

Legal Aspects of Ownership of Medical Records Documents as Objects of Material Property Rights for Hospitals

Vira Komala^{1*}, Edi Setiadi² and Sri Ratna Suminar³

¹Faculty of Law, Universitas Islam Bandung

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Abstract:

Article 297 paragraph (1) of Law Number 17 of 2023 concerning Health explains that medical record documents belong to health service facilities. This has legal consequences for hospitals to maintain the security, integrity, and confidentiality of medical records. However, patients still assume that they are the owners of the contents of the records, so violations often occur in disclosing medical records which are not by the provisions. In the Indonesian legal system, ownership of property rights, according to Article 499 BW, is known as the term material which includes the meaning of goods and rights that property rights can control. With this background, the research aims to determine the legal aspects of the ownership of medical record documents as objects of property rights for hospitals, so that the disclosure of information contained in medical record documents is carried out by applicable legal provisions. The approach method used is normative juridical, the research specifications in this study are analytical descriptive. The data collection technique in this research is literature study, and the analysis method in the research uses qualitative analysis methods. The research results show that medical records can be classified as objects or goods (tangible objects). When referring to the grouping of objects, medical records can be classified as movable objects. Medical records as movable objects can be owned by the party in charge of the property rights so that whoever controls the object is considered the owner as regulated in Article 1977 of the Civil Code.

Keywords: Ownership of Medical Records, Hospital, Property Rights, Objects

INTRODUCTION

In medical practice, every action carried out in the name of the profession as a medical professional is closely related to the rules that can protect the implementation of medical procedures (Notoatmodjo, 2010). This includes the responsibilities of medical personnel in maintaining medical records (Siregar, 2020). The confidentiality of information contained in record files must be maintained by health service facilities and it is not permitted to release it to irresponsible people or institutions (Siswati & Dindasari, 2019).

Referring to Article 189 paragraph (1) letter h of Law Number 17 of 2023 concerning health, there is an obligation for hospitals to maintain medical records. In addition to that, the obligation to make and maintain records and/or documents regarding examinations, care, and actions carried out also applies to medical personnel and health personnel. These provisions are regulated in Article 274 Letter d of Law Number 17 of 2023 concerning Health. In the implementation of Law Number 17 of 2023 concerning Health, the government has issued Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2023 concerning Health. In Article 777

*Corresponding Author : Vira Komala, Intern lawyer, Faculty of Law, Universitas Islam Bandung, ORCID iD: 0009-0004-8992-7079, E-mail: vira_kom@yahoo.com

and Article 778 paragraph (1), it is also regulated that health service facilities must maintain medical records, as well as for medical personnel and health workers to create medical records.

In the Indonesian legal system, ownership of property rights, according to Article 499 BW, is known as the term material, which includes the meaning of goods and rights that property rights can control (Gozali & Hafidah, 2022). According to Subekti, an object in the context of civil law is anything that can be given/placed a right on it, primarily in the form of property rights. Thus, those who have these rights are legal subjects, while those who are burdened with rights are legal objects (B, 2021).

If medical records are linked to Article 499 of the Civil Code, they can be classified as objects. In the Indonesian legal system, the term "material" is known, which includes the following definitions: 1) Goods (tangible objects, tangible objects), namely visual objects, both movable and immovable, such as land, buildings, animals, cars, etc.; 2) Rights (intangible objects, intangible objects), namely nonvisual objects such as receivables, computer programs; 3) Furthermore, through Article 504 of the Civil Code, the form of objects is clarified, which includes: a. moving objects; b. Objects do not move (Susanti, 2024).

