

Implementation of the Health Law in Providing Legal Protection for Medical Personnel and Patients in Indonesia

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ABSTRACT

This study aims to analyze the regulation, implementation, and effectiveness of Law Number 17 of 2023 concerning Health in protecting medical personnel and patients from medical disputes, using a normative legal approach method through a literature study of primary materials in the form of related and secondary laws such as journals and health law doctrines, followed by qualitative analysis based on legal reasoning to interpret norms, consistency of regulations, and juridical implications in service practice. The law regulates balanced protection through the rights of medical personnel to a legal umbrella while complying with professional and patient standards for complete information and informed consent, its implementation is realized through hospital mediation, Professional Disciplinary Councils, and safety protocols that reduce malpractice and violence, while its effectiveness can be seen from reducing litigation conflicts, improving service quality, and public trust through socialization and audits of the Ministry of Health which ensures a harmonious health ecosystem in Indonesia.

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1. INTRODUCTION

Law Number 17 of 2023 concerning Health is present as the main legal instrument that regulates the implementation of health services in Indonesia. This arrangement includes promotive, preventive, curative, and rehabilitative aspects, as well as arranging legal relations between medical personnel, health workers, patients, and health service facilities. The existence of the law is expected to be able to create a health service system that is fair, quality, and guarantees legal certainty for all parties involved in health service practices (Riyanto & Ratnawati, 2024).

Health services are a field full of legal risks because they are directly related to the safety of life and human physical condition. Medical personnel in carrying out their profession are required to comply with professional standards, operational procedure standards, and medical codes of ethics. Patients on the other hand have the right to information, approval of medical procedures, protection of health data, and the right to receive safe and quality services. Legal relations that are unbalanced or not

well understood have the potential to cause medical disputes, both in the form of civil lawsuits, criminal reports, and ethical and disciplinary complaints (Sinaga & Pondang, 2024).

The increase in the number of medical disputes in recent years shows that legal protection for medical personnel and patients still faces various challenges. Differences in perceptions regarding malpractice, medical negligence, and medical risks are often a source of conflict. This condition requires clarity of legal norms so that medical personnel can carry out their professional duties without excessive fear, while patients still receive a guarantee of protection for their rights as recipients of health services (Supraba et al., 2025).

The Health Law regulates legal protection in a balanced manner through the recognition of the rights and obligations of both parties. Patients are protected through the regulation of the right to information, approval of medical measures, and dispute resolution mechanisms. Medical personnel receive protection as long as actions are carried out in accordance with professional standards and standard operating procedures. The implementation of these norms is a determining factor for the effectiveness of legal protection in the field, considering the differences in the conditions of health facilities, human resources, and legal understanding of the parties.

The purpose of this study is to analyze the implementation of the Health Law in providing legal protection for medical personnel and patients in Indonesia, examine the balance of the regulation of the rights and obligations of the parties, and examine the effectiveness of these legal norms in preventing and resolving health service disputes.

2. METHODS

The research method used is a normative legal approach. This approach places the law as a norm or rule that governs public behavior, especially related to the implementation of the Health Law in providing legal protection for medical personnel and patients. The focus of the research is directed at the study of laws and regulations, legal principles, and legal doctrines that are closely related to the rights and obligations of the parties in the implementation of health services. The normative approach was chosen to obtain a systematic understanding of the structure of norms, regulatory consistency, and the suitability between legal provisions and the purpose of legal protection.

The data collection technique was carried out through literature study. The data sources used include primary legal materials in the form of Law Number 17 of 2023 concerning Health and other relevant laws and regulations. Secondary legal materials were obtained from legal textbooks, scientific journals, previous research results, and scientific articles that discuss health law and legal protection for medical personnel and patients. These legal materials are collected, classified, and selected based on their relevance to the research problem to support targeted analysis.

