

## CHAPTER I

### INTRODUCTION

#### A. Background

Alternative medical clinic is one of the treatment sites which is easily found and it has spread everywhere. The clinic not only offers services such as medical treatment, but also non-medical activities, meanwhile the activities performed in the clinic as an alternative treatment and healing. Additionally, it's a place to recover for some diseases. Basically the spread of the clinic itself aims to optimize health services because not all people get the services of the hospital, it is still not considered because of its spread Hospital located in small towns. Here the role of the clinic was very helpful.

The clinic is a health care facility which organizes personal health services by providing basic medical care, held by more than one type of health personnel and headed by a medic that is a general practitioner, specialist, or general dentist or dental specialist.<sup>1</sup>

National Health System will optimally function if it is supported by community empowerment. Society, including the private sector, is not only a health development goal but also as an organizer and a perpetrator of health development. Therefore, community empowerment is very important because people are able to and willing to play role agents of

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<sup>1</sup>Pasal 1 Permenkes no 028/2011.

health development. In an effort to increase community empowerment it includes a healthy environment by the community itself. Community development efforts will basically succeed as when people's basic needs are met. Community empowerment and health efforts are the focus of health development. (NHS form and manner Implementation of health development MoH RI 2009).<sup>2</sup>

National Health System (NHS) mentioned that, the participation of clinic for the health development is mainly urgent in this globalization era, to attract foreign investors and workers from all sectors as well. Therefore, it is expected that through the existence of the Association of Indonesian Clinic (ASKLIN) as the organization of the clinics can help them for competing in globalization.

The statements above causes some questions. The first question is about whether the public know that those institutions are different or not. The second question is whether the treatment those ones often are similar or not. Although hospitals and clinics are often interchangeably used these two facilities are actually different. In addition, in deeper discussion, clinic as a private institution has increased significantly in the development of health. Alternative clinic is growing rapidly not only as a medium for getting medical treatment as a place which provide beauty services such as skin care, dental care, beauty care, and many more.

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<sup>2</sup><http://asklin.org/1014/klinik-masa-depan> accessed on November 29, 2013 22:56 p.m

Hospital and clinics actually have similar principles in providing the health service. However, recently, clinics are coming with different image by offering more services. They are not only serving the customers with their medical healing products but also non-medical ones. It's a very interesting phenomenon to be studied further when it comes to legal status of alternative clinics.

Speaking about the development of clinics, there is interesting topic to be discussed more. It's about two types of clinic based on the region. They are "pratama" clinic and "utama" clinic. Both of them have different qualifications, the differences such as:

1. The medical services at the "pratama" clinic are only basic medical services while at the main clinic the services covers basic medical ones and specialists;
2. Leaders at "pratama" clinic are a doctor or a dentist while at the main clinic, it's led by a specialist;
3. Services at the main clinic include in patient services, while at the "pratama" clinic, inpatient is allowed by doing some administrative procedures; and
4. The Medical personnel in the "pratama" clinic is at least two doctors or dentists, while the main clinic requires a specialist for each service type.

Talking about standardization, the clinics which meet the requirements will be set as a legal institution.<sup>3</sup>

A significant problem related to establishment of clinics appear. Whether or not the clinic have the same vision and mission in serving the customers like use. Actually, should start to be questionable, though the rules about it has been stated in Ministry of Health Number 28 of 2011 about Clinic. The rules seems not quite supporting to control license and requirement of clinic establishment. The establishment of Hospital has been regulated in constitution. Law No. 44 of 2009 on Hospital chapter two it is stated there that hospitals are established depending on Pancasila and values. The values are human values, ethics and professionalism, benefits, fairness, equality and anti-discrimination, equality, protection and safety of patients, as well as having social function.<sup>4</sup>

In accordance to the law and constitution, clinic supposes to have similar principle as an institution providing health services. Alternative medical clinics have similar permit structure, qualification with general hospital. Nowadays, clinic come with different image. They more likely appear as a beauty care clinic rather than as a place of healing, this phenomenon is triggered by principles of business profit. Patients to the clinics not to heal their illness. The clinics become a place where patients

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<sup>3</sup>sumber: <http://www.luwara.net/2013/03/klinik-kesehatan/> di accessed on September 15, 2014 at 6.17 a.m.

<sup>4</sup>Undang-Undang Republik Indonesia Nomor: 44 Tahun 2009 Tentang Rumah Sakit, Biro Hukum Departemen Sosial RI Tahun 1997

who are not suffering serious illness come such as skin care and beauty care. Moreover, the medical clinic, serve the customers with some actions that are sometimes through non-medical even supernatural treatment. From the examples, it can be seen that clinics are not really aiming to become a clinical medical aspects of healing anymore, they offer treatments or practices that are sometimes beyond the logic. This friction of clinic function becomes interesting objects to be studied because by conducting this research there an another case that can be studied in this research is about the legal status of alternative medical clinic. Whether licensing, similar structure and qualification for establishing a business entity such as a hospital is also a requirement for the establishment of alternative medical clinic such as legal basis of license available for establishing general hospital. Then general Hospital license is a license granted to a business entity to establish and maintain a hospital after fulfilling the requirements, they are:

1. Law no 36 of 2014 on Health Workers
2. The Minister of Health Circular No. 725 / Menkes / E / VI / 2004 on Private Health Care Efforts in the Field of Medical ;
3. Regulation of Sleman Regency No. 16 of 2004 on the Operation Permit Medical Support Facilities (Sleman)

Those laws and regulations concern on rules and the basic permissions that must be met in order to obtain building permits to the General Hospital, while it

has been known to discuss the establishment of an Alternative Medical Clinic conducting a non-medical practice which law applies for establishing the clinic. This is what makes the research is interesting to study and to explore further as well.

### **B. Research Question**

Based on the background above, this study examines two cases, they are:

1. What is the institutional legality status of alternative medical clinic?
2. How is the implementation of the establishment of alternative medical clinic?

### **C. Objectives Research**

1. Knowing the institutional legality status of alternative medical clinic and studying any necessary licensing requirements for establishing an alternative clinic.
2. Understanding application of alternative medical clinic establishment based on the valid requirements and licenses.

### **D. The Benefit of Research**

This study is expected to contribute towards scientific aspect and practical aspect, they are:

1. In the scientific aspect, this study is expected to contribute the literature of the clinic development clinic which has a definite status,

especially in the prevailing law in Indonesia. So, there will be clearer legal status for institutional health clinics through this study.

2. In the practical aspect, this study is expected to provide practical understanding for writers, especially for the community and the founder of a medical clinic in term of the management and the prerequisites needed as well as the valid mechanisms on the license of alternative medical clinic establishment.