

COMPARISON OF LEGAL PROTECTION FOR PATIENTS IN DIFFERENT COUNTRIES: A LITERATURE STUDY

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Abstract

This article examines the comparative legal protection for patients in different countries by conducting a comprehensive literature review. The analysis shows that there is great variation in the legal protection provided, influenced by each country's level of economic development, health system, and government policies. Developed countries generally have more comprehensive legal frameworks that protect patients' rights, including the right to medical information, informed consent, and effective grievance mechanisms. In developing countries, legal protection for patients is often weaker due to limited resources and infrastructure. This study recommends increased public awareness of patients' rights, training for medical personnel, and international co-operation to set global standards, in order to strengthen legal protection for patients globally.

Keywords: Comparison, Legal Protection, Patient, Various Countries, Literature Study

Introduction

Health is a human right guaranteed by almost all countries in the world. In the context of health care, legal protection for patients is a very important aspect. This legal protection is a form of responsibility of the government and health institutions to ensure that the rights of patients can be fulfilled and protected (Sloan & Hsieh, 2013).

Legal protection for patients is essential to ensure that their rights are safeguarded and respected in every interaction with the healthcare system. The right to transparent information, informed consent, and medical privacy are some of the basic rights of patients that must be protected to avoid abuse and malpractice. Without adequate legal protection, patients may fall victim to medical errors, neglect, or even exploitation in the absence of effective mechanisms to seek justice and compensation. Strong legal protection also ensures oversight and accountability mechanisms for medical practitioners and healthcare institutions (Kim, 2025).

In addition, legal protection for patients serves to increase public trust in the health system. This trust is crucial for the success of health interventions at both the individual and community levels. When patients believe that their rights are legally protected, they are more likely to seek medical care when needed, follow medical advice, and participate in public health programmes (Fenn et al., 2019). Ultimately,

effective legal protections for patients not only protect individuals, but also strengthen the overall health system, improve the quality of care, and encourage ethical and high-quality medical practices (Ginsberg, 2015).

With the times and global mobility, patients often interact with health systems outside their country. This creates new challenges related to legal protection that vary from country to country. In some countries, health regulations are very strict and detailed, providing high legal certainty for patients. However, in other countries, the regulations and their implementation may not be optimal, leaving patients at risk of facing various kinds of uncertainties in healthcare (Hamm, 2003).

In Indonesia, for example, although there is already a Law on Health and patient protection, its implementation still encounters various obstacles. One of the main obstacles in implementing the Law on Health and patient protection is the lack of understanding and awareness of patients' rights among the general public and health workers themselves (Hyman & Silver, 2015). Many patients are unaware of their rights within the healthcare system, which often leads to a lack of courage to demand justice when experiencing malpractice or rights violations. On the other hand, healthcare workers may also lack information or training on their obligations to protect patients' rights. Lack of equitable education about these legal provisions may result in poor implementation and enforcement of these laws, resulting in patients' rights not being effectively protected (Bryan & White, 2018).

In addition, implementation of the law is often hampered by limitations in existing infrastructure and resources. Many health facilities, especially in remote areas, lack adequate staff, services and equipment to meet the standards set by the law. This is exacerbated by cumbersome and slow bureaucracy, which can hinder patients' access to necessary legal protections and proper justice processes. In addition, inconsistent regulations and differences in legal interpretation can result in uncertainty and chaos in the application of rules. All these factors cause major challenges for the effectiveness of the Law on Health and patient protection to function as intended (Polinski & Kowalczyk, 2016).

In contrast, in the United States with its distinct legal system, legal protections for patients are often more complex and diverse, depending on the state and the type of health care provided. This fundamental difference raises the question of how different countries regulate and protect patients' rights, and what are the factors that influence the success or failure in providing such legal protection. Through a literature review, the researcher seeks to develop a comprehensive understanding of the comparative legal protection of patients in different countries.

