



Legal certainty of internal regulations in health services in government hospitals

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Abstract: The purpose of this study is to analyze and find out that Internal Regulations (Hospital ByLaws) in government hospitals in Indonesia meet the principles of legal certainty and harmonization between Internal Regulations (Hospital ByLaws) as well as higher regulations in the legal system related to health services in government-owned hospitals. The type of research applied is normative legal research using a statutory approach, a conceptual approach, and a comparative approach. The results of the analysis show that the inconsistency between Internal Regulations (Hospital ByLaws) and regulations that have a higher hierarchy can produce various legal consequences, such as decreased hospital accreditation, lawsuits from patients or medical personnel, and the risk of administrative sanctions. Thus, the hospital must carry out continuous evaluation and revision to ensure compliance with the latest regulations. Disagreements that are left can cause legal losses for both hospitals, medical personnel, and patients. Hospitals are at risk of losing accreditation, facing lawsuits, and experiencing administrative issues that can disrupt operations. In addition, inconsistencies can also disrupt public trust in the hospital.

Keywords: Health Services; Hospital By-Laws; Regulations; Legal Certainty

1. Introduction

Health acts as a crucial factor in building welfare, which reflects the legal concept of "rechtsidee" adopted by the State of Indonesia (Setiawan et al., 2019). The legal state in a modern concept is often defined as a state that prioritizes welfare. In this framework, by focusing on achieving common welfare, the government as the main element in the state system bears absolute obligations and responsibilities to ensure the welfare and prosperity of its people (SUBEKTI, 2020). The function of the rule of law in realizing its philosophical goals experienced significant development after the Amendment to the 1945 Constitution of the Republic of Indonesia, which was marked by the birth of Law Number 44 of 2009 related to Hospitals and Law Number 36 of 2009 related to Health. However, these regulations were later revoked along with the ratification and implementation of Law Number 17 of 2023 related to Health (Health Law), whose implementation was clarified through Government Regulation Number 28 of 2024 as the implementing regulation (Government Regulation Number 28 of 2024, 2024).

One of the philosophies stated in the preamble of the Health Law is that public health development requires various efforts in the health sector, allocating medical facilities and optimizing governance to maximize the degree of public health welfare. This is done based on the principles of welfare, equity, nondiscrimination, participation, and sustainability. The aim is to encourage the capacity building of superior and competitive individuals, reduce socio-economic disparities, strengthen access to optimal health services, strengthen the medical system, ensure a decent quality of life, and optimize community welfare and national competitiveness in order to realize the main objectives of state development.

The implementation of health services in hospitals often receives complaints from the public who feel that the services provided are not optimal. In response to these

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problems, the state stipulates the provisions in Article 189 paragraph (1) letter r of the Health Law and Article 833 letter r of Government Regulation No. 28/2024, which outlines that "every hospital must design and implement internal hospital regulations" (Hospital by Laws).

Hospital ByLaws technically refer to the provisions in PP No. 28/2024, KMK No. 772/Menkes/SK/VII/2002 concerning Guidelines for Hospital Internal Regulations, and Permenkes No. 755/Menkes/Per/IV/2011 which regulates the organization of medical committees in hospitals. Internal Regulations (Hospital ByLaws) include provisions related to Corporate Bylaws and Medical Staff Bylaws.

One of the main problems in the implementation of Internal Regulations (Hospital ByLaws) in government hospitals is the dualism of leadership between the owner (in this case the government) and the hospital manager. This often leads to conflicts of interest and obstacles in strategic decision making (Rahayu et al., 2020). In addition, the status of government hospitals as public agencies also makes the process of preparing and implementing Internal Regulations (Hospital ByLaws) must consider various other regulations related to governance.

Furthermore, Internal Regulations (Hospital ByLaws) in government hospitals are also faced with challenges related to employment status. Most government hospital employees have the status of civil servants who are bound by special personnel regulations. This can lead to complexity in human resource management, especially related to the remuneration system, performance appraisal, and career development (Nurohman, 2024).

In this study the author compares legal certainty, Internal Regulations (Hospital ByLaws) in government and private hospitals in Indonesia showing fundamental differences in the aspects of structure and regulation applied. Government hospitals are under the direct management of the government and are subject to state rules and regulations that are determined based on the provisions of the law in force. Legal certainty for government hospitals tends to be stronger as they are within the public administration system and bound by national standards. On the other hand, private hospitals, although also bound by government regulations, have the flexibility to develop internal rules that are tailored to the vision and mission of the corporation and the service standards desired by the private sector.

Legal certainty in the management of health workers in government hospitals is more stringent and formal because it must refer to the provisions that have been formulated by state authorities, starting from recruitment, career development, to dismissal (Gershuni et al., 2023; Onwujekwe et al., 2022). Medical personnel in government hospitals have more guaranteed protection through regulations applied nationally, such as the ASN Law for civil servants (Arsita et al., 2022). In private hospitals, the management of health workers is more flexible and follows the company's internal policies, although still guided by state regulations (Alolayyan & Alyahya, 2023). This flexibility often makes the internal policies of private hospitals more adaptable to changing situations but with less legal certainty than government hospitals.

