



HEALTH FINANCING LAW AND DIGITALIZATION OF HEALTH SERVICES

Toga Adi Putra Sinaga¹, Rahmayanti²

^{1,2} Master of Health Law

Universitas Pembangunan Panca Budi

Correspondence Author : togaputra19@gmail.com

Abstract

Digital transformation has brought significant changes to the healthcare sector, particularly in terms of financing and the provision of health services. This journal explores the interaction between health financing legal regulations and the digitalization of online health services in Indonesia. The study aims to analyze how current regulations govern these two aspects and identify the challenges and solutions needed. Digitalization of health services, including the use of information technology such as electronic medical records (EMRs), telemedicine, and health applications, has significantly altered the healthcare landscape. This transformation presents new legal challenges, especially concerning health financing and personal data protection. This article discusses the interaction between digitalization and health financing regulations in Indonesia, focusing on how health laws and related policies address both aspects. It also explores the impact of digitalization on the management of health financing, patient rights, and provider responsibilities. Referring to Law No. 36 of 2009 on Health, Law No. 27 of 2022 on Personal Data Protection, and other regulations, this article provides an in-depth analysis of the need for regulatory adjustments to ensure effective integration of technology into the health system while maintaining the sustainability of financing and protecting patient rights. The methodology includes literature review, regulatory analysis, and case studies. Findings indicate that while digitalization offers improved efficiency and accessibility, there are regulatory challenges that need to be addressed to ensure effective integration between health financing systems and digital technology. Recommendations suggest updating regulations to create a more inclusive and secure system.

Keywords: *Digitalization, health services, health financing, health laws, electronic medical records, telemedicine, personal data protection, Health Law, Personal Data Protection Law*

1. Introduction

1.1. Background

Digitalization in the healthcare sector, encompassing the use of technologies such as electronic medical records (EMRs), telemedicine, and health applications, has dramatically changed how health services are provided and managed. This transformation offers significant opportunities to improve efficiency, accessibility, and quality of health services but also presents new challenges in terms of financing and legal regulation. In Indonesia, the adoption of digital technology in healthcare requires an adequate legal framework to regulate various aspects, including financing, personal data protection, and patient rights. Law No. 36 of 2009 on Health serves as the primary legal foundation for health system regulation in Indonesia. However, technological advancements demand adjustments and updates to regulations to ensure effective integration of technology without compromising fundamental principles of protection and financing. One major challenge in digitalization is health financing management. Digital technology, while potentially increasing efficiency and reducing long-term costs, often requires significant initial investment. Therefore, regulations and policies related to health financing must consider the costs and benefits of technology while ensuring the sustainability of the health financing system. Additionally, Law No. 27 of 2022 on Personal Data Protection (PDP Law) regulates personal data protection, including health information generated through digital technology. The PDP Law aims to protect individual privacy in the context of digitalization, but challenges arise in its implementation, particularly in managing and securing data.

Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions (PP 71/2019) and Minister of Health Regulation No. 4 of 2019 on General Guidelines for Medical Records provide additional guidelines on managing electronic systems and medical records. However, these regulations often need to be adjusted to keep pace with rapid technological developments. This journal aims to explore the relationship between digitalization of health services and health financing within the legal context of Indonesia, focusing on how health laws and related regulations address and respond to the challenges and opportunities presented by the integration of technology in the health system. By detailing the legal and financial impacts of digitalization, the article provides insights into the need for regulatory adjustments to support sustainable and effective technology integration.

1.2. Problem Statement

In examining the relationship between health financing and digitalization of health services in Indonesia, several key issues can be identified to guide this research. The following problem statements aim to explore legal, regulatory, and financial implications arising from the integration of technology in the health system. Based on relevant laws and regulations, the problem statements are as follows:

