

The Role of Regulation in Protecting Healthcare Workers from Malpractice Lawsuits

1st Taufik Haryadi

Master of Health Law Student,
Universitas Pembangunan Panca Budi
Medan, Indonesia
taufikhyd@yahoo.com

2nd Sumarno

Master of Health Law Lecturer
Universitas Pembangunan Panca Budi
Medan, Indonesia
sumarno@dosen.pancabudi.ac.id

Abstract — Health services are a crucial element in ensuring the welfare of the community. Medical personnel and health workers have a great responsibility in providing professional, fast, and appropriate services. However, behind their noble duties, medical and health personnel also face various legal risks that can arise due to negligence, procedural errors, or lawsuits from patients and patients' families. In this condition, legal protection is very important to ensure a sense of security, work comfort, and legal certainty for health workers in carrying out their duties optimally and in accordance with professional ethical standards. This study was conducted to examine the urgency of legal protection for medical personnel and health workers in health service practices in Indonesia. The research method used is a qualitative approach with a normative-juridical method. Data was obtained through literature studies, analysis of relevant laws and regulations. This approach is used to identify the forms of legal protection that are available and the extent to which they are being applied in the field. The main problem found in this study is the weak implementation of legal protection for health workers. Many cases show that medical personnel are the most vulnerable parties when a medical dispute occurs, although it is not necessarily legal negligence. The lack of legal assistance, the lack of understanding of medical personnel of their legal rights, and weak protection regulations at the institutional level exacerbate this situation. The results of the study show that legal protection must be preventive and curative. Preventively, there needs to be regular legal education and professional ethics training for health workers. The conclusion of this study emphasizes that the importance of legal protection for medical personnel and health workers is not only to protect the interests of individuals, but also to maintain the quality of health services as a whole. Without strong legal protections, healthcare workers will work under high and suboptimal pressure, which ultimately impacts patient safety. Therefore, synergy between regulations, health institutions, and legal professionals is urgently needed to build a fair and effective legal protection system.

Keywords: legal protection, medical personnel, health services.

I. INTRODUCTION

The importance of legal protection for medical personnel and health workers in health service practice.

Legal protection for medical personnel and health workers is very important to ensure smooth and safe health service practices. Medical personnel face not only technical and professional challenges, but also legal risks that can

threaten their careers and integrity. Therefore, adequate legal protection provides a sense of security and legal certainty so that medical personnel can carry out their duties professionally without fear of unfair lawsuits¹. Health Law No. 17 of 2023 and Government Regulation No. 28 of 2024 concerning Implementing Regulations of Law No. 17 of 2023 concerning Health provide a more comprehensive legal umbrella related to the protection of medical personnel and health workers, especially in Article 273 Paragraph (1) Medical Personnel and Health Workers in carrying out their practice are entitled to legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, operational procedure standards, and professional ethics and patient health needs, and Article 274 Paragraph (1) regulates the obligations of medical/health personnel, including obtaining consent from patients or families for the actions to be given" (informed consent), maintaining confidentiality, making and storing records/documents of examinations and actions, and the obligation to refer patients when necessary, this law affirms the rights and obligations of health workers, and regulating the mechanism for protection and dispute resolution arising from health service practices. With this regulation, medical personnel have a clear legal basis to carry out services ethically and professionally, as well as obtain legal protection from adverse actions due to misunderstandings or malpractices². In addition, informed consent services become a foothold in ethical medical practice, promoting patient autonomy, trust, and transparency in the delivery of health services. By recognizing the importance of informed consent and addressing the challenges associated with its implementation, healthcare providers can uphold the highest standards of patient care and respect individual rights³.

Various other regulations such as the Law on Medical Practice, the Regulation of the Minister of Health, and implementation regulations also strengthen the legal protection system for medical personnel. The implementation of these rules must be carried out consistently to create a safe and conducive work environment, thereby improving the quality of health services and maintaining public trust in the national health system⁴. With a strong legal foundation from Health Law No. 17 of 2023, and other supporting regulations,

¹ Sidharta, Dedi. Legal Protection for Medical Personnel in Indonesia. Jakarta: Rajawali Press, 2022, p. 45

² Law of the Republic of Indonesia Number 17 of 2023 concerning Health, Articles 10-15

³ Irsyam Risdawati. (2024). Informed Consent in Medical Practice with a Value of Justice Approach. Bekasi: PT Dewangga Energi International.

