

## THE ROLE OF FACILITATORS IN RESTORATIVE HEALTH DISPUTE RESOLUTION PROCESSES

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### **Abstract**

The resolution of health disputes in Indonesia is increasingly oriented towards restorative justice mechanisms that emphasise the restoration of relationships between patients and health workers, rather than simply imposing sanctions or penalties. In this context, facilitators or mediators play a central role as neutral parties who help the parties find fair, effective, and efficient solutions through dialogue and negotiation. This study aims to examine the role of facilitators in restorative health dispute resolution based on a literature review. The results of the analysis indicate that facilitators not only function as connectors but also as information providers, educators, and mediators who maintain constructive communication and help the parties identify problems and develop alternative solutions. The existing legal framework, such as Law No. 17 of 2023 on Health, provides legitimacy and legal certainty for the role of facilitators in the mediation process. However, challenges such as differences in medical knowledge, limitations of competent facilitators, and a litigious culture still need to be addressed to achieve optimal restorative justice. With enhanced facilitator capacity and clear regulatory support, mediation is expected to become the primary solution for resolving health disputes in Indonesia.

**Keywords:** Role of Facilitators, Health Dispute Resolution Process, Restorative.

### **Introduction**

Healthcare disputes are becoming increasingly common as public awareness of patients' rights grows. The complexity of the relationship between patients and healthcare providers, combined with advances in medical technology and demands for professionalism, often leads to conflicts that result in legal disputes. This problem not only affects both parties but also has the potential to undermine public trust in the healthcare system as a whole (Hildayastie Hafizah & Surastini Fitriasih, 2022).

A legal dispute is a disagreement or difference of interest between two or more parties, whether individuals, groups, or institutions, arising from a clash of interests over a specific object and resolved based on applicable legal provisions, either through litigation or non-litigation, where each party bases its claims on rights and obligations stipulated in legislation or valid agreements (Samosir, 2024).

To date, the resolution of health disputes in Indonesia has generally been pursued through litigation in court. The litigation process is often time-consuming, costly, and risks worsening the relationship between patients and health workers. In addition, the litigation approach tends to be adversarial, where one party feels like the