If we refer to the grouping of objects, medical records can be categorized as moving objects. Medical records as movable objects can be owned by the party in charge of the property rights. What is meant by a position of authority is the position of a person who controls an object, either by himself or through another person, and who maintains or enjoys it as the person who owns the object. A position of authority over an object is obtained by carrying out the act of attracting the object under one's control, to retain it for oneself (Maryanti, 1998). They strengthen medical records as objects because they can be owned. Strengthening whether medical records can be owned can be seen in the provisions of Article 297 paragraph (1) of Law Number 17 of 2023 concerning Health, explaining that medical record documents belong to Health Service Facilities. Strengthening medical records as objects that can be owned can also be found in Article 784 paragraph (1) of Government Regulation Number 28 of 2024 concerning the Implementation of Law Number 17 of 2023 concerning Health, explaining that medical record documents are the property of health service facilities.

The next problem related to medical records is their ownership. Patients still assume they are the owners of the contents of medical records. Often, in practice, patients reveal the contents of their medical records to the public due to dissatisfaction with the services they receive, although the law has regulated requirements regarding the disclosure of the contents of medical records.

Information must be provided in each situation to disclose information from medical records (Suwignjo, 2019). In general, security, privacy, confidentiality, and safety protect information in medical records. Although the contents of medical records can be disclosed under certain circumstances, parties who require the information must always comply with the provisions required by statutory regulations. For this reason, patients must confirm the requirements that must be met to request the release of medical information so that misuse does not occur in their implementation (Warijan & Nur'afifah, 2019).

Article 783 paragraph (1) Government Regulation Number 28 of 2024 concerning Implementation of Law Number 17 of 2023 concerning Health regulates the disclosure of the contents of medical records, namely: a) with the patient's consent and/or; b) not with the patient's consent. In paragraph (5) letter b, it is explained that opening the contents of medical records with the patient's consent is done for the patient's benefit.

Article 297 paragraph (2) of Law Number 17 of 2023 concerning Health is a legal provision that regulates patients' right of access to information contained in medical records. However, the Elucidation to Article 297 paragraph (2) does not provide clear limitations. To strengthen patient access rights, the Government has issued Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 28 of 2024 concerning Health, specifically regulated in Article 737 paragraph (1) letter e. However, in the provisions of Article 737 paragraph (6) the patient's right of access to the information contained in the regulatory medical record document is restored by the provisions of statutory regulations.

Government regulations are the implementers of the law. Government regulations function to provide a more in-depth explanation of the provisions contained in the law. This is what is behind the problems in practice in the field. Legislation should be clear, firm and unambiguous to provide legal certainty. This is what it is interesting for the author to conduct a study to determine the legal aspects of ownership of medical records as objects of property rights for hospitals to prevent misuse of disclosure of the contents of medical records which is contrary to applicable laws and regulations.

METHODS

In preparing this legal writing, the Approach Method was used, namely normative juridical. The normative juridical approach method involves the analysis of library legal research (Christiani, 2016). Normative studies seek to discover, explain, analyze, and systematically articulate facts, principles, concepts, theories, and laws to generate new knowledge and ideas for reforms (Yaqin, 2007). The data used are secondary data obtained from textbooks, articles, expert opinions, journals, reports, archives, court decisions, and relevant literature in print and electronic formats (Abdul Kadir, 2015). Normative juridical methods can make a significant contribution to understanding the law and solving legal problems associated with legal aspects of the ownership of medical records documents as objects of material property rights for hospitals in Indonesia.

RESULTS

Ownership of Medical Records

Doctors and hospitals as providers of services and patients as recipients of services. The three of them form a medical and a legal relationship. The legal relationship between the doctor and the patient mutually agrees to bind in the execution of the treatment so that an agreement (*verbintenis*) is formed. The basis of the doctor-patient relationship is called a therapeutic agreement/contract (Chandrawila, 2021).

Transaction means agreement or agreement, namely a reciprocal relationship between two parties who agree on one thing. Therapeutic is a translation of therapeutic that means in the field of treatment (Yudaningsih, 2015). A therapeutic transaction is a transaction to determine or seek the most appropriate therapy for a patient by a doctor (Guwandi, 2004)

Medical procedures performed by physicians on patients in hospitals are in the form of medical treatment contracts between the patient and the hospital (Hatta et al., 2024). A contractual relationship that occurs legally will give rise to rights and obligations. This relationship can form an agreement or agreement, that is, the hospital as the party providing medical services and the patient as the party receiving medical services (Lesmonojati, 2020a).

