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Journal of Engineering and Applied Sciences 12(18): 4667-4673, 2017
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Realization of the Hospital's Social Functions (Dilemma of the Fulfillment of Hospital's Obligations and Poor Patient's Rights)

S.H. Oleh and M.H. Endang Wahyati Yustina,
Soegijapranata Catholic University, Semarang, Indonesia

Abstract: Social right as health service is a basic right that is based on human rights. In health service, this right is manifested in the form of social right to get the optimum degree of health such as a right of health care to the poor. The government is obliged to preserve this right and manifest it into policies of health services. Some acts are issued such as Act No. 36/2009 on health and the regulation that particularly regulate this matter, namely public health ministerial decree, Act No. 44/2009 on hospital is factually the forms of the government's obligation that accommodate the social right in health service, especially in the social function. The methods of socio legal approach are chosen with the qualitative analysis because the main problems of the research are the social aspect of hospital service to influence the regulation (legal aspect) of hospital health services to the poor. However, in health service, the social function of hospital fulfillment tends to move to the commercial function. The multiplier effect of hospital services quality ensure was higher cost needed because of medical technology, professional keeper aims and other hospital facilities need higher cost too. Therefore, there is a dilemma between an obligation to hospital social function and the hospital services quality ensure. The dilemma has impact to the patient's right on health care particularly the right of the poor's health care. Whereas the individual right to get health service (in hospital) is also a basic right that is based on human rights. This right should be respected and highly supported as it is entrusted by the act. The crash of these interests requires gives priority to the social interests over the business interests. This means that hospital health service as entrusted by the act is required to be higher carrying to the poor patient's in order to prevent the social function of hospital health services from being contaminated by commercial services.

Key words: Hospital, social function, obligation, the poor, patient rights, commercial services

INTRODUCTION

People's right to get health care service is the basic right that should be guaranteed. The government should be responsible for fulfilling this basic right. The 1945 Constitution after the fourth amendment arranges this in Article 28 H Section 1 which states "Every person is entitled to having a prosperous life physically and spiritually and has the right to have health care services". The constitutional mandate is further arranged in various statutory provisions. Act No. 17/2007 about National long-term development plan years 2005-2025 in the appendix Chapter IV.1.2 decides the target, stages and priority of the long-term development plan which is "becoming a competitive nation". This program contains the plan of "building qualified human resources" with the following agenda: "Developing health is directed to increase awareness, willingness and ability to live healthily for every person so that the maximum increase of the people's health level can be realized (Ibrahim et al., 2015; Kusson, 2016). Health development is done based on humanity, empowerment and independence, fairness and equality as well as priority and benefit with special attention to susceptible people such as mothers, babies, children and old people and poor families (Gungkhapong et al., 2016; Goyal and Goyal, 2015). Health development is done through the enhancement of health efforts, health financing, human resources in health sector medicines and health supplies which go along with better supervision, people empowerment and health management".

The above statement means that one responsibility of the government is the health sector is guaranteeing the availability of health care services which are qualified, equal and affordable for all social classes, especially the low class society. Thus, a prosperous society will be created and the target of program is qualified and competitive generation will be realized.

Related to this, the government of Indonesia has made some policies in health sector which can be found in National Health System (NHS). In this policy, it is mentioned that health development is part of national

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S.H. Oleh and M.H. Endang Wahyati Yustina,
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Key words: Hospital, social function, obligation, the poor, patient rights, commercial services.

INTRODUCTION
People's right to get health care service is the basic right that should be guaranteed. The government should be responsible for fulfilling this basic right. The 1945 Constitution after the fourth amendment arrange this in Article 28 (H) Section 1 which states: "Every person is entitled to having a program life, physically and spiritually and has the right to have health care services". This constitutional mandate is further arranged in various statutory provisions. Act No. 17/2007 about National Long-term development plan year 2005-2025 in the appendix Chapter IX (2) Article the target, scope and priority of the long-term development plan which is "becoming a competitive nation". This program contains the plan of "building qualified human resources" with the following words: "Developing health is directed to increase awareness, willingness and ability to live healthily for every person so that the maximum interest of the people's health level can be realized (Dhadan et al., 2015; Soewarto, 2010). Health development is based on

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The above statement means that one responsibility of the government is the health sector in guaranteeing the availability of health care services which are qualified, equal and affordable for all social classes, especially the low class society. Thus, a progressive society will be formed and the target of (physical, mental, and spiritual) health will be achieved by 17-2025.

Related to this, the government of Indonesia has issued Law Number 36/2009 on Health and Regulation of the Minister of Health Number 48/2009 on Hospital found in National Health System (NHS). In this policy, it is mentioned that health development is part of national

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The above statement means that one responsibility of the government in the health sector is guaranteeing the availability of health care services which are qualified, equal and affordable for all social classes, especially the low class society. Thus, a progressive society will be achieved only by "target" of "progressive" and "qualified" population will be achieved.

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