

# Hospital Emergency Unit Services Reviewed from Legal Aspects: A Case Study of Marthen Indey Hospital, Jayapura

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## Abstract

Emergency Room (ER) services in hospitals play a vital role in providing first aid to patients in medical emergencies. This study aims to review the legal aspects of ER services, especially regarding the contract between doctors and patients, the obligation to provide assistance, and the role of on-call doctors. The methods used in this study include literature review and legal analysis of applicable laws and regulations, such as Law No. 17 of 2023 concerning Health. The results of the study indicate that the legal aspects of the contract regulate the rights, obligations, and responsibilities of doctors and patients. Doctors are obliged to provide first aid without delay and maintain the confidentiality of patient medical information. Article 189 point c of Law No. 17 of 2023 concerning Health emphasizes the obligation of hospitals to provide emergency services to patients according to their service capabilities. A good understanding of these legal aspects is important to ensure that ER services run in accordance with ethical and legal standards, as well as to avoid potential legal disputes.

**Keywords:** emergency services, legal aspects, doctor-patient relationship

## Introduction

The emergency room (ER) in a hospital is a health facility that has a vital role in providing first aid for individuals experiencing a medical emergency (Ifadah et al., 2024). In this context, the services provided by the ER are not only medical in nature, but also involve legal aspects that regulate the relationship between doctors, patients, and hospitals as institutions that provide medical services. The importance of understanding the legal aspects of engagement in the context of ER services arises because of various ethical, moral, and legal considerations that must be considered by medical personnel in providing services to patients. The engagement between doctors and patients in the ER is one of the key aspects that regulates the rights, obligations, and responsibilities of both parties in the medical service process. Therefore, a deep understanding of the legal aspects of engagement is important so that medical services in the ER can run in accordance with applicable ethical and legal standards. In addition, the phenomenon of medical practice that occurs in the ER often involves emergencies that require quick and appropriate action. In emergency situations like this, legal factors such as patient consent, doctor



accountability, and legal sources that regulate medical actions become very relevant (Son, 2024). Therefore, in-depth research is needed to identify and analyze various legal aspects related to emergency room services. In this regard, hospitals as one of the health service institutions that have emergency units, are an interesting case study for further research. By paying attention to the medical service practices that occur in the hospital's emergency room, various legal implications can be found that are relevant to study. Through a deeper understanding of the legal aspects of engagement in the context of emergency room services, it is hoped that it can provide a meaningful contribution to the development of better medical policies and practices in the future.

## Literature Review

### Understanding Contracts in the Context of Medical Services in Emergency Installations

In the context of medical services in a hospital emergency unit, a contract refers to the legal bond between a doctor and a patient that regulates the rights, obligations, and responsibilities of each party (Ismail, 2019). This engagement involves a commitment from the doctor to provide medical services in accordance with professional standards and knowledge that he has for the safety and welfare of the patient. On the other hand, the patient also has the right to receive quality services and be clearly informed about his condition and the treatment options available.

In the emergency unit service contract, doctors commit to provide the best possible medical care, even though there is no guarantee of absolute healing. This concept of contract is often referred to as "inspaningsverbintenis" or an effort contract, in which doctors promise to do their utmost for the welfare of the patient. Although doctors cannot guarantee a particular outcome, they have a moral and ethical obligation to provide the best care based on their knowledge and ability.

The definition of engagement in the context of medical services in the ER also includes aspects of patient consent. Doctors have a responsibility to ensure that patients fully understand their condition and agree to the medical procedures to be performed. Therefore, effective communication between doctors and patients is essential in establishing a mutually beneficial engagement relationship and ensuring that patients receive services that are in accordance with their needs and preferences.

### Form of Engagement (Inspaningsverbintenis)

The form of engagement in hospital emergency services, known as "inspaningsverbintenis" or an effort engagement, affirms that doctors promise to give their best efforts in saving lives and improving patient welfare. In this context, doctors do not promise absolute healing, but they commit to doing everything they can in accordance with the standards of the medical profession to improve the patient's condition. This reflects the moral and ethical obligations inherent in medical practice, where doctors are responsible for their actions in providing the best service to patients.



The importance of understanding this form of engagement is to avoid the misconception that physicians have the ability to cure every medical condition. In reality, medical practice in the ER often involves dealing with complex and unpredictable situations, where physicians must make quick decisions based on the information available and their expertise. Therefore, this engagement emphasizes the importance of physicians acting ethically and professionally, even though the results may not always be as expected.

