

Legal Analysis of Legal Protection for Doctors in Reporting Patient Safety Incidents to Improve the Quality of Health Services

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Abstract: *Study This give deep insight about protection law for doctor in practice medical based on Constitution Number 17 of 2023 concerning Health and its derivatives . Focus main study This is For highlight challenges and dilemmas faced by doctors in operate his profession , including problem protection law for doctor in report incident safety patients , with hope can increase quality service health in a way overall , which at the moment This Still referring to the Minister of Health Regulation no. 11 of 2017 concerning safety patient . One of the the most crucial aspect in study This is analysis to Article 189 of the Health Law , which regulates importance effective communication between House sick and patient . Article This underline obligation doctors and institutions health For build transparent , clear , and interest - oriented communication patient . In context this , good communication can reduce potential misunderstanding and avoidance problem the law that arises consequence lack of information or ambiguity in service medical . Besides that , service model health offered by the Law This put forward not quite enough answer together between provider service health and patients . In matter This , Article 310 emphasizes that the patient also has obligation For active participate in the treatment process , providing the necessary information , as well as follow instructions medical with well , as part from safety patient . Responsibility answer together This No only aim For protect profession medical from potential demands law , but also creates environment service more optimal health , where both , doctor and patient , can each other support For reach the best results . Through study this , it is hoped There is improvement quality communication in practice medicine and more Lots understanding about regulated rights and obligations in The Health Law , which finally can repair connection between doctors and patients , as well as increase quality service health in a way overall*

Keywords: *Medical Personnel , Legal Protection , Settlement Dispute*

Abstract : Penelitian ini memberikan wawasan yang mendalam mengenai perlindungan hukum bagi dokter dalam praktik medis berdasarkan Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan dan turunannya. Fokus utama penelitian ini adalah untuk menyoroti tantangan dan dilema yang dihadapi oleh para dokter dalam menjalankan profesinya, termasuk masalah perlindungan hukum bagi dokter dalam melaporkan insiden keselamatan pasien, dengan harapan dapat



meningkatkan mutu pelayanan kesehatan secara keseluruhan, yang saat ini masih merujuk pada Peraturan Menteri Kesehatan no 11 tahun 2017 tentang keselamatan pasien. Salah satu aspek yang paling krusial dalam penelitian ini adalah analisis terhadap Pasal 189 Undang-Undang Kesehatan, yang mengatur pentingnya komunikasi yang efektif antara rumah sakit dan pasien. Pasal ini menggarisbawahi kewajiban dokter dan institusi kesehatan untuk membangun komunikasi yang transparan, jelas, dan berorientasi pada kepentingan pasien. Dalam konteks ini, komunikasi yang baik dapat mengurangi potensi kesalahpahaman dan menghindari masalah hukum yang timbul akibat kurangnya informasi atau ketidakjelasan dalam pelayanan medis. Selain itu, model layanan kesehatan yang ditawarkan oleh Undang-Undang ini mengedepankan tanggung jawab bersama antara penyedia layanan kesehatan dan pasien. Dalam hal ini, Pasal 310 menekankan bahwa pasien juga memiliki kewajiban untuk aktif berpartisipasi dalam proses pengobatan, memberikan informasi yang diperlukan, serta mengikuti instruksi medis dengan baik, sebagai bagian dari keselamatan pasien. Tanggung jawab bersama ini tidak hanya bertujuan untuk melindungi profesi medis dari potensi tuntutan hukum, tetapi juga menciptakan lingkungan layanan kesehatan yang lebih optimal, di mana keduanya, dokter dan pasien, dapat saling mendukung untuk mencapai hasil yang terbaik. Melalui penelitian ini, diharapkan ada peningkatan kualitas komunikasi dalam praktik kedokteran dan lebih banyak pemahaman tentang hak dan kewajiban yang diatur dalam Undang-Undang Kesehatan, yang akhirnya dapat memperbaiki hubungan antara dokter dan pasien, serta meningkatkan kualitas pelayanan kesehatan secara keseluruhan.

