded that health services are part of the health service system whose important function is to maintain and promote health, prevention or management, healing and restoration of personal, group or community health. (Keumala & Zanzibar, 2020). A group of organizations that have a complex or labor intensive nature, as well as costs and technology are hospitals (Wirajaya & Dewi, 2020).

According to Belrthi, Van Damme, Belalia, and Marchal in their journal Keumala & Zanzibar (2020) the system part is the part of the health service or service system which is input, output, influence and reciprocity which can be described as follows:

- a. Input is a component part that is needed to input the running of a method or system.
- b. Activities that are useful for changing input to produce a predetermined result are called processes.
- c. Something that results from a process is called output.
- d. The fruit of processes that simultaneously serve as input to a procedure or system is called reciprocity (Keumala & Zanzibar, 2020).

The management of a health service is a procedure for managing the costs of health services. However, the existence of the law still indicates that government and state institutions are running in the opposite direction. During the 90s, health services were still running, organized health service business procedures would form component parts or centers. Managed service procedures have a better function compared to private or single procedures with reliable doctors and direct financing. Health programs provided by the government are carried out through reciprocity of services to market standardization of private health businesses that can be relied upon to reduce costs and protect the quality of services. Meanwhile, changes will continue to be experienced by health services gradually which will help the sustainable development of organized health service business procedures in each target market. (Keumala & Zanzibar, 2020). Meanwhile, according to WHO, a hospital is a comprehensive part of a social and health structure that aims to provide comprehensive, curative and preventative services to the community. (A, 2021). A hospital is a community service agency that operates in the health sector (Rachma, 2017).

The organized and structured range of several business institutions that suggest certain signs that are different in their ability to equalize service delivery, costs, limitations, quality, support plans, and flexibility is an organized health service business procedure. Changes in procedures for organized health service businesses are still undergoing changes and developments, this indicates that problems arise in other forms. Health is a series starting from a healthy body condition to serious illness. In general, it is divided into several levels, namely mild illness, moderate illness, and severe illness. By going

through these levels of disease, different forms of health services are required (Keumala & Zanzibar, 2020). A healthy condition is an important aspect and has an impact on the survival of every human being, therefore each person will try to protect the condition of the body so that it remains healthy. (Nurmala, 2016).

### **Meaning Of Private Hospital**

Hospitals that are owned or managed by foundations, organizations or groups or other legal institutions that can work with educational institutions are private hospitals. In general, patients are not asked to pay taxes by private hospitals, in fact these hospitals have the responsibility to provide funds. Private hospitals may or may not be able to earn a margin (Budianto, 2016). In fact, margins for hospitals have a positive impact on efforts to repair and maintain hospital facilities (Ambarwati, 2021). Health facilities are a basic thing that is needed by community groups, whether at the middle or lower economic levels (Saputra, 2015). The following is the categorization of Private General Hospitals based on the Decree of the Minister of the Republic of Indonesia No. 806b/Menkes/SK/XII/1987 namely.

1. 1. First Private General Hospital, the health services provided are general,
2. 2. Middle Private General Hospital, the health services provided are general and complete with 4 basic specialties.
3. 3. Middle Private General Hospital, the health services provided are general, specialist and subspecialist (Budianto, 2016).

### **Law no. 17 of 2023 concerning Hospital-Related Health**

In Law of the Republic of Indonesia Number 17 of 20203 concerning Health Article (1) No (10) a hospital is a complete individual health service facility through promotive, preventive, curative, rehabilitative and/or palliative health services by providing inpatient services, outpatient, and Emergency (Dewan Perwakilan Rakyat RI, 2023). Through this legislation it is clear that a hospital is a maximum personal health service with health services that provide the following characteristics:

- a. It has the character of advancing and increasing or (promotive).
- b. To prevent something undesirable from happening or (preventive)
- c. It is helpful in healing and has the power to treat or is called (curative).
- d. With regard to rehabilitation or (rehabilitative)
- e. Relieve or reduce suffering or pain or (palliative)
- f. Facilitated by inpatient, outpatient and emergency services.

### **Barriers to Private Hospitals**

#### **Lhokseumawe City Mother Private Hospital**

Lhokseumawe City Mother Hospital is a private health service institution located in North Aceh. The results of research conducted by Keumala and Zanzibar (2020) found that in terms of health services, the Bunda City Lhokseumawe private hospital has generally provided good service and complies with applicable procedural rules.

