

# Legal Guarantees in Ensuring the Safety of Medical Personnel in the Health Sector

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**Abstract** — *The research on Legal Certainty in Health Services and the Role of Regulations in Protecting Health Workers aims to examine legal aspects in health services, especially the protection of health workers. In Indonesia, healthcare services are often faced with legal issues such as malpractice claims, medical errors, and ambiguity in the arrangement of legal liability. This has the potential to reduce the sense of security of health workers in carrying out their duties. The formulation of this research problem is: first, what is legal certainty in health services in Indonesia, and second, what is the role of regulation in protecting health workers. The method used in this study is normative juridical with a legislative approach. This research conducts a literature study of various relevant legal regulations, such as the Medical Practice Law and Law Number 17 of 2023 concerning Health, as well as analyzes court decisions related to malpractice cases and medical disputes. This approach aims to explore the extent to which existing regulations can provide legal certainty and maximum protection for health workers. The results of the study show that even though regulations related to health services already exist, implementation in the field is still not optimal. Health workers often feel threatened by potential lawsuits even though they have followed the correct medical procedures. This is due to the lack of clarity in several rules governing the protection of medical personnel. In addition, the role of regulations in providing legal protection for health workers is also inadequate. Some existing regulations, such as those governing the rights and obligations of health workers, are still general and have not provided legal certainty that can protect medical personnel as a whole in carrying out their duties. The conclusion of this study is that legal certainty in health services in Indonesia is still very much needed. Existing regulations need to be improved and refined in order to provide better protection for health workers. On the other hand, stricter supervision is also needed on the implementation of regulations so that the rights of health workers are properly protected. The recommendations of this study are to strengthen regulations by creating more specific and comprehensive regulations, as well as improving legal education for health workers to reduce the legal risks faced by medical personnel. This is expected to create a safe work climate for health workers and improve the quality of health services.*

**Keywords:** Legal certainty, Medical personnel, Health regulation

## I. INTRODUCTION

### Legal Complexity in Health Services and Legal Risks Faced by Health Workers

Health services are a very complex sector legally because they involve various aspects ranging from patient rights, health workers' obligations, to regulations that regulate service standards and professional ethics. This complexity arises due to the interconnectedness between laws and regulations, professional codes of ethics, and medical standards that must be met at the same time. In addition, the dynamics of regulatory changes and the development of health technology add to the challenge for health workers to always comply with the applicable legal provisions so as not to be entangled in legal problems in the future<sup>1</sup>. This legal complexity requires health workers to understand and apply various legal norms that are multidimensional, so being aware of potential violations of the law is very important. The legal risks faced by health workers are very real and diverse, ranging from malpractice lawsuits, code of ethics violations, to legal disputes that can have an impact on the careers and professional reputations of medical personnel. Medical malpractice, for example, is the most frequent major risk, where non-conformity of medical measures with professional standards can lead to a claim for damages or disciplinary action<sup>2</sup>. In addition, uncertainty in the interpretation of regulations or complicated administrative procedures can also increase the vulnerability of healthcare workers to litigation. Therefore, a deep understanding of legal aspects and legal protection mechanisms is needed to minimize these risks.

To overcome these legal complexities and risks, clear and effective legal protection for health workers is an urgent need in the health care system. Comprehensive regulation and a transparent dispute resolution system can help maintain a balance between patient rights and protection for medical personnel. Strong legal protection will provide a sense of security and certainty for health workers in carrying out their profession and improve the quality of overall health services<sup>3</sup>. Therefore, the development of policies and legal training for health workers is a strategic step in facing legal challenges in the health sector.

<sup>1</sup> Knapp, S., & Knapp, C. (2017). Legal and Ethical Issues in Healthcare. Jones & Bartlett Learning.