Keywords: Tenaga Medis, Perlindungan Hukum, Penyelesaian Sengketa

I. INTRODUCTION

A. Background Behind

Indonesia's 1945 Constitution (UUD 1945) clearly establishes Indonesia as a state based on law in Article 1 paragraph (3). This article underlines the important principle that Indonesia is a state based on law, meaning that all state actions and policies must be based on applicable law. This state of law provides the foundation for the applicable judicial and administrative systems, and ensures that citizens' rights are protected and enforced fairly. In this context, legal protection is an important component that must be fulfilled to maintain the stability of the legal system. This legal protection covers various aspects, such as providing guarantees for the rights of individuals and groups, regulating relations between the state and citizens, and ensuring that all actions taken by the government and state institutions remain within the legal corridor.

In addition, the legal protection regulated in the 1945 Constitution also includes the enforcement of judicial jurisdiction, which functions to guarantee that every case that arises will be processed through a fair and transparent judicial system. Likewise in the administrative context, legal protection ensures that every policy and administrative decision taken by the government or state institutions is carried out in accordance with applicable law, giving citizens the right to seek justice if they feel disadvantaged. Thus, Article 1 paragraph (3) of the 1945 Constitution emphasizes the important role of the rule of law in guaranteeing the protection of citizens' rights, guaranteeing access to justice, and

ensuring that every decision taken in the realm of government and justice is always within a legal and fair framework.¹

Health plays a vital role in human life, and healthcare services are an integral need. To provide optimal healthcare, the role of doctors as healthcare professionals is crucial. However, the medical world is not solely focused on clinical aspects; it is also intertwined with complex legal challenges. Doctors frequently face various dilemmas; although their profession is honorable, they frequently find themselves in difficult situations that require a deep understanding of society and applicable laws.

Medicine is not merely clinical or medical, but also involves profound legal complexities. Medical personnel, whether doctors, nurses, or other healthcare professionals, are often faced with dilemmas related not only to patient health but also to legal aspects that can influence their decisions and actions. On the one hand, the medical profession is respected and considered a noble one, aiming to save lives and improve the quality of life for the community. However, on the other hand, medical personnel are often caught in complex situations, involving ethical, legal, and social considerations. For example, they must consider legal aspects such as patient protection, the patient's right to information, and the obligation to provide the best possible care based on applicable medical standards.

In some cases, this situation can create tension between medical goals and legal responsibilities. For example, a doctor may have to make difficult medical decisions that risk legal liability, such as when treating a patient who is reluctant to undergo a particular medical procedure or a patient who experiences complications after treatment.

Therefore, the medical profession requires a thorough understanding not only of medical science itself but also of the legal framework governing the profession. Medical personnel must be able to recognize and address legal issues that may arise in medical practice, whether related to malpractice, discrimination, or patient rights. They must also master knowledge of health regulations and medical ethics to carry out their duties professionally and in accordance with applicable laws.

This complexity demonstrates that medicine is more than just a science; it also involves a deep understanding of societal dynamics and existing legal systems. Therefore, education and training for medical personnel must encompass legal and ethical aspects so they can face these challenges wisely and responsibly.

The significant challenges faced by doctors, particularly those related to allegations of professional misconduct, significantly impact their reputations and careers. As professionals responsible for the health and safety of patients, doctors are often under immense pressure to make sound medical decisions within limited time. However, in some cases, these decisions can be questioned or challenged, creating legal and reputational risks for the doctor. One frequently problematic aspect is the lack of opportunity for doctors to defend themselves or provide explanations for their medical decisions. In such situations, doctors are often not given sufficient space to explain their

¹ Yussy A. Mannas , *Protection law To Doctor (Depok: Rajawali Pers, 2021)*, p.75.

thought processes or the rationale behind their actions. This can be devastating, especially when a doctor strives to provide the best possible care based on their medical knowledge and experience, but those decisions are not understood or appreciated by others, such as the patient or their family.

Furthermore, allegations of professional misconduct are often based on subjective perceptions or judgments, which may not take into account the full context and medical circumstances. Without a fair opportunity to express opinions or reason, doctors can easily become targets of criticism or lawsuits. In some cases, this can lead to a decline in patient confidence in the doctor's abilities, even if the allegations are unfounded. Furthermore, in many legal systems, the process of defending oneself in professional misconduct cases can be complex and time-consuming. Doctors facing allegations of professional misconduct often face lengthy legal proceedings, which can add to their psychological and emotional burden. This can impact the quality of medical care they provide and harm their careers, which they have built over many years.