Moreover, patients who are less fortunate receive assistance or subsidies from the government. Lhokseumawe City Hospital also provides service facilities that tend to improve management and have a customer or patient orientation that does not underestimate the quality of service which is effective, efficient, safe, calm and humane. This is in line with the vision and mission of the hospital itself (Keumala & Zanzibar, 2020).

The first stage in health services is administrative services. The first step in providing health services to the community is administrative services. Administration is the input of data and information in a structured manner with the aim of providing information and making it easier to obtain it again in its entirety and in relation to one another. Bunda Hospital is now using online methods in its service system. This is aimed at making it easier to record patients, especially BPJS Health participants. So that the data evidence in the hospital is in line with the evidence data in BPJS Health (Keumala & Zanzibar, 2020).

This online administrative data collection functions to speed up hospital patient registration. It's easy to input data and reduces queues, because of the ease and speed of filling. It's different from the past where patients had to queue in long queues and have long waiting times, but this time the process is faster and more accurate. However, through research results from Keumala & Zanzibar (2020), it was found that in practice health services at Bunda Lhokseumawe Hospital still experience obstacles or constraints. One of the obstacles is the online administration service because there are still not enough IT operators who are able to operate computers well in the process of inputting patient data online. This results in problems with online administration services due to the lack of IT operators to carry out data collection and claims for BPJS Health applications. As a result of this, the service process at Bunda Lhokseumawe Hospital experienced delays in the hospital patient registration service process, so that patients experienced a decrease in trust in the hospital services provided. (Keumala & Zanzibar, 2020). Therefore, good service will have a positive impact on hospitals. Hospitals must always protect customer trust by improving the quality of their services (Triana, Noviarti, & Budi, 2023). According to Arifin & Prasetya in their journal Werdani (2020) explained that one indication that a hospital can experience significant progress is because the hospital manifests patient satisfaction. (Werdani, 2020).

Apart from that, another obstacle at Bunda Lhokseumawe Hospital also lies in the lack of medical personnel, namely specialist doctors, this results in problems with health services for hospital patients. Supposedly, with the increase in patients at the hospital, there should also be an increase in medical personnel so that services can be carried out professionally (Keumala & Zanzibar, 2020).

Therefore, in relation to Law no. 17 of 2023 concerning Health related to hospitals, that with the discovery of obstacles that occurred in its operational process, the Bunda Lhokseumawe private hospital did not meet the requirements regarding the general



provisions of the Law concerning Health in Article (10) concerning hospitals, namely the provisions In general, it is curative, due to the lack of medical personnel, especially specialist doctors at Bunda Lhokseumawe Hospital. This indicates that in general terms, the Bunda Lhokseumawe private hospital does not have the medical capacity or strength to treat patients who seek treatment at that hospital.

### **Surya Husadha Nusa Dua Private Hospital**

Surya Husadha Nusa Dua Hospital is a private hospital located in Bandung Regency, West Java Province. Service is an activity that is invisible and cannot be controlled, which occurs as a result of consumer interactions, in this case patients and employees or also regarding things provided by service supporting companies aimed at solving consumer problems. The application or implementation of hospital nutrition services is the presentation of nutrition that is aligned with the patient's condition and needs, based on the patient's clinical condition, nutritional situation and metabolic condition. The disease recovery process is also influenced by the patient's nutritional condition, and vice versa, the disease process also has an impact on the patient's nutritional situation (Kalimantari & Teddy Prianthara, 2019).

Treatment services, medical protection services are important for the patient's recovery process, including hospital nutrition services or what is known as (PGRS) which are equally important for the patient's recovery process. The type of hospital will be one thing that also influences the form of nutritional services provided by the hospital to its patients, just like specialist services at the hospital, generally the nutritional services provided by health service institutions are providing food to patients being treated. Patients are the main target for food procurement in health services. Food can also be given to immigrants or family members who visit the hospital. This could happen because again it depends on health service regulations. Serving food with high nutritional content and finished is a method to shorten the recovery process and speed up the patient's hospitalization period (Kalimantari & Teddy Prianthara, 2019).

In the process, hospital nutrition services are composed of four activities, namely:

- a. The activity of serving food to patients begins with planning such as food capacity for patients, supplying food ingredients to the process of making cooked food for patients in the treatment room.
- b. In the inpatient room, nutritional services begin with selecting the patient's nutritional needs in balance with the needs of the disease, setting the menu, the form of food specified, serving methods and implementing assessments in the inpatient setting.
- c. Guidance of consultations and nutritional references which are activities for channeling healthy understanding, character and actions for individuals and hospital groups.
- d. Observation activities and expansion of applied nutrition.