This research is expected to play a role in enriching theoretical insights related to the development of health law and ethical principles in the practice of the medical profession. Practically, the findings of this research can be used as a reference for policy makers in designing internal hospital regulations that can accommodate the interests of all parties and ensure compliance with the law and professional ethics.

2. Materials and Methods

2.1 Research Type

This research falls into the normative juridical category, which is a research approach that centers on the analysis of legal norms, both those contained in laws and reg-

ulations and those reflected in court decisions. This research covers all aspects, both conceptually and in terms of comparison.

According to Soerjono Soekanto and Sri Mamudji, normative legal research can be understood as library legal research, which is in line with the term legal research or legal research instructions. Based on this understanding of normative legal research, the approach to existing problems is carried out through a conceptual approach (Conceptual Approach), a statutory approach (Statute Approach), and a comparative approach (Comparative Approach) (Widodo, 2022) .

According to Peter Mahmud Marzuki, in normative legal research, the approach applied focuses on finding optimal solutions related to legal provisions that apply in an event. Thus, the findings of this research aim to formulate recommendations regarding how an event should be treated based on relevant legal aspects (Ucuk Suyono, 2019) .

Normative legal research is research that focuses on analyzing the legal principles contained in various statutory regulations. In other words, this study focuses more on legal rules, limited to the realm of legal concepts and theories. This normative research focuses on the assessment of legal norms by highlighting one aspect, namely the vagueness of regulations, the absence of rules, or legal interrelationships. The research can be conducted through an analogical approach, interpretative meaning, or legal formulation.

Normative legal research is defined as a study that aims to analyze and evaluate the validity of a norm or provision that has been determined. It can also be referred to as a study conducted through analysis of library sources or secondary data (Irwansyah, 2021) .

2.2 Approach Method

The methods applied in this research include statute approach, conceptual approach, and comparative approach, namely:

a. Statute Approach

This approach cannot be separated from legal research at the dogmatic level or at the theoretical level. This approach is carried out by examining the regulations governing the issues studied, with an understanding based on the hierarchical structure of legislation (Marzuki, 2021) .

The statute approach is a way of analyzing regulations related to the problems that are the focus of this research in the realm of dogmatics. This approach is a method that must be applied in legal studies, so its existence is an essential element in every legal research. The analyzed regulations are arranged based on their level in the legal hierarchy.

b. Conceptual Approach

This approach is applied when the provisions in the legislation do not cover the problem being studied. This approach is applied to all doctrines that grow and develop in the discipline of law. Various principles or views of legal scholars are also used as the basis for this approach. This approach is applied by exploring various ideas or legal issues that are being discussed in the realm of Legal Science, which can be obtained through the perspectives and interpretations of academics and professionals in the field of law. In this approach, the basis used includes perspectives from legal experts, principles that grow in the legal discipline, as well as interpretations of regulations that continue to develop in the realm of law and are closely related to the issues analyzed in this study (Marzuki, 2021)

c. Comparative Approach

The comparative approach is applied through in-depth analysis of the various legal systems being compared (Marzuki, 2021) . Gutteridge argues that the exploration of legal systems is carried out through the comparative analysis method in order to under-

stand and examine legal aspects in depth. Gutteridge classifies comparative legal studies into two types, namely descriptive legal analysis that focuses on exploring information alone, as well as applied legal studies designed to achieve specific goals or objectives.

The study of comparative analysis in the legal domain is an attempt to explore the differences and similarities between legal systems in different countries or examine the evolution of legal norms from one period to another. In addition, conducting a comparative analysis of various court decisions relating to similar issues in order to identify differences and harmony in their application (Marzuki, 2021).

In this approach, the researcher analyzed the level of clarity of the rules governing Internal Regulations (Hospital ByLaws) in state-owned hospitals compared to those applied in private hospitals in Indonesia.

d. Source of Legal Materials

Reference sources in this study include primary legal materials (primary sources) that have the highest legal authority and secondary legal materials (secondary sources) that provide further analysis and interpretation, with the following explanation:

1) Primary legal materials (primary sources)

Legal materials relevant to the issues in this study serve as the main foundation in the juridical analysis conducted. The applicable legal provisions become the main reference in the normative exploration underlying this research (Marzuki, 2021).