<sup>2</sup> Studdert, D. M., Mello, M. M., Gawande, A. A., et al. (2005). "Claims, errors, and compensation payments in medical malpractice litigation." *The New England Journal of Medicine*, 354(19), 2024–2033. <https://doi.org/10.1056/NEJMsa054479>

<sup>3</sup> Locke, I. W. (2018). Legal protection for health workers in carrying out their profession. *Journal of Law and Development*, 48(2), 214–227.



## **The importance of legal certainty to ensure the quality of service and safety of health workers**

Legal certainty is the main foundation in ensuring the quality of health services because it provides a clear regulatory framework for the implementation of medical services. With legal certainty, health institutions and medical personnel can carry out their duties according to the standards set without confusion or ambiguity in the application of regulations. This is very important to ensure that every medical action is carried out professionally, responsibly, and in accordance with ethics, so as to improve the quality of service and public trust in the health system<sup>4</sup>. In addition to ensuring service quality, legal certainty also plays an important role in protecting the safety of health workers. In practice, medical personnel often face the risk of lawsuits due to procedural errors or malpractices, which can lead to financial and psychological losses. With clear legal protections and an effective dispute resolution system, healthcare workers can work with a sense of security and focus on service without fear of uncertain legal threats<sup>5</sup>. This legal certainty provides a guarantee that the rights and obligations of health workers are recognized and protected proportionately. Furthermore, legal certainty supports the creation of a conducive and professional work climate in the health sector. Firm and clear regulations help reduce conflicts between patients and medical personnel and strengthen accountability in health services. Thus, legal certainty not only improves the quality of services, but also maintains the integrity of the health worker profession and the sustainability of the health system as a whole<sup>6</sup>. Therefore, strengthening legal certainty must be a priority in the development of national health policies.<sup>7</sup>

### **The role of regulation in providing legal protection**

Regulations play a central role in providing legal protection by establishing rules and standards that must be complied with by all parties, including in the health service sector. Through clear and firm regulations, the rights of individuals, especially healthcare workers and patients, can be protected from potential abuse or abuse.<sup>8</sup> Regulations also create legal certainty that is the basis for fair and structured dispute resolution, thereby reducing the risk of conflict and strengthening the sense of trust between service providers and the community<sup>9</sup>. In the context of health worker protection, regulations function as a legal umbrella that regulates professional obligations, rights, and responsibility mechanisms. With the existence of regulations, health workers get clear limits on the standards of practice and procedures that must be followed, so that medical personnel are protected from unfounded demands and given certainty in carrying out their duties. In addition, regulations also regulate transparent and objective medical dispute resolution

procedures, thereby providing protection and certainty for health workers and patients<sup>10</sup>.

Furthermore, effective regulations not only protect health workers and patients, but also encourage the improvement of the quality of health services as a whole. Regulations regulate important aspects such as professional licensing, accreditation of health institutions, and supervision of service standards, which together maintain professionalism and accountability in the health system. Thus, the role of regulation is vital in creating a safe, fair, and sustainable work environment for healthcare workers and providing guaranteed rights for patients<sup>11</sup>.

### **Law Number 17 of 2023 as the latest regulation that regulates aspects of health law**

Law No. 17 of 2023 concerning Health is the latest regulation passed on August 8, 2023, replacing Law No. 36 of 2009 concerning Health. As part of the national health system reform efforts, this Law was drafted with an omnibus law approach to simplify and harmonize various regulations that were previously scattered in various laws. This law covers various aspects, ranging from the rights and obligations of health workers, the implementation of health services, to the overall management of health resources<sup>12</sup>. One of the main focuses of Health Law Number 17 of 2023 is to strengthen the health system through the establishment of a more comprehensive and integrated regulatory structure. This Law regulates in detail the implementation of health services, including service standards, accreditation of health facilities, as well as supervision and coaching mechanisms. In addition, this Law also emphasizes the importance of community participation in health efforts, as well as coordination between the central and regional governments in the management of health resources. In the context of health worker protection, Health Law Number 17 of 2023 provides clearer legal certainty. This law establishes the rights and obligations of health workers, as well as a fair and transparent dispute resolution mechanism. This is expected to reduce the legal risks faced by health workers in carrying out their profession, as well as improve the professionalism and quality of health services in Indonesia. The implementation of Health Law Number 17 of 2023 faces challenges, especially related to the harmonization of implementing regulations and the readiness of human resources. Some parties are concerned that strengthening the role of the central government in setting competency standards for health workers can reduce the autonomy of professional organizations. In addition, limited infrastructure and resources in remote areas are obstacles to the effective implementation of this regulation<sup>13,14</sup>.