Therefore, it is crucial for the legal system and medical professional regulations to provide sufficient space for physicians to defend themselves and explain the medical rationale behind their decisions. Furthermore, adequate training in communication and medical ethics is crucial so that physicians can clearly explain their medical decisions to patients and their families, thereby reducing the possibility of misunderstandings and potential conflicts that could lead to allegations of professional misconduct.

When a doctor faces a malpractice claim, particularly in a complex or emergency medical situation, the decisions they make are often at the forefront of the spotlight. In emergency situations, doctors often have to make quick and appropriate medical decisions, even when the available information may be limited or incomplete. These decisions can have a direct impact on patient safety, and even if they are based on professional judgment, they can easily be challenged if the outcome is not as expected. In the context of malpractice claims, a key issue lies in how decisions made under such emergency or stressful circumstances may be perceived by others, such as the patient's family, attorneys, or even the general public. When a patient does not achieve the desired outcome or even experiences complications, a malpractice claim can arise, even if the doctor's actions at the time were in accordance with accepted medical standards.

For example, in an emergency situation, a doctor may be required to perform a high-risk procedure to save a patient's life. While such actions may be based on medical knowledge and professional experience, they may be questioned if the patient is not saved or if complications arise. In this case, even if the doctor acted with the best intentions to save the patient, a malpractice claim may arise due to the perception of error or negligence in the medical procedure.

Malpractice claims in such contexts are particularly complex because they involve considering factors that are not always predictable. Doctors often face accusations based on unfavorable outcomes, despite their best efforts to take appropriate action under highly stressful circumstances. This can not only affect a doctor's professional reputation but also cause significant stress and emotional impact, which can impact their ability to perform their medical duties.

Therefore, it is crucial to ensure a clear understanding of the legal principles that protect physicians in complex medical situations. Malpractice law must take into account the context and circumstances in which medical procedures are performed, and provide physicians with the opportunity to explain and account for their decisions. This legal protection is crucial so that physicians can carry out their duties with confidence, without fear of unfair claims for decisions made in emergency situations. In this context, it is crucial for the judicial system and society to apply justice fairly and understand that the outcomes of medical procedures often do not meet expectations. While the best measures are taken with the sincere intention of saving a patient's life, the final outcome cannot be guaranteed.

Appropriate legal protection for doctors in the face of malpractice claims and complex medical situations is vital to creating a fair and trustworthy healthcare system. In this context, it is crucial to provide doctors with sufficient opportunity to explain the basis for their medical decisions. In many cases, the public or other parties involved may lack an understanding of the complexity of medical conditions and the factors that influence physicians' decisions, leading to disagreements or unfounded accusations. Maintaining fairness for both doctors and patients is crucial for building and maintaining public trust in the medical profession. This trust is achieved when medical legal and regulatory systems take into account the specific medical context and provide physicians with the opportunity to provide thorough explanations of their actions. This includes providing opportunities to explain decisions based on thorough medical considerations, particularly in emergency or stressful situations.

To achieve true justice, the legal system must prioritize openness and honest communication between doctors, patients, and other parties involved. Evaluations of medical practices must be conducted objectively, taking into account all factors, and avoiding judgments based solely on the outcome or one-sided perceptions. A system that prioritizes comprehensive and fair evaluations will be more likely to handle issues arising from malpractice claims judiciously. The participation of medical professionals in the evaluation process is also crucial. By involving doctors in this process, we can gain more relevant and in-depth perspectives on medical decisions. Doctors, as practitioners with direct experience in the field, can provide clarification on the challenges and complexities they face in making medical decisions, which are often not fully understood by outsiders. In this way, doctors will feel that their voices are heard and valued, which in turn enhances the sense of fairness and transparency within the healthcare system.

Through an approach that prioritizes transparency, good communication, and fair assessment, we can create a more supportive environment for doctors to practice their profession while providing adequate legal protection. This will help foster more trusting relationships between healthcare professionals and patients, and strengthen the integrity and quality of healthcare overall.