2) Secondary legal materials (secondary sources)

Reference source legal materials in this study include various academic literature, including monographs, scientific periodicals, research papers, news reports, and other forms of scientific publications. This legal material serves as a complement to the main legal sources. This additional source of law comes from references outside the statutory provisions previously described as the main reference. This supporting reference source legal material serves as a complementary reference that includes views or interpretations obtained from various literatures, including books, scientific articles, newspapers, news reports, trusted websites, and other relevant reading materials. In addition to serving as a reinforcement of the main legal basis, these additional legal references also play a role in enriching the argument, especially when the issues studied have not been covered by the applicable regulations (Marzuki, 2021).

e. Legal Material Collection and Processing Techniques

The procedure for collecting legal sources in this research was carried out through an in-depth literature review, in which all legal references, including primary regulations, supporting materials, and additional literature, were thoroughly explored and compiled (Marzuki, 2021). The process of compiling legal sources is carried out in line with the characteristics, categories and hierarchies inherent in each legal material.

All legal references, both direct (primary sources) and supporting (secondary sources), were collected through a literature review. This collection process was carried out by sorting and categorizing them based on their characteristics, format and arrangement. The next stage involved the processing of legal material using a thorough method of clarification and filtering of all available legal sources.

f. Analysis of Legal Materials

Once the verification stage is complete, all legal material is then interpreted normatively through a deductive reasoning approach. This means that all legal sources that have been collected and analyzed are then studied in depth by linking them to relevant juridical issues. This study is prepared to formulate concrete recommendations, namely analytical findings related to the issues raised, based on the available legal sources.

Processing All legal materials in this research are organized by compiling categories based on their characteristics, types, and level of position in the structure of legal norms. After going through the processing stage, the legal material is then reviewed using a prescriptive approach, namely by exploring the legal issues raised through an in-depth review of the legal materials that have been compiled (Marzuki, 2021) . The analysis ultimately produces a prescription based on the arguments that have been built.

3. Results and Discussion

3.1 *The Role of Internal Regulations (Hospital ByLaws) in Health Services*

Hospital ByLaws play an important role as an internal legal instrument that supports hospital management in providing organized health services and meeting established standards. In the scope of health services, these internal regulations become the main guidelines that compose regulations that connect hospital managers, health workers, and patients. With the existence of Internal Regulations (Hospital ByLaws), hospitals can ensure that medical, administrative, and operational actions are carried out in an organized, professional manner, and in accordance with applicable legal regulations (Maya et al., 2023) .

One of the main roles of the Internal Regulations (Hospital ByLaws) is to establish standards in operational procedures (SOPs) that are used as references by health workers in carrying out their obligations. The SOPs stipulated in the Hospital ByLaws cover various aspects of health services, such as procedures for handling emergency cases, giving informed consent to patients, and managing high-risk medical actions. This aims to ensure that medical actions are carried out according to applicable standards of practice, as well as provide legal protection for medical personnel in the event of complaints or disputes.

In addition, the Hospital ByLaws serve to protect the rights and obligations of patients in receiving health-related services. These internal regulations govern basic principles such as the right to access information, maintain personal confidentiality, and receive protected services. Thus, patients have legal certainty that the services received not only comply with medical standards, but also fulfill the principles of fairness and safety. On the other hand, medical personnel also get legal protection as the Hospital ByLaws provide clear boundaries regarding their responsibilities and authority.

Hospital ByLaws also play a significant role in establishing a supportive work environment in hospitals. These internal regulations set up a structure that governs interactions between medical personnel, management, and non-medical personnel, including conflict resolution mechanisms. When disagreements arise between medical personnel and management or between patients and health workers, the Hospital ByLaws provide a fair and transparent resolution mechanism, thus preventing the escalation of conflicts that could disrupt health services.

In addition, the Hospital ByLaws support patient safety initiatives as a top priority in healthcare. These internal regulations include rules related to medical incident reporting, risk management, and healthcare quality evaluation. For example, in the event of a patient safety incident, the Hospital ByLaws provide guidelines for reporting, analyzing, and taking corrective measures to prevent similar incidents in the future. Thus, these internal regulations directly contribute to efforts to improve healthcare quality.

Hospital ByLaws serve as a monitoring and evaluation tool to ensure the sustainability of quality health services. Hospitals can use these internal regulations to conduct internal audits to assess compliance with established policies and SOPs. The results of this evaluation not only serve to improve service effectiveness, but also serve as a basis for developing better policies. With its dynamic nature, the Internal Regulations (Hospital ByLaws) can be updated in accordance with changes in national regulations and service needs in the hospital.

With all these roles, the Hospital ByLaws are the main foundation that ensures that health services in hospitals are run according to the principles of law, justice, and safety. This makes it a vital internal regulation in creating efficient, reliable, and patient-oriented hospital governance.

3.2 Comparison of Internal Regulations (Hospital ByLaws) in Government Hospitals with Private Hospitals in Indonesia.

Hospital internal regulations, often referred to as Internal Regulations (Hospital ByLaws), serve as the main guidelines for hospital management in Indonesia. These rules serve as a foundation for hospital owners and management in carrying out operations so that health services can take place optimally and efficiently. In general, there are fundamental differences in the application of Hospital ByLaws in public and private hospitals, which are influenced by several aspects such as ownership, organizational structure, vision and mission, and work culture in each institution.