<sup>4</sup> Wulandari, S. (2018). Legal certainty in health services: Efforts to improve service quality. *Journal of Law and Health*, 4(2), 89-98.

<sup>5</sup> Nugroho, A. (2020). Legal protection for health workers in dealing with the risk of malpractice. *Indonesian Journal of Health Law*, 6(1), 45-53.

<sup>6</sup> Santoso, B. (2019). Legal certainty and professionalism of health workers. *Journal of Public Policy*, 12(3), 170-178.

<sup>7</sup> Safar, M., Saragih, Y. M., Sumarno, S., Siregar, T. H., & Utami, S. (2024). Enforcement of criminal law for pedophilia perpetrators for sexual crimes against children. *Innovative: Journal Of Social Science Research*, 4(3), 7422-7433.

<sup>8</sup> Harahap, A. A., Sembiring, T., & Sumarno, S. (2024). Legal Protection Of Patients'rights As Consumers In The Field Of Medical Services At Pertamina Hospital Pangkalan Brandan. *International Journal of Synergy in Law, Criminal, and Justice*, 1(2), 126-130.

<sup>9</sup> Sitompul, A. (2017). *Health Service Law and Regulation in Indonesia*. Jakarta: Rajawali Press.

<sup>10</sup> Handayani, L. (2019). Legal protection of health workers through the regulation of medical services. *Journal of Law and Health*, 6(1), 33-42.

<sup>11</sup> Prasetyo, E. (2020). Health regulations as an instrument to improve the quality of health services. *Journal of Indonesian Health Policy*, 11(2), 150-160.

<sup>12</sup> <https://peraturan.bpk.go.id/details/258028/uu-no-17-tahun-2023>

<sup>13</sup> <https://pharmacy.uin.ac.id/dampak-undang-undang-kesehatan-no-17-tahun-2023-perampasan-legal-kewenangan-organisasi-profesi/>

<sup>14</sup> <https://www.kompasiana.com/muhali3351/66a47c37c925c41a41173702/plus-minus-undang-undang-nomor-17-tahun-2023-tentang-kesehatan/>

## Problem Formulation

How effective is legal guarantee in protecting the safety and rights of medical personnel in the health sector, as well as the challenges faced in its implementation?

## RESEARCH OBJECTIVES

This study aims to analyze the level of legal certainty provided in health services in Indonesia, especially after the enactment of Law Number 17 of 2023 concerning Health. This study will examine how the latest regulation regulates legal aspects related to the rights and obligations of health workers as well as the legal protection mechanisms available to medical personnel. The main focus is to understand the extent to which this Law is able to provide clear and adequate legal certainty so that health workers can carry out their professional duties without fear of uncertain legal risks. In addition, this study also aims to evaluate the role of Law Number 17 of 2023 concerning Health in protecting health workers from the risk of lawsuits such as malpractice, as well as how these regulations strengthen a fair and transparent dispute resolution system.

## RESEARCH BENEFITS

This research provides theoretical benefits by enriching the study of health law, especially related to the concept of legal certainty in the context of health services and health worker protection. This study also expands understanding of the role of the latest regulation, namely Law Number 17 of 2023 concerning health, in comprehensively regulating aspects of health law. The findings of this study can be an in-depth academic reference for researchers, academics, and policymakers in developing theories and legal frameworks that are stronger and adaptive to the development of health service needs in Indonesia. Practically, this research is expected to make a real contribution in improving the implementation of health regulations, especially in terms of providing legal certainty and effective protection for health workers. The results of the research can be considered for the government, health institutions, and professional organizations in developing more responsive and comprehensive legal protection policies and strategies.