Understanding the complex challenges physicians face in providing healthcare is crucial for both patients and the public. In medical practice, physicians are often faced with decisions involving complex medical considerations, varying patient conditions, and limited resources. These decisions must be made with great care, often under stressful

circumstances, and involve numerous variables that are not always predictable. Therefore, the public needs to have a better understanding of these aspects to provide appropriate support to medical personnel and reduce the potential for misunderstandings or conflict.

The implementation of the Health Law, specifically Law Number 17 of 2023 concerning Health, along with Presidential Regulation (Perpres) Number 28 of 2024, which regulates the details of the implementation of the Law, is expected to provide a solution to address the problems faced by doctors and medical personnel in their daily practice. This Health Law serves to strengthen the health system in Indonesia by providing clearer guidelines regarding the rights and obligations of medical personnel, as well as the standards that must be adhered to in providing health services.

This law also includes legal protection for doctors in practicing their profession, aimed at reducing the potential for unfair malpractice claims and providing physicians with the opportunity to explain their medical decisions in the correct context. One important aspect of this law is its emphasis on transparent and effective communication between medical personnel and patients, which is expected to reduce misunderstandings and improve the quality of healthcare services.

Presidential Regulation No. 28 of 2024, which further details the implementation of the Health Law, provides technical guidance on how the policies contained in the law can be implemented in practice. This more detailed regulation is expected to create a more effective and efficient system for supporting medical personnel and ensuring that patient rights are protected.

Overall, the implementation of the Health Law and the Presidential Regulation that governs it aims to strike a balance between protecting doctors and medical personnel and protecting patient rights. With clear regulations and effective implementation, we can create a more transparent, equitable, and professional healthcare environment, which will ultimately support the quality of healthcare services in Indonesia.

However, it is important to consider which parties receive protection from these positive legal products and which parties are not given attention.

This study focuses on a detailed examination of regulations relating to healthcare workers, particularly physicians. It is hoped that this in-depth discussion of legal aspects will enrich knowledge regarding the legal rights afforded to physicians in carrying out their duties and obligations.

A thorough analysis of these regulations is crucial to find solutions that meet expectations. A thorough understanding of performance management benchmarks in the healthcare sector can create opportunities to find appropriate solutions and support the continuity of effective healthcare services.

If the results do not fully meet expectations, this study also provides an opportunity to offer suggestions for improvements that could enhance the effectiveness of the legal system in the health sector. In this regard, a comprehensive legal analysis can serve as an efficient tool for detecting weaknesses or deficiencies in existing regulations and providing a clearer view of areas that still require improvement or strengthening.

Through a systematic approach, legal analysis can identify potential ambiguities or deficiencies in existing regulations, particularly those related to legal protection for medical personnel and patient rights and obligations. For example, in the implementation of the Health Law and the Presidential Regulation governing it, certain aspects may not fully cover all situations faced by medical personnel in their daily practice. Furthermore, it is possible that certain articles or provisions within these regulations may be open to varying interpretations, leading to difficulties in law enforcement. By conducting a more in-depth analysis, we can uncover potential issues that may not be initially apparent. This provides an opportunity to revise or update existing regulations to better reflect the conditions and needs of the field. For example, regulations regarding communication between doctors and patients or provisions regarding medical decision-making procedures in emergency situations could be clarified or revised to reduce the potential for malpractice claims or potential conflicts.

Furthermore, legal analysis can also serve as a tool for introducing more practical and applicable policy recommendations. These suggestions could include strengthening training for medical personnel in legal and communication aspects, as well as developing fairer and more transparent dispute resolution mechanisms. All of this aims to create a legal system that is more responsive to the dynamics of medical practice and that maintains a balance between protecting medical personnel and patient rights. Therefore, while the results obtained in this study may not fully meet expectations, the proposed improvements can pave the way for the development of a better and more effective legal system that supports the medical profession and improves the quality of healthcare services.

This study not only seeks to document existing regulations but also aims to make a constructive contribution through an in-depth review of the legal system governing the healthcare sector. A more critical and analytical approach to existing regulations allows us to explore potential shortcomings in legal implementation and identify areas for improvement. By better understanding the regulations governing the healthcare sector, we hope to offer more precise and targeted solutions or recommendations that will benefit not only medical personnel but also patients and the healthcare system as a whole.