Data analysis techniques are carried out qualitatively through legal reasoning. The data that has been collected is analyzed using legal interpretation methods to interpret the norms, principles, and provisions of applicable laws and regulations. This analysis aims to explain the meaning of legal protection arrangements, the relationship between norms, and juridical implications in health service practice. The results of the analysis are systematically compiled to answer the formulation of the problem and draw conclusions according to the purpose of the research.

3. FINDINGS AND DISCUSSION

Legal Protection Arrangements for Medical Personnel and Patients in the Health Act

Law Number 17 of 2023 concerning Health regulates legal protection for medical personnel and health workers through Article 273 paragraph (1) letter a, which states their right to a legal umbrella when carrying out practice in accordance with professional standards, professional service standards, operational procedure standards, professional ethics, and patient health needs. This provision affirms that protection is provided only if duties are carried out correctly, covering aspects of occupational safety, occupational health, security, and the prevention of inhumane treatment such as violence or harassment from patients, families, co-workers, or health facility management. The Central

Government, Regional Governments, and leaders of health service facilities are responsible for providing this form of protection through legal consultation, dispute assistance, professional ethics enforcement, and a conducive work environment (Amalina et al., 2024).

Article 310 of the Health Law requires the settlement of medical disputes involving alleged wrongdoing by medical or health personnel first through alternatives outside the court, such as mediation or disciplinary examinations by the Disciplinary Examination Panel consisting of medical and legal experts. This process is closed to maintain the good name of medical personnel, with sanctions such as suspension or temporary suspension of practice licenses without immediately stopping their careers completely. Government Regulation Number 28 of 2024 concerning Health in Article 723 paragraph (1) b strengthens the obligation of the government and work agencies to protect medical personnel from legal problems, including the prevention of violations and handling violence through education, complaint channels, and legal follow-up.

Additional protection for medical and health personnel includes the right to a living wage, health insurance, employment guarantees, awards, and competency and career development in accordance with Article 273 paragraph (1) of the Health Law. Their obligations include providing services according to standards, informed consent from the patient or family, and a full explanation of the medical procedure. Article 731 of the Health Government Regulation specifically protects against acts of violence, harassment, or bullying, with the government and health facilities obliged to create a safe environment through communication, information, and rapid reporting mechanisms (Aprillia et al., 2025).

Legal protection for patients is regulated through basic rights in Articles 273-278 of the Health Law, including complete information about health conditions, explanations of services received, and services according to medical needs, professional standards, and quality. Patients have the right to refuse medical procedures, ask for the opinion of other doctors, and access their medical records, as strengthened by Article 52 of Law Number 29 of 2004 concerning Medical Practice and Article 32 of Law Number 44 of 2009 concerning Hospitals. Patients' obligations include providing honest information about their health, adhering to medical advice, and following the rules of health care facilities.

A harmonious relationship between medical personnel, health workers, and patients is maintained through a balance of rights and obligations in the Health Law, where violations of patients' rights can be resolved through a civil lawsuit based on Law Number 8 of 1999 concerning Consumer Protection or criminal reports. Patients as consumers of health services are protected from malpractice, while medical personnel are protected if they act professionally, creating a fair dispute resolution system. Hospital facilities are obliged to guarantee patients' rights to quality services, including privacy and confidentiality of medical data (Astuti & Savitri, 2025).

The overall implementation of this arrangement through the Directorate General of Health Personnel of the Ministry of Health ensures the transformation of national health, with public hearings and public participation in the preparation of implementing regulations to strengthen regulations. Coordination between ministries such as Health, Law and Human Rights, and the Police is needed to deal with violence against medical personnel concretely. This regulation ultimately supports quality health services for all Indonesian people by maintaining the integrity of the medical profession as well as the rights of patients.

