

## Private hospital liability uunder the current health care system private hospital liability

<sup>1</sup> Wempi Potale, <sup>2</sup> Wulanmas APG Frederik, <sup>3</sup> AJ Lonan, <sup>4</sup> Ronny A Maramis

<sup>1</sup> Ph. D. Student, Since Law Programme, Faculty of Law Science, Sam Ratulangi University, Manado, North Sulawesi, Indonesia

<sup>2, 3, 4</sup> Departments of Law, Postgraduate Programme, Faculty of Law Sam Ratulangi University, Manado, Indonesia

### Abstract

A new change in hospital liability as the BPJS becomes a major part of the national health care system. BPJS (board of national social security) is now has significant role in the health care system in Indonesia. As according to the law every citizen must be under health care insurance program and the program under the auspices of BPJS. Over billion rupiah are been invest to this national health insurance program each year by the Indonesian government and every citizen in Indonesia is coverage by this program with only very small low insurance fee per month. This national health insurance program is now become very prestigious program under the new government. Follow to this program, actually Indonesia now is developing a new model of health care system what so called manage care. Some experience in several western country such as United States shown that manage care that is quality and cost control policy basis has its legal effect mainly because the structur of legal relationship among and between the BPJS and the patient (BPJS Participants) and the BPJS and the Hospital/Doctors in other party. There is no legal existence in between hospital and the patient since the patients are under limited choices. They should go to the BPJS hospital/doctor, follow the referral system. Since this structure is new in the liability system thus the theoretical approach in law must be reconciled. This study is conducted to one major private hospital in the capital city of North Sulawesi. Legal method is one of preferred method to explore the existence of the legal relationship among and between BPJS and the hospital and BPJS and the patient in other part with legal content analysis technics. The relations between doctor and patient are under individual contract after one accreditation procedures. Another legal document that are using is the Act of Health No. 36 Year 2009 the Act No. 24 Year 2011 about National Social Security Program, the Act of Hospital No. 36 Year 2009 and the Act No. 29 Year 2004 about Medical professional. The conclusion of this study show that liability in this new scheme of relationship especially under the national health insurance run by the BPJS has brought much legal risk to the hospital. The hospitals are now face double risk they are dealing with conventional liability where every hospital must liable every service that they provided but now that may have another risk to be sued by the BPJS's patient as well.

**Keywords:** health insurance, liability, hospital, BPJS

### Introduction

As the main problem of the research in this study is to explore the legal liability of the hospital side as the institution that should be responsible for any acts that happen behind the wall due to the public does not have any accessibility and capability about the nature of the medical treatment.

Liability comes to question and become more complicated, even among the legal professional, since the complexity of the nature, positions, and functions in the hospital. Take for consideration that in one hospital there some department with different duty and responsibility such as management staff, medical staff, and also now nurses is legally to be considered to be profession. Another group of professionals that must take into account also other profession that relates which is medical technicians which been recognized as profession with in particular certification. Another importance group is the board that represented the owner of the hospital. In some government hospital that it goes to the minister of health and or private hospital that goes to the founders or share-holder in private corporate.

This research is to study the legal liability of one private hospital. This may also focus to break-down the system of law

that encompasses private hospital into several issues such as; hospital itself, group of medical profession, nurses, legal document that relates to foundation (Foundation Act), corporate act and the two main law excluded contract law, the civil act especially the vicarious liability law rule, tort and the negligence one. Under the Indonesian law, legal matter in the hospital or medical law may be induces some criminal accusation such as negligence and battery. Therefore the legal issues of this study is how the one private hospital could be challenge with legal liability based on its nature of the acts of the hospital staff and what can be done with the national health insurance board (BPJS) a board that as entity to be responsible for the BPJS patient? BPJS is stand for Board of National Social Insurance.

### Research Method

This study carries qualitative approach or for legal study it uses legal qualitative interpretation as a tool to bring the legal factual as one legal phenomenon. One may considers that legal research as purely legal research that based on set of rule or regulation or acts. However, legal research is a set research conduct that focuses on legal structure as what the law has laid

and said about one particular matter and its implementation, effect and what the next policy should be rule out.