Serving food in hospitals serves to serve food that has good quality ranging from nutrition, cost, safety that is appropriate and acceptable to patients to achieve optimal

nutrition. Based on the results of research conducted by Kalimantanari & Teddy (2019) at the Surya Husadha Nusa Dua private hospital, it was found that a wholesale system was used to procure special hospital food for inpatients, semi-out-sourcing was the method used. Surya Husadha Nusa Dua Hospital has generally carried out the entire series of food procurement in accordance with the Hospital Nutrition service guidelines decided by the Ministry of Health from Design to Evaluation. Hospital management determines the design budget, but the cooking activities are carried out in collaboration with the catering service provider to meet the patient's food, so the process of purchasing ingredients and processing the food is carried out by the catering service provider. (Kalimantari & Teddy Prianthara, 2019).

The results of research conducted by Kalimantanari & Teddy (2019) found that in the process of implementing food preference at the Surya Husadha Nusa Dua Hospital in Bandung Regency, there were obstacles, namely the timeliness of food delivery from the catering place to the hospital due to the distance of the catering service to the hospital. which is far enough so that if there is a sudden addition of food it cannot be denied that the food will be late so that the cooks and waiters in the hospital are also in a hurry to carry out their duties, so that the food that reaches the patient is later than the schedule it should be (Kalimantari & Teddy Prianthara, 2019). Due to this, private hospital services need to be improved in order to maintain patient safety (Bukhari, 2019).

Regarding this matter, it is related to Law no. 17 of 2023 concerning Health related to hospitals, that with the discovery of obstacles, namely delays that occur in the food preference distribution process due to the distance between the catering service provider and the hospital which is quite far, so that in the process both parties are rushed in the serving process to patients, so that the process is no longer oriented towards quality or quantity but rather towards time targets, which could have fatal consequences for the patient. Seeing that the function of food is as important as other functions such as medicine and care, according to researchers, the Surya Husadha Nusa Dua Private Hospital in Bandung Regency is still not optimal in its efforts to fulfill general provisions that are promotive or health-improving, and general provisions that are curative or capable. treating in health services, in Article (10) concerning hospitals.

### **Yogyakarta Special Region Private Hospital**

Panti Rapih Hospital which is owned by the Panti Rapih Foundation, Bathesda Hospital which is owned by YAKKUM and PKU Muhammadiyah Yogyakarta Hospital which was founded by K.H. Ahmad Dahlan, all three are type B private general hospitals located in the Special Region of Yogyakarta. Organizing medicines is divided into 4 parts, namely designing, administering, storing, sending and using medicines using existing resources. In hospital management, drug organization is an important part, which aims to ensure that the required drugs are available whenever they are needed in sufficient quantities, accurate types, on time and of reliable quality and used rationally. The drug procurement stage is an important thing in organizing drugs. If in practice drugs are not



organized properly, such as excess stock of drugs, this will result in swelling of the budget, costs and storage. drugs that are not dispensed, resulting in the drug being damaged and it becoming unfit for use or expired (Budianto, 2016).

The National Health Insurance Program is an activity carried out by the government which functions to provide equal support for the people of the country so that they can live healthy and prosperous lives. (Yadi, 2022). This program was implemented because the government issued Law no. 40 of 2004 concerning the National Social Security System (SJSN) and has been implemented since the beginning of 2014 (Aulia, Ayu, & Nasution, 2017). Members of the National Health Insurance are composed of owners of contribution assistance or commonly known as PBI as well as independent participants (Surati, Marhaeni, & Armini, 2018).

During the National Health Insurance or (JKN) period, the design margin for health services changed so that health facilities were able to look after patients well, using resources as efficiently as possible. This National Health Insurance functions to provide health services including guaranteed medication for all patients in Indonesia. In the implementation process, the JKN program is not only available in government hospitals but can also be implemented in private hospitals. According to the chairman of the Indonesian Private Hospital Association, considering the successful implementation of the JKN program, private hospitals have a very significant role as well, but in the process there are several problematic issues regarding the obstacles faced by private hospitals in the Malang area, namely the inability of these hospitals to claim Procurement of medicines using electronic catalogs from government hospitals can make claims (Budianto, 2016)