## II. LITERATURE REVIEW

### The Concept of Legal Certainty in Health Services

Legal certainty is a basic principle in the rule of law that guarantees that every action and policy, especially in the health sector, is based on clear, written, and enforceable rules. In the context of health services, legal certainty is an important foundation for the protection of medical personnel, including general practitioners and dentists, in carrying out their professional practices. Law Number 17 of 2023 concerning Health expressly contains provisions that guarantee medical personnel from unfair legal threats if medical personnel carry out their duties in accordance with professional standards and service procedures. One of the concrete forms of this principle is contained in Article 282 paragraph (1) which states that medical personnel and health workers who carry out health services according to standards

cannot be prosecuted criminally or civilly for the risks arising from these services as long as they are carried out in accordance with applicable professional procedures and ethics. This law also affirms the existence of a fair settlement mechanism before an alleged violation of the law is directed to the judicial process. In Article 283, it is explained that the settlement of legal disputes against medical personnel must first be through professional organizations and mediation mechanisms. This shows that the law is not necessarily repressive, but adaptive to the complexity of the medical profession which is very closely related to emergencies and professional risks. Thus, Health Law Number 17 of 2023 strengthens legal certainty through guaranteeing normative and procedural protection for medical personnel so that medical personnel can carry out their duties without fear of being criminalized, as long as they are within the predetermined corridor of ethics and professionalism.<sup>15</sup>

### Legal Protection for General Practitioners and Dentists in Health Law Number 17 of 2023

Legal protection for general practitioners and dentists is an integral part of the health care system that aims to ensure legal security in professional practice. In the reality of medical practice, the risk of lawsuits often threatens medical personnel even though medical personnel have carried out actions in accordance with standard operating procedures and professional codes of ethics. Law Number 17 of 2023 concerning Health is here to provide normative clarity while ensuring legal protection for medical personnel. One of the tangible forms of this protection is found in Article 282 paragraph (1) which states that medical personnel cannot be subject to criminal or civil liability as long as the service is carried out in accordance with professional standards and medical ethics. This provision emphasizes that the law does not necessarily criminalize every medical complication that occurs, but rather pays attention to procedural aspects and the goodwill of health workers.

Furthermore, this law also emphasizes the importance of a multi-stage dispute resolution procedure, rather than a formal legal process. Article 283 states that any alleged violations committed by medical personnel must first be resolved through professional organizations such as the Indonesian Doctors Association (IDI) or the Indonesian Dentists Association (PDGI). This procedure creates a space for professional mediation and investigation before entering the criminal or civil realm, thus avoiding criminalization that harms medical personnel. This legal protection is very important to maintain a balance between patient rights and job security of medical personnel so that there are no excessive concerns that can affect the quality of health services.<sup>16</sup>

On the other hand, legal protection is also closely related to the principles of criminal law in medicine. Criminal law should not be used as the main means of resolving medical disputes, but rather as the last resort (*ultimum remedium*). The state must be present to provide guarantees of protection for medical personnel through fair and balanced regulations, including through legal protection in health laws.<sup>17</sup> Therefore, Health Law Number 17 of 2023 has

<sup>15</sup> Law Number 17 of 2023 concerning Health, Article 283 paragraph (1)

<sup>16</sup> Sulistyowati, R. & Purwanti, R. (2020). Legal Protection of Medical Personnel in Medical Actions that Pose a Risk to Patients. *Indonesian Journal of Health Law*, 11(2), 55–66

<sup>17</sup> Chomzah, A.A. (2016). *Health Law: Legal Protection of Medical Personnel and Patients*. Jakarta: Kencana Prenada Media

become a legal basis that not only guarantees the rights of patients, but also strengthens legal protection for general practitioners and dentists in carrying out ethically and professionally responsible practices.