### Legal theory and theoretical approach

Liability in general is about of being responsible about general matters and specifically is a render one duty. Theoretically, researcher make some differentiation between responsibility and the liability one. As been mention above that in general responsibility is a general matter and liability is legal matter. Other writers such as; Sudiarto in his dissertation which was cited from, Goldie writes that the term responsibility refers to one duty to fulfilled one duty. However, liability is refers to the consequences of one negligence or failure to meet certain conduct.

Moreover, Sudiarto adopts two difference thoughts such as from Martono and Peter Machmud Marzuki, the first one emphasizes that liability is legal responsibility with no other explanation. The other scholar Machmud adopted that liability is legal responsibility because of its legal nature as a consequences for failure to do something and may cause damage to other.

Some between 3those two there are no specific challenge on this term except Marzuki that emphasizes the nature of one position compare to the other one. Personally I would prefer to look to another law system as common law tradition which is develop so much this term with many practical matters.

One act or more that creates tort according to J.H. Nieuwenhuis is a liable to render compensation because the damage that he or she causes. Then, in this context the writer *provide a thought wich is the same as* Peter Machmud Marzuki opinion,<sup>1</sup> More specific Nieuwenhuis, adopted liability is a duty to bear for compensation that incur from the damage that he causes by breaking the norm. Those violations according to Nieuwenhuis may happen because of tort or breach of contract.

Nieuwenhuis, moreover describes that liability is based on two causes namely violation of law and gross negligence. As been long recognized in civil law system that anyone who creates damage is liable to as long as such damage is the norm violation<sup>2</sup>. Sudiarto takes another direction by saying that liability is existed if:

- a. Culpa causes damage to another as been formulated in article 1365 (civil code) this type of liability is known as liability based on fault and to its development later becomes liability on fault.
- b. Act or one party to be disclaimed liability not because of his fault but because of the law. So, the law refers to one act as against the law. This type liability is liability based on risk.

Nieuwenhuis offers risk liability as what been formulates in the article 1367 verse (3) on Civil Code that indicates one culpa act. However, according to this articles one must bear responsibility for damage that he causes and should render compensation even without fault.<sup>3</sup> According to the civil

procedure act the implementation of article 1365 and 1367 (3) a party which been damaged by someone that should fill law suit for its own and proclaim his damage in the court.

In the cross examination process plaintiff will have some disturbances due to the accessibility of the information for his pleading. Burden of proof that bore on the plaintiff makes the plaintiff must show the court all clues and facts that usually its hard to have.

Liability on risk may be happen not only on the articles 1367 (3) but also could be prolong to the third party which actually are not related to the agreement itself. By meant with the liability on risk is damage which suffer from other party that is not in the agreement. The actor that cause the damages is not in the relation with damage party. In other word strict liability principle is a liability without fault but it violates the norm like breach of contract therefore the other endure damage.

### Absolute Liability or Strict Liability

The concept of absolute liability is actually the oldest liability concept compares to the two liability theory mention before. Absolute liability consider as the deviation from the concept of liability which the element of culpa that incur damage is no use.

Absolute liability no oblige other party without proofing the element of culpa. Once the damage is in there so the actor thar cause has to responsible for.

Therefore, the concept of liability is no need for fill law suit to have the compensation in the court as it must in the liability due to fault and presumption of quilt.

My position actually disagreed with this similarity in strict liability and absolute liability because on those two concept there are some basic differentiation. As mention before although on Strict liability compensation may could be render without court session but in many instances the defendant always try to avoid the payment. Different from the absolute liability where defendant is not able to avoid or not to give the compensation in any basic.

### The function of liability as a tool to compensation

Liability may not loose from the contractual because its nature that the liability is basis for. Agreement or contract is an agreement among party where each party bind themselves to do or not to do with some duty (contra prestasie). Agreement or contract is the will of each party which manifest in willing to something that is not prohibit by the law.

