

Legal Analysis of the Patient-Nurse Relationship Regarding Nursing Administration in Accordance with Health Law Number 17 of 2023

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ABSTRACT

Human rights within the realm of healthcare demand tangible realization through Health Development initiatives aimed at enhancing the well-being of individuals, families, and society by instilling robust health practices. Positioned as a fundamental national objective, underscored in the preamble of the 1945 Constitution of the Republic of Indonesia, the pursuit of Public Welfare necessitates the enactment of Health Development measures. Such endeavors find manifestation through the facilitation of healthcare services, inclusive of nursing care. Within the evolving landscape of scientific inquiry, concerted efforts have been made to optimize nursing services, leveraging the pivotal role of educational institutions and allied stakeholders. The advent of Law Number 17 of 2023 concerning Health, heralded on August 8, 2023, stands as a watershed moment, furnishing nurses with a blueprint for elevating service standards.

The purview of this discourse encompasses an exploration into the Legal Safeguards for Nurses in Nursing Administration and a Legal Analysis of Patient-Nurse Relations vis-à-vis Nursing Administration, as delineated in Law Number 17 of 2023 concerning Health. Adopting a juridical normative research approach, which draws upon legal precepts enshrined in statutes,

judicial pronouncements, and societal legal norms, this study relies on library research methodology to unearth theoretical underpinnings and research imperatives.

With regard to the rights and obligations delineated for nurses and patients in nursing administration, a deeper exploration reveals intricate regulations embedded within Article 273 of Law Number 17 of 2023 concerning Health, specifically articulated in Part Nine, addressing the rights and obligations of medical and health personnel. Further elaboration is provided in Paragraph 1, which expounds upon the rights and duties incumbent upon medical practitioners and health professionals, including nurses. Meanwhile, the responsibilities incumbent upon medical and health personnel in the execution of their professional duties are codified in Articles 274 and 275. Delving into patient entitlements, Article 276 elucidates the rights of patients within the ambit of healthcare legislation, while delineating corresponding obligations in Article 277.

Keywords: Patient, Nurse, Nursing Administration, Health Law

INTRODUCTION

Health is recognized as an inherent human right and an essential component of well-being, meriting provision and realization by the state in alignment with the foundational

principles of the Indonesian nation as enshrined in Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. Efforts aimed at realizing and enhancing the health status of the populace to its utmost potential are to be undertaken on the basis of non-discriminatory, participatory, and sustainable principles, with the overarching goal of fostering Indonesia's human capital development, bolstering national resilience and competitiveness, and advancing the nation's overall development agenda.

Within the sphere of health, the realization of human rights necessitates Health Development initiatives aimed at enhancing the well-being of individuals, families, and communities by instilling healthy living habits. In pursuit of the national objective of promoting public welfare, as articulated in the Preamble to the 1945 Constitution of the Republic of Indonesia, the establishment of Health Development is imperative. This entails the provision of Health services, inclusive of nursing care.

The provision of nursing care must adhere to principles of accountability, responsibility, safety, and quality, ensuring accessibility to qualified nurses endowed with the requisite authority, competence, ethics, and moral integrity to afford protection and legal certainty to both nurses and the community at large. Hence, the enactment of Law Number 38 of 2014 concerning Nursing was imperative to furnish legal clarity and protection, thereby enhancing the delivery and practice of nursing services in accordance with the advancements in scientific knowledge and technology.

To safeguard the interests of both the public, as recipients of nursing services, and nurses, as providers thereof, comprehensive legal regulations governing nursing practice are indispensable. Such regulations serve as a legal imperative, empowering nurses to deliver Health services through nursing practice and ensuring that the health service system aligns with the needs of patients.

The formulation of legal regulations pertaining to nursing underscores the state's commitment to providing legal certainty and protection, guiding the development, organization, and regulation of various legal instruments governing nursing practice in tandem with advancements in scientific knowledge and technology.

In light of ongoing scientific advancements, concerted efforts have been undertaken to optimize nursing services through the collaborative endeavors of educational institutions and relevant stakeholders. The landmark enactment of Law Number 17 of 2023 concerning Health on August 8, 2023, serves as a seminal reference point for nurses, informing their endeavors to elevate service quality. While Law Number 17 of 2023 concerning Health primarily addresses nursing elements, personnel, and care standards, it presents an opportune moment to delve deeper into the optimization of nursing services.

