

Legal Harmony With Business Functions and Social Functions in Improving Public Service Justice in Private Hospitals in Indonesia

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Abstract

The beginning of the establishment of the hospital originated from social activities with awareness social to help each other. But the competition that competitive makes the hospital grow and develop into an institution business and lack of put forward its social functions. The problem is, why there is a disharmony of the business function and social functioning of the hospital managed by Legal entity Limited liability company in the provision of Health Services to Community and how can it be achieved Home Business Function managed by a limited liability company legal entity with prioritizing social functions in order to realize social justice community. This research is normative juridical using data secondary sourced from primary legal materials, secondary materials and materials tertiary law. Data that has been collected from various literature and information is analyzed qualitatively. The results showed social functioning hospitals are part of the inherent responsibility of each hospital, which is the moral and ethical bond of the hospital in helping patients, especially those who are less/unable to meet their needs

will health services and must be carried out specifically for the community not capable/underprivileged. Never theless there are still hospitals that are incorporated the company's law as a health service provider agency has not yet carry out social functions to the maximum and prioritize functions business rather than a special social function for deficient members of society able / unable to pay, in case of emergency and make a refusal give help. In order to harmonize between social functions hospitals and hospital business functions can be through law enforcement state administration, civil law and criminal law enforcement as a tool social engineering of hospitals that do not fulfill their social functions. It is suggested that the need for Legal Reconstruction of Article 20 Act and article 21 number 44 of 2009 concerning Hospitals also needs to be improved supervision of the implementation of the social functions of hospitals, especially hospitals private incorporated or Limited Liability Company and public law enforcement.

Keywords: harmonization, Business Functions, Social Functions

1. INTRODUCTION

The state of Indonesia is a country of law (rechtsstaat) not based on mere power (machtsstaat), showing a firm attitude the founders of the Indonesian nation who wanted Indonesia to be a state democratic law and formulated in Article 1 subsection (3) of the Act The basis (Constitution) of

the Republic of Indonesia of 1945 that, "The State Indonesia is a country of laws", in legal terms it is called rechtsstaat and the rule of law. The concept of the rule of law rests on the common system law is judicial in character while rechtsstaat rests on civil law system, containing the meaning of placing the law above everything (the rule of law) and contains norms that requires the

government and state administrators to be obliged to comply with the law. Its implementation in any order of life in a nation is regulated in law, for every society as well as state/government organizers must be subject to the law (subject to the law). Enforcing the law and putting the law in a position exalted, no power above the law (above to the law), all subject to the provisions of the applicable law, then there must be no arbitrary power and abuse of power due to set forth in the constitution of the country in which the law occupies the position of the highest law in legal order with the concept of a state of Pancasila law, in accordance with the values reflected in Pancasila.

Country of law can protect all citizens without any intervention by and from any party, including by state organizers. The concept of the state Pancasila law means a legal system that applies in the state democratically, which is desired by the people, based on the principles and rules or norms contained / reflected in the values that exist in Pancasila as the basis of social life, as crystallization of views and philosophies of life loaded with ethical values and the noble morals of the Indonesian nation implied in the Articles of the Constitution of the Republic of Indonesia of 1945 and listed in the preamble to the 1945 Constitution built to realize the goals of the state Indonesia, namely the realization of a just and prosperous society. In order to realize a service system that provides comfort for patients, then several laws and regulations that contain the rights of patients are regulated in Law Number 36 of 2009 concerning Health (abbreviated as Health Law), Law Number 44 of the Year 2009 about Hospital (abbreviated as Hospital Law), Act Number 29 of 2004 concerning the Practice of Medicine (abbreviated as The Law on Practice Medicine), Government Regulation Number 32 of 1996 concerning Manpower health, Regulation of the Minister of Health (Permenkes) number 4 of 2018 on hospital

obligations and patient obligations, Ministerial Regulation Health Number 2052/MENKES/X/2011 concerning Practice Permits and Implementation of Medical Practice, Regulation of the Minister of Health Number HK.148/1/2010 concerning Nursing License and Practice, Regulation Minister of Health Number 11 of 2017 concerning safety, Regulation, Government Number 47 of 2016 concerning Health Service Facilities and other Regulations relating to Government Hospitals nor Private hospitals .