As been practice many time that in one agreement or contract always stated about both pasty duty and responsibility and where both party romise to each other in case one party may not able to render his duty and it will bring some damage to other party. So, the right is a benefit of one party and in other way around responsibility to do something is a duty and a must that should be delivered to another. Right and duty in the same time are emerge although they are not the same in character. In essence law cannot give any beneficent to one party without give any burden to the party as beneficent to another party. In other word law cannot create certain rights to others without giving him a duty because the aim of the law is welfare and that must be done through the distribution of duty and rights.

Parties that make a promise certainly expect what they are

<sup>1</sup>Sudiarto (disertasi) dalam "Tanggung Gugat Hukum Pengangkut" membedakan pendapat keduanya.

<sup>2</sup>J.H. Nieuwenhuis, Hoofdtukken Verbintennissenrecht, terjemahan, Universitas Airlangga, Surabaya, 1985, hlm 135.

<sup>3</sup>Sudiarto (disertasi) dalam "Tanggung Gugat Hukum Pengangkut" yang membedakan pendapat keduanya.

willing will be done as what they agree to do each other. In the case the contract cannot be implemented fully because of one party fault which may cause from negligence or an intentional and it brought some damages to certain party and there is a clear evident that such negligence or an intentional has brought some damages, causality, the party that created such broken must responsible for.

Nieuwenhuis adopt some term such “break the norm” and that act according to him is a tortious one. And that rule break must be recover. Bentham make some different compensation. A compensation in cash, or to provide the same item that was lost, or contra witnesses to recovery the paint that some have suffered from false testimony, to recovery someone honor, to revenge as what he suffer from, or compensation by third party that usually act as personal guarantor.

Based on Bentham kinds of compensation thus particular kind of compensation must be given to whom that aircraft survival from accident in cash or have been decided before or by the court. Because the essence of the law of evidence is major part of the civil procedure act and civil law itself. The law of proofing becomes more complicated because it is depended on the ability to reconstruct the real fact in present cross examination process.

### **Analysis**

#### **Liability based on Act and Institutional hospital setting Institutional Liability**

Hospital as an institution is a legal entity which is meant should liable for something under its supervision. As a social institution it is also may have social responsibility to provide better service from day to day along with very basic accountability moral and ethics through its service of care.

Author will back to the point of hospital liability. First should be comprehend that hospital liability may be found with in this regulation, such;

1. Civil Code of the Indonesian law especially in the rule of vicarious one. In case of negligence per se, as a result of one negligence act the hospital have to be responsible for under the doctrine vicarious liability.
2. Act Number 44 Year 2009 Hospital Act article 46 states that the hospital has to responsible for all damages that as result of one error or negligence act who works for hospital. This article also adopt the vicarious liability rule.
3. Professional liability is a liability that as result from professional negligence or misconduct who works in the hospital under the hospital setting.
4. And also even this may be debated about its liability for insurance program, but the hospital may could be found negligence if the standard of care is not provide.

The New Twist in the hospital liability as the National Social Insurance is in place (BPJS)

### **Hospital Law**

The existence of health act is consider relatively new and its development. Before we discuss more we look back to the previous expert that start to think about the health law in Indonesia, such as Fred Ameln, Hermien Koeswadji even their approach is not comprehensive one but the study that they performed have made difference between the health law, medical medical and the forensics one.

In this context thus in the essence for law enforcement and protection to health care provider and the patients itself it is become awarness that we need the more comprehensive and dinamic health law. There is a lot of change on moving about the right of the patient in the health care process in line with the advance technology also about the right of the health care provider itself.

Hospital law may could be describe as all rule and regulation as related to hospital providing services. This may include the regulation relates to all staff, implementaton of the technology, organizational structure, rights and duties, organizational standard and procedure, professional code of conduct. In other word all rule that relates to every body who work in the hospital.

Moreover, if see to the connection of legal relation between the patient and the hospital so we could categorize two kind of agreement. First is the agreement of care where there is mutual understanding and assent between hospital and patient where, inherently, the hospital provide roomcare, medical staff, nurses and treatment with standard of utilities.

Second is the medical agreement between the hospital and the patient that its medical staff will take the best effort to heal the patient (inspanning verbintennis) (Ameln, 1991:75-76).

Addition to this is the hospital will provide legal needs for the medical staff and other health staff.

