



THE ROLE OF ELECTRONIC MEDICAL RECORDS IN MEDICAL DISPUTE RESOLUTION: LEGAL REVIEW

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Abstract

Electronic medical records (RME) are important for increasing efficiency and accuracy in health services and facilitating the resolution of medical disputes by providing comprehensive and easily accessible documentation. However, the implementation of RME in Indonesia faces unclear regulatory challenges and data security issues. There is a need for harmonization of regulations to support the effective and safe implementation of RME, which can speed up the process of resolving medical disputes in a fair and transparent manner. This study aims to evaluate the regulations governing the use of electronic medical records (RME) in the health care system in Indonesia and assess their application in resolving medical disputes. Another aim is to identify the advantages and disadvantages of using RME in resolving medical disputes from a legal perspective. This research method uses a normative legal approach to analyze legal regulations related to electronic medical records and medical dispute resolution. Secondary data from various sources such as journals, books and legal articles are used for descriptive-analytical analysis. The research results show that regulations for the use of electronic medical records (RME) in Indonesia do not fully accommodate developments in RME technology, focus more on conventional medical records, and do not regulate aspects of data security, accessibility and interoperability of RME. Other challenges include data security and limited technological infrastructure in some areas. Compared with developed countries such as the United States (HITECH Act) and Europe (GDPR), Indonesia needs to update and harmonize regulations to support a more effective and safe implementation of RME in resolving medical disputes

Keywords: *Electronic Medical Records (RME), Medical Dispute Resolution, Indonesian Regulations and Legal Review*

1. INTRODUCTION

An effective and efficient health service system is very important to ensure the quality of health services to the community, because good quality services can have a direct impact on the health and well-being of individuals and society as a whole. One important component in health services is the medical record, which functions as a complete record of the health history and services received by patients while they are undergoing medical treatment. Regular and accurate medical records enable health workers to provide more precise diagnoses and treatment that better suits patient needs. In the current digital era, transformation from conventional medical records to electronic medical records (RME) is an urgent need. RME not only increases efficiency and accuracy in recording medical information, but also has the potential to play an important role in resolving medical disputes by providing comprehensive and easily accessible documentation. This reduces the risk of errors that can occur due to manual recording, and allows parties involved in a dispute to quickly obtain relevant and accurate information, thereby facilitating a fair and transparent resolution process.

Medical disputes often arise due to patient dissatisfaction with the services provided by health workers, which can be caused by various factors such as ineffective communication, errors in diagnosis, or medical treatment that does not meet standards. Resolving medical disputes can involve a complicated legal process, takes time, and requires strong and accurate evidence to support the claims of both parties. In this context, electronic medical records (RME) have an important role because they provide comprehensive and easily accessible documentation regarding all medical procedures that have been

carried out on patients, including treatment history, test results, and records of interactions with health professionals. RME records information in more detail and precision, thereby minimizing the risk of recording errors which could become a source of dispute. With RME, the verification and audit process for medical procedures can be carried out more quickly and efficiently, helping the parties involved in the dispute to reach a fairer resolution. Apart from that, the use of RME can also encourage health workers to be more careful and responsible in recording, because every medical action carried out is recorded digitally and can be tracked clearly. Thus, RME not only functions as a documentation tool, but also as a preventative mechanism to reduce the potential for future medical disputes. From a legal perspective, electronic medical records (RME) can be a very useful tool in resolving medical disputes, because they allow all parties involved, including patients, health workers and legal parties, to easily access relevant and authentic information. This accessibility is very important, because in dispute situations, appropriate and accurate evidence is the key to determining the clarity of the case. RME simplifies the process of verifying and tracing medical actions that have been carried out, including procedure records and laboratory results, so that it can provide a clear and objective picture of the cases that occurred. With standardized and digitally stored data, arguments from all parties can be proven by direct reference to immutable medical records, giving greater legal force to the evidence presented. In addition, RME supports transparency in medical practice, which can reduce the level of patient dissatisfaction with services and reduce the possibility of misperceptions that can lead to disputes. The implementation of RME in the health system is not just a technological innovation, but is also an important element in efforts to improve the quality of services and legal justice in the health sector.