With the enforcement of Law Number 17 of 2023 concerning Health, particularly concerning Nursing as stipulated in Article 453, Law Number 38 of 2014 concerning Nursing (State Gazette of the Republic of Indonesia of 2014 Number 307, Supplement to the State Gazette of the Republic of Indonesia Number 5612) remains in effect, provided it does not contravene the provisions of Law Number 17 of 2023 concerning Health.

Consequently, Article 454 of Law Number 17 of 2023 concerning Health revokes and annuls Law Number 38 of 2014 concerning Nursing (State Gazette of the Republic of Indonesia of 2014 Number 307, Supplement to the State Gazette of the Republic of Indonesia Number 5612). This legal directive underscores the evolving legal landscape governing nursing practice, aimed at ensuring adherence to applicable legal norms in nursing administration, thereby fostering a regulatory environment conducive to optimal nursing practice.

As per the stipulations outlined in Law Number 17 of 2023 concerning Health, Article 186 mandates the organizational

structure of Hospitals to encompass several key elements, including leadership, medical services, nursing services, medical and non-medical support services, administrative execution, and operational components. Furthermore, Health human resources are delineated to comprise medical personnel, Health professionals, and ancillary Health personnel.

Article 199 of the aforementioned law delineates the categorization of Health personnel, encompassing a spectrum of roles such as clinical psychologists, nurses, midwives, pharmacists, Public Health workers, environmental Health workers, nutritionists, physical therapists, medical technicians, biomedical engineers, traditional Health workers, and other Health professionals designated by ministerial decree. Notably, nursing personnel, including vocational nurses, registered nurses, and specialized nurses, fall within this classification of Health personnel.

Legally, the recognition of nursing as a profession is enshrined in Law Number 17 of 2023 concerning Health, endowing nurses with legal subjectivity and the prerogative to engage in legal acts. These acts, which carry legal ramifications, establish formal relationships imbued with attendant rights and obligations for all parties involved. Such legal relationships, most notably evidenced in therapeutic transactions, form contractual arrangements between Health personnel and patients, thereby conferring corresponding rights and obligations upon each party.

Within the purview of Health services provision, the patient-nurse relationship assumes paramount importance in facilitating patient-centered care. This relational dynamic extends beyond mere interpersonal interactions to encompass the realm of nursing administration, a domain profoundly influenced by Health statutes and regulations. Nursing administration, imbued with a strong regulatory framework, plays an instrumental role in navigating the complex terrain of evolving Health

regulations, technological advancements, and Health service delivery modalities.

The efficacy of nursing care is intrinsically tied to the quality of the patient-nurse relationship within the context of nursing administration. A harmonious and constructive relationship fosters patient compliance, enhances care outcomes, and promotes a culture of trust and mutual respect between patients and nursing professionals.

Acknowledging the pivotal role of nursing administration, as underscored in Law Number 17 of 2023 concerning Health, underscores the imperative for all stakeholders to undertake concerted efforts toward Health service improvement through legal compliance and adherence. Given the inherent limitations of preceding legislative frameworks, the promulgation of Law Number 17 of 2023 concerning Health represents a pivotal milestone in the evolution of Health jurisprudence, providing a comprehensive legal framework to guide and regulate nursing practice in alignment with prevailing legal norms.

In the context of this study, the problem formulations to be addressed are delineated as follows:

1. How is Legal Protection Afforded to Nurses in Nursing Administration?
2. What Legal Analysis can be Drawn from the Patient-Nurse Relationship in Nursing Administration according to Law Number 17 of 2023 concerning Health?

RESEARCH METHOD

The research methodology employed here is juridical normative research, which centers on legal norms delineated in legislation, judicial precedents, and societal legal conventions (Fajar & Achmad, 2017). Given the normative nature of this study, the data collection method utilized is library research, aimed at gathering theoretical foundations and research problem elucidation.

The data utilized encompass primary legal sources, secondary legal sources, and

tertiary legal sources. Primary legal sources encompass data extracted from the Republic of Indonesia Law Number 17 of 2023 concerning Health and other pertinent legislative enactments. Secondary legal sources involve data sourced from scholarly texts, documents, legal treatises, and online resources. Tertiary legal sources entail data whose legal provenance offers clarifications regarding primary and secondary legal materials.

