

ENSURING PATIENT RIGHTS AND SAFETY: LEGAL PROTECTION IN THE 2023 HEALTH LAW FOR SAFE AND QUALITY MEDICAL SERVICES

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Abstract

Safe and quality healthcare is a human right that must be guaranteed by the state. Law No. 17 of 2023 on Health serves as a regulation that strengthens the guarantee of patients' rights and safety in the healthcare system in Indonesia. This study aims to analyse the legal protection of patients' rights and safety guarantees as regulated in the 2023 Health Law. Using a normative juridical research method through a legislative and conceptual approach, this study found that patients' rights are protected more comprehensively, including the right to medical information, consent to medical treatment, confidentiality of medical records, emergency services, safe medicines, and dispute resolution mechanisms. On the other hand, the concept of patient safety is strengthened through the obligation of health facility accreditation, the application of quality standards, incident reporting systems, drug and health technology supervision, and the obligation of health worker competence. The legal protection provided by the 2023 Health Law is both preventive and repressive, while placing patient safety as the main indicator of quality medical services. Thus, this law serves as a strategic legal foundation for building a national health system that is more equitable, safe, and oriented towards human dignity.

Keywords: Patient Rights, Patient Safety, Legal Protection, Health Law 2023, Safe and Quality Medical Services.

Introduction

The right to health is one of the human rights that is universally guaranteed, both in international legal instruments and national legislation. The 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights affirm that everyone has the right to enjoy the highest attainable standard of physical and mental health (Agus Rusianto, 2016). In the Indonesian context, the constitution, through Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, explicitly states that everyone has the right to physical and spiritual prosperity and to obtain health services. As a concrete manifestation of this constitutional mandate, the state has an obligation to ensure that every individual receives safe, quality healthcare services that are oriented towards protecting human dignity (Margaret P. Battin, 2014).

In the practice of health services, the main issue that continues to arise is how to ensure that patients' rights are fulfilled fairly and comprehensively. Patients are not merely objects of medical services, but legal subjects who have rights and obligations. This awareness is increasingly important in line with the complexity of modern medical services involving aspects of technology, organisation, and the professionalism of health workers (Sunanda Naibaho et al., 2024). On the one hand, patients are entitled to information, safety, and quality of service; on the other hand, medical personnel are required to provide services based on professional and ethical standards. The meeting of these two interests—between patient rights and the authority of medical personnel—becomes an important space for the presence of legal protection through legislation (Florence Kavalier & Alan M. Katz, 2015).

Legal protection for patients is not only a normative issue, but also relates to public trust in the healthcare system. Cases of medical disputes, malpractice, or negligence are often in the public spotlight because they concern human life and safety. When such events occur, the public demands legal certainty that can provide a sense of justice to both patients and medical personnel.

It is in this situation that health regulations function as an instrument that not only regulates service standards and supervisory mechanisms but also bridges the interests of both parties, namely patients and healthcare providers (Tom Beauchamp & James Childress, 2019). Law No. 36 of 2009 on Health was originally the main legal framework in the health sector in Indonesia.

However, developments in community needs, advances in science, and socio-economic dynamics have made this regulation no longer adequate. The issuance of Law Number 17 of 2023 concerning Health brought substantial changes with the concept of an omnibus law that consolidates various provisions from previous health sector laws, including the Medical Practice Law and the Hospital Law.

This reformulation of regulations is expected to simplify regulations, strengthen legal protection for the public, and realise more effective, efficient, and equitable health services (Guwandi, 2024). One important aspect of the 2023 Health Law is the affirmation of guarantees for patients' rights and safety. This law places patients as the main subjects in the health system.

Patient rights are no longer seen as merely complementary, but rather as the core of healthcare service delivery. The right to medical information, the right to give informed consent for medical procedures, the right to medical confidentiality, and the right to emergency services without discrimination are important elements that are emphasised in this new regulation (Sri Ayu Irawati, 2024). Thus, the 2023 Health Law demonstrates an orientation towards the patient-centred care paradigm, which is an international standard. In addition to patient rights, the concept of patient safety receives serious attention in the 2023 Health Law. Patient safety is a global issue that first gained widespread recognition through the World Alliance for Patient Safety

programme by the WHO in 2004. Patient safety is oriented towards the prevention of medical errors, risk reduction, and the application of service quality standards that ensure every patient receives medical treatment without causing preventable harm. In this context, patient safety is not only the responsibility of individual health workers, but also a systemic obligation that must be guaranteed by health facilities, the government, and legal instruments (Pushkina, 2023).