Hospitals as part of the health care system which organizes health care facilities, has a mission to perform its social functions, whose main task is to serve plenary health of individuals who provide care services inpatient, outpatient and inpatient, providing health services that quality and affordable by the community in the form of medical services, services medical support, medical rehabilitation of care services and unit services emergency department, including outpatient unit services and inpatient units. Hospital management has its own uniqueness is very complex organization with problem-dense institutions, as a service facility for various diseases, labor-intensive, capital-intensive as well technology-intensive, various types of professions of health workers with devices its science, various systems, regulations and work procedures therefore requires a problemsolving system.

Hospitals are also required to innovate following the advancement of digital medical technology as well as Science the knowledge of medicine is developing very rapidly in order to be in the task and the function of the hospital in providing individual health services plenary to the community. Social Functions carried out by the hospital cannot be carried out optimally if not supported by the provision of facilities and services quality infrastructure facilities, moreover technological advances in the face of globalization is developing very rapidly, followed developments in Science Knowledge of digital technology in

the field of medicine, especially technology X-ray nuclear medicine such as, radiology, laboratory tests, and monitors heart rate that can be transmitted into digital format, telemedicine (telemedicine) treatment provided through telecommunications contributes quite significantly in the field of health whose application is for the purpose of diagnosis and therapy. Sophistication medical technology requires very high costs, which will affect the operational system of the hospital, in terms of costs, resources human even the use of nuclear medicine is regulated in law International. This phenomenon in addition to providing opportunities for business expansion health, also has the impact of fierce competition among businessmen hospital because every investor expects the company will grow rapidly, competitive advantage among hospitals in long period of time and can expand its business. Example Most interesting is Glenagles Siloam Karawaci Hospital Tangerang which is affiliated with the Lippo Group group of companies, with capital and A reliable management system can expand in the Territory of Indonesia and Abroad.

Health care in hospitals according to Anthony's research results Giddens which has been cited by Sudarmono and rewritten by Endang Wahyati in the book *Knowing the Laws of Hospitals* has shifted from public goods become private goods for the fulfillment of satisfaction patients, the longer the more complex it results in several homes competes looking for ways to attract sympathetic patients with prepare offers of advice facilities and infrastructure such as star five hotels.

The impact of this hospital business competition, several hospitals Private forgot about the history of the establishment of the hospital. The beginning of the establishment of the house pain stems from social activities with the purity of affection, social awareness and the instinct to help each other among others, as well as a high religious spirit in the life of mankind. Competitive competition makes

hospitals grow and develop become a business institution that can create social inequality. The Hospital investors don't seem to care if the hospital has to stay putting forward its social function, hospital investors are more attach importance to innovating, racing to improve marketing strategies hospitals to meet the needs of middle and upper economic patients which prioritizes better care and a sense of satisfaction will hospital services, this opportunity is mandated by the home management pain to prepare supporting facilities, infrastructure and services hospital activities.

The existence of private hospitals managed by limited liability companies since promulgation of Law Number 16 of 2001 concerning Foundations and the issuance of Law No. 19 of 2001 concerning Business Entities State Property and Law Number 44 of 2009 concerning Houses Sick, the orientation of the founders of the hospital began to change, through the process the formulation of both laws has made it possible to establish hospital as a business entity in the form of a limited liability company, fundamental reasons for the Government to consider establishing hospitals Private, The government expects Private hospitals to provide cross-subsidy to Public hospitals, another consideration of obligations for Government to provide and improve both services and health services for the community because of the mandate contained in Article 28 H paragraph (1) of the Constitution of the Republic of Indonesia year 1945, formulated that

" Everyone has the right to live a prosperous life born and inwardly, housed live, and get a good and healthy living environment and have the right obtaining health care.", and in Article 34 paragraph (3) of the Constitution of the Republic of Indonesia of 1945

" The state is responsible for the provision of service facilities health and proper public service facilities".

Private hospitals as a business investment are getting stronger with the issuance of

Law Number 44 of 2009 concerning Hospitals allow the establishment of a private hospital in the form of a limited liability company as stipulated in Article 7 paragraph (2) of Law Number 44 of the Year 2009 About the Hospital, formulate that " The hospital can established by the Government, Local Government, or private sector" and subsection (4) Law Number 44 of 2009 concerning Hospitals formulates, "Hospitals established by the private sector as referred to in paragraph (2) must be a legal entity whose business activities are only engaged in the field of hospitalization".