Research Methods

The study in this research uses the literature method. The literature research method is a research approach that collects and analyses information available from

various written sources, such as books, scientific journals, articles, reports, and other documents, to answer questions or test certain hypotheses (Sanusi, 2015) ; (Wekke, 2020) . This research does not involve direct primary data collection from the field, but instead focuses on identifying, evaluating and synthesising existing information. This process usually involves searching relevant literature, critically assessing the quality and credibility of sources, and building on insights gained from previous research to develop a theoretical framework or provide a comprehensive view of the topic under study. Literature research is very important to build a strong knowledge base and get a comprehensive picture before moving on to further or practical research (Syahran, 2020) .

Results and Discussion

Comparison of Legal Protection for Patients in Indonesia and Various Countries

Each country has a unique legal and regulatory system in protecting patients' rights. In Indonesia, legal protection for patients is regulated in several laws, one of which is Law Number 36 of 2009 on Health, which ensures patients' right to obtain information about their diagnosis, treatment, and medical procedures that they will undergo (Hall, 2009) . In addition, Law No. 44 of 2009 on Hospitals also covers patients' rights to receive humane, fair, and non-discriminatory services. Nonetheless, law enforcement in cases of patient rights violations still faces many challenges, including limited access to justice, lack of public awareness of patient rights, and complex bureaucracy (Studdert et al., 2014) .

In comparison, in the United States, legal protection for patients is comprehensive and supported by various federal and state laws. The Health Insurance Portability and Accountability Act (HIPAA), for example, provides protection for patients' health information and ensures medical confidentiality. Patients also have the right to obtain copies of their medical records and decide who can access their health information. In addition, laws such as the Patient Protection and Affordable Care Act (PPACA) give patients the right to obtain reasonable health insurance and affordable medical services (Bismark & Studdert, 2014) .

In the UK, the National Health Service (NHS) plays an important role in the protection of patients' rights. The NHS Constitution sets out patients' rights such as the right to choose services under the NHS and to receive healthcare services that are safe, high quality, and respectful of patients' dignity. All organisations within the NHS are obliged to ensure patient complaints are investigated fairly and quickly, providing timely solutions. Patient rights in the UK are also supported by legislation such as the Data Protection Act which protects personal and medical information (Greysen et al., 2014) .

Meanwhile, Japan has a patient protection system centred on the principles of honour, honesty and transparency. The Law on Health Care Provision and Patient Safety Assurance ensures that patients have the right to clear and understandable information

about their health conditions and treatment options. In addition, Japan has a comprehensive national health insurance system, which provides broad access to medical services (Mello & Studdert, 2012).

In Germany, patient protection is based on a legal system that ensures fundamental rights such as informed consent and the right to medical privacy. The German Patient Rights Act (PatRG) codifies the rights of patients in a detailed healthcare system. Patients have the right to receive full information about the risks and benefits of medical treatment as well as the right to see their medical records. Furthermore, there is a formal complaints procedure and mechanisms to obtain compensation in case of malpractice or violation of rights (Klick & Stratmann, 2007).

In Australia, the legal protection of patients is heavily influenced by state laws, although there is also legislation at the federal level. The Australian Charter of Healthcare Rights provides general guidance on patient rights which include access, safety, respect, communication, privacy and consent. Each state and territory in Australia has their own Health Service Complaints Commission where patients can report complaints (Jena & Seabury, 2011).

Singapore has a highly organised healthcare legal framework to protect patients. Singapore's Ministry of Health implements various policies and laws such as the Private Hospitals and Medical Clinics Act (PHMCA) that regulate healthcare standards. Patients have the right to obtain adequate information, provide informed consent, and access their health records. Singapore also emphasises a proactive approach in maintaining patient safety and quality of care (Kass, 2001).

Overall, although there are variations in each country's approach, legal protections for patients tend to recognise basic rights such as access to medical information, informed consent, privacy, and effective grievance mechanisms. Indonesia, meanwhile, still needs to work harder in enforcing existing laws and raising awareness and understanding of the importance of patients' rights among the public and health workers to ensure more effective protection. Additional resources, education, and understanding of legal rights are important steps to strengthen Indonesia's patient protection system.