Through this comprehensive study, we aim to provide deeper insight into the challenges medical professionals face in operating within the existing legal system. This study focuses not only on the technical aspects of the law but also examines the impact of regulations on medical practice in the field. Therefore, the results of this study are expected to provide practical and applicable recommendations that not only address deficiencies in existing regulations but also create room for broader improvements within the healthcare system.

In this context, proposed solutions could include revising regulations that are unclear or inconsistent with actual conditions, strengthening legal protection mechanisms for doctors, and increasing transparency and communication between medical personnel and patients. We hope these solutions can form the basis for more significant changes in the health legal system, ultimately improving the quality of health services and increasing the sense of fairness among patients and medical personnel. With an approach based on

in-depth research and comprehensive analysis, this study is expected to make a positive contribution to the development of health policy in Indonesia and encourage the creation of a legal system that is fairer, more effective, and more responsive to the needs of the health sector.

This study aims to investigate the factors underlying legal protection for doctors, which may trigger innovation or improvements that support constructive progress in the health sector. The goal is to understand the issues discussed in more depth and detail. The author will conduct this study through writing entitled : **" LEGAL ANALYSIS OF LEGAL PROTECTION FOR DOCTORS IN REPORTING PATIENT SAFETY INCIDENTS TO IMPROVE THE QUALITY OF HEALTH SERVICES ."**

A. PROBLEM FORMULATION

1. How Legal Protection for Doctor In Reporting Incident Safety Patient For Increase Quality Service In Civil Law Perspective Even Criminal ?
2. What are the legal procedures for lawsuits related to health services according to current laws and regulations?

B. RESEARCH PURPOSES

Study This aim For evaluate and study provision related laws with protection law for doctor in report incident safety patients , with hope can increase quality service health in a way overall . In practice medical , report incident safety patients are very important For documenting events that can influence condition patient , good That consequence complications medical , error human , or factor others . Report This No only functioning For ensure transparency and accountability in service medical , but also as tool For improve processes and procedures medical in the future . However , one of the challenge main problems faced by doctors in report incident safety patient is problem protection law . Many doctors are concerned that report incident safety the patients they for can used as base For claim malpractice or demands law , although they has try give service best . This is often make doctor reluctant For report incident in a way honest and open , that's the end of it can hinder effort For increase quality service health .

Through study this , we aim For analyze How provision existing laws can give protection for doctor in report incident safety patient without Afraid will potential consequence detrimental laws . In addition that , we also want explore How system law can support and encourage openness in report incident said , as part from effort For increase quality service health .

In context this research This will review existing regulations , such as Health Law , regulations related malpractice , as well as internal house policies Sick or institution health others who regulate procedure reporting incident . With greater understanding Good about protection the law given , it is hoped doctor can more open in report incident safety patients , who in turn will increase quality and safety patients . In overall , goal study This is For give recommendation policies that can repair system protection law for doctor in report incident safety patients , as well as push creation

environment service better health transparent , accountable , and focused on improvement sustainable .

II. RESEARCH METHODS

Method applied research in studies This is analysis Juridical Normative , which focuses on studies to regulation legislation and norms applicable law . Method This aim For study and explore provisions the laws that govern protection law for doctor in carry out his duties , especially in context report incident safety patient . With approach this research This will dig in a way deep How existing regulations give base law For protect doctor in operate his profession , as well as identify potential lack or areas that need repaired . Purpose main from studies This is For exploring protection models existing laws For doctor , with inspect to what extent the provisions applicable law give effective protection to power medical , in particular related with obligation reporting incident safety patient . Protection this is very important For create environment safe work for doctors , and increase trust in system service health .

Source main in study This is Constitution Number 17 of 2023 concerning Health, which becomes runway main For analysis of the law This covers various related provisions with practice medical , rights and obligations power medical , as well as protection law for they . Besides that , product legislation others , such as regulation president , regulations ministers , and provisions law related others , used as reference addition For develop analysis more laws comprehensive . In analyze sources law this research will focus on aspects protection law for doctor in matter reporting incident safety patients , as well as identify potential problems that arise in implementation regulations This will also covers study about How law support openness and accountability in the medical world , as well as How existing regulations can repaired For create more systems transparent and safe for doctor .