⁴ Haryono, August. "Implementation of Legal Protection of Medical Personnel in Health Services." Journal of Health Law, Vol. 6, No. 2, 2023, pp. 78-79



legal protection for medical personnel is a crucial aspect in realizing professional and sustainable health services. This effort not only protects individual medical personnel, but also supports the stability and progress of the overall health system in Indonesia⁵.

Legal risks and responsibilities faced by medical personnel, including malpractice cases and lawsuits.

Medical personnel are at the forefront of the delivery of health services, but this position also puts them at significant legal risk. These legal risks can arise due to various factors, such as misdiagnosis, negligence in medical procedures, or ineffective communication with patients. In this context, medical malpractice is one of the main risks often faced by healthcare workers. Medical malpractice can be defined as a violation of the standards of the medical profession that causes harm to patients and has the potential to lead to lawsuits against medical personnel⁶. The legal responsibilities of medical personnel are complex and include civil, criminal, and administrative aspects. Civilly, medical personnel can be held accountable for losses suffered by patients through a compensation lawsuit. Meanwhile, the criminal aspect can arise if there is an element of negligence that results in serious injury or death of the patient. In addition, medical personnel must also comply with administrative regulations that regulate practice licenses and professional codes of ethics. These three aspects must be thoroughly understood by medical personnel in order to carry out their duties legally and ethically⁷. Cases of lawsuits due to malpractice continue to increase along with increasing public awareness of health rights. Data from the National Medical Commission shows that since 2015 there has been a significant increase in the number of malpractice complaint cases in Indonesia. This has an impact on increasing psychological and professional pressure on medical personnel, which sometimes leads to defensive practices and a decrease in the quality of services. This indicates the need for more effective legal protection mechanisms and increased legal education for health workers⁸. Legal risks are not only a burden for medical personnel, but also a reminder of the importance of ethics and professional standards that must be met. With a good understanding of legal responsibilities and the application of practices that comply with standards, medical personnel can minimize the risk of malpractice. In increasing the capacity of medical personnel in legal and ethical aspects, it can help build a safe and reliable health service system for the community⁹.

Regulatory conditions and legal protection challenges in Indonesia.

Indonesia has various regulations that regulate legal protection for medical personnel and health workers, including Law Number 17 of 2023 concerning Health, the

Law on Medical Practice, and other implementing regulations. This regulation provides a clear legal basis regarding the rights and obligations of medical personnel, including protection against legal actions that may arise as a result of the performance of their duties. Although these regulations are quite comprehensive, their implementation in the field often encounters obstacles that hinder optimal protection for medical personnel¹⁰. This is mainly related to the uncertainty of legal procedures and the lack of understanding of medical personnel of their rights and obligations. One of the main challenges in the legal protection of medical personnel is the inconsistency and overlap between regulations that apply at the national level and regional regulations, especially in regions that have special autonomy such as Aceh. This leads to confusion in law enforcement and decision-making in malpractice cases. This challenge is exacerbated by the lack of harmonization of regulations and the lack of socialization and legal training for health workers in the regions¹¹. As a result, medical personnel often feel that they do not receive adequate protection when facing legal disputes. In addition, the process of resolving cases of malpractice and medical disputes in Indonesia is still considered to be less transparent and protracted. The existing mediation and court mechanisms have not always provided a sense of justice for medical personnel and patients. The study found that many medical personnel experienced psychological distress and career losses due to a long and uncertain legal process¹². This challenge demands a reform of the health legal system that is more responsive and adaptive to the needs of medical personnel and the community.

To overcome these challenges, synergy is needed between policymakers, health institutions, and legal institutions in formulating clear and implementable regulations. Legal education for medical personnel must also be improved so that they are able to understand and carry out their obligations professionally with adequate protection. Strengthening legal protection not only improves the welfare of medical personnel, but also improves the quality of health services and public trust in the national health system¹³.

PROBLEM FORMULATION

What is the legal protection for medical personnel and health workers in health service practice?

Research Objectives

This research aims to

1. To examine in depth the legal protection provided to medical personnel and health workers in carrying out health service practices. This study is important to

⁵ Sutrisno, Bambang. National Health Law and Health Worker Protection. Yogyakarta: Graha Ilmu, 2023, p. 103

⁶ Utami, R., & Santoso, A. (2018). Medical Malpractice and Its Implications for Legal Claims in Indonesia. *Journal of Medical and Health Sciences*, 10(1), 15-24.

⁷ Arifin, Z. (2019). Legal Responsibilities of Medical Personnel: Civil, Criminal, and Administrative Perspectives. *Journal of Law and Health*, 11(2), 67-78.