Through the results of research conducted by Budianto (2016) in several private hospitals in Yogyakarta, it was found that the private hospitals Panti Rapih, Bathesda Hospital and PKU Muhammadiyah Yogyakarta Hospital experienced obstacles in organizing National Health Insurance drugs and the following obstacles:

#### **Barriers to organizing JKN drugs at the Panti Rapih private hospital.**

The following are the obstacles in efforts to organize medicine that occurred at Panti Rapih Hospital, namely: First. The amount of medicine sent by the distributor is not the same as the quantity desired, this results in a shortage of medicine. Second. Private hospitals are not provided with electronic purchasing methods, so the process of organizing medicines takes a long time and requires difficult mechanisms such as bargaining and requires various complete form attachments. During the negotiation process, the negotiations are not always successful and result in less effective service. Third. The unavailability of electronic purchasing methods for private hospitals, even though they have the same requirements as government hospitals with the budget provided, results in large budgets being spent by private hospitals, even though in terms of profit or gain they are not different, so the management of funds in private hospitals

must be better. Fourth. The regulations for administering medicines in private hospitals are different from one another, and the procedures are difficult resulting in long lead times. (Budianto, 2016).

1. Barriers to organizing JKN medicine at the Bathesda private hospital.

The obstacles felt by the Bathesda private hospital in efforts to organize JKN drugs are as follows: First. Hospitals always ask suppliers for medicine stocks because often the supplier's medicines are out of stock, therefore, to fulfill the hospital's medicine reserves, it is not uncommon for hospitals to temporarily have to look for alternative suppliers. Second. Not all medicinal products can be displayed in electronic catalogs so the implementation is not effective, to get medicinal products you need to search first and select suppliers, not often the product, and the price is not the same as the product and the prices found in the electronic price catalog and the products listed are only a reference. However, in essence, private hospitals have not been serious about implementing it.

**Barriers to organizing JKN medicine at the PKU Muhammadiyah Yogyakarta private hospital.**

The obstacles faced by the PKU Muhammadiyah Yogyakarta private hospital are as follows: First. No e-purchasing. Second. The difficulty of procedures for returning medicines, organizing and distributing medicines often exceeds the regulated lead time, which has an impact on the scarcity of JKN medicines. Third. Suppliers sending drugs are not the same as the number of drugs ordered, which results in drug shortages in hospitals. In general, the obstacle experienced by private hospitals in Yogyakarta during the JKN period was the scarcity of medicines (Budianto, 2016).

Regarding this matter, it is related to Law no. 17 of 2023 concerning Health related to hospitals, it was discovered that the obstacles faced by the three private hospitals in Yogyakarta were all almost the same, namely the scarcity of medicine reserves available at the hospital and the difficulty of the procedures carried out. Seeing the function of drugs which is very important for the health service industry such as hospitals. So, according to researchers, the three private hospitals have not yet made optimal efforts to fulfill general provisions that are promotive or health-improving, general provisions that are curative or have the ability to treat health services, general provisions that are preventive, that is, preventative, general provisions that are rehabilitative, as well as general palliative provisions that reduce suffering in Article (10) concerning hospitals.

**Conclusion**

Through the research above, it can be concluded that private hospitals in Indonesia still experience various kinds of obstacles and problems, such as the Bunda Lhokseumawe Hospital which is hampered by the lack of specialist doctors at the hospital which results in less than optimal efforts to provide treatment services at the private hospital. At Surya Husadha Nusa Dua Hospital located in Bandung, the obstacle is the delay that occurs in the food preference distribution process due to the distance between the catering service provider and the hospital which is quite far, so that in the process both parties are rushed in the serving process. to patients, so that the process is no longer oriented towards

quality or quantity but rather towards time targets, which could have fatal consequences for the patient.

Furthermore, at Panti Rapih Private Hospital, Bathesda Hospital and PKU Muhammadiyah Hospital Yogyakarta, the three private hospitals are located in special areas of Yogyakarta. The obstacles faced by the three private hospitals are the same, namely the lack of supplies or reserves of medicines at home. This illness is due to its unavailability from suppliers and the difficulty of purchasing procedures for the medicine. Therefore, through the obstacles that occur at the hospital mentioned above, it is related to the general provisions of Law no. 17 of 2023 concerning health regarding hospitals, that the private hospitals above are not yet perfect in their efforts to fulfill the general provisions regarding health, especially regarding hospitals which are regulated in Law No. 17 of 2023 concerning health.

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