In the context of the law of obligations, the form of *inspaningsverbintenis* obligation confirms that doctors have an obligation to provide care that is in accordance with the standards of their profession, as well as to ensure that patients receive adequate and timely care. This strengthens the relationship of trust between doctors and patients, where patients can feel confident that they are receiving quality care that is appropriate to their medical needs.

### **Obligations and Responsibilities of Doctors and Patients**

In hospital emergency services, doctors have important obligations and responsibilities in maintaining patient safety and well-being. Doctors' obligations include providing medical assistance in accordance with professional standards, making appropriate diagnoses, and providing the necessary care to improve the patient's condition. Doctors' responsibilities also include communicating effectively with patients, explaining medical conditions clearly, and providing information about available treatment options. In addition, doctors are also responsible for recording all medical actions taken in the patient's medical record accurately and completely.

On the other hand, patients also have obligations and responsibilities in the relationship of engagement with doctors in the ER. The patient's obligations include providing accurate information about their health condition, complying with the instructions of doctors and nurses, and providing consent for medical procedures to be performed. Patients are also responsible for understanding the information provided by the doctor, asking questions if there is something unclear, and cooperating in the treatment process to obtain the best results.

The involvement of contract law in the obligations and responsibilities of doctors and patients in the ED ensures that the relationship between the two is fair and in accordance with medical ethics standards. Contract law also provides a clear framework in determining the rights and obligations of each party, as well as providing a strong legal basis in resolving disputes or claims that may arise from medical practices in the ED. Thus, a good understanding of the obligations and responsibilities of doctors and patients in the context of contract law is essential to ensure quality and safe medical services in the hospital ED.

### **Source of Engagement**

In the context of hospital emergency services, the contract between a doctor and a patient can come from two main sources: an agreement between the two parties and the law governing medical relationships. A contractual contract occurs when the doctor and patient voluntarily agree on the medical action to be performed. This often occurs when the patient is still able to give conscious medical consent and understands his/her condition well. In this contract, the rights



and obligations of both parties are regulated based on the agreement that has been made, in accordance with the principles of contract law governing contractual relationships.

On the other hand, a statutory obligation occurs when the situation requires immediate medical action, for example in an emergency in the emergency room. The law provides a legal basis for doctors to act without the patient's direct consent in certain circumstances that threaten the patient's life or health. This includes situations where the patient is unable to give consent due to impaired consciousness or other emergency conditions. In this case, the doctor has a moral and legal obligation to act in the patient's best interests, taking into account the principles of medical ethics and applicable laws.

These sources of engagement provide an important framework for determining the rights and obligations of physicians and patients in emergency care. The agreement between physician and patient affirms the principles of cooperation and mutual trust, while the law provides a strong legal basis for medical action in emergency situations. Thus, a good understanding of these sources of engagement is important for physicians and patients in undergoing the care process in the emergency department, as well as to ensure that the medical services provided are in accordance with applicable legal and ethical standards.

## Method

This research is descriptive with a normative legal approach that provides a clear description, information, and material about the relationship that occurs between doctors and patients in emergency services. The analysis is carried out based on a search on positive law using literature and laws and regulations related to the relationship between doctors and patients in emergency services.

This study uses primary legal materials, namely laws and regulations that regulate the relationship between doctors and patients reviewed from the agreements that occur in the ER. Secondary data used comes from books, magazines, articles, and electronic media.

## Legal Aspects in the Provision of Medical Services in Emergency Installations

### 1. Rights, Obligations and Responsibilities of the Parties

The legal aspects of the provision of medical services in the ER involve rights, obligations, and responsibilities that must be adhered to by all parties involved, including doctors, nurses, and patients. The rights of the parties include the patient's right to receive quality care in accordance with applicable medical standards, the doctor's right to diagnose and treat without interruption, and the nurse's right to provide safe and comfortable care for patients (Margareta, 2023). On the other hand, the obligations of the parties include the doctor's obligation to provide proper and professional care, the nurse's obligation to maintain the safety and comfort of the patient, and the patient's obligation to comply with the instructions and regulations given by the medical team.