⁸ Sari, D., & Hidayat, M. (2020). Trends in Medical Malpractice Cases in Indonesia and Their Impact on Medical Practice. *Indonesian Medicolegal Journal*, 5(1), 30-40.

⁹ Prasetyo, B. (2021). Legal and Ethical Education for Medical Personnel as an Effort to Prevent Malpractice. *Journal of Professional Ethics*, 3(2), 55-63

¹⁰ Sutanto, E. (2017). Legal Protection Regulations for Medical Personnel in Indonesia: A Juridical Review. *Journal of Law and Health*, 9(1), 45-57.

¹¹ Wulandari, S. (2019). Harmonization of Health Regulations in Special Autonomous Regions: An Aceh Case Study. *Journal of Regional Law*, 5(2), 120-134.

¹² Ramadhan, F. (2020). The Process of Resolving Medical Malpractice Disputes in Indonesia: A Medical Personnel Perspective. *Indonesian Medicolegal Journal*, 6(1), 25-38

¹³ Hartono, D. (2021). Strengthening the Legal Protection of Medical Personnel as an Effort to Improve the Quality of Health Services. *Journal of Professional Ethics and Law*, 4(2), 67-75.

understand how applicable regulations and policies, especially Law No. 17 of 2023 concerning Health, provide legal guarantees and protect medical personnel from legal risks that may arise during the service process.

2. Identify obstacles and challenges faced by medical personnel and health service institutions in the implementation of legal protection. These obstacles can be in the form of regulatory uncertainty, lack of understanding of medical personnel of their legal rights and obligations, to administrative obstacles that hinder the optimal enforcement of legal protection.
3. Provide practical recommendations that can be used by policymakers, healthcare institutions, and other stakeholders to improve the legal protection system for medical and health workers. These recommendations are expected to be the basis for the development of more responsive regulations, more structured legal training for medical personnel, and more efficient dispute resolution mechanisms.

Research Benefits

This research has the following benefits:

1. Significant academic in adding and enriching the study of health law, especially related to the protection of medical personnel and health workers. By examining in depth the legal aspects that govern the responsibilities and protections of health workers, this research can be an important reference for academics, researchers, and students interested in the field of health law.
2. Practically, the results of this study are expected to provide constructive input for policymakers and health service institutions in formulating and implementing effective and comprehensive regulations related to the legal protection of medical personnel.

II. LITERATURE REVIEW

The Concept of Legal Protection in Health Services

Law No. 17 of 2023 in Article 273 paragraph (1) emphasizes that medical personnel are entitled to legal protection when carrying out practices in accordance with professional standards, standard operating procedures, and professional ethics. In the event of alleged negligence, before being subject to criminal sanctions, the case must be resolved through non-litigation channels such as mediation or arbitration regulated in Article 310, indicating a more restorative and dialogue-based legal approach. This scheme provides a sense of security for healthcare workers in making critical decisions, as long as their actions are in accordance with competency standards, and minimizes the risk of lawsuits that are not based on strong evidence¹⁴. Meanwhile, the 2023 Health Law also prioritizes patient protection through the right to information, informed consent, medical documentation, and dispute resolution mechanisms in the form of codes of ethics and non-litigation as stipulated in

Articles 304 to 310. Subudhi & Aryani (2024) emphasized that patients in health care facilities have legal rights that are protected through access to medical records, explanations of services, and fair and structured dispute resolution channels. In addition, according to research in the UI Journal (2024), the legal responsibility of hospitals as a corporation is now expanding based on Article 193 of Law No. 17/2023, which requires institutions to be responsible for the negligence of their human resources. emphasized that legal protection does not only target individual medical personnel, but also institutions as a whole¹⁵.

Roles and Responsibilities of Medical and Health Workers

Law No. 17 of 2023 emphasizes the central role of medical personnel and health workers in carrying out health efforts based on professional standards, ethics, and operational procedures. In Article 274, it is emphasized that they *are obliged to* provide services according to standards, obtain informed consent, maintain patient confidentiality, document medical procedures, and refer patients to the most competent personnel if needed¹⁶. This is in line with the findings of the *Rights of Obligations and Responsibilities of Health Workers and Patients*, which states that this Law strengthens the active participation of health workers in maintaining the quality of services, educating patients, and maintaining professional integrity through a clear accountability system¹⁷.

Law Number 17 of 2023 also affirms the legal responsibility of medical personnel in the context of malpractice and patient safety. Article 273 guarantees legal protection if medical actions are carried out in accordance with professional standards and procedures, while alleged negligence must go through the non-litigation route (Article 310) before criminal action is imposed. In addition, health workers are entitled to safety protection and decent working conditions, as well as guarantees of salary and competency development¹⁸. This mechanism creates a balance between professional responsibility and the right to protection, while creating a conducive and sustainable work climate in the health care system.