DISCUSSION

Legal Protection for Nurses in Nursing Administration

Law Number 17 of 2023 concerning Health as Legal Foundation

In the realm of legal studies, long-term planning within the legal system is imperative as a compass for comprehensive development. Such planning must unfold gradually to foster a society that is just and prosperous, in accordance with the mandates outlined in the 1945 Constitution of the Republic of Indonesia. The establishment of a legal state necessitates the construction of a national legal framework aimed at ensuring both ideological and territorial integration of the nation and the state (Siregar et al., 2023).

Given Indonesia's status as a legal state grounded in Pancasila and the 1945 Constitution of the Republic of Indonesia, it endeavors to achieve a national life characterized by security, order, tranquility, and prosperity. In pursuit of this national order and the guarantee of equal standing for citizens under the law, concerted efforts are indispensable to uphold justice, maintain order, uphold truth, and provide legal certainty, thereby offering protection to the populace.

Every citizen is entitled to equal treatment under the law in similar circumstances, pursuant to the principle of equal protection of the law (Manan, 2016). Any preferential treatment accorded to individuals or groups without justifiable grounds may be deemed discriminatory. Special treatment is likewise proscribed if it contravenes citizens' rights

and obligations or defies established scientific knowledge. However, exceptions to this principle are permissible for individuals or groups based on cogent and rational grounds, regulated by law.

The principle of legal equality aims to ensure parity and equity in the legal status of all citizens, irrespective of gender, race, ethnicity, skin color, profession, culture, religion, customary practices, and other factors (Gunakarya, 2017).

This legal principle is geared towards delivering equitable treatment to all citizens. Law plays a pivotal role in safeguarding the rights and fulfilling the obligations of nurses. Through legal provisions, nurses can secure their entitlements, including job security assurances, standardized working hours, and legal safeguards against discriminatory practices, thereby fostering the professional growth and development of nursing personnel.

The provision of nursing services must adhere to principles of accountability, responsibility, safety, quality, and accessibility, all overseen by nurses possessing the requisite authority, competence, ethical standards, and moral rectitude to ensure both their own protection and legal certainty for the community. To this end, Law Number 38 of 2014 concerning Nursing was promulgated to provide legal assurance and protection, facilitating the enhancement of nursing services and practices in line with advancements in science and technology.

Amidst the evolving landscape of scientific knowledge, concerted efforts have been undertaken to optimize nursing services through the collaborative efforts of educational institutions and other relevant stakeholders. The advent of Law Number 17 of 2023 concerning Health, a landmark development born on August 8, 2023, has emerged as a guiding beacon for nurses, fostering an environment conducive to enhancing service quality. Although Law Number 17 of 2023 concerning Health predominantly addresses nursing elements, personnel, and care standards, there exists

substantial potential for further exploration and optimization of nursing services.

With the enactment of Law Number 17 of 2023 concerning Health, particularly pertaining to Nursing under Article 453, Law Number 38 of 2014 concerning Nursing (State Gazette of the Republic of Indonesia Year 2014 Number 307, Supplement to State Gazette of the Republic of Indonesia Number 5612) remains in force, provided it does not contravene the provisions stipulated in Law Number 17 of 2023 concerning Health.

Furthermore, under Article 454, with the enactment of Law Number 17 of 2023 concerning Health, Law Number 38 of 2014 concerning Nursing (State Gazette of the Republic of Indonesia Year 2014 Number 307, Supplement to State Gazette of the Republic of Indonesia Number 5612) is repealed and rendered null and void.

With the implementation of Law Number 17 of 2023 concerning Health and the repeal of Law Number 38 of 2014 concerning Nursing, concerns regarding health issues and disruptions within society could lead to diminished productivity and financial losses for the nation. Consequently, a comprehensive healthcare transformation becomes imperative to enhance the overall public health status. Strengthening the capacity and resilience of the healthcare sector necessitates the adaptation of various policies to fortify an integrated and holistic healthcare system under a single comprehensive legislation.