One of the main differences lies in the aspect of ownership and legal entity status. Government-run hospitals are under the control of the central or local government, including agencies such as the Ministry of Health, TNI, and Polri. Private hospitals, on the other hand, are owned and operated by private parties, whether individuals, companies, or non-profit organizations. This difference in ownership has an impact on the supervision system applied, where government hospitals tend to have a more complex bureaucratic system compared to private hospitals which are more flexible in their management.

Table 1. Differences in regulatory structure between public and private hospitals

Regulatory Aspects	Government Hospitals	Private Hospital
Main Legal Basis	- Law Number 44 of 2009 concerning Hospitals	- Law No. 44 of 2009 concerning Hospitals
	- Minister of Health Regulation (Permenkes)	- Internal regulations according to owner/capital policy
	- Regional Regulations and Regional Head Regulations	- Standards set by private hospital associations
Funding Source	- APBN/APBD	- Owner or company investment
	- BPJS Health - Grant or CSR Funds	- BPJS Health (if cooperating) - General patients/private insurance
Internal Regulatory Authority	- Determined by the hospital director according to government regulations	- Set by hospital management and owners
	- Must follow government standards	- Can be more flexible in regulating the service system
	- There is strict supervision by related agencies (DHO, Ministry of Health, BPK)	- More internal supervision and professional associations
Service Standards	- Must follow government minimum service standards (SPM)	- More flexibility in determining service standards
	- Must provide public services at affordable rates	- Can provide premium services at higher costs
Personnel and Employment	- Majority are ASN or government	- Majority of private workforce

	contract workers	with internal contracts
	- Salary and benefits system based on government regulations	- More competitive and flexible salary system
Accountability and Oversight	- Subject to government oversight system (Inspectorate, BPK, Ombudsman)	- More flexibility in terms of
	- Must be transparent in the use of budget	- Law No. 44 of 2009 concerning Hospitals

In addition, the vision and mission of these two types of hospitals are also quite different. Government hospitals prioritize public health services and ensure accessibility of services for the entire community, in accordance with the state's responsibility to provide proper health facilities. Private hospitals, on the other hand, are more business-oriented with an emphasis on improving service quality and profitability, while still paying attention to the quality of care for patients.

In terms of organizational structure and work culture, government hospitals generally apply a more hierarchical system with strict and bureaucratic procedures. In contrast, private hospitals tend to have a simpler and more flexible organizational structure that allows for faster and more efficient decision-making. In addition, private hospitals emphasize innovation and effectiveness in their operations, while government hospitals are more oriented towards compliance with regulations and policies set by the government.

Another difference can be seen in the employment system of medical personnel. In government hospitals, health workers usually have the status of state civil apparatus (ASN) or government employees with work agreements (PPPK), which have career paths and payroll systems set by the government. In contrast, in private hospitals, medical personnel generally work under a contract system or as permanent employees, with a more flexible and competitive compensation scheme in accordance with the internal policies of each hospital.

Overall, the differences in Hospital ByLaws between public and private hospitals reflect how the regulations are structured according to the characteristics and needs of each institution. Despite the significant differences, the main objectives of implementing Hospital ByLaws in both types of hospitals remain the same, namely ensuring a good governance system, improving the quality of health services, and ensuring compliance with applicable regulations.

3.3 Harmonization between Internal Regulations (Hospital ByLaws) and higher laws and regulations in health services in hospitals

a. The Position of Internal Regulations (Hospital ByLaws) in the Indonesian Legal System

Internal Regulations (Hospital ByLaws) are internal guidelines prepared by the hospital to regulate the organizational management system, relationships between elements in the hospital, and the implementation of Health services (Firmansyah & Widjaja, 2022). Although Internal Regulations (Hospital ByLaws) are not included in the sequence of laws and regulations stipulated in Article 7 of Law No. 12 of 2011 related to the Formation of Legislation, these internal rules still play an important role in the legal order in Indonesia. This position is operational because it serves as an instrument to translate the more in-depth legal rules applied in real situations in health facilities.

The provisions in Article 7 of Law of the Republic of Indonesia Number 12 of 2011 which regulates the procedures for the formation of laws and regulations, regulate as follows: Types and levels of laws and regulations include: 1945 Constitution of the Republic of Indonesia; Decree of the People's Consultative Assembly; Law / Government

Regulation in Lieu of Law; Government Regulation; Presidential Regulation; Provincial Regional Regulation; and Regency / City Regional Regulation.