The rights and obligations of hospitals are regulated in Articles 189 and 191. Furthermore, the rights and obligations of patients are regulated in Articles 276 and 277 of Law Number 17 of 2023 concerning Health. In Article 189 paragraph (1) letter h of Law Number 17 of 2023 concerning Health, one of the obligations of hospitals is to maintain medical records. Medical records are records during hospital treatment for patients. Medical records contain data on health history and health professional records in the form of physical findings, results of diagnostic and therapeutic procedures, and patient responses (Prasasti & Santoso, 2017).

Referring to the provisions of Article 296 of Law Number 17 of 2023 concerning Health, it is explained that every medical worker and health worker are obliged to make a medical record and complete it after the patient has finished receiving health services. These medical records must be kept confidential by medical personnel, health workers, and leaders of health service facilities. The prohibition on disclosing patient secrets by doctors, in principle, prohibits doctors from disclosing their patients' secrets, which the patient has disclosed to the doctor (Notoatmodjo, 2010).

The obligation to keep medical secrets has been a moral obligation held firmly by physicians since the time of Hippocrates. Hippocrates formulated an oath that must be fulfilled by his students regarding the secret of a doctor's work saying: "Whatever I hear or see, about someone's life that is not worth spreading widely, I will not reveal, because I must keep it a secret." However, in the development of medical science and technology, there have been exceptions to disclosing doctors' positions and work, to maintain the public interest and prevent things that could harm other people (Hanafilah, 1999).

Article 783 of Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2023 concerning Health, explains that the disclosure of the contents of medical records can be done: a) with the patient's consent; and b) not with the patient's consent. The opening of the contents of medical records with the patient's consent is carried out for a) maintaining the patient's health, treatment, and care; b) the patient's request; and/or c) administration, insurance payments, or health financing guarantees. Disclosure of the contents of medical records without the patient's consent is carried out for a) fulfilling requests from law enforcement officials in the context of law enforcement; b) handling outbreaks, epidemics, or disasters; c) Limited education and research; d) efforts to protect against dangers to the health of other people individually or in society; e) other interests regulated in statutory regulations.

According to Yusuf Hanifah as quoted by Poppy Hidayani in general medical records are useful for 1) As a communication tool between doctors and health workers (Hidayani, 2023); 2) Is the basis for planning the treatment/care that must be given to the patient; 3) As written evidence of service and treatment for patients; 4) As an analytical basis for service quality evaluation studies. towards patients; 5) Protecting the legal interests of patients, hospitals and doctors, and other health workers; 6) Providing special data that is very useful for research purposes; 7) As a basis for calculating patient medical service costs; 8) Become a source of memory and accountability (Abduh, 2021).

The determination of the ownership of medical records is contained in Article 297 (1) of Law Number 17 of 2023 concerning Health, explaining that medical record documents belong to health service facilities. Strengthening that medical record documents belong to health service facilities can also be found in Article 784 paragraph (1) of Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2017 concerning Health.

Article 297 paragraph (2) of Law Number 17 of 2023 concerning Health states that every patient has the right to access the information contained in medical record documents. In the explanation of Article 297 paragraph (2) of Law Number 17 of 2023 concerning Health, it is explained that: "Access to information on medical record documents, including in the form of medical records or verbal explanations from medical personnel and/or health workers or health service facilities". Furthermore, Article 737 paragraph (6) of Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2017 concerning Health, explains that gaining access to the information contained in medical records is carried out by the provisions of statutory regulations. Medical records are one of the sub-systems of the hospital information system. The role of medical records is very important and closely related to medical and health service activities (Hapsari, 2019). The medical record recording system can be manual or electronic (*digital*).

