

**TANTANGAN ETIKA DAN HUKUM PENGATURAN
REKAM MEDIS ELEKTRONIK PASKA BERLAKUNYA
PERATURAN MENTERI KESEHATAN NOMOR 24 TAHUN
2022 TENTANG REKAM MEDIS**
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INTISARI

Penelitian bertujuan untuk mengetahui dan menganalisis perubahan-perubahan norma pengaturan rekam medis paska berlakunya Permenkes 24/2022 ditinjau aspek filosofis, sosiologis, dan yuridis serta upaya yang dilakukan oleh Kementerian Kesehatan dalam penyusunan Permenkes 24/2022 terhadap tantangan-tantangan etika dan hukum.

Jenis penelitian ini deskriptif, yakni memberikan penjelasan dan gambaran mengenai perubahan norma pengaturan rekam medis serta tantangan etika dan hukum rekam medis paska berlakunya Permenkes 24/2022. Penelitian bersifat yuridis normatif yang menggunakan hukum sebagai landasan normatif. Sumber data utama berasal dari data sekunder berupa literatur kepustakaan. Hasil penelitian dianalisis secara kualitatif dan disajikan menggunakan analisa deduktif.

Dari hasil penelitian dan pembahasan dapat disimpulkan, Pertama, aspek filosofis terlihat dari kesesuaian dengan konsiderans Permenkes 24/2022 yang menyatakan bahwa implementasi rekam medis elektronik sebagai perkembangan teknologi digital layanan kesehatan belum secara rinci diatur dalam Permenkes 269/2008. Aspek sosiologis terlihat dari rekam medis secara elektronik banyak digunakan dan dikembangkan oleh Fasyankes yang ada di Indonesia. Pemenuhan aspek yuridis dilihat dari adanya peraturan-peraturan pendahulu yang mendukung tentang pembentukan regulasi baru penyelenggaraan rekam medis elektronik. Kedua, Pemenuhan prinsip-prinsip etika seperti otonomi, *beneficience* dan *non-maleficience*, keadilan, kejujuran dan privasi belum tergambar secara rinci dalam Permenkes 24/2022. Pengaturan rekam medis elektronik masih bersifat norma umum terhadap tantangan etika dan hukum. Aturan persetujuan penggunaan data tidak memberi gambaran lebih lanjut apabila pasien menolak memberikan persetujuan. Pengembangan aturan mengenai *interoperabilitas* data terus dilakukan seiring dengan teknologi yang berkembang. Pemanfaatan *Artificial Intelligence* (AI) dalam rekam medis belum memiliki aturan khusus.

Kata Kunci: rekam medis elektronik, tantangan etik, tantangan hukum

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ETHICAL AND LEGAL CHALLENGES IN REGULATION OF ELECTRONIC MEDICAL RECORDS POST THE IMPLEMENTATION OF HEALTH MINISTER REGULATION NUMBER 24 OF 2022 CONCERNING MEDICAL RECORDS

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ESSENCE

The research aims to find out and analyze changes in norms for regulating medical records after the enactment of Minister of Health Regulation 24/2022 in terms of philosophical, sociological and juridical aspects as well as the efforts made by the Ministry of Health in drafting Minister of Health Regulation 24/2022 regarding ethical and legal challenges .

This type of research is descriptive, that is, it provides an explanation and description of changes in norms for regulating medical records as well as ethical and legal challenges to medical records after the enactment of Minister of Health Regulation 24/2022 . Research is normative juridical in nature which uses law as a normative basis. The main data source comes from secondary data in the form of library literature . The research results were analyzed qualitatively and presented using deductive analysis .

From the results of the research and discussion it can be concluded , First, the philosophical aspect can be seen from the compatibility with the considerations of Minister of Health Regulation 24/2022 which states that the implementation of electronic medical records as a development of digital health service technology has not been regulated in detail in Minister of Health Regulation 269/2008. Sociological aspect It can be seen from that electronic medical records are widely used and developed by health facilities in Indonesia. Fulfillment of the juridical aspect can be seen from the existence of predecessor regulations that support the formation of new regulations for the implementation of electronic medical records . Second, the fulfillment of ethical principles such as autonomy, *beneficence* and *non-maleficence* , justice, honesty and privacy has not been described in detail in Minister of Health Regulation 24/2022 . Electronic medical record arrangements are still a general norm subject to ethical and legal challenges. Data use consent rules do not provide further description if the patient refuses to provide consent. The development of rules regarding data *interoperability* continues to be carried out in line with developing technology. T he use of *Artificial Intelligence (AI)* in medical records does not yet have specific regulations.

Keywords: electronic medical records, ethical challenges, legal challenges

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