In response to the hospital responsibility, where the main and dominant principle is the hospital is liable for all act that render in the hospital will be found on the article 1367 (3) on Civil Code provided. Besides this the hospital liable for the unmet and tortious act that occur in the hospital as been found in the article (1243, 1370, 1371, dan 1365 KUHPerdata) (Fred Ameln, 1991: 71) <sup>[4]</sup>.

There are three difference function one hospital may have which is quality control, beneficiary and law. (Hermien Hadiati Koeswadji, 2002: 118) <sup>[5]</sup>.

### **Hospital and the National Board of Social Insurance**

One legal entity, (doctors, health center and the hospital) may accept national insurance patient (BPJS patients). Those legal entity must have been accredited by the national board of social insurance (NBSI-BPJS), means those all legal entity have been found meet the national standard. They work for the NBSI-BPJS not the patient that’s for sure from legal standing. They been binding by the contract with the National Board of Social Insurance (BPJS) work and deliver the service hospital, the doctors according to the scheme that provide by the NBSI-BPJS. The NBSI patient have to pay monthly fee as according the classification and follow the procedure visit, doctors, health center and the hospital. Under this structure so the formation is the main legal structure is between the NBSI-BPJS and the Patient thus Doctors, Health Center and Hospital work for the NBSI-BPJS to treat NBSI-BPJS patient. Agreement between doctors, health center or hospital are considered as the subsidiary contract not the primary contract. This legal formation bring a new challenge in the hospital

<sup>4</sup> Ameln, Fred, *Kapita Selektta Hukum Kedokteran*, Jakarta: PT. Grafikatama Jaya. 1991,hlm.47.

<sup>5</sup> Hermien Hadiati Koeswadji, *Hukum untuk perumahsakitn*, Bandung: Citra Aditya Bakti, 2002,hlm.118.

liability under the national board of social insurance patient.

### Hospital legal document

#### Hospital bylaw & Medical bylaws

The term of hospital bylaws composed of two words 'hospital' dan 'bylaws'. The word 'hospital' may be found familiar to some of us means hospital. Another word 'bylaws'. Some definitions are providing by the experts; The Oxford Illustrated Dictionary: *Bylaw is regulation made by local authority or corporation*. Pengertian lainnya, *Bylaws means a set of laws or rules formally adopted internally by a faculty, organization, or specified group of persons to govern internal functions or practices within that group, facility, or organization* (Guwandi, 2004). The existence of this document is importance as a legal tool to manage the act of the people who works in the hospital describing what should or should not done. Thus the hospital bylaws is the 'rules of the game' of the hospital staff.

There are two type of hospital bylaws, first *tailor-made* that means every hospital may have different style, content and structure according to the type of the hospital. The second is the prolong arm means that the hospital bylaws a vehicle of the law of tool of the law to regulates in more detail in consistency with the law in general. This will help the law to recognize the very specific act and fact that are in the medical and hospital setting that usually are not to be found in the general act. Thus the hospital bylaws is the legal documents contents with very specific rule and regulation about one act or another in the hospital setting<sup>[6]</sup>.

Some forms of the HBL could be found as collection of hospital regulation and administration rule, *standar operating procedure* (SOP), Director Decree letter, Promulgation and Announcement, MOU that so for and as been call as hospital internal rule. The hospital internal rule could not be found contradict to the its higher regulation such the act of No. 32 Tahun 2001 about Health Care. And other government regulation and ministerial regulation.

Recently there a lot of complaint coming to about the health care service in the hospital. Some hospitals face some legal suit because of its standard of care. All this just because of the internal side of the hospital get lack attention from the management department. Thus the hospital bylaws get more importance and major role to regulates all things in the hospitals.

Thus the hospital bylaws is in the interest of the hospital for: quality maintenance, instrument for accreditation, and part of the hospital risk management.<sup>7 8</sup> This document may also content about the agreement among the medical staff about procedure and the term of medical malpractice or medical error or maltreatment.

The legal Challenge for the hospital: Staff Privileges & Anti-trust

This topic pretently using english just because its nature. Staff

privileges is an authority of one doctor or physician to practice in the hospital. In Indonesia we usually said as "doctor poly" (doctor who work in the clinic) which means doctor that work in the hospital clinics that may have some right to refer the patient to the hospital for continue care or referral.