Implementation of Health Law Provisions in Health Service Practice

Law Number 17 of 2023 concerning Health is applied in the practice of health services through a medical dispute resolution mechanism that prioritizes non-litigation routes to protect medical personnel from excessive criminalization. Health care facilities such as hospitals are required to form an internal mediation team involving doctors, legal experts, and patient representatives to handle complaints of alleged malpractice from the initial stage. This process includes examining medical records, interviewing witnesses, and evaluating whether medical actions are in accordance with professional standards, so that medical personnel get a legal umbrella if procedures are followed

correctly. Local governments support implementation by providing free consultations through health offices, while professional organizations such as the Indonesian Doctors Association oversee ethical compliance to maintain the integrity of daily practices (Christanto et al., 2024).

Hospitals are responsible for patient losses due to the negligence of medical personnel under their supervision in accordance with the provisions of Law Number 17 of 2023, which applies the principle of vicarious liability similar to civil law. Facility management is required to ensure a safe work environment by providing malpractice insurance, patient safety training, and digitally documented informed consent protocols. Medical personnel are protected through violence prevention programs, including the installation of cameras in inpatient areas and a quick complaint channel to the police in the event of threats from the patient's family. This implementation can be seen in large hospitals that routinely hold dispute simulations to increase staff readiness to face lawsuits.

Patients receive protection through the right to access complete information about diagnosis and therapy in daily practice Law Number 17 of 2023, where doctors are obliged to explain the risks of the procedure orally and in writing before the procedure is performed. Healthcare facilities implement an integrated electronic medical record system to make it easier for patients to request copies of personal data, while maintaining confidentiality as per privacy standards. The hospital's ethics committee handles patient complaints quickly, facilitating compensation if negligence is proven, such as reimbursement for advanced medical expenses or rehabilitation. This approach creates a balance where patients feel safe claiming rights without impeding emergency services (Indina, 2024).

The Professional Discipline Council, which was formed based on Law Number 17 of 2023, plays a central role in the implementation by conducting closed hearings for cases of alleged ethical violations by medical personnel. The institution is made up of medical and legal experts who independently assess the evidence, resulting in sanctions such as reprimands or temporary revocation of practice licenses without going directly to criminal court. In the field, this process is implemented through coordination with the Ministry of Health which provides national guidance for district to provincial hospitals. Medical personnel benefit when cases of post-operative complications are restoratively resolved, avoiding the legal stigma that is detrimental to their careers.

The central and regional governments implement Law Number 17 of 2023 through supporting Government Regulations that require health facilities to establish internal legal protection units for medical personnel and patients. This unit handles routine education on liability rights, such as monthly workshops for nurses and doctors on the prevention of malpractice through procedural checklists. Patients are engaged through information posters and a national hotline to report violations, ensuring a quick response from local authorities. Implementation is monitored through an annual audit by the Ministry of Health, which encourages the improvement of service quality in health centers to private hospitals (Mahendra et al., 2025).

The challenges of implementing Law Number 17 of 2023 are overcome by inter-agency collaboration, where the Police work with professional organizations to distinguish cases of negligence from the inherent medical risks in daily practice. The hospital implements a zero-tolerance protocol against violence by involving trained security and aggressive patient evacuation protocols. Patients are compensated through JKN insurance which includes malpractice compensation, while medical personnel are trained by medical forensics to accurately document actions. This system ultimately increases public trust in national health services through cases that are resolved fairly and transparently.

The Effectiveness of the Health Law in Realizing a Balance of Legal Protection

Law Number 17 of 2023 concerning Health succeeded in creating a balance of legal protection through the priority of non-litigation medical dispute resolution, which protects medical personnel from premature criminal prosecution while ensuring patients receive prompt compensation for proven negligence. Internal mediation mechanisms in healthcare facilities allow for independent evaluation by a team of experts, avoiding over-criminalization of doctors who act according to professional standards, while providing patients with restorative access such as reimbursement without lengthy court

proceedings. Professional organizations such as the Indonesian Doctors Association play an active role in ethical oversight, ensuring that medical personnel remain motivated to innovate without fear of litigation, while patients feel justice through the transparency of medical records that must be provided digitally in large hospitals. (Makarim & Wijayanto, 2024)

Hospitals implement patient safety protocols based on health laws through the use of informed consent checklists, standardized medical records, and routine training for all health workers. The implementation of this procedure has a real impact on reducing the incidence of malpractice because every medical action is clearly documented and accountable. Medical personnel are protected from speculative accusations because the service process has followed legal and professional standards. Patients feel the clarity of the rights and risks of medical action from the beginning, so that therapeutic relationships are built transparently and trusting in various health care facilities (Riyanto et al., 2023).