### **Professional and Ethical Responsibilities of General Practitioners and Dentists**

In Health Law Number 17 of 2023, the professional responsibilities of general and dental doctors are focused on professional standards, operational procedures, and medical ethics as the main foundation of medical practice. Article 274 expressly mandates that medical personnel are obliged to provide services according to professional standards, obtain informed consent from patients or their families, maintain the confidentiality of medical data, and make accurate and complete medical record documentation.<sup>18</sup> This affirms the commitment of medical personnel to the principles of beneficence and non-maleficence in medical ethics, as well as a benchmark of professionalism in the declaration of responsibility in the event of complications or malpractice.

Furthermore, Law Number 17 of 2023 concerning health also strengthens the prerequisites for the enforcement of legal sanctions through a tiered and restorative-oriented mechanism. Article 308 stipulates that alleged medical violations must go through a recommendation from a professional assembly before law enforcement officials can proceed to the criminal or civil realm. This approach reflects the principle of *ultimum remedium*, which places criminal law as a last resort, thus avoiding a chilling effect on doctors in acting. Thus, professional and ethical responsibilities are not only morally demanded, but also structurally protected by regulations, ensuring that medical personnel carry out their practice safely and with respect.<sup>19</sup>

### **Dispute Resolution and Law Enforcement Mechanism for Medical Personnel**

The dispute resolution mechanism for medical personnel, including general practitioners and dentists, is comprehensively regulated in Health Law Number 17 of 2023. This law emphasizes that the resolution of medical disputes can be pursued through litigation and non-litigation. Non-litigation settlements can be carried out through mediation, conciliation, or arbitration as stipulated in Article 281 paragraph (1), with the aim of prioritizing a fair, speedy settlement, and avoiding prolonged conflicts between medical personnel and patients. In addition, the establishment of the Medical Personnel Discipline Honorary Council (MKDTM) is an important part of the disciplinary enforcement mechanism, which is tasked with receiving, examining, and deciding alleged disciplinary violations committed by medical personnel, including general practitioners and dentists.<sup>20</sup>

Law enforcement against medical personnel suspected of committing violations also has strict legal signs in Health Law Number 17 of 2023. In Article 288, it is stated that every medical personnel are obliged to carry out practices based on professional standards and medical service standards. If there is an allegation of malpractice or violation of criminal law, the law enforcement process can be carried

out by law enforcement officials after a recommendation from a professional organization and the results of an ethical examination from the MKDTM. This mechanism shows that law enforcement against medical personnel is carried out in a tiered and equitable manner, in order to protect patients' rights without neglecting legal protection for medical personnel as professionals working under pressure and high risk.<sup>21</sup>

### **III. METHOD**

The research method used in this study is normative juridical with an analysis approach of laws and regulations. This approach was chosen because the research focuses on positive legal studies, especially related to regulations that regulate legal certainty and the protection of health workers in health services. Using a normative juridical approach, the research examines the written legal norms as well as the legal principles contained in the Law and its implementing regulations. The primary data in this study consists of Law Number 17 of 2023 concerning Health and its relevant implementing regulations. This data is the main source to understand in depth the latest legal provisions that regulate aspects of legal certainty and health worker protection. Meanwhile, secondary data was obtained from legal literature in the form of books, scientific journals, and court decisions related to legal protection for health workers, in order to strengthen the analysis and provide comprehensive context.