In a way overall , approach Juridical Normative in study This expected can give clear picture regarding the protection model law for doctors , and offer recommendation repair policy For increase quality system supporting laws profession medicine in Indonesia. Studies This utilise material primary law such as Laws and Regulations as source main For analyze protection the law given to doctor in carry out task medical they . Materials this primary law become runway in study For understand How existing regulations arrange rights and obligations doctors , and protection provided to they , especially in context reporting incident safety patient . Law Number 17 of 2023 concerning Health is source main used in study this . Law This arrange aspects important related profession medical , including protection law for power medical , procedures reporting incident safety patients , as well as standard services that must be followed by a doctor . In addition that , the Regulation President and related Ministerial Regulations with implementation Constitution is also used as material primary law for develop more analysis deep .

Through study to material this primary law , research This aim For examine provisions governing obligation doctor in report incident safety patients , as well as protection available laws for they . With analyze applicable regulations , studies This expected can identify potential weakness in implementation regulations and provide recommendation For repair policy use create system more laws effective and fair for power medical . In overall , material primary law used in study This will give solid foundation For compile

greater understanding Good about regulations health , as well as help develop relevant solutions For increase protection law for doctor in operate his profession .

III. DISCUSSION

1. Legal Protection for Doctors in Health Services

Legal protection for the medical profession is a legal effort to prevent someone from suspecting, complaining, reporting and suing a doctor for alleged medical malpractice.

People who do not have knowledge of medical science and medical practice rules are not allowed to complain, criticize, and directly sue doctors who make mistakes in carrying out their practice, and the State guarantees legal protection for all medical practice actions. Yes, it is completed. Comply with competency standards, professional standards, standard operating procedures, professional ethics, and other standards.

Doctors, in carrying out their duties, may make errors or omissions that can give rise to legal liability, whether civil, criminal, or administrative. However, innocent doctors should not be subject to sanctions, as this violates legal principles and is inconsistent with statutory provisions and human rights.

Legal Protection Theory for the Medical Profession

Applicable laws must ensure that protection is provided to all individuals in accordance with their legal status, as everyone is equal before the law under the provisions of the constitution. Every law enforcement officer is obliged to comply with existing regulations.

By implementing applicable regulations, the law indirectly provides guarantees for every legal interaction or every element of social life governed by the law itself. Legal guarantees are a manifestation of the law's function in achieving its objectives, which include justice, welfare, certainty, and order.

This guarantee is a form of protection provided by the State to legal institutions in accordance with the provisions of applicable regulations, which are preventive and law enforcement in nature, both written and unwritten, with the aim of ensuring the implementation of laws.

Conceptually, the legal protection provided by the Indonesian state to its citizens, including legal protection for the medical profession in cases of alleged violations in medical practice, is a manifestation of the principle of implementing the recognition and protection of human rights. dignity. and honor. Indonesian: Based on Pancasila and the principles of the 1945 rule of law.

Since the enactment of regulations concerning legal protection for the medical profession in Indonesia, namely Law Number 17 of 2023 concerning Health which regulates legal protection for the medical profession, and Government Regulation of the Republic of Indonesia Number 28 of 2024 which explains the implementation of Law Number 17 of 2023, efforts to realize the principle of Indonesia as a state of law

in society and government have not been emphasized enough in the activities of the medical profession, especially regarding compliance with all legal requirements in medical practice. It is crucial to ensure that medical practice is carried out independently with responsibility both from a scientific and ethical perspective.²

The interpretation of the provisions on legal protection for the medical profession is Government Regulation of the Republic of Indonesia Number 28 of 2028, specifically containing the following provisions:

In Article 721 of the Medical Personnel Act, medical personnel are personnel who are protected by law and cannot be violated. In carrying out their duties, medical personnel have the following rights:

Obtaining certainty of legal protection when carrying out duties in accordance with professional norms, service standards, procedures, professional ethics, and patient health needs. In Article 722, the legal protection discussed in Article 721 letter a is applied to: a. Guaranteeing legal certainty for medical personnel in providing medical services in accordance with the provisions of laws and regulations. b. Ensuring work is free from coercion or intimidation from other parties; and so on. Ensure work is carried out with proper authority and professional skills.