In the legal hierarchy, Hospital By-Laws falls under the legal Regulations which include laws as well as regulations issued by ministries. As an internal regulation, Hospital By-Laws must comply with higher legal rules, such as the Health Law, Government Regulation No. 28/2024, Minister of Health Decree (KMK) No. 772/Menkes/SK/VII/2002 regarding Guidelines for Hospital Internal Regulations, and Minister of Health Regulation (Permenkes) No. 755/MENKES/PER/IV/2011 regarding the Implementation of Medical Committees in Hospitals. In simple terms, hospital Internal Regulations (Hospital ByLaws) must not be in conflict with national laws. If there is a discrepancy between the content of hospital regulations and existing laws, the higher law will be the main basis that must be followed.

Although they do not have the same power as laws and ministerial regulations, Hospital ByLaws are still internally binding. These internal regulations must be obeyed by all parties who play a role in hospital operations, including medical staff, management, non-medical personnel, and patients. The obligation to comply with Hospital By-Laws is reinforced by technical regulations such as the Minister of Health Decree (KMK) Number 772/Menkes/SK/VII/2002 which regulates the Guidelines for Hospital Regulations and Permenkes Number 755/MENKES/PER/IV/2011 concerning the Implementation of the Medical Committee, requiring each hospital to develop internal regulations as part of its operational management.

The position of Internal Regulations (Hospital ByLaws) can also be seen in the context of accreditation in a hospital. Referring to the Regulation of the Minister of Health of the Republic of Indonesia Number 12 of 2020 concerning Accreditation Standards in a Hospital, the existence and implementation of Internal Regulations (Hospital ByLaws) is one of the main requirements to ensure that health facilities provide services in accordance with quality guidelines and patient safety. Thus, although not included in the hierarchy of formal legislation, Internal Regulations (Hospital ByLaws) have a crucial role in ensuring clear responsibilities and legal guarantees in health services (Setiawan et al., 2019).

Hospital ByLaws have the distinctive properties of flexibility and specificity. This flexibility allows hospitals to tailor the contents of internal regulations to specific needs, such as the type of health services provided or the capacity of the hospital. Meanwhile, its specificity lies in regulating details that are not expressly described in national regulations. For example, the Hospital ByLaws may regulate the procedure for giving informed consent or the mechanism for reporting patient safety incidents, which is a direct application of national legal principles.

As an operational legal instrument, Hospital ByLaws act as a link between national regulations and implementation at the institutional level. These internal regulations ensure that general legal provisions can be practically applied in hospitals. Consequently, this provides clear legal guarantees for medical professionals, patients, as well as hospital managers. However, since it is subordinate to the laws and regulations, hospitals need to conduct periodic evaluations of the contents of the Hospital ByLaws to ensure that they are in line with the development of national regulations.

b. Legal Basis for the Preparation of Internal Regulations (Hospital ByLaws) in Indonesia

Hospital ByLaws in Indonesia are based on a number of regulations that provide the legal basis and framework for hospital management. As an internal regulation, Hospital ByLaws serves to translate higher legal principles into hospital operational guidelines, ensuring the conformity of hospital governance with national legal provisions.

The following are the main legal basis for the preparation of Internal Regulations (Hospital ByLaws) in Indonesia:

a. Law No. 17 of 2023 on Health(UU, 2023)

This law is the main basis for the preparation of Hospital By-Laws. Article 184 paragraph (4) stipulates the obligation for each hospital to carry out hospital management and clinical management according to standards. Meanwhile, Article 189 paragraph (1) letter r stipulates that each hospital is required to compile and implement regulations that apply within the hospital. Internal Regulations (Hospital ByLaws) serve as an instrument to realize such governance by regulating the relationship between hospital stakeholders, such as management, health professionals, support staff, and individuals undergoing treatment.

b. Government Regulation No. 28 Year 2024 regarding the implementation of Law No. 17 Year 2023 related to the Health sector (Government Regulation No. 28 Year 2024, 2024) .

This Government Regulation serves as an implementation guideline of the Health Law, which includes the preparation of Internal Regulations (Hospital ByLaws). In this regulation, Article 833 letter r stipulates the obligation of each hospital to formulate and implement Internal Hospital Regulations. Meanwhile, in Article 850 paragraph (2), it is explained that the Internal Regulations include: Hospital Organization Regulations as well as Regulations for Medical Staff and Hospital Health Workers.

c. Decree of the Minister of Health of the Republic of Indonesia No. 772/Menkes/SK/VII/2002 regarding Hospital By Laws Guidelines

This regulation is the technical guidance of the Minister of Health in the preparation of Internal Regulations (Hospital ByLaws) which include Corporate By Laws, Internal Regulations for medical staff (Internal Guidelines for Medical Staff) and internal regulations for hospital nursing staff (Internal Guidelines for Nursing Staff).

d. Regulation issued by the Minister of Health with number 755/MENKES/PER/IV/2011 regarding the Implementation of the Medical Committee (Permenkes RI, 2011) .