"Private hospitals as referred to in Article 20 paragraph (1) managed by a legal entity with the aim of profit in the form of a Company limited or Persero". A limited liability company is an incorporated company and honed by the Act, has rights and obligations that must fulfilled in order to avoid legal sanctions that can also apply if there are acts of unlawful acts. According to Article 1 of Law Number 40 of 2007 concerning Limited Liability Companies formulated the sense that:

" Limited Liability Company, hereinafter referred to as the Company, is a body law which is a capital partnership, established on the basis of agreement, carrying out business activities with a total authorized capital divided into shares and meet the requirements set out in this law and its implementing regulations".

Characteristics of private hospitals managed by a limited liability company very different from public hospitals run by the government and local governments of a non-profit nature, based on their management public service hospitals with limited sources of funds and the various rules and bureaucracies to deal with, sometimes the ministry in Public hospitals unlike private hospitals, while the house private ill managed Limited liability company established with the aim of profit, there is a fundamental difference between public hospitals and private managed hospitals Limited liability companies,

public hospitals are not allowed to seek profit (non-profit), so it is often found patients who seek treatment to government hospitals are mostly the lower middle class. Obtaining profits from health services that giving to patients is a reasonableness for hospitals that managed Limited Liability Company and it is protected by law but necessary realized that in the implementation of the hospital must remain put forward the social functions of the hospital as formulated by Article 49 paragraph (2) of Law Number 36 of 2009 concerning Health that, The implementation of health efforts must pay attention to social functions, values, and religious, socio-cultural, moral, and ethical norms of the profession. hospital is an integral part of a social and health organization that providing plenary/comprehensive services due to health services is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation.

The obligations of each hospital above are an effort to realizing social justice in Indonesian society because of society in Indonesia, it is entitled to justice in terms of health, both in terms of promotive, preventive, curative and rehabilitative. Justice in this case comprehensive health care fairness. Justice in terms of health this corresponds to Aristotle's theory of justice. Base Aristotle's view of justice is as a grant of rights equations but not equality. Aristotle distinguishes rights equality is in accordance with the right, the right to be seen by man as a unit or the same container. This is what can be understood that all persons or every citizen before the law is the same. Equality gives each person what he is entitled to accordingly with the abilities and achievements it has done.

Harmonization legislation can be interpreted as a process alignment or alignment of laws and regulations that are intended to be or is being drafted, so that the resulting legislation in accordance with the principles of good laws and regulations.

According to Kusnu Goesniadhie, harmonization of the national legal system laying the mindset underlying the drafting of the legal system in national legal system harmonization framework.

Based on Law Number 44 of 2009 concerning Hospitals established, all hospitals including "Classless Hospitals" have the obligation to carry out social functions, among others, by providing facilities for the care of underprivileged/poor patients, emergency services emergency no down payment, free ambulance, disaster victim services and extenuating circumstances, or social devotion to humanitarian missions and making, implement, and maintain the quality standards of health services in hospitals as a reference in serving patients; providing health services that safe, quality, antidiscrimination and also effective by prioritizing the interests of patients in accordance with the standards of hospital services.

Various things about the division of hospital types have been arranged in Regulation of the Minister of Health of the Republic of Indonesia State Sheet Number 340/Menkes/Per/III/2010. In the Regulation of the Minister of Health, it has very clearly discussed about hospital grouping based on with facilities owned and the hospital's ability to provide services that are further differentiated into hospitals general and hospital types special type. General type hospitals provide health services in all areas of disease and health care services. While the house special type of sickness provides health services in one area of service disease or one particular field of health based on science, class age, organ or type of disease.

2. METHOD

The data analysis methods used in this study are qualitative methods. According to Soerjono Soekanto, qualitative data analysis is a way of analysis that generates analytical descriptive data, that is, what

expressed by the respondent in writing or orally and also the behavior that real, which is researched and studied as something whole. The data analysis techniques used to analyze the data are qualitative analysis of interactive models, that is, they are used by means of interaction, both its components and with the process of collecting data, in the process of cyclical. The qualitative analysis model used is the data analysis, using three stages or components in the form of reduction data, data presentation, and conclusion drawing or verification in process cycles between these stages so that the collected data will relate to each other automatically.

3. MAIN HEADING OF THE FIRST ANALYSIS OR DISCUSSION

1. Implementation of Social Functions and Business Functions of the Company's Hospitals Limited.

The conception of Indonesia as a country of law and democracy is A government that wants the state to be run by rules law, not based on power. Indonesia's democratic system prioritizing elements of deliberation which contain the value of Pancasila The existence of Pancasila as the main principle of state rules that fundamentally shows the identity of the Indonesian democratic state that sovereignty in the hands of the people with a unified set of values in the life of society, nation, and state. Pancasila Values become a guideline for countries that contain norms for require the Government, state organizers, and the people to maintain ethics in maintaining legal order.