The protection of patients' rights is realized through the recognition of the right to refuse medical procedures and the right to obtain a second opinion, which has been implemented from health centers to private hospitals. This mechanism provides space for patients to be actively involved in decision-making related to their health. Patient safety is increased without creating an excessive administrative burden for doctors because the procedure has been integrated into the flow of services. The balance of interests is seen when surgical complications are resolved through a restorative approach, where patients receive rehabilitation and medical explanation, while health workers receive free legal defense from the local health office without escalating the conflict to the judicial sphere (Putri, 2024).

The protection of medical personnel from the threat of violence is carried out through the establishment of a rapid complaint unit and intensive coordination with the police. This scheme has been proven to reduce incidents of threats and intimidation of patients' families, especially in emergency facilities. A safe service environment also improves the quality of service because health workers can work without psychological pressure. Health facilities are required to provide trained security officers and empathy education programs for visitors, so that patients continue to receive humane services in an orderly and conducive atmosphere (Ramadhan & Hartini, 2023).

The Professional Discipline Council carries out a strategic role as a counterbalance through internal examinations based on medical forensic evidence. The closed trial process maintains the dignity of the profession while ensuring an objective assessment of the alleged negligence. Sanctions are imposed proportionately, ranging from reprimands to temporary suspensions, without creating a permanent stigma for medical professionals. Patients get legal certainty through this mechanism because dispute resolution takes place faster than the general court route, along with the right to appeal to the administrative court if they feel aggrieved (Permatasari & Alkays, 2023).

The Ministry of Health's national audit shows an improvement in the quality of services as the balance of legal protection runs. Hospitals that comply with regulations recorded a decrease in patient complaints and an increase in the retention of medical personnel. Patients in rural areas also benefit through equitable distribution of doctors driven by legal protection incentives, while medical personnel in remote areas are spared the risk of legal isolation. Socialization efforts through professional workshops and public campaigns increase understanding of the rights and obligations of the parties, foster public trust, and form a mutually supportive and sustainable health service ecosystem (Putri, 2024).

4. CONCLUSION

Law Number 17 of 2023 concerning Health effectively creates a balance of legal protection between medical personnel and patients through the regulation of equal rights, non-litigation dispute resolution mechanisms such as internal mediation and Professional Disciplinary Assemblies, as well as the implementation of daily practices in the form of informed consent protocols, digital medical records, and rapid complaint units in health facilities, which have succeeded in reducing the excessive criminalization of medical personnel while ensuring that patients receive restorative compensation for

proven negligence, prevention of violence through coordinated police and trained security, and national audits of the Ministry of Health that encourage improvement in the quality of services in health centers to private hospitals, so that therapeutic relationships are maintained in harmony with increased public trust and better retention of medical personnel throughout Indonesia.