Legal Basis for the Protection of Medical and Health Workers

Legal protection for medical personnel is a crucial part of the state's efforts to ensure the quality of safe, quality, and fair health services. In Law Number 17 of 2023 concerning Health, the state affirms its commitment to protecting medical personnel from all forms of legal risks that may arise in professional practice. Article 248 paragraph (1) states that medical personnel and health workers are entitled to legal protection in carrying out their practice in accordance with professional standards, service standards, and operational procedure standards.¹ This means, as long as medical actions are carried out in accordance with scientific principles and standard procedures, medical personnel cannot be immediately convicted or criminalized for unexpected medical results. Furthermore, Article 248 paragraph (2) of the

¹⁴ <https://repository.pancabudi.ac.id/website/detail/27162>

¹⁵ I Ketut Raka Subudhi, a little girl Nyoman Aryani. (2024). Medical Dispute Resolution on Cases of Poor Service of Health Service Facilities from the Perspective of Law Number 17 of 2023 concerning Health. JUNCTO: Scientific Journal of Law, 6(1), 87-98.

¹⁶ <https://www.eclinic.id/uu-tenaga-kesehatan-terbaru-no-17-tahun-2023/>

¹⁷ Andi Hakim Lubis. (2024). Rights, Obligations, and Responsibilities of Health Workers and Patients in Law Number 17 of 2023 concerning Health. Juris Sinergi Journal (JSJ).1(1), 13-20

¹⁸

<https://www.kompasiana.com/dwiwasti3455/67069a4bc925c412824c3692/>

Health Law No. 17 of 2023 adds that before legal proceedings are carried out against medical personnel who are suspected of committing mistakes, it is mandatory to first conduct an examination by the Honorary Council for the Discipline of Medical Personnel or Health Workers.² This provision provides room for clarification and professional protection through internal mechanisms before the public legal process is carried out. This provision is essential to prevent the criminalization of medical personnel working in emergency or stressful situations, as well as to distinguish between professional negligence and human error that occurs in the context of service¹⁹. The regulation in Law No. 17 of 2023 shows major reforms in the governance of legal protection for medical personnel. Compared to previous regulations, this Law provides a more progressive and comprehensive legal approach. The state not only guarantees the rights of patients, but also balances them with the right of medical personnel to legal protection and justice. Thus, medical personnel are expected to be able to carry out their duties with a sense of security, focus on service quality, and be protected from potential disproportionate demands.

The importance of Informed Consent services in Medical Practice

Informed consent *services* are a crucial element in ensuring patient rights and legal protection for medical personnel in medical practice. In Law Number 17 of 2023 concerning Health, the principle of *informed consent* is regulated as part of the fulfillment of patients' rights to get true, honest, and understandable information about their health conditions and the medical actions to be taken. This is stated in Article 82 paragraph (1) which states that everyone has the right to get complete information about the procedures, risks, and benefits of medical procedures before giving consent.²⁰ Thus, *informed consent* services are not just an administrative formality, but a legal and ethical obligation attached to every medical procedure. Furthermore, in Article 83 paragraph (1) of the same Law, it is emphasized that any medical action can only be carried out after the patient gives consent based on adequate information, except in a medical emergency.²¹ This shows the importance of transparency and communication between medical personnel and patients before action is taken. Informed consent is the basis for legitimacy for medical intervention and legal protection for medical personnel in the event of unexpected complications.

Informed consent is the legal and ethical foundation of the doctor-patient relationship, which includes the exposure of risks, benefits, alternatives, and rights of the patient before agreeing to medical procedures.²¹ He emphasizes that this procedure is not just a formality, but an important instrument to respect the patient's autonomy, minimize the potential for legal disputes, and strengthen the legitimacy of medical practice.² The book provides a comprehensive analysis of the evolving legal and ethical principles, including data protection and patient privacy,

while highlighting its practical implementation in the context of current Indonesian health legislation.²²