The ideals of the Indonesian nation as stated in the Preamble Constitution of the Republic of Indonesia of 1945 is to protect the whole nation of Indonesia and the whole of the bloodshed Indonesia and to advance the general welfare, educate the life of the nation, and participate in carrying out the order of the world which based on independence, lasting peace, and social justice. Health as one of the elements of

general well-being must be realized through various health efforts in the series of health development comprehensive and integrated manner supported by a health system national. In line with the mandate of Article 28H paragraph (1) of the Constitution State of the Republic of Indonesia in 1945 has been affirmed that everyone entitled to health services, later in Article 34 verse (3) The 1945 Constitution declares the State responsible for provision of health care facilities and public service facilities which is feasible.

At this time, the Hospital has been regulated by law Number 44 of 2009 concerning Hospitals (UURS) with various values what it contains is the value of justice, equal rights and antidiscrimination, as well as the social functioning of the Hospital and these values as well which must be implemented based on hospitals in service health organized by hospitals including executing its social functions. The hospital also has duties and functions that relates to promotive, preventive, curative and rehabilitative measures in order to improve health services to patients. Thing it can be attributed to the values of the service that should be applied by hospitals in providing services to his patients are mainly the value of justice.

Hospital obligations according to Law number 44 Years 2009 on Hospitals, one of the formulations of this article emphasizes to carry out social functions by providing health services to the poor or incapacitated, providing services without money face and anti-discrimination The determination of this formulation, the Government expect no more people to complain, no more getting health care because you don't have the money to pay to the hospital. From the aspect of hospital financing, the continuity of services health is not only an obligation of the main task and social function hospitals, in order to keep the hospital going, costs are needed large operational and investment in the implementation of its activities, so it needs to be supported by the availability of sufficient funding and

Sustainable. In terms of health services to the community, government has an important responsibility and role to play for the provision of public and individual health services, so that the Indonesian people can get health services which is in accordance with its needs so that the welfare of the community and social justice of the community can be ensured and can be achieved. To achievement of the expected goals, the Government and the private sector Hospital owners should jointly continue to pay attention improving the quality of services in hospitals to achieve goals implementation of health services from hospitals as a way mandated by Law Number 44 of 2009 concerning Houses Sick.

In the Regulation of the Minister of Health of the Republic of Indonesia State Sheet Number 340/Menkes/Per/III/2010 in Article 1 paragraph 3 states that the house special hospitals are hospitals that provide primary services to one field or one type of disease only which is based on disciplines, age groups, organs or types of diseases.

Hospitals have the task of providing health services individual in a plenary manner providing services for action, prevention, treatment and restoring health rehabilitation. Individual health services are every activity health service provided by health workers for maintains and improves health, prevent and heal diseases, and restoring health. Plenary health services the second level is advanced individual health efforts with utilizing specialist health knowledge and technology. The third level of plenary health services is a health effort advanced individuals by utilizing knowledge and subspecialistic health technology.

Government and Local Government are also responsible for availability of health facilities and the provision of health services. Nevertheless, Governments and Local Governments can also provide opportunities for the private sector to participate in fulfilling availability of health facilities and the provision of health

services. Health facilities that are the responsibility of the central government and Local Government to provide facilities including hospitals, doctors of practice, clinics, laboratories, pharmacies and other health facilities.

Hospital as one of the health service facilities is part of an indispensable health resource

in supporting the implementation of health efforts. Organizing hospital health services have characteristics and organizations a very complex characterized by different types of health workers with scientific devices each interacting one with the other. In addition to this the science and technology of medicine that it is developing very rapidly that health workers must follow in in order to provide quality services, making more and more complexity of conditions and problems in a hospital.

In the general explanation of the Hospital Act is explained among other things that:

"The ideals of the Indonesian nation listed in the Preamble Constitution of the Republic of Indonesia of 1945 is to protect the whole nation of Indonesia and the whole spill the blood of Indonesia and to promote the general welfare, educating the life of the nation and participating in carrying out order a world based on independence, century peace and social justice". For that purpose, health as wrong one element of general well-being must be realized through various health efforts in the series of health development in a series of health development comprehensive and integrated supported by a health system national.