The 2023 Health Law stipulates that every healthcare facility must implement patient safety standards through accreditation, standardisation of medical procedures, and strict supervision. The implementation of this obligation aims to encourage the creation of consistent, transparent, and legally accountable services. Standardised service standards also serve as a benchmark for measuring alleged malpractice or medical negligence (Nurnanei & Syamsul Bachri, 2024). Thus, patient safety is not only interpreted as individual protection but also as an important indicator of the quality of the national health system.

From a legal perspective, there are two forms of protection for patients, namely preventive and repressive legal protection. Preventive protection is realised through regulatory obligations, professional standards, and accreditation that prevent errors or violations. Meanwhile, repressive protection is present when disputes arise, either through administrative complaints, mediation, arbitration, or criminal and civil courts. Both mechanisms require strong legal legitimacy. The 2023 Health Law, with its more comprehensive regulations, is expected to strike a balance between preventing violations and resolving disputes fairly (Leape L. L., 2019).

Changes to health regulations through Law 2023 have various implications for the legal relationship between patients, health workers, and health care facilities. On the one hand, patients have stronger legitimacy to demand their rights and safety.

On the other hand, healthcare workers and hospitals have a clear legal basis for defending themselves when providing services in accordance with professional procedures and standards. This more balanced relationship is expected to prevent conflicts or at least provide a transparent mechanism when disputes arise (Paul Buka, 2024). However, the transition from the old legal framework to the 2023 Health Law is not without its challenges.

One of the biggest challenges is the implementation of norms in the field, especially in areas with limited infrastructure and human resources. Good regulations on paper do not necessarily guarantee uniform implementation without government commitment, effective monitoring mechanisms, and community participation. Therefore, an academic review of existing norms is needed to determine the extent to which the 2023 Health Law is effective in guaranteeing the rights and safety of patients.

Research Methodology

This study utilises a normative legal method, focusing on a literature review of legal norms relating to patient rights protection and patient safety as stipulated in Law No. 17 of 2023 on Health. The approaches used include the statute approach, which involves examining the provisions of relevant laws and regulations, and the conceptual approach, which involves exploring the concepts of human rights, patient rights, patient safety, and legal protection as developed in legal doctrine and theory (Eliyah & Aslan, 2025). The legal sources consist of primary legal materials, such as the 1945 Constitution, the 2023 Health Law, the Medical Practice Law, and their implementing regulations; secondary legal materials, such as academic literature, health law journals, and WHO reports related to patient safety; and tertiary legal materials, such as legal dictionaries and encyclopaedias. The analysis used is descriptive-analytical, which describes the applicable normative provisions and then analyses them systematically by comparing theories, previous regulations, and practices in the field, so that conclusions can be drawn regarding the extent to which the 2023 Health Law guarantees the rights and safety of patients in medical services (Munn et al., 2020).

Results and Discussion

Legal Protection of Patient Rights in the 2023 Health Law

Patient rights are an essential element in the legal relationship between healthcare providers and healthcare recipients. In essence, patients are not merely objects receiving medical treatment, but legal subjects with dignity, will, and rights that must be respected (Venny Sulistyani & Zurhasmar Syamsu, 2020). Within the framework of Indonesian health law, patient rights have been recognised in previous legislation, but through Law No. 17 of 2023 on Health, these regulations have become more comprehensive, integrated, and provide clearer legal protection. This is important for building a health system based on the paradigm of patient-centred care, which is service oriented towards the interests and fundamental rights of patients (G. Nozimakhon, 2022).

Legal protection for patients can be understood from two dimensions, namely preventive legal protection and repressive legal protection. Preventive protection is provided in the form of preventive norms to prevent violations, such as the establishment of service standards, medical facility accreditation requirements, informed consent requirements, and regulations regarding professional standards for health workers (Albert R. Jonsen, 2016). Repressive protection is carried out when there are violations of patient rights, for example through medical dispute resolution mechanisms that can be pursued through administrative efforts, mediation, arbitration, and even civil and criminal court proceedings. Both forms of protection are guaranteed in the 2023 Health Law, which places legal instruments as a means of supervision and a means of enforcing rights (P. Lee, 2021).