Legal Protection and Professional Ethics in Health Services

Legal protection and professional ethics in health services are two important components that complement each other to ensure the quality of medical services and protect the rights of both patients and health workers. In the context of Indonesia's positive law, Law Number 17 of 2023 concerning Health is a legal umbrella that provides a strong foundation for the legal protection of medical personnel. One of the important provisions is contained in Article 248, which states that medical personnel and health workers have the right to obtain legal protection while carrying out their duties in accordance with professional standards, service standards, and standard operational procedures.²³ This protection is provided to prevent criminalization of medical procedures that have been carried out according to procedures and to provide a sense of security for health workers in carrying out their obligations. On the other hand, the ethical aspect of the profession has a central role in maintaining the integrity and morality of health services. The Indonesian medical code of ethics, as formulated by the Indonesian Medical Council (KKI), emphasizes the principles of professionalism, responsibility, and respect for the rights of patients. Professional ethics are not only a moral guideline, but also serve as a basis for evaluating medical actions taken by health workers, especially when dealing with cases of alleged violations.²⁴ In practice, violations of professional ethics can be subject to administrative or disciplinary sanctions, which are different from criminal or civil sanctions. Therefore, the existence of legal protection combined with the enforcement of professional ethics creates a health service system that is fair, humane, and based on trust between patients and medical personnel.

III. METHOD

This study uses a descriptive qualitative method that aims to describe in depth the conditions of legal protection for medical personnel and health workers in health service practice. The case study approach was chosen to examine this phenomenon in a real context with a focus on the application of Law No. 17 of 2023 concerning Health as the latest legal umbrella governing the protection of medical personnel. This approach allows researchers to understand holistically the various dynamics and challenges faced by health workers in carrying out their duties, as well as how these national regulations are implemented in the field. The source of data for this research is secondary, including Law No. 17 of 2023, relevant academic literature, and other applicable laws and regulations in Indonesia.

¹⁹ Law Number 17 of 2023 concerning Health, Article 248 paragraph (1).

²⁰ Law No. 17 of 2023 concerning Health, Article 82 paragraph (1).

²¹ Law No. 17 of 2023 concerning Health, Article 83 paragraph (1).

²² Risdawati, I. (2024). Legal Aspects in Implementing an Informed Consent System in Patient Health Practices. *International Journal of Society and Law*, hlm. 115–126.

²³ Law Number 17 of 2023 concerning Health – peraturan.bpk.go.id

²⁴ Indonesian Medical Code of Ethics (KKI) – konsilkedokteranindonesia.org

IV. RESULT AND DISCUSSION

The Importance of Legal Protection Today for Medical and Health Workers

Legal protection for medical personnel and health workers is currently very crucial, especially in the context of increasing public demands for professional and safe health services. Law Number 17 of 2023 concerning Health provides a more comprehensive legal basis for protecting medical personnel and health workers. In Article 313 of this Law, it is emphasized that medical personnel and health workers have the right to obtain legal protection, security, and safety in carrying out their practices, including from the risk of lawsuits when carrying out their duties in accordance with professional standards and operational procedures. This protection is important because health workers often face dilemmatic situations, especially in emergency services and limited facilities, which can have an impact on potential criminalization even though they have acted according to standards²⁵.

Strong legal protection not only protects individual health workers, but also encourages the creation of better quality and safer health services for the community. When healthcare workers feel legally protected, they are more confident in making medical decisions, especially in emergencies or high-pressure situations. This is in line with the principles of non-maleficence and beneficence in medical ethics, which require health workers to act for the safety of patients. Therefore, the implementation of the latest Health Law must be followed by socialization and strengthening of the internal legal system in health facilities so that the protection is truly realized effectively²⁶.

Obstacles faced by medical personnel related to legal protection

Medical personnel in Indonesia face various obstacles in obtaining adequate legal protection, even though there have been regulations such as Law Number 17 of 2023 concerning Health. One of the main obstacles is the low understanding of medical personnel on the legal aspects that govern their practice. Many medical professionals are unfamiliar with the legal procedures that must be followed when dealing with medical claims or disputes. In addition, health facilities have not fully provided internal legal assistance that is ready to assist medical personnel in facing legal proceedings. This condition is exacerbated by the lack of socialization and training in health law in health service institutions and medical and nursing education institutions²⁷.

There is a gap between the legal protection that is normatively promised in the law and its implementation in the field. Prasetyo emphasized that medical personnel often feel that they are the most vulnerable parties when a medical incident occurs, because they have to prove that their actions are in accordance with standard procedures. Meanwhile, law enforcement officials sometimes do not have a complete perspective on the standards of the medical profession, so the

legal process often runs disproportionately. This shows that legal protection requires not only regulation, but also institutional support and increased legal literacy among medical personnel²⁸.