### **IV. RESULT AND DISCUSSION**

#### **Legal Certainty in Medical Personnel Services Based on Health Law Number 17 of 2023**

Legal certainty in health services is a fundamental aspect in ensuring protection for medical personnel and patients. Law Number 17 of 2023 concerning Health presents significant updates to the rights and obligations of medical personnel and health service facilities. Articles 268 to 272 expressly stipulate that medical personnel have the right to legal protection in carrying out their practice, as well as the obligation to comply with professional standards and codes of ethics. On the other hand, health care facilities are required to provide facilities, infrastructure, and a decent working environment for medical personnel. This provision provides a stronger legal guarantee than previous regulations, where the responsibility of health facilities for the practice of medical personnel has not been regulated in detail.<sup>22</sup>

In the event of a health service dispute, Health Law Number 17 of 2023 regulates the settlement procedure in stages, starting from non-litigation approaches such as mediation and arbitration. Article 281 explains that dispute resolution is carried out first through alternative mechanisms before entering the litigation route. This reflects a restorative justice approach in the health sector, which aims not only to resolve conflicts fairly but also to maintain the continuity of professional relations between medical personnel and patients. In addition, the existence of the Honorary Council for Medical Personnel Discipline and the role of professional organizations also strengthen a more professional and tiered

<sup>18</sup> <https://www.eclinic.id/uu-tenaga-kesehatan-terbaru-no-17-tahun-2023/>

<sup>19</sup> <https://literasihukum.com/regulasi-medical-malpractice/>

<sup>20</sup> Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

<sup>21</sup> <https://peraturan.bpk.go.id/Details/248768/uu-no-17-tahun-2023>

<sup>22</sup> Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

accountability system.<sup>23</sup> When compared to the previous regulation, namely Law Number 36 of 2009 concerning Health, Health Law Number 17 of 2023 shows an improvement in terms of legal certainty and regulatory details. In Law No. 36/2009, the rights and obligations of medical personnel as well as dispute resolution procedures are still general and less binding. Previous regulations tended to provide room for multiple interpretations in handling medical disputes. Therefore, the presence of Health Law Number 17 of 2023 is a form of regulatory improvement in the national health service system that is oriented towards certainty, justice, and balanced legal protection for all parties.<sup>24</sup>

### The Role of Regulation in Protecting Medical Personnel

Health Law Number 17 of 2023 provides explicit legal protection for general practitioners and dentists in carrying out medical practice. In Article 273, it is stated that medical personnel who carry out their duties according to professional standards, competencies, and codes of ethics have the right to receive legal protection. This includes protection against lawsuits when medical procedures are performed according to correct procedures. This provision provides a sense of security for doctors in clinical decision-making. These regulations also protect against criminalization due to unavoidable medical risks. This legal protection is the basis for the professionalism and clinical autonomy of doctors.<sup>25</sup> The Registration Obligation and Professional Authority Limits of the Health Law Number 17 of 2023 also clarify the importance of registration through STR and SIP which is valid for life, as long as it is not revoked by the authorities. General practitioners and dentists are only allowed to act according to recognized competencies, and any violation of the limits of authority may be subject to ethical and administrative sanctions. For example, general dentists cannot perform fixed orthodontic treatment without special expertise, and must refer to an orthodontic specialist. This protects patients from actions outside of competence and at the same time protects the profession from legal risks. This registration system ensures the validity of the practice of medical personnel nationally and strengthens the legal position of medical personnel.<sup>26</sup>

### Complaint Procedure Through the Professional Disciplinary Council

In the event of alleged ethical violations or malpractice, Health Law Number 17 of 2023 regulates a tiered settlement mechanism. Articles 308 to 310 require that every complaint must first be resolved through the Professional Disciplinary Council before proceeding to the legal channel. This assembly will conduct an objective administrative and professional examination. The goal is to protect medical personnel from premature or baseless lawsuits. This system puts the medical profession within the scope of peer assessment first. This is in line with the principle of prudence and the principle of *due process of*

*law*.<sup>27</sup> Alternatives to Non-Litigation Dispute Resolution according to the Health Law Number 17 of 2023 also encourage non-litigation dispute resolution, such as mediation and arbitration. Article 310 stipulates that the resolution of health service disputes must first be through efforts outside the court, before being submitted litigatively. This aims to speed up settlement, reduce legal costs, and maintain good relations between patients and medical personnel. Institutions such as the Indonesian Medical Mediation and Arbitration Institute (LMA-MKI) began to be developed as a form of implementation of this rule.