This Permenkes provides technical guidelines related to the functions and responsibilities of the medical team in a hospital. One of the regulated obligations is the preparation of Internal Regulations (Hospital ByLaws) as part of internal regulations to ensure the governance of the medical profession runs in accordance with standards. These internal regulations must include arrangements related to the implementation of medical practices, work procedures of the medical committee, and supervision of the implementation of health services.

e. General Principles of Civil and Administrative Law

As an internal legal regulation, Hospital ByLaws are also subject to the general principles of civil law and state administration. These internal regulations must reflect the principles of legal certainty, fairness, and expediency. In addition, the Hospital ByLaws must not violate legally superior regulations or fundamental rights stipulated in state regulations.

Although the Hospital ByLaws are internal regulations, they must be carefully drafted to comply with national regulations. This process requires periodic evaluation to ensure that the content of the Hospital ByLaws is always relevant to the development of health laws and policies in Indonesia. With a strong legal basis, the Hospital ByLaws can serve as a governance instrument that not only supports operational efficiency, but also provides legal security for every individual in the healthcare sector.

3.4 Synchronization of Internal Regulations (Hospital ByLaws) with Indonesian Legislation

Synchronization between Internal Regulations (Hospital ByLaws) and superior regulations is crucial so that hospitals can operate in accordance with existing legal norms, as well as to maintain legal certainty in a service in health (Tilaar & Sewu, 2023). Discrepancies between the content of the Internal Regulations (Hospital ByLaws) and superior regulations can cause legal and administrative obstacles, disrupt service quality, and damage the credibility of the hospital. Therefore, this alignment requires a deep focus in every stage of drafting and implementing the Hospital ByLaws.

The first step in synchronization is to ensure that every aspect of the Hospital ByLaws is not inconsistent with applicable legal provisions, such as Law No. 17 of 2023 on Health, Government Regulation No. 28 of 2024 governing the implementation of Law No. 17 of 2023, as well as relevant ministerial regulations. Internal Regulations (Hospital ByLaws) should serve to translate the legal principles contained in these regulations into practical rules in the hospital. For example, the Regulations contained in Law No. 17 Year 2023 on Health stipulating the responsibility of hospitals to provide quality and safety-assured healthcare services, should be reflected in the operational procedures contained in the Hospital ByLaws.

Internal regulations (Hospital ByLaws) also need to be adjusted to the accreditation standards set out in the Regulation of the Minister of Health of the Republic of Indonesia No. 12 of 2020 concerning Accreditation Standards for Hospital Health Facilities. This regulation stipulates the obligation for hospitals to comply with a set of criteria related to service quality, patient safety, and general hospital management. Within the framework of accreditation, the Hospital ByLaws must include guidelines that ensure that every policy and procedure in the hospital complies with established standards, such as procedures for infection control, medication management, and patient rights.

In addition to aligning with hospital regulations, the Internal Regulations (Hospital ByLaws) must also ensure that the existing rules are in accordance with Medical Practice and the medical profession's code of ethics. For example, the Internal Regulations (Hospital ByLaws) must regulate the mechanism of giving informed consent to patients, which must be carried out in accordance with the ethical and legal principles contained in the regulation. This alignment ensures that the implementation of medical actions in the hospital not only complies with medical norms, but also fulfills regulations that protect the rights of patients and the obligations of health workers.

In order to maintain synchronization between Internal Regulations (Hospital ByLaws) and regulations related to legislation, hospitals need to periodically evaluate and revise the contents of Internal Regulations (Hospital ByLaws) (Ministry of Health R.I., 2023). Laws and regulations often undergo changes or updates, either due to developments in the field of law or changes in government policies in the health sector. This revision is important to ensure that the Internal Regulations (Hospital ByLaws) always reflect the latest regulations and remain based on the development of current laws and regulations.

If discrepancies are found between the Hospital ByLaws and laws and regulations, the hospital must have procedures in place to amend and adjust the internal regulations to remain compliant with higher regulations. This process involves coordination between hospital management, the legal team, and the competent authority, such as the Ministry of Health or the Hospital Accreditation Committee, to ensure that the changes made do not reduce the quality of service or violate patient rights.

After synchronization and revision, the last step is to ensure that the implementation of the Internal Regulations (Hospital ByLaws) is effective in the field. Hospitals must ensure that all medical personnel, non-medical personnel, and hospital management understand and comply with each provision in the Internal Regulations (Hospital ByLaws). Regular training and socialization regarding changes or updates made to the

Internal Regulations (Hospital ByLaws) are also very important to maintain compliance with applicable regulations.

If unaddressed discrepancies are left unaddressed, they have the potential to lead to legal issues, both between patients and hospitals, as well as between hospitals and medical personnel. Such discrepancies can also affect the hospital's accreditation status, which, if not in accordance with applicable regulatory norms, can reduce public trust in the hospital. Therefore, proper synchronization between Internal Regulations (Hospital ByLaws) and laws and regulations is an important step in maintaining the legal integrity and quality of hospital services.