Furthermore, laws and regulations related to medical records, such as Law no. 29 of 2004 concerning Medical Practice and Minister of Health Regulation no. 269/Menkes/Per/III/2008 concerning Medical Records, regulates the obligations of health workers to maintain and manage medical records properly. In this context, RME plays an important role in ensuring compliance with these regulations, by providing a systematic platform for the storage and management of medical data. The role of RME in this legal framework is very crucial, considering the increasing complexity of legal claims in medical dispute cases, where valid and accurate evidence is key in resolving disputes. With RME, health workers can more easily fulfill their legal obligations and provide strong evidence in the event of a dispute, thereby helping to maintain the integrity of the medical profession and providing better protection for patients. In addition, the existence of RME also increases health workers' awareness of the importance of accurate documentation, which in turn contributes to improving the overall quality of health services. Although electronic medical records (RME) offer many benefits, their implementation in the health care system still faces significant problems, especially in the context of medical dispute resolution. One of the main problems faced in the use of electronic medical records in Indonesia is the lack of clarity and lack of harmonization of the regulations governing this system. Although there are several statutory regulations governing medical records, such as the Health Law and Minister of Health Regulations, specific and comprehensive regulations regarding electronic medical records are still limited.

This ambiguity includes aspects of storage, security and accessibility of electronic medical record data, which can give rise to various legal problems. For example, in the case of medical disputes, unclear regulations can hamper the process of proving and resolving disputes. In addition, the lack of uniform standards regarding the implementation of electronic medical records in various health facilities also creates inconsistencies in practice, which can have a negative impact on the quality of health services and the protection of patient rights. This problem shows the need for more detailed and integrated regulations to support the effective and safe implementation of electronic medical records in Indonesia. Research on the role of electronic medical records (RME) in resolving medical disputes is urgent because digital transformation in health services is becoming increasingly important as information technology develops. Implementing RME can increase efficiency, accuracy and transparency in recording medical information,



which is very crucial in the legal context and resolving medical disputes. With the increasing number of medical disputes, effective solutions are needed to resolve conflicts between patients and healthcare providers. RME provides more accurate and accessible evidence, speeding up the verification and adjudication process of medical disputes. Government policies and health regulations that increasingly demand high standards in medical record management make RME an important tool for meeting legal compliance and improving the quality of health services. In addition, the security and privacy risks of medical data are increasingly high in the digital era, so this research is important to identify and overcome challenges in implementing RME to ensure better protection of patient data. This research can also provide useful insights for policy makers, health workers, and other related parties in developing more effective strategies for implementing RME and improving quality and fairness in health services.

The problem formulation suitable for this research includes several main aspects. First, what are the regulations governing the use of electronic medical records in the health care system in Indonesia? This is important to understand the legal and policy basis that is the basis for implementing electronic medical records as well as identifying gaps or ambiguities in these regulations. Second, how are electronic medical records implemented in resolving medical disputes in Indonesia? This research will evaluate the extent to which electronic medical records have been used in the medical dispute resolution process and identify the challenges and obstacles faced. Third, what are the advantages and disadvantages of using electronic medical records in resolving medical disputes from a legal perspective? This analysis will help reveal the benefits as well as potential risks or problems that may arise, so as to provide appropriate recommendations for improving this system.

2. LITERATURE REVIEW

2.1 Electronic Medical Records

Electronic Medical Records (RME) have become a crucial component in the modernization of health systems in various countries. Research by Nguyen et al. (2017) demonstrated that RME significantly improves the accuracy and reliability of recording medical information, reduces errors that often occur due to manual recording, and allows quick and easy access to patient information essential for proper diagnosis and treatment. In addition, Smith and Taylor (2018) emphasized that RME increases operational efficiency in health facilities, enabling administrative processes such as recording and updating patient data to be faster and more efficient, so that medical personnel can focus more on patient care. Electronic Medical Records (RME) have become an important component in increasing the efficiency and accuracy of health services. RME implementation has been shown to improve the quality of health data, reduce medical errors, and speed up the clinical decision-making process (Smith et al., 2018). A study by Johnson and Thompson (2019) shows that the use of RME can reduce the time spent by medical personnel managing patient records, so they can focus more on patient care. In addition, RME also plays an important role in improving care coordination between various health care providers, enabling easier and faster data access (Anderson et al., 2020).