Property Rights

Regulation of property rights (*eigendom*) can be found in Chapter III Book II of the Civil Code. The definition of property rights according to Article 570 BW is the right to fully enjoy the use of an object and to act as freely as possible with that object, as long as it does not conflict with the law or general regulations established by a power that has the authority to determine it and does not cause interference with the rights of others without reducing the possibility of revocation of those rights in the public interest based on the provisions of the law with payment of compensation (Is et al., 2024).

From the formulation of the definition of property rights in Article 570 BW, apart from stating property rights as perfect material rights that are absolute and inviolable, it turns out that the formulation of 570 BW also contains provisions regarding restrictions on the use of property rights, namely: restrictions by provisions. The law, its use must not cause interference (inhibition) of other

people's rights, and the possibility of revoking rights in the public interest with compensation and according to the provisions of the law (Faishal et al., 2022).

Property rights are the most perfect or primary rights over something. Therefore, property rights holders are given freedom and can act completely freely with their objects by the rights they have (Usman, 2011). According to Sri Soedewi Masjchoen Sofwan, controlling objects freely can be interpreted in two ways, namely: first, being able to take legal action against an object (*zaak*); second, carrying out material actions. In this way, property rights are seen as truly absolute rights, which cannot be contested (*droit inviolable et sacre*), in the sense that they must be respected by other people, even by legislators and authorities who cannot arbitrarily restrict property rights, except by fulfilling certain conditions (Faishal et al., 2022).

There are three main characteristics of property rights, namely (Farhan et al., 2024):

- a. Primary Rights are said to be primary rights because property rights are rights that occur earlier than other rights. Without property rights, there will be no other material rights to an object. There are three main characteristics of property rights, namely primary rights, rights that are permanent and do not disappear, and complete and complete rights.
- b. Permanent and non-vanishing rights, meaning that property rights will not be lost by other material rights. Ownership rights will only disappear if the object owned changes hands to the person who has the right to control it after a certain time limit or what is usually called expiration.
- c. Complete and Complete Rights, ownership rights can be completely and completely attached to the property as one unit

The regulations regarding property law in Book II BW use a closed system, meaning that people are not permitted to exercise property rights other than those regulated by law. Property law is coercive (*dwingend recht*) meaning that it must be obeyed and must not be deviated from, including making new regulations that deviate from those that have been established (Sitompul, 2017). Objects can be interpreted in a narrow and a broad sense. The definition of an object in the narrow sense is every item that can only be seen (*tangible*). Meanwhile, in a broad sense, it is every item and right that can be controlled with property rights (Safira, 2017). Soebekti stated that objects in the context of civil law are anything that can be given/placed a right on it, especially in the form of property rights. Thus, those who can have rights are legal subjects, while those who are burdened with rights are legal objects.

Article 499 BW stipulates that: "according to the law, what is called property is every item and every right that is controlled by property rights". This provision clearly shows that what is meant by an object is anything that can be controlled by a legal subject with property rights, both tangible objects and intangible objects (rights), all of which can be given ownership rights.

According to BW, objects are divided into several types as follows (Safira, 2017):

- a. Tangible/bodily objects and intangible/bodily objects (*lichamelijke zaken-onlichamelijke zaken*).
- b. Tangible/bodily objects (*lichamelijke zaken*) are objects that can be captured by the five senses (seen with the eyes and touched with the hands. Meanwhile, intangible/bodily objects (*onlichamelijke zaken*) are objects that cannot be captured by the five senses. Delivery of tangible/bodily objects, including moving objects. The transfer is from hand to hand, while tangible objects that are not immovable, for example, land, are carried out by transferring names. For intangible objects, the transfer depends on the type of intangible object.
- c. Movable/immovable objects (*roerende zaken-onroerende zaken*)
- d. Moving objects can be divided into two, namely: first, objects according to their nature are movable, in the sense that they can be or are moved from one place to another. Objects that can move by themselves, for example, animals, while objects that can be moved include books, tables, and so on; second, objects which according to the law are movable are all rights to movable objects, for example, the right to harvest from movable objects, and the right to use movable objects, interest rights, shares, and other securities.