Factors Affecting Comparative Differences in Legal Protection for Patients in Indonesia and Various Countries

Legal protection for patients is an important component in the health system that serves to guarantee the rights and welfare of patients. In general, this legal protection involves various aspects such as access to health services, the right to information, consent to medical treatment, and complaint mechanisms. However, the implementation and level of legal protection may vary from one country to another. In Indonesia alone, various factors can influence these differences (Danzon, 2000).

One of the most influential factors is the legal and regulatory framework in each country. In countries with more developed and comprehensive legal systems, such as the United States and countries in Western Europe, regulations protecting patients' rights are generally more detailed and stringent. In Indonesia, regulations on patient rights have been set out in Law No. 36 Year 2009 on Health as well as the Minister of Health's Regulation on Patient Safety and Health. Nevertheless, its implementation still faces various challenges (Ballantine & Roberts, 2020).

These implementation challenges often relate to the capacity of legal and oversight institutions in each country. In developed countries, strong and credible independent oversight institutions can ensure that policies related to legal protection for patients are consistently implemented. In Indonesia, there are still limitations in terms of the capacity and resources of oversight institutions, which may result in weak oversight and law enforcement in the Health sector (Brooks & Bellandi, 2017).

Another important factor is the culture and level of public awareness about patient rights. In many developed countries, public awareness of patient rights is very high. This is often driven by better education levels and socialisation by the government or non-profit organisations. In Indonesia, while awareness of patients' rights is starting to increase, it is not yet evenly distributed across society. Lack of information and low levels of health literacy result in many patients not realising their rights (Carvel, 2009).

The higher education system in medicine and nursing also affects legal protection for patients. In many developed countries, training for medical personnel includes medical ethics and good communication with patients, so that patients' rights are more respected. In Indonesia, although the education curriculum in medical faculties also includes aspects of medical ethics, in practice there are still some weaknesses that need to be improved (Cooper, 2010).

In addition, economic factors and budget allocations for the health sector also determine the level of legal protection for patients. Countries that have a large health budget tend to be able to provide better health services and adequate resources to ensure the enforcement of patients' rights. In Indonesia, the health budget, although it has increased in recent years, remains relatively less when compared to developed countries. This results in limitations in terms of health services and facilities (Sloan & Whetten-Goldstein, 1997).

Geographical aspects also play a role in the differences in legal protection for patients. In a country with a large geographical area and archipelago like Indonesia, the distribution of health services is a challenge. There is inequitable access to adequate healthcare in remote areas, which has a direct impact on patients' ability to obtain the legal protection they need (Van der Meulen & Archer, 2017).

Finally, the role of the media and information technology in disseminating information about patients' rights also affects the difference in legal protection. In this digital era, countries with good technological infrastructure and internet access can

more effectively educate the public about their rights. In Indonesia, despite the widespread use of the internet, there are still many areas that lack access to technology, which hinders the dissemination of patient rights evenly (McMichael, 2017) .

Overall, the comparative differences in legal protection for patients in Indonesia and other countries are influenced by a complex combination of factors. Understanding these factors is important for designing effective interventions and policies to improve legal protection for patients in Indonesia.

Conclusion

Comparative differences in legal protection for patients in different countries consist of;

Firstly, Variations in Legal Protection. This study reveals that there is significant variation in legal protection for patients across countries. Some countries have comprehensive legal frameworks that focus on patient rights, such as access to medical information and consent to medical treatment. Developed countries tend to have strict and structured regulations, which include protection of patients' privacy rights, the right to clear information, and complaint procedures in the event of medical malpractice.

Second, Social and Economic Factors. The level of legal protection for patients is often influenced by socio-economic factors and health policies in each country. Countries with publicly funded health systems tend to provide stronger protections, whereas in developing countries, patient protections may be weaker due to limited resources and infrastructure. In addition, local culture and people's level of education also play an important role in the extent to which patients' rights are understood and enforced.

Third, Recommendations for Strengthening Protection. In order to strengthen legal protection for patients, the study recommends increased public awareness of patients' rights, better training for medical personnel on medical ethics and law, and international collaborative efforts to adopt best practices from countries with effective patient protection policies. The establishment of global standards can help to equalise the level of protection provided to patients around the world, thus ensuring fair and equal treatment in the healthcare system.

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