However, despite the many benefits presented, RME adoption also faces a number of challenges. One of the main challenges is the issue of security and privacy of patient data. According to research by Nguyen et al. (2021), data breach incidents in the RME system can reduce patient trust and result in serious legal consequences. Therefore, it is important to implement strict security policies and encryption technology to protect patient data. Furthermore, resistance from health workers to technological change is also a significant obstacle. According to Brown and Adams (2022), the successful implementation of RME is highly dependent on adequate training and ongoing support for health workers. They found that intensive and ongoing training can increase the acceptance and use of RME by healthcare workers. In a legal context, RME plays a crucial role in resolving medical disputes. Research by Roberts and Lee (2017) shows that accurate and comprehensive documentation in RME can be strong evidence in legal cases related to medical malpractice. With a clear and well-documented track record, medical dispute resolution can be done more quickly and fairly. In conclusion, although the implementation of RME faces

various challenges, the benefits it offers in improving efficiency, accuracy, and coordination of health care cannot be ignored. Recent studies emphasize the importance of training, data security policies, and ongoing support to ensure the success and effectiveness of RME in modern healthcare systems.

2.2 Medical Disputes

Medical disputes are a crucial issue in the world of health which often involve disputes between patients and medical personnel or health institutions. These disputes usually arise due to allegations of malpractice, dissatisfaction with treatment results, or violations of patient rights (Husni & Dewi, 2019). According to Marzuki (2021), resolving medical disputes in Indonesia still faces many challenges, including a lack of understanding of the rights and obligations of each party as well as complex and time-consuming legal procedures. A study by Sudarmono (2020) shows that complete and accurate medical documentation is very important in resolving medical disputes. Detailed medical records can serve as important evidence in legal proceedings, helping the judge or mediator to get a clear picture of the care provided and medical decisions made. In addition, Pramono and Setiawan (2019) underlined the importance of using information technology, such as Electronic Medical Records (RME), in supporting the accuracy and completeness of medical data, which in turn can reduce the potential for disputes.

From a legal perspective, Utami (2020) explains that laws and regulations in Indonesia, such as the Medical Practice Law, provide a strong legal basis for handling medical dispute cases. However, the implementation of these regulations is still less than optimal, especially at the regional level. Utami also highlighted the need for ongoing education for medical personnel about the legal aspects of medical practice to prevent disputes. According to Hakim and Mulyadi (2022), mediation is a method of resolving medical disputes that is quite effective in Indonesia. Mediation allows for peaceful resolution of conflicts and avoids lengthy and expensive court proceedings. Their book emphasizes the importance of mediators who are competent and have a deep understanding of medical and legal aspects to facilitate the mediation process well. In conclusion, medical disputes in Indonesia require a holistic approach that involves increasing legal understanding among medical personnel, using technology to increase the accuracy of medical documentation, and developing alternative dispute resolution mechanisms such as mediation. Recent literature emphasizes the importance of synergy between medical and legal aspects to create a more effective and fair dispute resolution system.

3. METHOD

The research method used in the study "The Role of Electronic Medical Records in Medical Dispute Resolution: Legal Review" is normative legal research. This research focuses on the analysis of written legal norms, such as statutory regulations, and their application in the context of resolving medical disputes. The approaches used include a statutory approach to examine various regulations relevant to electronic medical records and medical dispute resolution, as well as a case approach to analyze court decisions relating to this topic. The data used in this research is secondary data obtained from various sources, including scientific journals, books, legal articles, and other relevant documents. Data analysis was carried out descriptively-analytically to identify and evaluate the role of electronic medical records in resolving medical disputes based on a legal perspective. In addition, this study also compares practices in various jurisdictions to understand the advantages and disadvantages of using electronic medical records in a legal context. The results of the analysis are interpreted to provide recommendations that can improve the practice of using electronic medical records in resolving medical disputes in Indonesia



4. RESULTS AND DISCUSSION

4.1 Regulations Governing the Use of Electronic Medical Records in the Health Service System in Indonesia

The results of research regarding regulations governing the use of electronic medical records in the health service system in Indonesia show that although there are several relevant regulations, such as Law Number 17 of 2023 concerning Health and Minister of Health Regulation Number 269/MENKES/PER/III/2008 concerning Medical Records, existing regulations do not fully accommodate the development of electronic medical record technology. Law Number 17 of 2023 has provided a more comprehensive legal framework regarding health services, but more specific derivative regulations are still needed to regulate the technical and operational aspects of electronic medical records. The current Ministry of Health regulations focus more on conventional medical records and do not fully regulate data security, accessibility and interoperability of electronic medical records. The lack of clear and uniform standards regarding the implementation of electronic medical records in various health facilities leads to inconsistencies in practice, which can have a negative impact on the quality of health services and the protection of patient rights. Therefore, more detailed and integrated regulatory updates and harmonization are needed to support the effective and safe implementation of electronic medical records in Indonesia.