- e. Immovable objects are divided into three, namely: first, objects which by their nature do not move, consisting of soil, everything united with the soil because it grows and has roots and branches, for example, plants, unpicked fruit, etc. Everything that is united with the land because it is built on the ground, for example, a house, is also an immovable object because it is immovable; second, objects which according to their intended use are united with immovable objects, machines in factories; third, objects which according to the law are immovable, namely the rights attached to immovable objects, for example, the right to use over immovable objects.
- f. The distinction between movable objects and immovable objects is related to, firstly, concerning movable objects (except interest) where the provisions of Article 1977 BW apply, which determine that whoever controls movable objects is considered the owner (*eigenaar*). This provision does not apply to those who control immovable objects; secondly, relating to handing over (*levering*), for movable objects handover can be done by actual handing over of the object, whereas for immovable objects it must be done by changing the name; third, related to expiration (*verjaring*), for movable objects there is no known expiration date, because *bezit* is the same as *eigenaar* for movable objects, or the person who controls the object (*bezitter*) is also considered to be the owner of the object (*eigenaar*), whereas for immovable objects the institution of expiration applies; fourth, related to loading (*bezwarend*).
- g. Consumable objects or non-consumable objects (*verbruikbaar zaken-onverbruikbaar zaken*)
- h. Consumable objects (*verbruikbaar zaken*) are objects which, when used, will be destroyed or used up, and the usefulness or benefit of these objects lies in their destruction or exhaustion, for example, food and drink only provide benefits when eaten or drunk. Meanwhile, non-consumable objects (*onverbruikbaar zaken*) are objects that when used do not cause the object to be used up or destroyed but provide benefits, for example, spoons, forks, and so on.
- i. Objects in trade and objects outside trade (*zaken in de handel-zaken buiten de handel*)
- j. Objects in trade are objects in trade traffic. These objects can be used as the object of an agreement. Meanwhile, objects outside of trade are objects that cannot be bought and sold or objects that cannot be used as the object of an agreement in the field of assets.
- k. Things that can be divided and things that cannot be divided (*deelbaar zaken-on deelbaar zaken*)
- l. Objects that can be divided are objects whose form is divided without causing the loss of the essence of the object itself. Meanwhile, objects that cannot be divided are objects whose form is divided, resulting in the loss of the essence of the object. The distinction between objects that can be shared and objects that cannot be shared is related to the fulfillment of achievements in an engagement.
- m. Objects that can be replaced and objects that cannot be replaced (*vervangbaar zaken-onvervangbaar zaken*).
- n. Objects that already exist and objects that will exist in the future (*tegenwoordige zaken-toekomstige zaken*).

A legal relationship (*rechtsrelatie*) is a relationship between legal subjects whose consequences are regulated by law, which can give rise to rights or eliminate rights. According to their nature, rights can be divided into two large groups, namely: first, absolute rights, namely the power given by law to legal subjects to do something or take action by taking into account their interests; secondly, Relative/Relative Rights, namely the power given by law to certain legal subjects to do or not do something to certain legal subjects. The legal relationship between the person who has the right and the object gives rise to property rights. Property rights are absolute powers given by law to legal subjects to directly control an object where or in whose hands the object is. The characteristics of material rights are: first, absolute rights; second, *Droit de suite*, which means that the property rights follow where the object is or in whose hands the object is; third, it can be defended against anyone (Safira, 2017).

According to Soebekti, a material right (*zekalijk recht*) is a right that gives direct power over an object that can be maintained by everyone (Erlina, 2021). These are the characteristics of material rights according to Soebekti, as follows (Sitanggang, 2019): a. Granting direct power over an object; b. Can be defended against everyone; c. Has the property of "sticking", that is, adhering to an object when it is transferred (*droit de suite*); d. The rights of the older are always won against the younger ones.