One important form of legal protection in the 2023 Health Law is the recognition of the patient's right to obtain complete and accurate information about their medical condition. The right to information is important so that patients can make rational decisions about the medical procedures they will undergo (M. Kadivar & A. Manookian, 2017). In practice, this information includes the diagnosis, treatment plan, possible risks, treatment alternatives, and estimated costs. This is in line with the principle of informed consent, which is an international ethical and legal standard, namely consent given by patients consciously based on adequate information. With this provision, patients are protected from unilateral or authoritarian practices by healthcare professionals (E. James & S. Andrews, 2025).

The 2023 Health Law also affirms patients' right to medical confidentiality. Doctors, nurses, and other medical personnel are required to maintain the confidentiality of medical records and personal information of patients except for legal purposes or with the consent of the patient themselves. This protection of patient privacy is important given the development of medical information technology and the digitisation of health records, which are vulnerable to data leaks. With strict regulations, patients are guaranteed that their personal data will not be misused by hospitals, insurance companies, or other third parties (Smith, 2024).

In addition, the 2023 Health Law contains provisions regarding the right to emergency services without discrimination. Patients in emergency conditions are entitled to immediate service without having to be burdened with administrative requirements or upfront costs. This norm has a very significant humanitarian dimension, because in an emergency, the patient's life is the highest priority. With this legal protection, every health facility and medical personnel are obliged to help emergency patients based on the principle of emergency care without delay due to administrative or financial reasons (Mark A. Hall et al., 2021).

Legal protection of patient rights also includes the right to medical dispute resolution. The 2023 Health Law opens up the possibility of dispute resolution through non-litigation channels such as mediation or health arbitration, while still providing access to the judicial process. This reflects the principle of access to justice, whereby patients are given the opportunity to fight for their rights through procedures that are faster, more efficient, and do not always involve lengthy court proceedings. At the same time, this channel also provides protection to medical personnel with a fairer mechanism for determining whether or not there has been professional negligence (E. James & S. Andrews, 2025).

Patient rights in the 2023 Health Law are also protected through service quality standards and hospital accreditation. Accreditation is mandatory to ensure that health facilities meet the standards set by the government, in terms of facilities, medical personnel, and service procedures. If a facility fails to meet the standards, patients have the right to report it and obtain justice (Jamie Darin Prenker & Shana Gadarian, 2023).

Strengthening accreditation ensures that patients do not become victims of poor service or service that does not meet medical standards. In addition to medical services, patients' rights to safe and quality medicines and health products are also regulated. The 2023 Health Law emphasises that every patient has the right to obtain medicines that meet quality, efficacy, and safety standards. The state, through the drug and food regulatory agency, is responsible for ensuring that health products that endanger patients do not circulate. This shows that patient protection is not limited to interactions with medical personnel, but also covers the entire health system chain, including pharmaceuticals and medical devices (Bonnie F. Fremgen, 2024).

In the context of financing, the 2023 Health Law emphasises patients' rights to financial security through national health insurance and other public funding programmes. This is important because cost is often a major barrier to accessing health services. By strengthening the health financing system, patients are guaranteed not to experience discrimination and can still obtain health protection even if they have financial limitations. Legal protection in this area complements the substantive protection of patients' rights to fair and equal health services (W. Vincent & A. J. Baehr, 2023).

The legal protection provided by the 2023 Health Law is also related to the right of patients to report violations and obtain a transparent monitoring mechanism. Patients have the legal legitimacy to file objections, reports, or lawsuits if they feel their rights have been violated. The government is required to establish a monitoring mechanism through an authorised institution so that public complaints are followed up seriously. With this mechanism in place, public trust in the healthcare system can be strengthened, while preventing abuse of power by healthcare service providers (Tom Beauchamp & James Childress, 2019).

From a legal theory perspective, the protection of patient rights in the 2023 Health Law is in line with the concept put forward by Philipus M. Hadjon that legal protection must be realised both preventively and repressively. Preventive norms in the form of granting rights, obligations, and service standards are intended to prevent disputes (Indonesian Ministry of Maritime Affairs and Fisheries, 2025). Meanwhile, repressive instruments in the form of medical dispute resolution mechanisms serve to provide redress in the event of rights violations. Thus, normatively, the 2023 Health Law has attempted to balance these two forms of protection in order to create a more equitable legal system (Adi Utarini et al., 2012).