There are two kinds of physician that work in thospital. First is non host physician means that the physician work by schedule hours just for small hours or visit. Host doctors means doctors that work for permanent in the hospital. Staff privileges usually comes with host doctors that has special right which is clinical privileges authority.

Medical committee which a very powerful committee is members of senior or highly specialist doctors that have authority to review a new coming doctors, their privileges until their position as doctors in the hospital. So this committee, again is very powerful committee. One process that must foollow by one doctors before practice in the hospital in credentialing process. A process that is involving member of medical committee to review one doctor's application based on professional standard, code of ethics and capability, medical malpractice record if there is, and the latest the development shows the economic credential of one particular doctors. Once one doctors to be admitted in the hospital she or he may work as host doctors in there. The committee also has power to perform quality assessment of particular doctor based on hospital direction. Any rule related to credentialing, and privileges are in the form of medical bylaws. Another trending legal issues in the hospital setting that comes forward along credentialing issues is an *anti trust, anti competitive agreement, and conspiracy*." This discussion in the common law system is under the domein of unfair competition which is related to the Sherman Act law in the United states.

### Conclusion

Hospital have much burden by law or by social responsibility. Both according to hospital Act No. 42 Year 2009 and Act No. 36 Year 2009 about Health Care, hospital is in the center of legal issues. The fact is any responsibility that could not be burden to anybody, anyone must go the hospital as institutional. So what make it difference in the government hospital and private hospital in the law. Government hospital perform all the government program and in somehow have some social exceptional. Private hospital especially have face a new challenge beside their pre-existence responsibility but under with new national board of social insurance program that they have to serve BPJS patient the private hospital and in some case, accordingly, may not be liable but in many case to be consider as the only institutional hospital that must be liable for. In this new era of hospitalized culture legal means become more importance. Hospital bylaws, medical bylaws are two documents that is a must in the hospital that's from practice view of point is considers to be ignores.

### References

1. Aulia. Hospital and The Act of Number Rumah Sakit-Undang-Undang Republik Indonesia Nomor, Tahun, 2009, 44.
2. Ali Zaidin. Dasar - Dasar Keperawatan Profesional,

<sup>6</sup> Tambun, Jerry, Hukum Kesehatan, Kedokteran dan Rumah Sakit, (2016) Pacific Institute ISBN 978-602-19035-5-1.hlm. 246.

<sup>7</sup> Ib.

<sup>8</sup> Lihat., pendapat Jerry G. Tambun dalam bukunya Hukum Kesehatan, Kedokteran dan Rumah Sakit, tentang hospital bylaws dan clinical, medical privileges and Anti Trust, Pacific Institute ISBN 978-602-19035-5-1 (2016),hlm.78.