DISCUSSION

Medical procedures carried out by physicians on patients in hospitals begin with an initial contractual relationship, namely, in the form of a medical treatment contract between the patient and the hospital. The patient then agrees with the doctor to perform a series of medical procedures ranging from diagnostics to treatment and health restoration (Puteri, 2004). Medical procedures in hospitals are the main thing in the substance of medical treatment contracts in hospitals, both from the aspect of the legal relationship between the hospital and the patient and the position of legal responsibility attached to the hospital apparatus (Lesmonojati, 2020b). A contractual relationship that occurs legally will give rise to rights and obligations for both parties.

In therapeutic transactions, one of the patient's rights according to Article 276 letter e of Law Number 17 of 2023 concerning Health is to have access to medical record information. Furthermore, the hospital's obligation by Article 189 paragraph (1) letter h of Law 17 of 2023 concerning Health is to maintain medical records. The obligation to maintain medical records is a manifestation of the patient's right to obtain information. Facts in the field of patient access to information contained in medical record documents often have multiple interpretations. Patients still assume they are the owners of the contents of medical records.

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Regarding the regulation of the contents of a patient's medical record, it was initially regulated in Article 12 paragraph (2) of the Minister of Health Regulation Number 269/Menkes/Per/III/2008 concerning Medical Records. This Minister of Health Regulation has been revoked by Minister of Health Regulation Number 24 of 2022 concerning Medical Records. In Article 26 paragraph (1) Minister of Health Regulation Number 24 of 2022 concerning Medical Records regulates the same thing regarding ownership of the contents of medical records, namely that they belong to the patient. However, with the issuance of Law Number 17 of 2023 concerning Health, especially Article 297, these provisions are no longer regulated. In the provisions of Article 297 paragraph (1) it is explained that medical record documents belong to health service facilities. Furthermore, paragraph (2) states that every patient has the right to access the information contained in the medical record document.

Strengthening medical records as objects that can be owned can also be found in Article 784 paragraph (1) Government Regulation Number 28 of 2024 concerning Implementing Regulations of Law Number 17 of 2023 concerning Health.

Indonesia adheres to several principles of statutory regulations to enforce a law. With the existence of Law Number 17 of 2023 concerning Health, the principle of "Lex Superior Derogat Legi Inferiori" applies (higher laws and regulations can override lower laws) (Hatta, 2018). Thus, the provisions regarding ownership of medical record documents follow the new regulations (Law Number 17 of 2023 concerning Health). This can have moral and legal consequences for health service facilities, medical personnel, and health workers to help maintain the security, confidentiality, and availability of data contained in medical record documents.

The legal relationship (*rechtsrelatie*) between the hospital and the patient is regulated by law and can give rise to rights or eliminate rights. To understand property rights, it is necessary to understand them in a civil context. According to their nature, civil rights are absolute rights and relative rights. Absolute/absolute civil rights are the power given by law to legal subjects to do something or take action by taking into account their interests (Lesmonoajati, 2020b). If viewed from the civil concept, it can be understood that health service facilities have absolute rights over medical record documents.

To understand property rights cannot be separated from the legal concept of objects in BW. Article 499 BW explains that objects are anything that can become an object of property rights. The objects of property rights in question are tangible and intangible (rights). Tangible/bodily objects (*lichamelijke zaken*) are objects that can be captured by the five senses (seen with the eyes and touched with the hands). Meanwhile, intangible/bodily objects (*onlichamelijke zaken*) are objects that cannot be captured by the five senses. Delivery of tangible/bodily objects including moving objects The delivery is from hand to hand, while tangible objects which are not immovable are carried out by changing names. For intangible objects, the delivery depends on the type of immovable object, namely objects by their nature are moved, in the sense of being moved from one place to another, can move by themselves, and objects which according to law are movable. On the other hand, immovable objects are objects that by their nature do not move, objects that according to their intended use are united with immovable objects, and objects which according to the law are determined. as immovable objects (Lesmonoajati, 2020b).