The advent of pandemics has underscored the critical importance of fortifying the national healthcare system, prompting the need for a thorough transformation aimed at improving the public health status of Indonesia and bolstering the nation's competitiveness. Executing a healthcare system transformation requires a robust and comprehensive legal framework or regulation to address the myriad health challenges effectively. Revising healthcare regulations is paramount to ensuring coherence and harmony within the legal framework governing the healthcare sector.

Hence, the enactment of Law Number 17 of 2023 concerning Health emerges as an imperative step forward.

The Importance of Legal Protection for Nurses in Nursing Administration

The legal framework endeavors to safeguard individuals' interests through the prudent allocation of authority, denoting rights. These rights, conferred by law upon specific individuals, are characterized by measured discretion and depth of empowerment. Consequently, not all forms of authority within a societal context merit the designation of "rights"; rather, it is only those powers endowed by legal instruments that qualify as such. The nexus between rights and obligations is profoundly intricate, representing a symbiotic relationship central to legal discourse.

The overarching objective of the law is to harmonize and synchronize societal interests, necessitated by their multifaceted nature. To this end, legal mechanisms are employed to delimit competing interests, a principle articulated by Rahardjo (2000) and foundational to legal philosophy.

Within the realm of healthcare, the legal safeguarding of nurses assumes paramount importance, serving as an integral component in upholding patients' fundamental human rights. Provisions enshrined in legal statutes governing patient privacy, medical confidentiality, and patient rights serve as bulwarks ensuring that nursing practices adhere to both ethical precepts and legal imperatives.

The imperative of legal protection for nurses within healthcare administration cannot be overstated; it is essential for ensuring the effective and safe operation of the profession. The existence of comprehensive health legislation serves as a lodestar guiding nursing practice, fostering patient safety, and preempting instances of malfeasance within nursing administration.

Crucially, legal protection affords nurses the confidence to discharge their duties without fear of undue coercion or discrimination, thereby safeguarding the quality of care

provided. In nurturing a supportive environment, legal provisions facilitate ongoing learning, training, and professional development for nurses, thereby fostering a culture of continual improvement in healthcare service provision.

Within this framework, legal protection serves as the linchpin undergirding nurses' professional conduct, ensuring adherence to ethical standards and promoting professionalism. Furthermore, it engenders a workplace milieu conducive to the growth and advancement of nursing professionals, fostering a culture of excellence within the field.

Drawing upon the precepts outlined in Article 273 of Law Number 17 of 2023 concerning Health, the imperative of legal protection for nurses within healthcare administration is unambiguously affirmed. Article 273, Paragraph (1), delineates the entitlement of medical and healthcare personnel to legal protection, contingent upon adherence to professional standards, ethical principles, and the healthcare needs of patients.

The legal entitlement to protection is contingent upon upholding professional standards, ethical norms, and the holistic healthcare requirements of patients. Moreover, it extends to safeguarding against any treatment or conduct that contravenes the dignity, decency, morality, and social mores of individuals, underscoring the law's commitment to upholding human rights within healthcare settings.

In summation, the legal framework furnishes nurses with a solid foundation upon which to execute their duties with integrity and assurance, thereby ensuring optimal healthcare outcomes while upholding the sanctity of human rights and dignity within the realm of healthcare provision.

Legal Analysis of the Patient-Nurse Relationship in Nursing Administration Based on Law Number 17 of 2023 concerning Health

Rights and Obligations of Patients and Nurses in Nursing Administration

As elucidated by Law Number 17 of 2023 concerning Health, which serves as the legal foundation, the provision of legal norms governing rights and obligations empowers healthcare professionals, particularly nurses, instilling confidence in the execution of their profession and fostering the advancement of nursing practice.

Within the framework of patient-nurse rights and obligations in nursing administration, the role of hospitals is indelible. Article 189 Paragraph (1), comprising Subparagraphs (a) to (t), along with Paragraph (2) of Law Number 17 of 2023 concerning Health stipulates the obligations of hospitals, including the duty to provide accurate information regarding hospital services to the public and to deliver healthcare services that are safe, of high quality, non-discriminatory, and effective, prioritizing patient interests in accordance with hospital service standards.

Thus, pursuant to Article 189 of the health Law, hospital service standards encompass all applicable standards within the hospital, including operational procedures, medical services, and nursing care standards.