REFERENCES

- Amalina, D. N., Mau, H. A., & Edwin. (2024). Aspek Perlindungan Hukum Bagi Dokter Peserta Asuransi Profesi Berdasarkan Undang-Undang Nomor 17 Tahun 2023. *Jurnal Cahaya Mandalika ISSN 2721-4796 (Online)*, 3(1), 740–746. <https://doi.org/10.36312/jcm.v3i1.3611>
- Aprillia, I. S., Vedora, S. R., Putri, N. A., Ramadhan, N. A. Z., Laapen, C. P. B., & Alfiani, F. (2025). Analisis Perlindungan Hukum bagi Tenaga Kesehatan dan Pasien di Kabupaten Manggarai dalam Menjamin Akses Pelayanan Kesehatan yang Adil dan Berkualitas. *Journal of Health Education Law Information and Humanities*, 2(1), 47–59. <https://doi.org/10.57235/helium.v2i1.4636>
- Astuti, R., & Savitri, A. M. (2025). Perbandingan Perlindungan Hukum Bagi Bidan dalam Menjalankan Praktik Keprofesiannya Sebelum dan Sesudah Berlakunya UU Nomor 17 Tahun 2023 Tentang Kesehatan. *HUMANIORUM*, 3(2), 71–81. <https://doi.org/10.37010/hmr.v3i2.76>
- Christanto, E. A., Yuyut Prayuti, Y. P., & Arman Lany, A. L. (2024). Perlindungan Hukum Terhadap Pasien Korban Malpraktik Medis Dalam Perspektif Hukum Perdata. *JURNAL HUKUM MEDIA JUSTITIA NUSANTARA*, 14(1).
- Indina, F. (2024). Kajian Yuridis Persetujuan Tindakan Medis (Informed Consent) Dalam Perspektif Undang-Undang No 17 Tahun 2023 Tentang Kesehatan. *Jurnal Cahaya Mandalika ISSN 2721-4796 (Online)*, 3(1).
- Mahendra, M., Afrita, I., & Triana, Y. (2025). Tanggung Jawab Hukum Tenaga Medis terhadap Standar Kompetensi atas Tindakan Medis. *Jurnal Kesehatan Tambusai*, 6(1), 246–271. <https://doi.org/10.31004/jkt.v6i1.41831>
- Makarim, M. H., & Wijayanto, E. (2024). Digital-Based Health Law System Transformation in Indonesia: Legal Protection for Patients and Healthcare Workers. *Dialogia Iuridica*, 16(1), 027–048. <https://doi.org/10.28932/di.v16i1.9422>
- Permatasari, P., & Alkays, M. I. (2023). Analisis Perlindungan Hukum Dan Keselamatan Kerja Terhadap Tenaga Kesehatan Di Indonesia. *POSTULAT*, 1(2).
- Putri, S. B. S. R. W. (2024). Analisis Teori Tujuan Hukum Gustav Radbruch dalam Kedudukan Majelis Penyelesaian Perselisihan Medis dalam Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan. *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum*, 8(2), 315–326. <https://doi.org/10.52266/sangaji.v8i2.3463>
- Ramadhan, M. A. D., & Hartini, R. (2023). Implementasi Perlindungan Hukum Bagi Pasien Selaku Konsumen Kesehatan terhadap Tindakan Malapraktik oleh Tenaga Medis. *Gorontalo Law Review*, 6(1), 86. <https://doi.org/10.32662/golrev.v6i1.2592>
- Riyanto, O. S., Fuad, F., & Chrisjanto, E. (2023). Pelayanan Kesehatan yang Berkeadilan: Peran Tenaga Kesehatan dalam Menjamin Hak Setiap Pasien. *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia*, 2(2), 77–87. <https://doi.org/10.37631/jrkhm.v2i2.30>
- Riyanto, O. S., & Ratnawati, E. T. R. (2024). Hak Atas Informasi Kesehatan dan Perlindungan Hukum Bagi Dokter: Implikasi HAM dalam Komunikasi Dokter-Pasien. *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia*, 3(1), 78–88. <https://doi.org/10.37631/jrkhm.v3i1.39>
- Sinaga, H., & Pondang, J. (2024). Legal Protection For Doctors in Running A Practice. *Journal of Law and Sustainable Development*, 12(1), e2071. <https://doi.org/10.55908/sdgs.v12i1.2071>
- Supraba, P. A. A., Parsa, I. W., & Manuaba, I. B. G. F. (2025). Pertanggungjawaban Hukum terhadap Tenaga Medis dan Tenaga Kesehatan atas Pelanggaran Kode Etik menurut Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan. *Jurnal Ilmiah Ilmu Sosial*, 11(1).