

Analisis konsep corporate governance dalam undang-undang rumah sakit dan penerapannya pada rumah sakit di Indonesia = Analisis of corporate governance concept in hospital law and its implementation in Indonesian hospital / Gunawan Widjaja

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Abstrak

[ABSTRAK

Setiap negara memiliki sejarah perkembangan rumah sakitnya, meskipun dewasa ini, dengan berbagai alasan semua negara membicarakan tata kelola rumah sakit. Di Indonesia dewasa ini Undang-Undang Rumah Sakit (UURS) tidak secara tegas merujuk istilah corporate governance, namun demikian dalam Penjelasan Pasal 29 ayat (1) butir r UURS, secara tersirat diketahui bahwa corporate governance adalah bagian dari hospital governance. Sedangkan konsepsi dan terminologi corporate governance di Indonesia mengacu pada perseroan terbatas, khususnya perseroan terbatas terbuka. Dalam konsepsi tersebut, semua perseroan terbatas harus taat pada Undang-Undang Perseroan Terbatas (UUPT), termasuk perseroan terbatas dengan bidang usaha rumah sakit. Penelitian ini bertujuan membuktikan telah terjadi mispersepsi penggunaan istilah corporate governance dalam manajemen rumah sakit. Penelitian ini membandingkan corporate governance dalam UURS dengan UUPT. Penelitian ini menggunakan pendekatan kualitatif dengan data sekunder. Triangulasi dilakukan untuk mempertahankan validitas hasil. Penelitian ini juga menggunakan metoda perbandingan hukum untuk memahami konsep korporasi dan corporate governance dalam rangka menjelaskan pelaksanaan corporate governance di rumah sakit. Hasil penelitian menunjukkan bahwa UURS telah salah menginterpretasikan status rumah sakit. UURS telah meletakkan fungsi rumah sakit secara kurang tepat, yang seharusnya dilihat sebagai kegiatan (usaha) dari perseroan terbatas. Artinya rumah sakit harus dipandang sebagai bagian perseroan terbatas dan bukan sebaliknya. Kesalahan interpretasi ini telah menyebabkan terjadinya miskonsepsi dan kesalahan penggunaan istilah corporate governance dalam UURS. Peneliti menyarankan untuk melakukan perubahan terhadap beberapa ketentuan dalam UURS agar sejalan dengan konsep yang berlaku dan dapat diterapkan secara konsisten.

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ABSTRACT

Each state has its own history on the development of hospital, eventhough nowadays for many different reason, all countries in the world is talking about governance in hospital. In Indonesia cuurent situation, Indonesian Hospital Law does not specifically refer to corporate governance, however in the Elucidation of Article 29 para (1) point r of the Hospital Law, it is implied that corporate governance was

part of hospital governance. Meanwhile the conception and terminology of corporate governance in Indonesia belongs to corporation, especially public corporation. In such conception, all corporations must comply with Corporate Law, including all corporations with line of business of hospital. The aim of this research is to prove that there has been a misconception of corporate governance terminology in hospital management. This research tries to contrast the conception of corporate governance used in Hospital Law against the Corporate Law. This research uses qualitative research. This research uses secondary data, with triangulation to maintain validity of result. This research also uses comparative legal method to understand the concept of corporation and corporate governance in order to explain the application of corporate governance in hospital. Result of the research shows that Hospital Law has misinterpreted the status of hospital. It has misled the function of hospital, which shall be seen as a line of business of a corporation. It means that hospital must be seen as part of the corporation as organisation and not vice versa. Researcher recommends to make amendments to some articles of the Hospital Act in order to make it inline with the prevailing concept and can be consistently applied. (xvii + 129); Each state has its own history on the development of hospital, even though nowadays for many different reasons, all countries in the world are talking about governance in hospital. In Indonesia's current situation, Indonesian Hospital Law does not specifically refer to corporate governance, however in the Elucidation of Article 29 para (1) point r of the Hospital Law, it is implied that corporate governance was part of hospital governance. Meanwhile the conception and terminology of corporate governance in Indonesia belongs to corporation, especially public corporation. In such conception, all corporations must comply with Corporate Law, including all corporations with line of business of hospital. The aim of this research is to prove that there has been a misconception of corporate governance terminology in hospital management. This research tries to contrast the conception of corporate governance used in Hospital Law against the Corporate Law. This research uses qualitative research. This research uses secondary data, with triangulation to maintain validity of result. This research also uses comparative legal method to understand the concept of corporation and corporate governance in order to explain the application of corporate governance in hospital. Result of the research shows that Hospital Law has misinterpreted the status of hospital. It has misled the function of hospital, which shall be seen as a line of business of a corporation. It means that hospital must be seen as part of the corporation as organisation and not vice versa. Researcher recommends to make amendments to some articles of the Hospital Act in order to make it inline with the prevailing concept and can be consistently applied. (xvii + 129), Each state has its own history on the development of hospital, even though nowadays for many different reasons, all countries in the world are talking about governance in hospital. In Indonesia's current situation, Indonesian Hospital Law does not specifically refer to corporate governance, however in the Elucidation of Article 29 para (1) point r of the Hospital Law, it is implied that corporate governance was

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