In Article 723 paragraph (1), the legal protection stated in Article 721 letter a is provided by the Central Government, Regional Government, and the Health Services Management Agency. This protection includes: a. Protection stipulated by law to prevent violations committed by medical personnel and health professionals; and b. Legal protection for health workers involved in legal matters. (2) Legal protection to avoid criminal acts by medical personnel as detailed in paragraph (1) letter a includes: a. Professional standards, service standards, and norms related to the practice of medical personnel; b. Guaranteeing that medical personnel and health workers have a Registration Certificate (STR) and a Practice Permit (SIP); c. Ensuring that medical personnel comply with clinical competencies; d. Consent from patients or their family members regarding actions taken by medical personnel, except in emergency conditions; e. Facilitating health workers to obtain the benefits of professional liability protection.³

The interpretation of the provisions on legal protection for the medical profession can be found in Government Regulation of the Republic of Indonesia Number 28 of 2028. Specifically, there are several provisions as follows: Article 721 defines medical personnel as individuals protected by law and cannot be questioned. In addition, medical personnel have the following rights when carrying out their duties:

Obtain legal protection when carrying out duties in accordance with professional standards, service standards, procedures, professional ethics, and patient

² HMAli Firdaus, *Doctor In Shadow Shadow Malpractice Medical . Looking for a New Format Legal Protection Against Allegations Malpractice Medical For Doctors in Indonesia* (Bandung: Wydiaparamarta , 2017), pp. 174-176.

³ Republic of Indonesia, *Regulation Government Regulation No. 28 of 2024 Executor Law No. 17 of 2023 concerning Health*, tt

health needs. Furthermore, in Article 722, the legal protection referred to in Article 721 letter a is applied to: a. Guarantee legal certainty for medical personnel when providing medical services in accordance with statutory provisions; b. Guarantee that work is carried out without coercion or intimidation from any party; and so on. Duties must be carried out with appropriate authority and professional skills.

Article 723 paragraph (1) explains that the legal protection referred to in Article 721 letter a is provided by the Central Government, Regional Government, and the Health Services Management Agency, which includes: a. Protection according to law to prevent violations by medical staff and health workers; b. Legal protection for health workers facing legal problems. (2) Legal protection to prevent criminal acts by medical personnel as regulated in paragraph (1) letter a includes: a. Professional standards, service standards, and norms relevant to professional practice; b. Ensuring that medical personnel have a valid STR and SIP; c. Ensuring compliance with clinical competence; d. Consent from patients or their families regarding medical actions, except in emergency situations; f. Facilitating health workers in obtaining the benefits of professional liability protection.

Specific in matter reporting incident safety patients , Minister of Health Regulation no. 11 of 2017 still become detailed regulations governing about safety patients at home Sick . Article 21 provides protection law in the reporting process . While Article 30 confirms certainty law when indicated existence problem criminal .⁴

Legal Procedures In Demands Related Internal Health Services Demands According to Regulation Legislation Latest

Main principle For something claim or lawsuit , okay based on violation contract or behavior illegal , is negligence or lack of maintenance doctor (instructor) Zorgvuldung). This related with standard professional a doctor or doctor tooth .

Claim or related claims with violation contract refers to the violation promise or non-compliance to provisions that have been agreed in agreement . In context agreement medical between doctor or doctor teeth and patients , doctors own obligation For carry out his duties with full sincerity , thoroughness , and caution , in accordance with knowledge , skills , and experience possessed in practice medical.Complaints or lawsuit based on violation law .

Although so , action illegal This based on Article 1365 of the Civil Code , which states : " Every violation of law the law that causes loss to another person, the individual at fault must responsible answer For give change make a loss on losses that occur ."⁵

Civil law arrange not quite enough answer individual in community , where everyone who causes loss for others it must be accept the consequences . Three components that become runaway accountability law civil is :

1. there is negligence that can blamed ;

⁴ Republic of Indonesia, Regulation of the Minister of Health no. 11 of 2017 concerning Safety Patient .