Regulations on the use of electronic medical records in Indonesia can be seen from a comparative perspective with various countries and relevant theories in related research. In several developed countries such as the United States and several European countries, there are more mature regulations governing the use of electronic medical records. For example, in the United States, the Health Information Technology for Economic and Clinical Health Act (HITECH Act) provides a comprehensive framework for the use and protection of electronic medical record data. Related theories such as Systems Theory can be applied to understand how these regulatory systems work and interact with health practices. In Europe, regulations such as the General Data Protection Regulation (GDPR) provide strong protection for personal data, including health data in electronic medical records. This European legal approach to data protection can be studied to enrich understanding of how regulations can support or hinder the implementation of electronic medical record technology (European Commission, 2016).

Related research from these countries can also be an important reference in comparing the advantages and disadvantages of regulation in Indonesia. For example, studies comparing electronic medical record use practices and their impact on medical dispute resolution could provide insight into how good regulation can improve health system efficiency and increase protection of patient rights. By considering various theories and regulations that apply in these developed countries, Indonesia can learn lessons to improve regulations and ensure that the use of electronic medical records provides optimal benefits in health services, while still paying attention to aspects of data protection and privacy rights in accordance with international standards .

4.2 Application of Electronic Medical Records in Resolving Medical Disputes in Indonesia

The application of electronic medical records (RME) in resolving medical disputes in Indonesia has become an increasingly relevant research topic along with the development of information technology in the health sector. RME has great potential to improve efficiency, accuracy and transparency in medical data recording. With RME, patient medical records can be accessed quickly and easily, making it easier for various parties, such as doctors, hospitals and lawyers, to obtain the necessary information. This is especially important in the context of medical disputes, where accurate and complete evidence can be key to resolving cases fairly. Research shows that the use of RME can minimize recording errors and improve the quality of medical documentation. In many cases of medical disputes, incomplete or inaccurate records are the main source of the problem. With RME, every medical action performed on a patient can be recorded in detail and in a timely manner, thereby reducing the risk of errors and providing strong evidence in the event of a dispute. In addition, RME also allows comprehensive tracking of a patient's medical history, which can help in analyzing and evaluating the care that has been provided. Even though

it has many benefits, the implementation of RME in Indonesia still faces several challenges. One of them is the issue of data security. Medical data is sensitive information that must be properly protected to prevent misuse. Therefore, a strong security system is needed to protect data from cyber threats. Apart from that, limited technological infrastructure in several regions is also an obstacle to implementing RME.

Many health facilities in remote areas do not have adequate internet access, making it difficult to implement the RME system. Resistance from medical personnel is also another challenge in implementing RME. Many medical personnel are not yet familiar with digital systems and are still more comfortable using manual recording methods. To overcome this, intensive training and socialization is needed so that medical personnel can adapt to the new system. With adequate support from the government, health service providers and technology developers, the implementation of RME in Indonesia can run more effectively and safely. It is hoped that with RME, medical dispute resolution in Indonesia can become more efficient and fair, as well as improve the overall quality of health services. The application of electronic medical records (RME) in resolving medical disputes in Indonesia receives theoretical support from the e-Health concept, which emphasizes the use of information technology to improve the quality of health services (WHO, 2020). According to a study by Gagnon et al. (2017), RME can improve operational efficiency and the quality of medical documentation, which has a positive impact on handling medical disputes. Gagnon et al. also highlighted that RME enables quick access to accurate and complete patient data, thereby speeding up the dispute resolution process.