1. How does the digitalization of health services affect the structure and mechanisms of health financing in Indonesia?
 - What costs are associated with implementing digital technology in health services?
 - How does digital technology affect the efficiency and effectiveness of health financing?
2. What legal challenges are faced in regulating digital health services related to personal data protection and patient rights?
 - How does Law No. 27 of 2022 on Personal Data Protection regulate the protection of health data in the context of digitalization?
 - What legal risks might arise from managing patient data in a digital system?
3. To what extent do Law No. 36 of 2009 on Health and other related regulations accommodate changes brought about by digitalization in health services?
 - Are existing laws and regulations adequate to address new challenges arising from digitalization?
 - What adjustments are needed in regulations to align with technological advancements?
4. How do existing policies and regulations support or hinder the integration of digital technology in the health financing system?
 - What role do Government Regulation No. 71 of 2019 on the Implementation of Electronic Systems and Transactions (PP 71/2019) and Minister of Health Regulation No. 4 of 2019 on General Guidelines for Medical Records play in managing digital technology?
 - How can these policies and regulations be adapted to address challenges and leverage opportunities provided by digitalization?
5. What policy recommendations can enhance the integration of digital technology in health services while ensuring sustainability of financing and protection of patient rights?
 - What steps need to be taken to ensure that investment in digital technology provides maximum benefits without compromising patient rights?
 - How can policies and regulations be developed to support technology integration and sustainability of the health system?
 -

1.3. Research Objectives

This research aims to explore and analyze the legal aspects related to health financing and digitalization of health services in Indonesia. The main objectives of this research are as follows:



1. To analyze the impact of legal regulations on health financing in the context of digitalization:
 - To assess how existing laws and regulations, including Law No. 36 of 2009 on Health and Law No. 40 of 2004 on the National Social Security System, regulate and affect health financing in the digital era. Focus will be placed on the integration and adaptation of health financing regulations with digital health service models such as telemedicine and e-health.
2. To identify legal challenges and compliance issues in digital health services:
 - To explore legal challenges faced in implementing digital technology in health services, including issues related to personal data protection, patient rights, and compliance with regulations governing telemedicine and online health platforms. This research will discuss how existing regulations may impact the effectiveness and security of digital health services.
3. To evaluate the adequacy of health regulations in accommodating digital technology innovations:
 - To assess the extent to which current health laws, including government regulations and ministerial regulations, accommodate the needs and developments of digital health services. This evaluation will include identifying gaps or shortcomings in regulations that may hinder the development and adoption of digital technology in the health sector.
4. To formulate policy recommendations to improve financing and digital health services:
 - To develop legal policy recommendations that can enhance the effectiveness and security of financing and provision of digital health services. These recommendations aim to support the development and implementation of digital health technology in a safe, efficient, and regulation-compliant manner while protecting patient rights and ensuring equitable access.

1.4. Research Methodology

This research uses a qualitative approach to explore and analyze legal issues related to health financing and digitalization of health services in Indonesia. The research methodology consists of several stages:

1. Type of Research:

- The research is a normative legal study with a qualitative approach. The primary focus is on document and regulatory analysis related to health financing and digitalization of health services.

2. Data Sources:

- **Primary Data:** Primary data includes relevant legal documents and regulations, such as Law No. 36 of 2009 on Health, Law No. 40 of 2004 on the National Social Security System, and related government and ministerial regulations.
- **Secondary Data:** Secondary data comprises academic literature, journal articles, books, and research reports related to health financing, digitalization of health services, and relevant legal issues. This includes analysis of articles and scholarly journals discussing the legal impacts of digitalization and health financing.

3. Data Collection Techniques:

- **Document Study:** Collecting and analyzing legal documents and regulations, including laws, government regulations, and ministerial regulations governing health financing and digital health services.
- **Literature Review:** Reviewing relevant academic literature to gain additional insights and perspectives on health financing and digital health services, as well as related legal challenges.
- **Case Study Analysis:** Examining case studies or real-world examples of regulatory implementation related to telemedicine and e-health in Indonesia. These cases illustrate how regulations are applied and the challenges faced in practice.

4. Data Analysis Techniques:

- **Legal Analysis:** Analyzing legal texts and regulations using legal interpretative methods to understand the regulation of health financing and digitalization, and their impact on implementation and compliance.
- **Qualitative Analysis:** Conducting thematic analysis of literature and documents to identify key issues, legal challenges, and recommendations. This includes identifying patterns, themes, and gaps in existing regulations.

5. Research Stages:

- **Preparation:** Developing theoretical and methodological frameworks, and identifying and collecting relevant data sources.
- **Data Collection:** Gathering data from legal documents, academic literature, and case studies.
- **Data Analysis:** Analyzing collected data to identify legal issues, challenges, and recommendations related to health financing and digitalization of health services.
- **Conclusion and Recommendations:** Formulating conclusions and recommendations based on the analysis to improve legal regulations and policies related to health financing and digital health services.