This step also reflects the *restorative justice* approach in the health system.<sup>28</sup> Although the regulations are well written, implementation in the field still faces various obstacles. One of them is the doctor's lack of understanding of the mechanism of non-litigation dispute resolution. On the other hand, institutions such as the Disciplinary Assembly and LMA-MKI have not been fully integrated nationally. Therefore, it is necessary to increase legal literacy for medical personnel through periodic training. The government also needs to accelerate the establishment of mediation institutions and strengthen the digital-based registration system. With consistent implementation, legal protection for general practitioners and dentists can be more optimal.<sup>29</sup>

### Legal sanctions for violations and protection for medical personnel

Law Number 17 of 2023 concerning Health provides a strict legal framework in regulating sanctions for violations by medical personnel, including general practitioners and dentists. The articles in this law explicitly regulate administrative, disciplinary, and criminal sanctions that can be imposed on medical personnel who are proven to have committed violations in health service practices. For example, Article 442 and Article 443 contain criminal threats for medical personnel who deliberately provide services that are contrary to professional standards and the medical code of ethics. This provision aims to ensure that medical personnel carry out their practice professionally and responsibly according to their competence.

However, Health Law Number 17 of 2023 also provides proportionate legal protection to medical personnel. In Articles 307 and 308, it is explained that medical personnel who carry out their duties in accordance with service standards, competence, and medical ethics cannot be punished if medical losses arise as part of legitimate service risks. This shows that the law does not necessarily criminalize every medical procedure that leads to complications, as long as the medical personnel carry it out in accordance with operational standards. This legal approach provides legal certainty that balances the protection of patients and medical personnel as part of the national health care system.<sup>30</sup> The principle of legal prudence must be applied in assessing medical actions so as not to cause excessive fear among medical personnel.<sup>31</sup> Legal protection of medical personnel is essential to maintain the quality of services and prevent

<sup>23</sup> Simarmata, M. (2021). Analysis of Legal Protection in Health Services in Indonesia. *Journal of Health Law and Ethics*, Vol. 9(2), pp. 123–134.

<sup>24</sup> Wibowo, H. (2023). Health Regulation Reform in Law No. 17 of 2023. Jakarta: Prenadamedia Group.

<sup>25</sup> Law No. 17 of 2023, Article 273.

<sup>26</sup> Damanik, E.R., et al. (2024). Legal Protection of Fixed Orthodontic Patients

<sup>27</sup> Subudhi, I.K.R. & Aryani, L.N.A. (2024). Medical Dispute Resolution

<sup>28</sup> Situmorang, R. (2023). Medical and Health Dispute Resolution

<sup>29</sup> Maulana, M. & Darodjat, R. (2025). The New Paradigm of APS in Medical <https://www.hukumonline.com/berita/a/paradigma-baru-alternatif-penyelesaian-sengketa-medis-lt67bca66eadb83/>

<sup>30</sup> Law of the Republic of Indonesia Number 17 of 2023 concerning Health, Statute Book of the Republic of Indonesia Number 96 of 2023

<sup>31</sup> Hatta, M. (2022). Health Ethics and Law. Yogyakarta: Deepublish.

unfounded criminalization.<sup>32</sup> Therefore, the existence of this law is an important foundation in strengthening a fair and professional health legal system in Indonesia.

### **The effectiveness of legal guarantees in protecting the safety and rights of medical personnel in the health sector, as well as the challenges faced in their implementation**

The effectiveness of legal guarantees in protecting the safety and rights of medical personnel in the health sector is an important aspect that ensures the implementation of quality and fair health services. In this context, various regulations and legal policies in force in Indonesia, such as the Medical Practice Law and other related regulations, are designed to provide legal protection for medical personnel, both in facing lawsuits and in carrying out their duties in health facilities. This legal guarantee includes protection from the risk of malpractice, harassment, and threats to the physical and mental safety of medical personnel.<sup>33</sup> In its implementation, this legal guarantee system aims to provide a sense of security for medical personnel in carrying out their profession by maintaining the integrity and quality of health services.