Regarding the rights and obligations of nurses and patients in nursing administration, further regulation pertaining to the rights and obligations of medical and healthcare personnel, particularly nurses, is delineated in Article 273 of Law Number 17 of 2023 concerning Health, under the Ninth Part concerning rights and obligations, and in Paragraph 1 concerning the rights and obligations of medical and healthcare personnel. Meanwhile, the obligations of medical and healthcare personnel in their practice are regulated in Articles 274 and 275.

Furthermore, concerning patients' rights and obligations under health legislation, patient rights are stipulated in Article 276 of Law Number 17 of 2023 concerning Health, in Paragraph 2 concerning patient rights and obligations, while patient obligations are regulated in Article 277.

Healthcare personnel, as per Article 273, are entitled to legal protection in carrying out their duties, provided they adhere to professional standards, service standards, operational procedures, professional ethics, and patient healthcare needs, obtain consent from patients or their families for the actions to be taken, and provide comprehensive explanations regarding healthcare procedures to be administered to patients.

Patients, on the other hand, are obligated to provide complete and honest information regarding health issues, adhere to advice and instructions from healthcare and medical personnel, and comply with regulations applicable to healthcare facilities. Additionally, patients have the right to receive information about their health, obtain adequate explanations regarding the healthcare services they receive, and receive healthcare services tailored to their medical needs, professional standards, and quality of service.

Regarding the security and use of pharmaceutical preparations, medical equipment, and household healthcare supplies, Law Number 17 of 2023 concerning Health stipulates in Article 145 Paragraph (1) that pharmaceutical practices must be conducted by pharmaceutical personnel in accordance with the provisions of the prevailing laws and regulations. Under certain conditions, as stated in Paragraph (3), pharmaceutical practices outlined in Paragraph (1) may be carried out by other healthcare personnel in limited circumstances, in the absence of pharmaceutical personnel, or in situations of government program needs or during Extraordinary Events, outbreaks, and other emergency disasters. Other healthcare personnel include doctors, dentists, midwives, and nurses.

In accordance with Article 436 Paragraph (1), any person who lacks expertise and authorization but engages in pharmaceutical practices as mentioned in Article 145 Paragraph (1) is subject to a fine of up to IDR. 200,000,000 (two hundred million

Indonesian Rupiah). Furthermore, Paragraph (2) stipulates that in cases involving pharmaceutical practices as mentioned in Article 436 Paragraph (1) concerning pharmaceutical preparations such as prescription drugs, individuals may face imprisonment for a maximum of 5 (five) years or a fine of up to IDR. 500,000,000 (five hundred million Indonesian Rupiah).

Considering the provisions of Article 145 in conjunction with Article 436, nurses may face dilemmas and concerns in carrying out their duties in nursing administration, given the punitive measures outlined in Article 436 while executing their responsibilities towards patients.

Upon examining the elucidations contained within Law Number 17 of 2023 concerning Health, it is clarified in Article 145 Paragraph (3) that the conditions referred to include instances where there is a shortage of pharmaceutical personnel, government program needs, and/or under conditions of Extraordinary Events, outbreaks, and other emergency disasters. Other healthcare personnel such as doctors, dentists, midwives, and nurses may assume pharmaceutical practices under these circumstances.

Legal Analysis of the Patient-Nurse Relationship in Nursing Administration Based on Law Number 17 of 2023 concerning Health.

Medical professionals, constituting a pivotal element in the provision of healthcare services to patients, bear profound responsibility owing to their direct involvement in patient care. Within hospital settings, the collaboration between doctors and nurses is indispensable; doctors rely on nurses' assistance, while nurses are bound by professional duty to adhere to doctors' directives.

In the realm of healthcare provision, doctors and nurses emerge as the primary caregivers closely engaged with patients. Termed as the contractual nexus of care and healing efforts, this relationship between hospitals and patients entails a complex web of rights

and obligations among stakeholders, encompassing doctors, nurses, and patients alike (Huda & Huda, 2021).