- Jakarta, 2002.
3. Amelia R. Motivation Directive for Achievement on Nurse Work in the Nursing Case at Mental Treatment in RSJ Regional Hospital in North Sulawesi. *Medicine Magazine*. Pengaruh motivasi berprestasi terhadap kinerja perawat dalam asuhan keperawatan pasien gangguan jiwa di RSJ Daerah Provinsi Sumatera Utara, Medan. *Majalah kedokteran nusantara*, 2009, 42(1).
  4. Ameln, Fred. Selection Issues on Medical Law, Medical Law, Jakarta PT. Grafikatama Jaya Kapita Selektu Hukum Kedokteran, Jakarta: PT. Grafikatama Jaya, 1991.
  5. Azrul A. Introduction to Health Administration, Binarupa Aksara, Jakarta. Pengantar Administrasi Kesehatan, Binarupa Aksara, Jakarta, 1996.
  6. Bertens. Prospective Development on Bioethics in Indonesia, Jakarta: Congressional Paper Persi, Prospek Perkembangan Bioetika di Indonesia. Jakarta: Makalah Kongres Persi, 1990.
  7. Bentham Jeremy. Theoretical on Statutes, and the principal of Legislation Private or Criminal Law, Bandung. Teori Perundang Undangan, Prinsip-prinsip Legislasi Hukum Perdata dan Hukum Pidana, Bandung, 2006.
  8. Blais. Practical views on Nursing professional; A perspective conceptual. Edition 4, Jakarta EGC. Praktik keperawatan profesional konsep perspektif, Edisi 4, Jakarta: EGC, 2007.
  9. Croke EM, Nurses, Negligence, Malpractice. An analysis based on more than 250 cases against nurses. *American Journal of Nursing*, 2003.
  10. Dearmon Valarie RN, MSN, NEA, BC. Risk Management And Legal Issues @Jones and Barlett Publishers, LLC, undistributed materials.
  11. Darling V. Charleston Community Memorial Hospital, Supreme Court of Illinois, 1965, 33 Ill.2d 326, 211 N.E.2d 253
  12. Furrow *et al.* Health Law, Cases and Material, 1990.
  13. Gaffar LO. Introduction to Nurse Professional. Jakarta: EGC. Pengantar Keperawatan Profesional. Jakarta: EGC, 1999.
  14. Guwandi, Docter, Pasien, Hospital Law. Jakarta: Fakultas Hukum Universitas Indonesia, Dokter, Pasien dan Hukum Rumah Sakit. Jakarta: Fakultas Kedokteran Universitas Indonesia, 2002.
  15. Kelsen Hans. General Theory of Law and State, Jakarta: Bee Media, 2007.
  16. Krisnawan. Toward the System of The effective and Efficiency on Health Management by Managed Care- Menuju Sistem Pengelolaan Kesehatan yang Efektif dan Efisien Melalui, Managed Care. Yogyakarta, 2010.
  17. Heryanto Bambang. Medical Malpractice in Legal Perspective, *Journal of Law Dynamic Malpraktik Dokter dalam Perspektif Hukum*. 2010; L(10)2.
  18. Idris, Fachmi. Quality Control and Patient Safety in BPJS Health, 2013. (online) <http://www.ekahospital.com/uploads/Mutu-dan-Keselamatan-Pasien-dalam-Peraturan-BPJS-IHQN-2013.pdf> last visited 08 November 2014.
  19. Fajar Mukti, Yulianto Achmad. Dualism on Legal Research Normatif and Empirical studies; Pustaka Pelajar, Yogyakarta, 2010.
  20. Fuady Munir. The Theory of Modern State Law Rechststaat, Bandung, 2009.
  21. Kansil CST. Introduction to Law and State Law in Indonesia, Jakarta, 1989.
  22. Koeswadji Hermien. Eemeritus professor from Erlangga University Surabaya, is the author of book Hukum Kesehatan dan Hukum Perumah-sakitan and was the member of Doctorate Dissertation Committee with Professor Barbara West, Professor John D. Blum for the author Doctorate program at Loyola School for Health Law, Chicago, USA, for dissertation appropriation, 1998.
  23. Koziar, erb, Oliveri. Fundamentals of Nursing, Concepts, Process and Practice, Addison-Wesley Co. California, 1991.
  24. Koeswadji Hermien Hadiati, Hukum Perumah-Sakitan, Bandung, Citra Aditya Bakti, 2002.
  25. Komalawati. The Role of Informed Consent in the therapeutic transaction Suatu Tinjauan Yuridis, Bandung, 2002.
  26. Martono K. Legal Dictionary and Aviation Regulation, First Edition Grafindo Persada, Jakarta, 2007.
  27. Marzuki Peter Mahmud, Introduction to The Law, Jakarta, 2008.
  28. Murti Bhisma. Basic on Health Insurance. Yogyakarta: Kanisius, 2000.
  29. Nieuwenhuis JH. Hoofdstukken Verbintenissenrecht, translation, Universitas Airlangga Surabaya, 1985.
  30. Perry dan Potter. Handbook The Fundamental of Nurse Concept, and Practices. Jakarta: EGC. 2005, 1(4).
  31. Raharjo Satjipto. The Practices of Justice in the Changes Society, *Jurnal Masalah Hukum*, 1993.
  32. Sabarguna, Quality Assurance in the Hospital. Edisi Kedua. Yogyakarta: Konsorsium Rumah Sakit Islam Jateng-DIY, 2004.
  33. Smith DG, Wheeler JRC. Strategies and Structures for hospital risk management program, *Health Care Management Review*, 1992, 17.
  34. Soewano Hendrojo. The Limitation of Law in Medical malpractices Cases, Surabaya, 2007.
  35. Sudiarto. The Liability of The Transporter in The Air Crash Domestic Flights Universitas Airlangga. Surabaya, 2012.
  36. Suharto Edi. Peta Dan Dinamika Welfare State Di Beberapa Negara, Makalah disampaikan pada Seminar Mengkaji Ulang Relevansi Welfare State dan Terobosan melalui Desentralisasi-Otonomi di Indonesia, Institute for Research and Empowerment (IRE) Yogyakarta dan Perkumpulan Prakarsa Jakarta, bertempat di Wisma MM Universitas Gadjah Mada, Yogyakarta, 2006.
  37. Ertner PA, Newby TJ. The Expert Learner: stratejic, Self-Regulated and reveltive, *Insructional Science*, 1996.
  38. Tambun JG. Position Paper, Workshop for Health Law Program on Health Law in Universities Post Graduate Studies, Jakarta Health Law Lecturer Meeting, Health Law Society Indonesia, 2008.
  39. Tambun G Jerry. Doctors Do Better, Lawyer Commit Legal Malpractice Dokter Bekerja Dengan Baik Pengacara Melakukan Malpraktik Legal preliminary study untuk membandingkan profesi dokter dan lawyer,