The responsibilities of the parties in the context of the law of contract are also very important. Doctors have a moral and legal responsibility to provide the best care according to



their medical abilities and knowledge, and to maintain the confidentiality of the patient's medical information. On the other hand, nurses are responsible for providing safe and therapeutic care to patients, and for clearly communicating the necessary information between the doctor and the patient. While patients have a responsibility to provide accurate information about their health condition, and to give consent or refuse medical treatment in accordance with the patient's rights as stated in the law.

In practice, a good understanding of the rights, obligations, and responsibilities of the parties in the provision of medical services in the ER is very important to ensure that the treatment process runs well and in accordance with applicable legal standards. The enforcement of this binding law is also a strong foundation in resolving disputes or claims that may arise from medical practices in the ER. Thus, awareness of these legal aspects will help ensure that the medical services provided remain within a framework that is in accordance with ethical and fair standards.

## **2. Related Legislation (Law No. 44 of 2009, Law No. 29 of 2004, Law No. 17 of 2023, and Hospital Code of Ethics)**

The legal aspects in the provision of medical services in the ER are based on various related laws and regulations that regulate the rights, obligations, and responsibilities of doctors, nurses, and patients. Law No. 44 of 2009 concerning Hospitals is the main basis that regulates various aspects related to medical services in hospitals, including services in the ER (Kartikawati, 2021). This law stipulates the obligation of hospitals to provide emergency services to patients according to their service capabilities, and affirms the patient's right to receive quality medical services.

In addition, Law No. 29 of 2004 concerning Medical Practice also plays an important role in regulating medical practice in the ER. The latest regulation, namely Law No. 17 of 2023 concerning Health, has explained very clearly regarding this matter, namely regulating the rights, obligations, and responsibilities of doctors in providing medical services to patients, including in emergency situations in the ER. Doctors are required to provide emergency assistance as a humanitarian duty, as well as to provide clear information to patients about the medical actions to be taken.

In addition to these three laws, the Hospital Code of Ethics also regulates medical practices in the ER. This Code of Ethics sets out ethical standards that must be adhered to by doctors, nurses, and other medical personnel in providing medical services to patients. This includes aspects such as confidentiality of medical information, clear communication with patients, and the obligation to provide professional and evidence-based care. Thus, a good understanding of the relevant laws and regulations is essential in carrying out medical practices in the ER to ensure that the medical services provided are in accordance with applicable legal and ethical standards.



### **3. Emergency Services According to Article 189 Point c of Law No. 17 of 2023 concerning Health**

Emergency Services regulated by Article 189 Point c of Law No. 17 of 2023 concerning Health is one of the important legal aspects in the provision of medical services in the Emergency Room. This article stipulates the obligation of every hospital to provide emergency services to patients in accordance with their service capabilities. This emphasizes that every hospital, including the Emergency Room, has a moral and legal responsibility to provide the necessary assistance to patients in emergency conditions.

The regulation also emphasizes the importance of providing emergency services in accordance with applicable medical standards (Amelia, 2023). This includes aspects of using the latest medical knowledge and technology and implementing medical procedures that are appropriate to the patient's needs. Thus, emergency services are not only concerned with providing first aid to patients, but also involve efforts to diagnose, treat, and save the lives of patients to a high standard.

In addition, Article 189 point c of Law No. 17 of 2023 also emphasizes that emergency services must be adjusted to the service capabilities of the hospital. This means that every hospital, including its emergency installation, must have adequate infrastructure, equipment, and human resources to provide effective and efficient emergency services. Thus, the implementation of Article 189 point c is an important step in ensuring that medical services in the ER are carried out properly in accordance with applicable legal standards.

### **4. The Role of Professional Ethics in Emergency Services**

The role of professional ethics is very important in the implementation of medical services in the ER. Professional ethics is a set of values, principles, and norms that regulate the behavior and actions of medical personnel in providing health services to patients. In the ER, where situations are often critical and require quick action, professional ethics is a very vital guideline in ensuring that every step taken by medical personnel is in line with moral and professional principles.

Medical personnel, including doctors and nurses, are expected to practice professional ethics seriously in every aspect of emergency services. This includes empathetic engagement and clear communication with patients and their families, maintaining the confidentiality of medical information, and providing fair and non-discriminatory treatment to each patient. Professional ethics also require medical personnel to behave honestly, fairly, and responsibly in every medical action taken.

In addition, the role of professional ethics also influences medical decision-making in the ER. Medical personnel are required to consider ethical principles such as justice, humanity, and patient interests in every decision taken, especially in emergency situations where time is often a determining factor. Thus, the application of professional ethics is not only a moral obligation, but also an integral part of quality and sustainable medical practice in the ER.