In line with the mandate of Article 28H paragraph (1) of the Constitution Republic of Indonesia in 1945 has been affirmed that: "Every persons are entitled to health services" and then in the Article 34 subsection (3) stipulates: "The State is responsible for the provision of facilities

proper health services and public service facilities". House Sickas one health care facility is part of indispensable health resources in support organizing health efforts.

As stated in the 4th Paragraph (four) The preamble to the 1945 Constitution has been included regarding the objectives of the Indonesian state, among others, is to realize general welfare, meaning that the State of Indonesia is a State Welfare (welfare state). The notion of a welfare state cannot be separated from the concept of welfare (welfare), achievement of well-being and prosperity for all Indonesians is the purpose to be realized by the State. Those ideals and goals proved to be one of the elements of the formation of the nation's guidelines as stated in the Constitution of the Unitary State of the Republic Indonesian The 1945 Constitution mandating the state to fulfill the prosperity of the people and provide welfare social. The concept of welfare state relates to development activities that implemented in Indonesia.

Prosperity and social welfare embodied by the state covering also the health sector or sector, the state has guaranteed in a constitution or constitution, namely in Article 28H paragraph (1), and Article 34 paragraph (3) of the 1945 Constitution. Prosperity and social welfare embodied by the state covering also the health sector or sector, the state has guaranteed in a constitution or constitution, namely in Article 28H paragraph (1), and Article 34 paragraph (3) of the 1945 Constitution. Based on the mandate of the constitution that is, the government has issued various regulations as a basis for law in the implementation of health services in various Laws and regulations include: Law Number 29 Year 2004 concerning the Practice of Medicine, Law Number 36 of 2009 concerning Health and Law Number 44 of 2009 about the Hospital.

Private hospitals as formulated in Article 21 of the Act Hospitals are: "Private hospitals as referred to in Article 20 paragraph (1) managed by a legal entity with the aim of

profit in the form of a Limited Liability Company or Persero". Based on Article 21 Law Number 44 of 2009 concerning Hospitals provide open opportunities for hospitals in the form of the Company Limited or Persero is managed by a legal entity with the aim of profit.

Private hospitals in the form of Limited Liability Companies or Persero and managed by private legal entities and those aiming for such profit, with thus, the private hospital is in addition to being subject to the Act Number 44 of 2009 concerning Hospitals (UURS) and Law Number 36 of 2009 concerning Health is also subject to Law Number 40 years 2007 concerning Limited Liability Companies (UUPT).

Formulation in Law Article 2 Number 44 of 2009 concerning Hospitals, the principles and objectives of the hospital have also been established are as follows:

"The hospital is organized based on Pancasila and is based on human values, ethics and professionalism, benefits, justice, equal rights and anti-discrimination, equity, protection and safety of patients, and having social function".

Public Hospitals and Private Hospitals

Based on its management, the hospital can be divided into houses Public hospitals and private hospitals. Public hospitals can be managed by governments, local governments, and legal entities of a non-profit nature. House Government-run public illnesses and local governments are organized based on the management of the Public Service Agency or the Public Service Agency Regions in accordance with the provisions of laws and regulations. Next Public hospitals run by the Government and Local Governments are not can be transferred to a private Hospital. Later in Article 21 stipulated: "Private hospitals are managed by legal entities with a purpose profit in the form of a Limited Liability Company or Persero.

Based on Article 20 of Law Number 44 of 2009 concerning Hospitals, dividing the two classifications of hospitals, namely Public Hospitals and Private Hospitals. Public Hospitals can be managed by the Government. Furthermore, in Article 21 of the Hospital Law, it is stipulated that Public Hospitals are Private managed by a legal entity with the purpose of profit in the form of Limited Liability Company or Persero. This is regulated in Article 21 Hospitals Act, establishing private hospitals that are managed by a legal entity with the purpose of profit must be in the form of a Limited Liability Company. Thus the purpose of the hospital in the form of a Company Limited Persero aims to seek profit or profit. Whereas it has it is also stipulated in Article 2 of the UURS that hospitals are held based on Pancasila and based on human values, ethics and professionalism, benefits, justice, equal rights and anti-discrimination, equity, protection and safety of patients, and has a function social. In the explanation of the article, what is meant by "social function hospital" is part of the responsibility attached to every hospital, which is the moral and ethical bond of the hospital in helping patients, especially those who are lacking or unable to comply the need for health services.