Another study by Kruse et al. (2018) showed that RME can reduce medical errors through improving the accuracy and readability of medical records. In the context of medical disputes, structured and easily accessible data is essential to provide evidence to support both parties' arguments. Additionally, research by Jones et al. (2019) found that implementing RME can increase transparency in the medical documentation process, which in turn reduces the possibility of disputes due to unclear or missing information. However, the implementation of RME in Indonesia still faces significant challenges, including data security issues and limited technological infrastructure, as reported by Setiawan and Suryadi (2021). They emphasized the importance of developing a robust security system to protect medical data from cyber threats. In addition, research by Hartono et al. (2022) identified resistance from medical personnel as the main obstacle in implementing RME, considering that many medical personnel are not yet familiar with digital systems. Hartono et al. recommends intensive training and outreach to help medical personnel adapt to this new technology. Thus, based on the latest theory and research, implementing RME in Indonesia requires a multi-sectoral approach involving the government, health service providers and technology developers. This collaboration is needed to ensure that RME can be implemented effectively and safely, so that it can support more efficient and fair medical dispute resolution in Indonesia

4.3 Advantages and Disadvantages of Using Electronic Medical Records in Resolving Medical Disputes from a Legal Perspective

The use of electronic medical records (RME) offers various advantages from a legal perspective in resolving medical disputes. One of the main advantages of RME is the ability to provide accurate and complete evidence regarding the medical procedures performed. Digitally documented data tends to be easier to verify and less susceptible to manipulation compared to conventional medical records. According to research by Jones et al. (2019), RME increases the transparency and accuracy of medical documentation, thereby strengthening the legal position of both patients and health service providers in dispute cases. Additionally, RME enables quick and easy access to relevant medical information, which can speed up the litigation and dispute resolution process. Research by Gagnon et al. (2017) show that the use of information technology, including RME, can increase operational efficiency and facilitate the



collection of evidence in legal processes. With RME, attorneys and authorities can access a patient's medical history more quickly and completely, which is critical in case analysis and evidence-based decision making.

Despite its many advantages, the use of RME also has several disadvantages from a legal perspective. One of the main drawbacks is the issue of data security and privacy. Digital medical data is vulnerable to cyber threats, such as hacking and data breaches, which can compromise sensitive patient information. Setiawan and Suryadi (2021) highlight that weaknesses in the security system can cause data leaks, which not only harm patients but also have legal implications for health facilities. Violations of patient data privacy can result in lawsuits and significant financial losses for healthcare institutions. In addition, resistance from medical personnel to the use of this new technology is also an obstacle to the effective implementation of RME. Hartono et al. (2022) stated that a lack of training and understanding of RME among medical personnel can reduce the potential benefits of this system. Medical personnel unfamiliar with RME may have difficulty using it efficiently, which can result in data input errors and reduce the reliability of the resulting evidence. In Indonesia, regulations regarding the use of RME are regulated in various laws and regulations. One of them is Law No. 17 of 2023 concerning health, Law No. 29 of 2004 concerning Medical Practice, which regulates the obligations of doctors and medical personnel in maintaining the confidentiality of patient data. Apart from that, Minister of Health Regulation Number 269/MENKES/PER/III/2008 concerning Medical Records also regulates medical record management standards, including provisions regarding storage, access and protection of medical data.

However, even though there are existing regulations, the implementation of RME in Indonesia still faces various challenges. Data security issues and limited technological infrastructure in several areas are the main obstacles. In addition, existing regulations need to continue to be adapted to developments in information technology to ensure adequate legal protection for digital medical data. Overall, although RME offers many advantages in terms of providing accurate and complete evidence in medical disputes, challenges related to data security and technology adoption remain obstacles that need to be overcome. Therefore, a comprehensive approach is needed to ensure that the RME system can be implemented safely and effectively, so that it can support a more efficient and fair medical dispute resolution process in Indonesia. Support from governments, healthcare providers, and technology developers is needed to overcome these challenges and maximize the benefits of using RME.

5. CONCLUSION

The research results show that although Indonesia has several regulations governing the use of electronic medical records (RME) such as Law Number 17 of 2023 concerning Health and Minister of Health Regulation Number 269/MENKES/PER/III/2008 concerning Medical Records, the existing regulations do not yet fully accommodate the development of RME technology. This regulation focuses more on conventional medical records and does not regulate aspects of data security, accessibility and interoperability of RME. Other challenges include data security issues and limited technological infrastructure in some regions. Comparison with regulations in developed countries such as the United States (HITECH Act) and Europe (GDPR) shows that Indonesia needs to update and harmonize regulations to ensure a more effective and safe implementation of RME, supporting a more efficient and fair medical dispute resolution process.

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