Challenges and Obstacles in Legal Protection

The challenge in providing legal protection to medical personnel and health workers in Indonesia lies not only in the regulatory aspect, but also in the implementation in the field. Although Law Number 17 of 2023 concerning Health has provided a strong legal framework, many medical personnel still face difficulties in obtaining protection when disputes or alleged malpractices occur. One of the main obstacles is the uneven understanding of legal procedures, both from the medical personnel themselves and law enforcement officials who handle health cases. In addition, many health institutions do not have adequate legal aid units to assist medical personnel in dealing with legal problems, so they tend to struggle alone without adequate professional assistance.²⁹

Many medical professionals do not fully understand their legal rights and obligations, which leaves them vulnerable in legal proceedings when complaints from patients occur. This is exacerbated by the public perception that often directly blames medical personnel for every medical incident, without considering the context of the medical actions taken. Therefore, synergy is needed between legal institutions, medical personnel, as well as educational institutions and health facilities to strengthen legal understanding, increase advocacy, and build a responsive legal assistance system.³⁰

Medical Personnel's Perception of Regulation and Legal Protection according to Health Law No. 17 of 2023.

The perception of medical personnel towards regulation and legal protection as stipulated in the Health Law Number 17 of 2023 shows the duality between expectations and reality. Most medical personnel welcome this regulation because it normatively provides a guarantee of legal protection in carrying out their professional duties. In Article 313 paragraph (1) it is stated that medical personnel and health workers have the right to legal protection, security, and safety while carrying out their practice in accordance with professional standards and codes of ethics. However, in practice, many medical personnel still feel that they are not legally safe, especially when facing the risk of lawsuits from patients and patients' families. This shows that there is a gap between written regulations and implementation in the field that still needs to be improved.³¹ Many medical professionals state that although regulations are clearer than before, concrete protection mechanisms such as legal aid, defense from institutions, or the active role of professional organizations in legal assistance are still not optimal.³² Medical personnel also assess the need for regular legal training so that they can understand legal procedures relevant

²⁵ Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

²⁶ Rina Wulandari. (2023). "The Urgency of Legal Protection for Health Workers in Medical Practice." *Journal of Health Law and Ethics*, Vol. 5, No. 2

²⁷ Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

²⁸ Prasetyo, A. (2023). "Legal Protection Gap for Medical Personnel in Health Services." *Indonesian Journal of Health Law*, Vol. 8, No. 2, pp. 78–90.

²⁹ Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

³⁰ Putri, D.A. & Hartono, R. (2023). "Legal Protection Challenges for Medical Personnel in Health Practice in Indonesia." *Journal of Law and Public Health*, Vol. 7, No. 1, pp. 34–48

³¹ Law of the Republic of Indonesia Number 17 of 2023 concerning Health, Article 313 paragraph (1).

³² 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

to their duties. This perception emphasizes the importance of the role of governments and healthcare institutions in not only providing regulation, but also building support systems that truly protect medical personnel from criminalization or disproportionate legal action.³³

Legal protection of medical personnel and health workers in health service practice

Legal protection for medical personnel and health workers in health service practice is a crucial aspect that ensures professional security and legal certainty in carrying out their duties. In Law Number 17 of 2023 concerning Health, it is stated that medical personnel and health workers have the right to obtain legal protection as long as they carry out their duties in accordance with professional standards and medical ethics. This protection includes protection from violence, intimidation, criminalization, and unfounded lawsuits. In practice, this protection is essential to create a sense of security and support appropriate clinical decision-making in critical situations, especially in emergency services or complex high-risk conditions.³⁴

However, this legal protection is not absolute and still requires professional evaluation of medical personnel's compliance with standard operating procedures (SOPs) and professional codes of ethics.³⁵ If a violation occurs, medical personnel can still be held ethical, administrative, and even criminally liable if proven to have committed gross negligence.³⁶ Therefore, the implementation of this legal protection must be accompanied by legal education and increased medical ethics literacy for health workers in order to not only protect their rights, but also guarantee patients' rights to quality and professional services. In this context, synergy between professional institutions, health service institutions, and the national legal system is key in maintaining a balance between the protection of health workers and the protection of patients.³⁷

Implementation of informed consent in healthcare practice

The implementation of *informed consent* in health service practice is a form of respect for patients' human rights, especially the right to information and the right to determine their own medical actions to be undertaken. *Informed consent* is consent given by the patient or his family after obtaining a complete, clear, and understandable explanation of the diagnosis, procedures, risks, benefits, and alternative medical measures that may be taken. In Law Number 17 of 2023 concerning Health, the implementation of *informed consent* is an integral part of service ethics and the obligation of medical personnel to provide services that are transparent and based on respect for human dignity. This is also in line with the principle of bioethics, namely autonomy, which places patient rights at the center of medical decision-making.³⁸