With good synchronization, Hospital ByLaws not only serve as internal guidelines that support hospital operations, but also become instruments that strengthen compliance with regulations that have a higher position in the legal hierarchy. This is important to build a hospital managerial system that is open, accountable, and focused on providing safe and quality services.

3.5 Legal Implications of Non-Conformity

Discrepancies between Hospital ByLaws and higher level laws and regulations can have various legal implications, both for the hospital itself, medical personnel, and patients. As hospital ByLaws play a crucial role in hospital management and health service delivery, these discrepancies must be addressed immediately so as not to compromise service quality or cause greater legal problems (Maya et al., 2023).

One of the main consequences of non-compliance between Hospital ByLaws and laws and regulations is the effect on hospital accreditation. According to the provisions stated in the Minister of Health Regulation No. 12 of 2020 regarding Hospital Accreditation Standards, it is revealed that hospitals that do not meet the predetermined criteria, both in terms of medical services and internal management, may lose accreditation. Non-conformity of Internal Regulations (Hospital ByLaws) with higher regulations can lead to decreased accreditation or even revocation of hospital accreditation, which has a negative impact on the hospital's reputation and operations (Susanti, 2021).

Discrepancies that occur in the application of Internal Regulations (Hospital ByLaws) can provide opportunities for patients to file lawsuits (Andrianto & Athira, 2022). For example, if the Hospital ByLaws are in conflict with Law No. 17 of 2023 on Health which regulates the rights of patients, including the right to obtain medical information and informed consent, patients can claim that their rights have been violated. If the hospital fails to implement the procedures stipulated in the higher regulation, it can be considered a form of negligence that can cause harm to the patient and trigger a lawsuit.

Non-conformity of Internal Regulations (Hospital ByLaws) with laws and regulations can also potentially lead to legal liabilities for hospital managers and medical professionals (Ahzar et al., 2023). Hospital management is responsible for designing and following internal rules that are aligned with higher regulations. If there is a discrepancy, the manager or responsible stakeholder may be in breach of their legal obligations. Similarly, medical personnel who carry out procedures based on Hospital ByLaws that are inconsistent with higher regulations may be subject to professional sanctions, whether administrative, ethical or criminal (Cahyani et al., 2024).

Left unchecked, discrepancies in the Hospital ByLaws can lead to a decline in the quality of healthcare services. For example, if medical procedures in the Hospital ByLaws do not comply with national medical guidelines or do not follow patient safety standards set by the government, the hospital risks an increase in medical incidents that could harm patients. In the long run, this could result in damage to the hospital's reputation and decreased public confidence in the quality of services provided.

A hospital that does not adjust its Internal Regulations (Hospital ByLaws) to the laws and regulations risks being subject to administrative sanctions by the government

(Suhaid et al., 2022) These sanctions can be in the form of reprimands, suspension of operational licenses, or revocation of hospital licenses, depending on the level of violation that occurs. For example, if the hospital is unable to fulfill the provisions stipulated in Permenkes Number 12 of 2020 concerning Hospital Accreditation, then the government is authorized to impose sanctions that have the potential to disrupt the continuity of hospital operations.

Discrepancies between the Hospital ByLaws and higher regulations can also lead to internal conflicts among medical personnel and hospital management. If medical personnel feel that the procedures stipulated in the Hospital ByLaws are in conflict with applicable medical principles or legal standards, they may oppose the policy. This can affect the working atmosphere in the hospital and negatively impact the quality of medical services. In more serious cases, aggrieved medical personnel or patients may report the hospital to the Ethics Committee or Hospital Supervisory Commission for legal recourse.

Non-conformities in the Hospital ByLaws can also lead to waste of resources and legal expenses. The process of correcting or revising Hospital ByLaws that are inconsistent with the prevailing laws and regulations requires a significant amount of time, money, and effort. In the event of a lawsuit, the hospital must also prepare resources to defend itself in court, which can affect the hospital's budget and harm the hospital's reputation and image in the eyes of the public.

The legal implications arising from discrepancies between the Hospital ByLaws and laws and regulations are very serious, both in terms of legal, administrative, and hospital reputation. As such, hospitals need to take proactive measures to ensure that their Internal Regulations (Hospital ByLaws) are always in line with higher regulations, conduct periodic revisions, and ensure compliance with applicable national regulations. These steps will not only maintain legal certainty in health services but also improve the quality and credibility of the hospital in the eyes of the public.

3.6 Evaluation and Revision of Internal Regulations (Hospital ByLaws) against Regulatory Changes in Indonesia

Evaluation and revision of the Hospital ByLaws is a crucial action that needs to be taken by the hospital to ensure that the internal regulations remain relevant and in accordance with the development of applicable regulations. Revisions to laws, both national and sector-specific, may affect hospital operations, requiring adjustments in the Hospital ByLaws. This structured evaluation and revision process has major implications in maintaining compliance with the law and improving the quality of health services (Laila et al., 2024).