However, the challenges faced in the implementation of legal guarantees are not few. Although regulations do exist, their implementation is often hampered by factors such as a lack of understanding of the legal rights of medical professionals among professionals, as well as misalignments between government policies and practice in the field. In addition, legal cases related to malpractice or violence against medical personnel often undergo a long and convoluted process, which makes legal protection not always optimal. Thus, despite strong legal guarantees, challenges in their implementation still require more attention to ensure that medical personnel can work with a sense of security and protection, as well as to improve law enforcement mechanisms that are more efficient and responsive to the needs of the health sector.<sup>34</sup>

## **V. CONCLUSION**

### **Conclusion**

Legal certainty in health services has a very crucial role in ensuring protection for medical personnel, especially general practitioners and dentists. With clear regulations, such as Health Law Number 17 of 2023, medical personnel have a strong legal foundation in carrying out their professional practices. Articles that regulate rights, obligations, and ethical and professional standards are legal footing that limit the space for violations, while providing a sense of security for medical actions in accordance with procedures and competencies. In addition, legal certainty also systematically regulates the mechanism for resolving medical disputes, so that medical personnel are not necessarily made the blame party without fair procedures. The strengthening of mediation institutions, medical councils, and ethical mechanisms is an important instrument in distinguishing between malpractice and unavoidable medical complications.

This is a form of legal protection that not only protects patients as consumers of health services, but also maintains the dignity and integrity of the medical profession.

Thus, legal protection for general practitioners and dentists is an important component in creating a fair and professional health service system. Fair and transparent laws encourage improvement in the quality of health services because medical personnel feel protected and can focus on providing optimal services. Therefore, the harmonization between legal norms, medical ethics, and surveillance systems must continue to be improved in order to create a mutually protective and sustainable health ecosystem.

### **Suggestion**

To strengthen legal certainty in health services, intensive socialization of the latest regulations such as Health Law Number 17 of 2023 is needed to all medical personnel, including general practitioners and dentists. This socialization must reach educational institutions, hospitals, and clinics throughout Indonesia so that medical personnel understand the rights, obligations, and legal limitations in the practice of medical personnel. A thorough understanding of the regulations will minimize unintentional violations and increase legal protections for the medical profession. Furthermore, there is a need to strengthen professional supervision institutions such as the Indonesian Medical Council (KKI) and the Indonesian Medical Discipline Honorary Council (MKDKI). This institution must be given stronger authority in handling alleged violations of ethics and discipline of medical personnel before cases are brought to the realm of criminal or civil law. Dispute resolution procedures that prioritize mediation and ethical approaches will prevent criminalization of medical actions that have been carried out in accordance with service standards and procedures.

Finally, governments and stakeholders need to encourage the establishment of collective legal protection systems, such as professional legal assistance and liability insurance, especially for medical personnel working in remote areas or facilities with limited resources. This protection will encourage the fairness and courage of general practitioners and dentists in providing services without excessive fear of legal risks. Legal certainty that is balanced in favor of medical personnel and patients will create a safer, fairer, and more dignified health service climate.

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<sup>32</sup> Astuti, R., & Handayani, R. (2021). "Legal Protection of Health Workers in Medical Dispute". *International Journal of Multicultural and Multireligious Understanding*, 8(3), 190-199

<sup>33</sup> Health Worker Supervision Agency. (2019). "Legal Protection for Medical Personnel in Indonesia: Perspectives and Implementation." *Indonesian Journal of Public Health*, 45(3), 212-220.

<sup>34</sup> Setiawan, D. (2021). "Challenges and Solutions in the Implementation of Legal Guarantees for Medical Personnel in Indonesia." *Journal of Law and Health*, 29(2), 145-159.



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