In practice, the implementation of *informed consent* is not only limited to signing forms, but must be based on effective communication between medical personnel and patients. Failure to provide adequate explanations or obtain lawful consent can have legal repercussions, including lawsuits on the basis of malpractice. Therefore, it is important for health workers to have a strong understanding of the law and ethics in carrying out this obligation.³⁹ In addition, health service facilities must also ensure that there are clear standard operating procedures (SOPs) regarding the implementation of *informed consent*, so that the quality of service and legal protection for both parties—both patients and medical personnel—can be guaranteed.⁴⁰

V. CONCLUSION

Conclusion

Legal protection for medical personnel and health workers in health service practice is a very important component to ensure the professional, safe, and ethical implementation of their duties. Law Number 17 of 2023 concerning Health expressly provides a legal umbrella that protects medical personnel and health workers as long as they carry out their duties in accordance with applicable professional standards, codes of ethics, and operational procedures. This protection includes civil, criminal, and administrative legal aspects, and provides space for health workers to work without unfounded criminalization pressure. Thus, the clarity of this regulation provides legal certainty and increases motivation and a sense of security for medical personnel in providing optimal services.

Furthermore, the existence of this legal protection also has a direct impact on the quality of health services to the community. Medical personnel who feel legally protected will be more focused on medical decision-making, especially in critical and emergency situations. However, legal protection does not mean unlimited freedom. On the other hand, this law also regulates accountability and responsibility mechanisms in the event of negligence or violations of professional ethics. Therefore, it is important for health service institutions to continue to educate medical personnel regarding their legal rights and obligations, as well as strengthen the reporting and internal coaching system as a form of real implementation of the spirit of legal protection mandated in the 2023 Health Law.

Suggestion

As a follow-up to the importance of legal protection for medical personnel and health workers, it is recommended that the government, health institutions, and professional organizations actively socialize the content of the 2023 Health Law, especially articles related to the rights and legal protection of health workers. In addition, it is necessary to

³³ Sari, M.A. & Hidayat, T. (2023). "Medical Personnel's Perception of Legal Protection in the 2023 Health Law." *Journal of Bioethics and Health Law*, Vol. 4, No. 2, pp. 101–113.

³⁴ Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

³⁵ 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

³⁶ Kurniawan, A. (2022). Legal Responsibility of Medical Personnel in Health Services, *JHKI*, 13(2), p. 113.

³⁷ Lestari, D. (2021). Legal Protection for Health Workers in Providing Health Services. *Indonesian Journal of Health Law*, 12(1), 23–35.

³⁸ Law of the Republic of Indonesia Number 17 of 2023 concerning Health.

³⁹ Widayati, T. (2020). The Implementation of Informed Consent in Medical Practice in Indonesia. *Journal of Bioethics and Health Law*, 5(1), 45–58.

⁴⁰ Putri, M. A. (2021). Health Ethics and Law: Perspectives on Medical Practice in Indonesia, p. 67.

conduct continuous training on the legal, ethical, and standard aspects of medical procedures so that medical personnel not only understand the limits of their authority, but also are able to deal with legal situations wisely. Strengthening internal regulations in hospitals, establishing legal aid units for health workers, and transparent reporting systems are also important steps in creating a safe and professional working environment for medical personnel.

REFERENCES

Book

- Irsyam Risdawati. (2024). *Informed Consent in Medical Practice with a Value of Justice Approach*. Bekasi: PT Dewangga Energi International.
- Irsyam Risdawati. (2024). *Introduction to Health Law Navigating Legal and Ethical Challenges in Health Services*. Bekasi: PT Dewangga Energi International.
- Sidharta, Dedi. *Legal Protection for Medical Personnel in Indonesia*. Jakarta: Rajawali Press, 2022, p. 45
- Sutrisno, Bambang. *National Health Law and Health Worker Protection*. Yogyakarta: Graha Ilmu, 2023, p. 103

Laws

- Law Number 17 of 2023 concerning Health, Article 248 paragraph (1).
- Law Number 17 of 2023 concerning Health, Article 82 paragraph (1).
- Law Number 17 of 2023 concerning Health, Article 83 paragraph (1).
- Law of the Republic of Indonesia Number 17 of 2023 concerning Health.
- Law of the Republic of Indonesia Number 17 of 2023 concerning Health, Articles 10-15
- Law of the Republic of Indonesia Number 17 of 2023 concerning Health, Article 313 paragraph (1).
- Indonesian Medical Code of Ethics (KKI) – konsilkedokteranindonesia.org