## Legal Aspects in Hospital Emergency Installation Services (Case Study of Marthen Indey Hospital, Jayapura)

### 1. Obligated to Provide Assistance to Patients

The legal aspect related to the obligation to provide assistance to patients in the Emergency Room of Marthen Indey Hospital Jayapura is very important and is clearly regulated. Doctors and medical personnel in the emergency unit have a moral and legal obligation to provide first aid to every patient in need, in accordance with applicable medical standards. This is in accordance with ethical principles and health norms that place patient safety and welfare as the main priority.

In addition to being a moral obligation, the obligation to provide assistance to patients in the emergency unit is also regulated in various laws and regulations, such as the Indonesian Code of Medical Ethics. Article 13 of the Indonesian Code of Medical Ethics emphasizes that every doctor is required to provide emergency assistance as a humanitarian duty. This shows that the obligation to provide assistance to patients is not only a matter of professional ethics, but also a rule that must be obeyed by every doctor practicing in the emergency room.

In addition, the importance of the obligation to provide assistance to patients in the ER is also reflected in daily practice at Marthen Indey Hospital, Jayapura. Health workers there are required to act quickly and appropriately in providing assistance to every patient who comes with an emergency condition. This includes initial actions such as patient stabilization, administration of appropriate medications, and in-depth examinations to determine the correct diagnosis. Thus, the obligation to provide assistance to patients is not only a moral responsibility, but also an integrated practice in the medical service system at Marthen Indey Hospital, Jayapura.

### 2. Patient Referral-Transfer Problems

The problem of patient referrals and transfers in the Emergency Room of Marthen Indey Hospital, Jayapura is something that is often encountered in daily medical practice. Referring or transferring patients to another hospital can be an important decision that must be taken by doctors and the medical team, especially when the resources or facilities needed to treat the patient are not available at the hospital. Medical, financial, and non-medical factors are often the main considerations in the patient referral and transfer process.

Medical factors are often the main reason for the referral-transfer process for patients in the ER (Suswati et al., 2018). This happens when the patient needs specific treatment or care that cannot be met by the facilities or medical personnel available at the hospital. For example, when a patient needs intensive care or surgical intervention that cannot be done at a particular hospital, the doctor will refer the patient to a hospital that has the appropriate facilities and medical personnel.

Financial factors are also often a consideration in the patient transfer process. Sometimes, patients cannot afford the cost of treatment at a particular hospital or the insurance they have does not cover the cost of treatment at that hospital. As a result, doctors and medical teams at the



Emergency Room of Marthen Indey Hospital Jayapura may decide to refer patients to other hospitals that are more appropriate to the patient's financial condition or insurance coverage.

### 3. The Role of On-call Doctors

The role of on-call doctors in the Emergency Room of Marthen Indey Hospital Jayapura has great significance in providing fast and effective medical services to patients. An on-call doctor is a doctor who is ready to provide medical services in a short time outside of normal working hours. The presence of on-call doctors is very important because in the Emergency Room, the patient's condition often requires immediate advanced treatment, even outside of normal hospital working hours.

On-call doctors at the Emergency Department of Marthen Indey Hospital Jayapura have a big responsibility in triaging incoming patients and determining the priority of treatment based on the level of urgency. They must have sufficient skills and knowledge to recognize patient conditions that require emergency treatment and plan appropriate actions for each incoming case. Thus, on-call doctors play an important role in ensuring that patients receive care that suits their needs.

In addition, on-call doctors also act as consultants for general practitioners and other medical personnel who treat patients in the ER. They can provide guidance and advice on the diagnosis or treatment of certain patients who require special expertise or specialization. Thus, the presence of on-call doctors can improve the standard of medical services in the ER of Marthen Indey Hospital Jayapura and help ensure that each patient receives optimal care.

### 4. Patient Medical Records

Patient medical records are a very important component in the provision of services in the Emergency Room of Marthen Indey Hospital, Jayapura. Medical records include all records and documents related to examinations, treatments, and other actions that have been given to patients during treatment in the Emergency Room.(Amran et al., 2022). This includes information about the patient's identity, medical history, clinical examination results, laboratory and radiology test results, and medical procedures that have been performed.