2011. DokterMu News Today@doktermunews
40. Preliminary Paper. World Conference on Hospital Legal Risk, Nusadua Bali, 2015.
  41. Health Law. Medical and Hospital Law, Pacific Institute for Sustainable Development Manado, 2016
  42. Unpublished Tambun, Jerry G. Expert Testimonial on Persidang PK and solid material for Novum Supreme Court decision Review (PK). The case of Dokter Ayu Nomor 365 K/Pid/2012.
  43. Hukum Kedokteran Kontemporer. Pacific Institute, 2014. ISBN 978-602-19035-0-6.
  44. Tambun G Jerry, Wempy H Potale, SH, MH. Perbandingan Profesi dan Manajemen Resiko Hukum Rumah Sakit: Analisa Putusan Pengadilan Common Law, Editor Dr. James F. Siwu, Mhun, SFn Pacific Institute, 2015. ISBN 978-602-19035-3-7.
  45. Tambun G Jerry, Hukum Kesehatan, Kedokteran dan Rumah Sakit, 2016. ISBN 978-602-19035-5-1
  46. Refleksi Pribadi Tentang Hukum dan Moral Pendidikan Hukum. In Memoriam of George Anastaplo, Pacific Institute, 2016. ISBN 978-602-19035-4-4
  47. Trisnantoro, Laksono. Hospital Management, Yogyakarta, Gadjah Mada University Press, 2006.
  48. Tut Titik Triwulan, Legal Protection for patient, Prestasi Pustaka, Jakarta, 2010.
  49. Wiyono A. Soeradji Tirtonegoro Hospital Policy on The Development of Health Services, Studi Kepuasan Pasien Pengguna Jamkesmas, 2014.
  50. Darling V. Charleston Community Memorial Hospital, Supreme Court of Illinois, 1965. 33III.2d 326, 211 N.E.2d 253.
  51. Kozier, Barbara. Fundamental of Nursing, Calofornia: Copyright by Addist Asley Publishing Company, 1995, 76.
  52. A typology for Legal Risk Management in Patience Care in Australia Hospitals, (case Study) by Liza Newby, Victorian Services Commission, Australian Health Review, 1996, 19.
  53. Ravi V. Williams, 1988. 536 So.2d 1374, Ala.
  54. Black's Law Dictionary, 2004.
  55. See. Fransien Virginia, Tesis Master. Hospoital Management Program (Thesys) Universitas Sam Ratulangi Manado.
  56. Mitchell W. Darling v. Charleston Community Memorial Hospital and Its Legacy. Annals Of Health Law, 2005, 2.