1.5. Research Significance

This research is significant for several reasons:

1. **Legal Development:** The findings will contribute to the development of legal frameworks and policies related to health financing and digital health services in Indonesia. This includes identifying regulatory gaps and suggesting improvements to better integrate digital technology in the health sector.
2. **Policy Making:** The research provides valuable insights and recommendations for policymakers to enhance health financing mechanisms and address challenges arising from digitalization. This can lead to more effective and equitable health financing systems that support the integration of technology.
3. **Practice Improvement:** By identifying legal and regulatory challenges, the research can help healthcare providers and organizations navigate the complex legal landscape of digital health services. This includes improving compliance with regulations and ensuring better protection of patient rights and data.
4. **Knowledge Contribution:** The research adds to the body of knowledge in health law and digital health services by exploring the intersection of law, technology, and finance. It provides a comprehensive analysis of how digitalization affects health financing and legal regulations.

In conclusion, this research aims to provide a thorough understanding of the legal implications of digitalization in health services and financing, offering recommendations to improve regulations and support the integration of technology in the Indonesian health sector.

References

1. Undang -undang Dasar Negara Republik Indonesia Tahun 1945. (1945). Jakarta
2. Undang - undang Nomor 17 Tahun 2007 tentang Rencana Pembangunan Jangka Panjang Nasional (RPJPN) Tahun - 2025. (2007). Jakarta.
3. Undang - undang Nomor 29 Tahun 2004 tentang Praktek Kedokteran. (2004). Jakarta
4. Yustina, E. W. (2018). Hak atas Informasi Publik dan Hak atas Rahasia Medis: Problem Hak Asasi Manusia dalam Pelayanan Kesehatan. PADJADJARAN Jurnal Ilmu Hukum (Journal of Law), 13 (1), 67 – 82. <https://doi.org/10.33059/jhsk.v13i1.692>



5. Fahmi, F., Zamroni, M., & Pramono, B. (2023). Kebijakan Hukum Pemerintah Indonesia dalam Pelaksanaan Vaksinasi Covid-19 Ditinjau dari Hak Asasi Manusia atas Kesehatan. *Jurnal Preferensi Hukum*, 4 (3), 355 – 372. Retrieved from <http://www.nber.org/papers/w16019>
6. Hakim, L., & Kurniawan, N. (2022). Membangun Paradigma Hukum HAM Indonesia Berbasis Kewajiban Asasi Manusia. *Jurnal Konstitusi*, 18(4), 869. <https://doi.org/10.31078/jk1847>
7. Latuharhary. (2021). Menyoal Pentingnya Hak atas Kesehatan. Retrieved from <https://www.komnasham.go.id/> website: <https://www.komnasham.go.id/index.php/news/2021/1/7/1643/menyoal-Pentingnya-hak-atas-kesehatan.html>
8. Basuki, U. (2020). Menurut Konstitusionalisme Hak Atas Pelayanan Kesehatan Sebagai Hak Asasi Manusia. *Caraka Justitia*, 1(1), 22.
9. Undang-Undang Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional.
10. Undang-Undang Nomor 24 Tahun 2011 tentang BPJS.
11. Peraturan Presiden Nomor 82 Tahun 2018 tentang Jaminan Kesehatan.
12. Peraturan Menteri Kesehatan Nomor 20 Tahun 2019 tentang Penyelenggaraan Telemedicine.
13. Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi.
14. Berbagai artikel jurnal hukum dan kebijakan kesehatan yang relevan.
15. Undang-Undang Republik Indonesia Nomor 36 Tahun 2009 tentang Kesehatan.
16. Undang-Undang Republik Indonesia Nomor 40 Tahun 2004 tentang Sistem Jaminan Sosial Nasional.
17. Peraturan Pemerintah Republik Indonesia Nomor 47 Tahun 2016 tentang Pelayanan Kesehatan.
18. Peraturan Menteri Kesehatan Republik Indonesia Nomor 20 Tahun 2019 tentang Telemedicine.
19. Buku Putih Digitalisasi Pelayanan Kesehatan oleh Kementerian Kesehatan Republik Indonesia.
20. Artikel dan jurnal ilmiah terkait dengan pembiayaan kesehatan dan digitalisasi, seperti "Digital Health and Financing: A Review" dan "Regulatory Challenges in E-Health".