The existence of complete and accurate medical records is very important to ensure the smooth running of the patient care process in the Emergency Room of Marthen Indey Hospital Jayapura. With well-documented medical records, doctors and other medical teams can quickly access the information needed to make the right decisions in patient care. In addition, medical records can also be used as a tool to monitor the development of patient conditions over time and evaluate the effectiveness of the actions that have been taken.

However, in practice, there are still several challenges related to the implementation of medical records in the Emergency Room of Marthen Indey Hospital, Jayapura. One of them is the transition of the use of a medical record system from the old or paper-based system to an electronic medical record system. This causes difficulties in accessing the electronic medical record system, because it is still constrained by the network and the lack of knowledge and ability of each doctor, nurse, and other health workers in using a computerized system. Therefore, efforts



are needed to improve knowledge and ability in the use of the electronic medical record system through training and development so that all doctors, nurses, and other health workers can understand and understand how to use electronic medical records. Thus, the use of electronic medical records in the Emergency Room of Marthen Indey Hospital, Jayapura becomes more integrated and effective in order to support the implementation of quality medical services in the Emergency Room.

## **Legal Analysis of Emergency Installation Services at Marthen Indey Hospital, Jayapura**

### **1. Analysis Based on Contract Law**

Legal analysis of emergency room services in hospitals from the perspective of contract law reveals several important things. First of all, the form of contract between doctors and patients in this context is *inspaningsverbintenis*, where the doctor promises to make maximum efforts in providing medical services to patients without promising a cure. This confirms that doctors have a moral and professional obligation to provide the best care in accordance with applicable medical standards.

Second, the source of the contract between a doctor and a patient can come from a direct agreement between the two or based on laws governing medical services. An agreement between a doctor and a patient occurs when the patient consciously agrees to a medical procedure to be performed after receiving adequate explanation and information from the doctor. On the other hand, there are situations where the contract between a doctor and a patient arises without the direct consent of the patient, such as in cases of emergency or the patient is unable to give consent due to his or her unconscious condition.

In addition to agreements, laws are also a source of agreement between doctors and patients in the Emergency Room of Marthen Indey Hospital, Jayapura. Laws that regulate medical practices, patient rights, and doctor's obligations, such as Law Number 29 of 2004 concerning Medical Practice, Law Number 44 of 2009 concerning Hospitals, and most recently Law Number 17 of 2023 concerning Health, are the legal basis that regulates the relationship between doctors and patients and provides guidelines in the provision of medical services (Koto & Asmadi, 2021). Thus, a legal analysis of ER services needs to consider these three sources of obligations to ensure that the rights and obligations of both parties are well protected in accordance with applicable legal provisions.

### **2. Legal Implications in Certain Cases in the Emergency Room of Marthen Indey Hospital Jayapura**

The legal analysis of the emergency room services at Marthen Indey Hospital Jayapura also includes tracing the legal implications in certain cases that may occur in the facility. One important legal implication is related to emergency medical assistance provided to patients without direct consent from the patient or their family. In an emergency, doctors in the emergency



room have the legal authority to provide the medical assistance needed to save the patient's life, even without prior consent.

In addition, the legal analysis also needs to consider the legal implications related to the practice of referring patients to other hospitals. The practice of referring patients is often carried out in situations where the ER cannot provide adequate services or the patient requires further treatment at another hospital. In this case, doctors and hospitals need to ensure that the patient referral process is carried out in accordance with applicable legal provisions, including in terms of providing information to patients and their families and ensuring smooth patient transfers.

## Conclusion

In reviewing the emergency room services at Marthen Indey Hospital Jayapura from the legal aspect of the contract, we can draw several important conclusions. First, the relationship between doctors and patients in the emergency room is based on the inspaningsverbintenis contract, where the doctor is obliged to provide maximum assistance in accordance with the standards of his profession without promising a cure. Second, the source of the contract between the doctor and the patient can come from a direct agreement between the two parties or from the law, especially in emergency situations where the patient's consent cannot be obtained directly.

Furthermore, there are legal implications that need to be considered in the practice of Emergency Unit services. First, doctors have the legal authority to provide emergency medical assistance without patient consent in life-threatening situations. However, doctors must also ensure that the action is carried out in good faith and in accordance with professional standards. Second, the practice of patient transfer must be carried out in accordance with applicable legal provisions, including in terms of providing information to patients and smooth transfer of patients to other hospitals.

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