Journal

- Andi Hakim Lubis. (2024). Rights, Obligations, and Responsibilities of Health Workers and Patients in Law Number 17 of 2023 concerning Health. *Juris Sinergi Journal (JSJ)*.1(1), 13-20
- Andi Hakim Lubis. (2024). Rights, Obligations, and Responsibilities of Health Workers and Patients in Law Number 17 of 2023 concerning Health. *Juris Sinergi Journal (JSJ)*.1(1), 13-20.
- Arifin, Z. (2019). Legal Responsibilities of Medical Personnel: Civil, Criminal, and Administrative Perspectives. *Journal of Law and Health*, 11(2), 67-78.
- Hartono, D. (2021). Strengthening the Legal Protection of Medical Personnel as an Effort to Improve the Quality of Health Services. *Journal of Professional Ethics and Law*, 4(2), 67-75.
- Haryono, August. "Implementation of Legal Protection of Medical Personnel in Health Services." *Journal of Health Law*, Vol. 6, No. 2, 2023, pp. 78-79
- I Ketut Raka Subudhi, a little girl Nyoman Aryani. (2024). Medical Dispute Resolution on Cases of Poor Service of Health Service Facilities from the Perspective of Law Number 17 of 2023 concerning Health. *JUNCTO: Scientific Journal of Law*, 6(1), 87-98.
- Kurniawan, A. (2022). Legal Responsibility of Medical Personnel in Health Services, *JHKI*, 13(2), p. 113.
- Lestari, D. (2021). Legal Protection for Health Workers in Providing Health Services. *Indonesian Journal of Health Law*, 12(1), 23-35.
- Prasetyo, A. (2023). "Legal Protection Gap for Medical Personnel in Health Services." *Indonesian Journal of Health Law*, Vol. 8, No. 2, pp. 78-90.
- Prasetyo, B. (2021). Legal and Ethical Education for Medical Personnel as an Effort to Prevent Malpractice. *Journal of Professional Ethics*, 3(2), 55-63
- Putri, D.A. & Hartono, R. (2023). "Legal Protection Challenges for Medical Personnel in Health Practice in Indonesia." *Journal of Law and Public Health*, Vol. 7, No. 1, pp. 34-48
- Putri, M. A. (2021). Health Ethics and Law: Perspectives on Medical Practice in Indonesia, p. 67.
- Ramadhan, F. (2020). The Process of Resolving Medical Malpractice Disputes in Indonesia: A Medical Personnel Perspective. *Indonesian Medicolegal Journal*, 6(1), 25-38
- Rina Wulandari. (2023). "The Urgency of Legal Protection for Health Workers in Medical Practice." *Journal of Health Law and Ethics*, Vol. 5, No. 2
- Risdawati, I. (2024). Legal Aspects in Implementing an Informed Consent System in Patient Health Practices. *International Journal of Society and Law*, hlm. 115-126.
- Risdawati, I. (2024). *Legal Aspects in Implementing an Informed Consent System in Patient Health Practices*. *International Journal of Society and Law*, hlm. 115-126.
- Sari, D., & Hidayat, M. (2020). Trends in Medical Malpractice Cases in Indonesia and Their Impact on Medical Practice. *Indonesian Medicolegal Journal*, 5(1), 30-40.
- Sari, M.A. & Hidayat, T. (2023). "Medical Personnel's Perception of Legal Protection in the Health Act 2023." *Journal of Bioethics and Health Law*, Vol. 4, No. 2, pp. 101-113.
- 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.
- 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.
- Sutanto, E. (2017). Legal Protection Regulations for Medical Personnel in Indonesia: A Juridical Review. *Journal of Law and Health*, 9(1), 45-57.
- Utami, R., & Santoso, A. (2018). Medical Malpractice and Its Implications for Legal Claims in Indonesia. *Journal of Medical and Health Sciences*, 10(1), 15-24.
- Widayati, T. (2020). The Implementation of Informed Consent in Medical Practice in Indonesia. *Journal of Bioethics and Health Law*, 5(1), 45-58.
- Wulandari, S. (2019). Harmonization of Health Regulations in Special Autonomous Regions: An Aceh Case Study. *Journal of Regional Law*, 5(2), 120-134.

Website

<https://repository.pancabudi.ac.id/website/detail/27162>

<https://repository.pancabudi.ac.id/website/detail/27162>

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

<https://www.kompasiana.com/dwiwasti3455/67069a4bc925c412824c3692/>