When compared to the previous law, the 2023 Health Law provides greater legal certainty because it integrates various provisions that were previously scattered. Patients no longer have to refer to fragmented rules but obtain certainty of protection through a comprehensive parent law. This regulatory reform addresses the weaknesses of the old legal regime, which often resulted in overlapping authorities, unclear

standards, and weak accountability mechanisms for health workers and health service institutions (M. Kim & S. Choi, 2020).

Overall, the 2023 Health Law has provided a stronger normative foundation for guaranteeing patients' rights in Indonesia. This protection includes the right to information, consent to medical treatment, medical confidentiality, emergency services, safe medicines and medical devices, health financing, and dispute resolution. With this comprehensive protection, it is hoped that patients' rights will not only be recognised in legal texts but also implemented in practice. However, the biggest task remains in the area of implementation, particularly with regard to supervision, law enforcement, and public awareness. Therefore, the 2023 Health Law should be seen as an initial instrument that needs to be followed by the commitment of all actors in the health system to realise medical services that are truly safe, high-quality, and equitable.

Patient Safety Guarantees in the 2023 Health Law for Safe Medical Services

Patient safety is a key pillar in the development of a modern healthcare system. The WHO has emphasised that patient safety is a fundamental principle in healthcare, defined as efforts to avoid, prevent and reduce the risk of injury or harm arising from medical services. In Indonesia, the issue of patient safety is becoming increasingly relevant as medical procedures become more complex, medical technology is used more widely, and demands for quality services increase.

Therefore, ensuring patient safety through legal instruments is important so that safety principles are not merely normative but are actually implemented in every health service (Vanessa Sondakh et al., 2022). Law No. 17 of 2023 on Health strengthens the dimension of patient safety by regulating systemic obligations for health workers, health facilities, and the government.

This regulation views patient safety not only as an individual obligation of medical personnel, but as a collective responsibility of all actors in the health system. This approach is important because experience in many countries shows that patient safety incidents are often not purely the result of individual negligence, but rather weak systems, standards, and health service management (George D. Pozgar, 2022).

One important aspect of patient safety guarantees in the 2023 Health Law is the obligation of healthcare facilities to implement safety standards and accreditation. Accreditation aims to ensure that healthcare facilities, both hospitals and clinics, meet the quality standards set by the government, ranging from infrastructure, medical personnel competence, to risk management systems. With strict accreditation, patients are protected from the risk of unprofessional or substandard medical services (N. Tandry et al., 2024). In addition to accreditation, the 2023 Health Law also regulates the obligation to implement standard operating procedures (SOPs) in every medical action. These SOPs serve as guidelines for health workers in providing consistent, safe services that are in line with scientific developments. Without standard procedures, health

services are prone to excessive variation in practice, thereby increasing the potential for medical errors. By strengthening the position of SOPs, the law indirectly ensures protection for patients in terms of safe medical practices (Novita Tandry et al., 2024).

Another aspect of patient safety in the 2023 Health Law is the patient safety incident reporting system. This regulation encourages the formation of a safety culture, where healthcare workers are no longer afraid to report incidents or medical errors but are encouraged to use them as material for system improvement. With the reporting obligation, the government and healthcare facility management can evaluate weaknesses and close risk gaps that could endanger patients. This is in line with the principle of a learning organisation in the field of health (Hotmaria Hertawaty Sijabat et al., 2024).

The 2023 Health Law also pays attention to the safe use of medicines and health technology. Patients have the absolute right to obtain medicines that are guaranteed in terms of quality, safety, and efficacy. Therefore, the drug and medical device surveillance system has been strengthened so that no products are distributed without undergoing safety and efficacy testing. Patient safety in this dimension is preventive in nature, as failures in pharmaceutical and technology supervision can pose massive risks to public health (Santoso, 2021).

The dimension of patient safety is also closely related to the competence of health workers. The 2023 Health Law regulates the mechanisms for registration, licensing, and the obligation to meet professional standards by health workers. With these regulations in place, patients are guaranteed to be treated only by medical personnel who have the appropriate qualifications and competence in their field. Furthermore, regulations regarding continuing education for health workers also ensure that every doctor, nurse, and other medical personnel are able to provide treatment based on the latest knowledge (Dr. Dhian Satya Rachmawati et al., 2023).