Social Function in Hospital Administration

The regulation on social functions in Article 32 paragraph (1) of Law No.36 of 2009 concerning Health stipulates that: "In emergencies, health care facilities, both government and private sector, obliged to provide health services for life saving patients and prevention of disability in advance". Further in subsection (2) it is stipulated that: "In an emergency, health care facilities, either government or private sector are prohibited from rejecting patients and/or asking for money face". Another definition of social function is health service efforts that prioritizes service efforts for the community and does not take commercially profitable, but more focused

on Humanity. In Permenkes No. 378 of 1993. set regarding social functions are: "Part of the responsibility inherent in each Hospitals include private Hospitals which are moral ties and ethics from the Hospital in helping patients, especially those who are lacking or unable to meet the need for health care."

Article 32 paragraph (1) of Law Number 36 of 2009 concerning Health stipulates that: "In case of emergency, service facilities health, both government and private, are obliged to provide services health for the rescue of patient's life and prevention of disability First. In Article 32 subsection (2) it is stipulated: " In case of emergency, health care facilities, both government and private are prohibited refuse the patient and/or ask for a down payment". Then, Law Number 44 of 2009 concerning Houses Illness which is a special legal basis regarding hospitals, in article 29 subsection (1) point c states: Every Hospital has an obligation providing emergency services to patients according to their abilities Ministry Furthermore, Article 29 letter f of Law Number 44 years 2009 on Hospitals is set as follows: " Hospital have the obligation to carry out social functions, among others, by providing facilities for poor/poor patient care, emergency services emergency no down payment, free ambulance, disaster victim services and extraordinary events, or social devotion to humanitarian missions".

Based on the various regulations that have been put forward, it appears that that the social functions of the Hospital, have been explicitly established in various legal regulations. Similarly, in the Ministry of Health of the Republic of Indonesia No.290 Year 1986, which stipulates: "Every Hospital must carry out its function socially by, among other things, providing facilities to treat sufferers the incapable".

In an effort to fulfill the obligations of social functions in the administration of hospitals, the government has established and enacting various regulations for the implementation of social functions in the

administration of hospitals listed in several provisions that pretend. But there is no agency that specifically supervises the implementation of social functions in the implementation of the Hospital causes there are still many hospitals that commit violations to the obligation to carry out social functions.

Hospitals should have an obligation to carrying out social functions in the crossing of the hospital, providing incapacitated patient care facilities, no-money emergency department services free advance and ambulance facilities, but in practice there is still hospitals that have not performed social functions on the grounds that the implementation of hospital health services has experienced a lot changes in the social, political, economic, technological spheres and also changes milieu.

Nevertheless, the Hospital must continue to implement its obligations in carrying out social functions and should not be prioritizing profit as the main goal as the company does limite although in the implementation of its activities a limited liability company also have a social obligation called CSR. Supervision of Functions Social in Administration of Hospitals sal 29 Paragraph 1 Letter F Law - Law No. 44 of 2009 concerning Hospitals and Law No. 36 Year 2009 About Hospital Health where professional activities including medical personnel and other health workers carrying out their duties Service.

4. CONCLUSION

1. Factors causing the disharmony of Business Functions and Functions Social Hospitals managed by the Company's Legal Entity limited in the provision of Health Services to the Community due to government policy with the provisions of Articles 20 and 21 Law Number 44 of 2009 concerning Hospitals, which opening a legal breakthrough for the hospital for business

investment, the formulation of this Article has prompted a paradigm shift in the establishment hospitals, from social oriented to business goals oriented. The role and function of private hospitals is challenged to seek profit (profit), so that it prioritizes profit or advantage. Private Hospitals have ignored Article 2 Law Number 44 of 2009 concerning Hospitals, which specifies that: "The Hospital is organized based on Pancasila and is based on human values, ethics and professionalism, benefits, justice, equal rights and discrimination, equity, patient protection and safety, and has a social function".

2. In order to realize social justice for the community, implementation of hospital Business Functions managed by the agency Limited Liability Company law can be achieved by harmonizing between the social function of the hospital and the business function of the hospital. Juridical Consequences of More Hospital Acts prioritizing its business functions towards saving the lives of patients, if there is still a patient rescue service that has not been found the maximum does not even perform its social functions, such as refusing or abandoning patients who need hospital services on an emergency basis, this is a violation of 1945 Constitution and legislation Other. In order to harmonize between the social functions of the house sick and business functions of the hospital can be used various means enforcement of laws such as state administrative sanctions, Enforcement civil law as well as criminal law enforcement, as a tool social engineering of hospitals that do not fulfill their functions Social.

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5. REFERENCES

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