⁵ Syahrul Machmud , Law Enforcement and Legal Protection for The Alleged Doctor Do Medical Malpractice (Bandung: Karya Putra Darwati , 2012), pp. 298-300.

2. there is losses suffered ; and
3. there is relationship the causes that are formed .

In situation malpractice medical , responsibility answer a doctor related close with rule the laws listed in Articles 1364 and 1366 of the Civil Code . First , it must be There is losses experienced by the patient ; second , it must There is error or negligence that occurred (where the house even sick can sued on error employees) ; third , must There is relatedness because consequence between loss and error ; and fourth , action the must violate law .

If a person doctor realize that his actions Can cause loss for others, then usually doctor the can requested accountability. In context implementation agreement regulated therapeutics in Article 1365 of the Civil Code , there is a number of elements that must be proven related with actions oppose law , namely :

1. Eligibility care provided by a doctor (responsibility answer For give proper care) ;
2. Existence violation to obligation (violation) not quite enough answer);
3. What is it? negligence the truly become reason injury ; and
4. Occurrence loss . Relationship between error the doctor and the losses experienced by the plaintiff (patient) must can proven . Fourth element the become gauge measuring For determine whether maintenance doctor Already adequate , the existence of violation obligation , negligence that causes injuries , as well as losses incurred .⁶

IV. CONCLUSION

Protection law for power medical , especially doctor , is very important issue remember various the challenges and complexities involved in the medical world . Doctor as provider service health often face associated risks with discrimination and demands law , especially when results treatment No in accordance with hope patient . This is cause mistaken view that failure in treat something disease Can considered as something form negligence or crime . In fact , every action medical own potential risk failure that is not Can fully avoided .

Importance Legal Protection

Protection law No only aim For protect profession medical , but also for ensure safety patient . There must be correct understanding that doctor Work in limitation certain , and abilities they No not limited . Every action medical risky and not There is guarantee healing full . Therefore that , society need understand that failure in treatment is not error doctor , but rather is part from associated risks with the healing process That alone . Besides that , the patient also has not quite enough answer For guard health they in accordance with the principles stated in Article 4 of the Health Law . Patients entitled choose or reject the treatment offered by the doctor , but also must participate active in guard his health and follow instruction medical care provided . With Thus , the

⁶ Hendrojono Soewono , *Limits of Legal Liability for Malpractice Doctor in transaction therapeutic* (Surabaya: Srikandi , 2007), p.147.

relationship between doctor and patient should No only nature One direction , but is not quite enough answer together

Clear and Transparent Communication

One of constraint main in practice medical is obstacle communication between doctors and patients , which can cause mental stress on doctors and has an impact on the decline quality service health . Article 189 of the Health Law emphasizes importance clear communication between House sick and patients , which is expected can reduce burden Work doctors and improve quality connection medical . When the doctor can explain condition medical and elective treatment with good , and patient can give bait come back or clarification , then misunderstandings and potential problem law can minimized .

Mutually Connected Health Care Model Support

Protection law for doctor aim For create environment maintenance mutual health support between doctor and patient . With understand limitations faced by doctors , as well as increase effective communication , we can building a service model better health good . Therefore that 's important For change paradigm service health become not quite enough answer together between doctor and patient . Doctor No only responsible answer on the treatment given , but patients also play a role active in guard his health and follow instructions medical .

Lawsuit on Deeds Breaking the law

In context lawsuit on actions violate law , there is four criteria that must be met filled in accordance with provision Article 1365 of the Civil Code , namely :

- b. Patient must experience loss as consequence from action medical care provided .
- c. must be error or negligence , which can covers negligence in procedure medical , or failure in communication between power medical and patient .
- d. There is connection cause and effect between losses experienced patients and procedures or negligence by the doctor or power medical other .
- e. The action must violate law , which in matter This referring to regulations and standards applicable medical .

In a way overall , protection law for doctor No only aim For protect profession medical , but also for ensure safety patients and quality service health . With understand limitations profession doctors , changing the service model become not quite enough answer together , and increase communication between doctors and patients , we can create environment more medical transparent , fair , and mutually beneficial support .

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