In medical services, emergency situations are the most crucial moments in terms of patient safety. The 2023 Health Law explicitly stipulates that every patient in an emergency condition has the right to receive immediate assistance, without discrimination and without first considering their financial capabilities. This provision reinforces the principle of emergency care, where safety of life takes priority over administrative interests.

This legal protection is a tangible form of the state's commitment to the principles of fair and civilised humanity (Suherman, 2023). The 2023 Health Law also emphasises the relationship between patient safety and the supervision and accountability of health facilities. The government has a mandate to establish a sustainable internal and external supervision system.

Healthcare facilities are required to compile reports, undergo medical audits, and comply with regulatory obligations. With these accountability mechanisms in place, patient safety is not only an individual responsibility but also part of the governance of

the broader healthcare system (Sukhmeet Panesar, 2020). Beyond the regulatory aspect, patient safety must also be understood as an ethical commitment. The 2023 Health Law is in line with the principle of medical ethics that places *non-maleficence* or the principle of 'not harming patients' as a basic principle. This means that every medical action must be based on a risk-benefit assessment that is most beneficial to the patient. With a binding legal position, this ethical principle is not only a moral obligation but also a legal obligation that can be held accountable if violated (Leape L. L., 2019).

From a legal perspective, patient safety guarantees are a form of preventive legal protection. With regulations on standards, accreditation, registration, and supervision, the 2023 Health Law seeks to prevent violations before incidents occur. However, the law also provides repressive protection if patient safety is violated, for example, if a patient loses their life or suffers as a result of medical negligence. In this context, patients or their families have legal legitimacy to claim compensation, either through civil or criminal proceedings, as well as to utilise special mediation or arbitration mechanisms in the field of health (Paul Buka, 2024).

Compared to previous regulations, patient safety provisions in the 2023 Health Law are more systematic and coherent. Older regulations tended to be partial and scattered across various laws, such as the Hospital Law and the Medical Practice Law, which sometimes caused difficulties in implementation. Now, patient safety is regulated within a single integrated legal framework, facilitating inter-agency coordination, strengthening legal certainty, and closing the regulatory gaps that previously existed (Nurnanei & Syamsul Bachri, 2024).

Overall, the guarantee of patient safety in the 2023 Health Law is a tangible manifestation of the state's commitment to improving the quality of health services. This guarantee is not only declarative but is also complemented by supervisory instruments, standards, accreditation, and sanction mechanisms. Patient safety is now positioned as a measure of the quality of the national health system. Through comprehensive legal protection, it is hoped that the health service system in Indonesia will be able to realise the principles of justice, professionalism, and human dignity, so that safe and quality medical services can truly be enjoyed by all levels of society.

Conclusion

The 2023 Health Law provides more comprehensive legal protection for patients' rights than previous regulations. Patient rights, including the right to medical information, informed consent, medical record confidentiality, emergency services without discrimination, access to safe medicines and health technologies, and the right to dispute resolution, have been more thoroughly and comprehensively affirmed in this new legal framework. Legal protection is provided through preventive mechanisms, namely the prevention of rights violations through service standards and accreditation, as well as repressive mechanisms, namely dispute resolution through administrative

complaints, mediation, arbitration, and judicial channels. Thus, patients' rights are given stronger normative guarantees and clear legal certainty.

Regarding patient safety guarantees, the 2023 Health Law places them as an indicator of the national quality of the health system. Patient safety is realised through the obligation of health care facilities to implement accreditation, carry out standard operating procedures, strengthen the supervision of medicines and medical devices, and build a culture of patient safety with a medical incident reporting system. Provisions regarding the competence of medical personnel and patients' rights to emergency services further strengthen the principle of humanity in healthcare practice. With these regulations in place, patient safety is no longer seen as the sole responsibility of individual medical personnel, but rather a collective obligation involving the government, healthcare facilities, medical personnel, and the community.

Overall, the 2023 Health Law has provided a solid legal foundation to guarantee the rights and safety of patients in Indonesia, as well as being an effort by the state to improve the quality and accountability of medical services. However, the effectiveness of this regulation is highly dependent on its implementation in the field, including the formulation of derivative regulations, commitment to supervision, and health law education for both medical personnel and the community. Therefore, although the 2023 Health Law is quite progressive in terms of norms, success in guaranteeing patient rights and safety can only be achieved if all actors in the health system carry out their roles consistently, transparently, and with integrity.

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