Medical record documents as stated in Article 297 paragraph (1) of Law Number 17 of 2023 concerning Health and Article 784 paragraph (1) of Government Regulation Number 28 of 2024 concerning Implementation of Regulations of Law Number 17 of 2023 concerning Health, are the property of the facility health services. Medical records as stated in Article 778 paragraph (3) of the Government Number 28 of 2024 concerning the Implementation of Law Number 17 of 2023 concerning Health, are documents containing patient identity data, examinations, treatment, actions, and other services that have been provided to patients, including patient health care consent.

The word "ownership" in the context of ownership of medical record documents indicates that there are property rights to the health service facility attached to the medical record document. Through these property rights, health service facilities have the authority to store and maintain the confidentiality, security, and integrity of medical record documents. In fact, according to the provisions of Article 785 of Government Regulation Number 28 of 2024 concerning the Implementation of Law Number 17 of 2023 concerning Health, confidentiality must be maintained until the patient dies. Thus, the object of property rights to health service facilities over medical record documents, when viewed from their form, is in the form of rights that are tangible objects.

With the provisions regarding electronic medical records as in Article 779 paragraph (1) of Government regulation number 28 of 2024 concerning the implimantation of law number 17 of 2023 concerning Health, of course, it can raise other questions when the medical record documents are digitalized. Are medical record documents immovable objects? Electronic medical records can be said to be electronic documents. Referring to Article 1 number 4 of Law Number 11 of 2008 concerning Electronic Information and Transactions as amended several times, most recently with Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, explains The definition of an electronic document is any electronic information created, forwarded, sent, received, or stored in analog, digital, electromagnetic, optical, or similar form, which can be seen, displayed and/or heard via Computers or Electronic Systems, including but not limited to writing, sound, images, maps, designs, photographs or the like, letters, signs, numbers, Access Codes, symbols or perforations that have meaning or meaning or can be understood by people who can understand them. With the access system mentioned above, patient data information can be spread through electronic systems. Therefore, medical records documents, when viewed according to their material nature, are movable objects. In the provisions of Article 1977 BW determines that whoever controls a movable object is considered the owner (*eigenaar*).

Referring to Article 570 BW, it can be said that the ownership rights of health service facilities over medical record documents are the most important rights that form the basis for all other material

rights that may occur subsequently during or after the end of the therapeutic contract. The health service facility, through its ownership rights, has control rights over medical record documents so that it has the authority to maintain and use them. The existence of the right to retain means that the patient's medical record documents cannot be contested so that they can be defended by other parties who do not have the authority to disclose the information contained in the medical record documents. Even the government cannot arbitrarily limit or take away these property rights. By having the right to control medical record documents, health service facilities should be given the authority by law to regulate restrictions on patient access to information contained in medical record documents.

The lack of clarity regarding the regulation of patient access to medical record document information shows confusion because it eliminates the nature of ownership rights which should be intact and complete for the hospital. This property right needs to be maintained because property rights are "droit inviolable et sacre", that is, they are rights that cannot be contested to provide legal protection for hospitals.

CONCLUSION

Medical record documents can be categorized as movable objects so that the hospital as the party in charge of medical record documents can be considered the owner as regulated in Article 1977 of the Civil Code. The hospital's right to medical record documents in accordance with the provisions of Article 570 BW is the most important. Health service facilities through their ownership rights have control rights over medical record documents, so they have the authority to maintain and utilize them. Through these property rights, hospitals can maintain medical record documents by storing and maintaining confidentiality, security, and integrity in medical record documents. By having control rights over medical record documents, health service facilities should be given the authority by law to regulate restrictions on patient access to the information contained in medical record documents. This restriction aims to avoid the disclosure of the contents of medical records that could be detrimental to the hospital.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

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