Nurses, as integral members of the healthcare team within hospital precincts, undertake three fundamental functions: Firstly, independent functions entail the delivery of nursing care autonomously to patients. Secondly, interdependent functions are collaborative in nature, necessitating seamless cooperation with other healthcare professionals to provide comprehensive nursing services. Thirdly, dependent functions involve nurses executing actions under the guidance or instruction of doctors to facilitate specific medical procedures (Rifiani & Sulihandari, 2013).

The quality of nursing care serves as a pivotal benchmark for assessing healthcare service excellence, exerting a profound impact on nursing administration in the context of patient care delivery. Given their frontline position and extensive interaction with patients and their families, nurses, as the largest professional cohort, are entrusted with the pivotal responsibility of addressing patient suffering and ailments. Satisfaction with nursing care emerges as a critical indicator, gauging the alignment between service quality and patient needs, desires, and expectations (Mbaloto et al., 2023).

In practical terms, ensuring the satisfaction of nursing administration in healthcare service provision necessitates rigorous training in high-quality nursing service delivery, characterized by professionalism and the application of nursing knowledge and skills tailored to meet patient requirements. Patients rightfully expect to be treated with courtesy, honesty, timeliness, and proficiency in information dissemination, ensuring that nursing care adheres to established standards and complies with the provisions outlined in Law Number 17 of 2023 concerning Health when attending to patient needs (Siswati, 2015).

In light of the enactment of Law Number 17 of 2023 concerning Health, nurses, as the vanguards in healthcare service delivery, are

tasked with identifying nursing opportunities within the broader healthcare landscape, particularly in nursing administration, in accordance with their professional authority and responsibilities.

Under the purview of Law Number 17 of 2023 concerning Health, pursuant to Article 286 Paragraph (1), medical and healthcare professionals may, under specific circumstances, extend their services beyond the scope of their designated authority. These circumstances encompass scenarios such as the absence of medical and/or healthcare personnel in a given region, governmental program requirements, medical emergency response, and/or extraordinary events, including outbreaks and emergency disasters. Nevertheless, it is imperative to note the delineated limitations on nurses or midwives providing medical and/or pharmaceutical services within predefined boundaries.

Article 287 further elucidates that the determination of circumstances warranting the absence of medical and/or healthcare personnel rests with the local Government. Notably, medical and healthcare personnel are required to undergo training aligned with the competencies outlined by both Central Government and/or Local Governments.

While Law Number 17 of 2023 concerning Health comprehensively addresses various aspects of healthcare provision, it falls short in explicitly addressing ethical considerations. Given the societal and professional demand for nurses who embody patient and professional community expectations, the role of Professional Organizations becomes paramount in safeguarding patient interests within Nursing Administration.

CONCLUSION

The advent of Law Number 17 of 2023 concerning Health on August 8, 2023, marks a seminal moment, providing a pivotal reference point for nurses to elevate the standard of healthcare delivery. While this legislation primarily encompasses

phrases pertaining to nursing elements, nursing personnel, and standards of nursing care, it offers a fertile ground for a more profound exploration of optimizing nursing services. The enforcement of Law Number 17 of 2023 concerning Health has led to the revocation and nullification of Law Number 38 of 2014 concerning Nursing.

Within the realm of nursing administration, the legal safeguarding of nurses assumes an indispensable role in upholding the fundamental human rights of patients. Legal provisions governing patient privacy, medical information, and patient rights serve as pillars ensuring that nursing care aligns with both ethical precepts and legal frameworks. The imperative of legal protection for nurses cannot be overstated, as it is pivotal in fostering the effective and secure operation of the nursing profession. Moreover, the existence of healthcare laws serves as a compass, guiding nursing practices to shield patients, uphold their safety, and forestall instances of abuse in nursing administration.

Delving into the intricacies of the rights and obligations delineated for nurses vis-à-vis patients in nursing administration, further elucidation is provided within Article 273 of Law Number 17 of 2023 concerning Health. This section meticulously articulates the rights and obligations of medical personnel and healthcare personnel, including nurses. Concurrently, the duties incumbent upon medical personnel and healthcare personnel in executing their professional responsibilities find detailed delineation within Article 274 and Article 275. Expounding upon patient entitlements and obligations within the purview of healthcare laws, Article 276 of Law Number 17 of 2023 concerning Health meticulously outlines patient rights in Paragraph 2, while delineating patient obligations in Article 277.

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