Evaluation of the Internal Regulations (Hospital ByLaws) must be carried out regularly to ensure compliance with changes in laws and regulations as well as developments in the health sector. This evaluation includes not only an examination of the content of the regulations, but also how they are implemented in daily practice in the hospital. This evaluation also aims to identify potential legal or administrative issues that may arise due to inconsistencies between the Internal Regulations (Hospital ByLaws) and new regulations. The revision of the Internal Regulations (Hospital ByLaws) is the next step after an evaluation to adjust the contents of the regulations with changes in higher regulations.

The revision process involved several stages, including: (a) Identify regulatory changes: The legal team or hospital management should monitor changes in relevant regulations, such as the Health Law, Minister of Health Regulations, or hospital accreditation guidelines. (b) Analyze the impact of the changes: After learning about the new regulations, the next step is to analyze the impact of the changes on the existing policies and procedures in the Hospital ByLaws. This includes identifying if there are any discrepancies or policies that need to be changed. (c) Drafting revisions: After the analysis,

a draft revision is prepared taking into account the operational needs of the hospital and the new provisions. This process should involve relevant stakeholders, such as the medical team, ethics committee, and hospital management, to ensure that the revision covers relevant medical and administrative aspects. (d) Approval and socialization: The revised draft must then be approved by the hospital leadership and authorized parties. Once approved, these changes should be disseminated to all hospital employees for effective implementation.

Regulations in the health sector often change to respond to advances in science, technology, or changes in the current socio-economic situation. Thus, hospitals need to have a system that can adapt to various conditions to be able to respond to rapid regulatory changes. The process of evaluating and revising Internal Regulations (Hospital ByLaws) needs to be carried out with a dynamic and responsive approach. For this reason, hospitals need to have a team specifically responsible for monitoring regulatory changes and ensuring that these changes can be implemented in the Internal Regulations (Hospital ByLaws) quickly and appropriately.

In addition to following changes in higher laws and regulations, the revision of the Internal Regulations (Hospital ByLaws) must also pay attention to the provisions in the hospital accreditation standards. Any changes in the Internal Regulations (Hospital ByLaws) need to be adjusted to the hospital accreditation guidelines to ensure that the hospital continues to meet the specified service quality criteria. One area that often changes in the accreditation system is policies regarding patient safety, risk management, and management of medical personnel, which should be reflected in the revision of the Hospital ByLaws.

The revision of Internal Regulations (Hospital ByLaws) must be followed by the development or update of Standard Operating Procedures (SOPs) that govern the technical implementation of the adjusted policies. These SOPs include details related to how each new policy will be applied in daily practice at the hospital, both in medical services, administration, and risk management. This SOP arrangement must also involve all lines within the hospital to ensure smooth implementation and minimize errors in the application of regulations (Putri & Mulyanti, 2023).

The role of internal audit is crucial in the evaluation and revision stage of the Internal Regulations (Hospital ByLaws). This audit is carried out to assess progress related to existing policies that have been implemented and whether there are gaps or discrepancies between internal regulations and applicable regulations. The findings of this audit will provide an in-depth understanding of areas that need to be improved or adjusted. A regular internal audit process also helps hospitals minimize legal risks and improve compliance with higher regulations.

If a hospital fails to promptly revise its Hospital ByLaws in accordance with changes in applicable regulations, there are potential legal implications, such as the risk of losing accreditation, lawsuits from patients or medical personnel, and administrative sanctions from the government. Hospitals that are late in making revisions also run the risk of facing problems in implementing policies or procedures that are not in line with the latest regulations, which may ultimately impact the quality of health services provided.

Evaluation and revision of the Hospital ByLaws is a non-negligible step to maintain the hospital's compliance with higher regulations. With a regular evaluation process and timely revisions, hospitals can continue to operate in line with existing legal requirements and improve the quality of care for patients. Through a transparent revision mechanism, hospitals not only ensure the sustainability of their operations, but also minimize legal and administrative risks that could be detrimental to all parties involved (Israq, 2024).

4. Conclusion

Internal Regulations are designed as operational guidelines that refer to national regulations, such as Law No. 17/2023 on Health, Law No. 44/2009 on Hospitals, Government Regulation No. 28/2024 on the Implementation of the Hospital Field, and KMK 772/2002 on Guidelines for Hospital Internal Regulations, in practice, disharmony often arises due to differences in legal interpretation, overlapping regulations, and incompatibility with the special needs of hospitals. Therefore, a harmonization mechanism is needed that includes revision of unsynchronized regulations, coordination between all stakeholders, and periodic evaluation. It is important that the Internal Regulations remain relevant to legal developments and health service needs, so as to support more effective and equitable governance of government hospitals. With the development of electronic medical record systems and digitized hospital administration, future research can examine how technology can help structure and enforce internal regulations more effectively.

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