

# Legal Protection for Patients in Medical Practice and Healthcare Services

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## Abstract:

The legal protection of patients in medical practice and health services is an increasingly important issue in the context of medical law and ethics. This research aims to analyze various aspects of legal protection provided to patients based on the prevailing statutory provisions in Indonesia, Law of the Republic of Indonesia No. 17 of 2023 on Health, as the most recent Law. The methodology used in this research is content analysis with a normative juridical approach, which examines legal norms and practices based on the Law as well as collecting information from relevant and reliable secondary data. The results show that although there are various legal provisions that protect patients, the implementation of these protections still faces challenges. This research emphasizes the importance of increasing legal awareness among healthcare providers and patients themselves. It is expected that the Government and related institutions conduct more intensive socialization of patients' rights as well as stricter law enforcement against violations that occur in medical practice. Because effective legal protection will not only increase public confidence in the health system, but will also improve the quality of health service.

**Keywords:** Legal Protection Of Patients, Medical Ethics, Legal Awareness

## INTRODUCTION

Legal protection of patients in medical practice is a crucial aspect that guarantees patients' rights to receive healthcare services. In Indonesia, this protection is regulated by various laws aimed at ensuring patients receive safe and high-quality medical services (Hatta et al. 2024). This study discusses multiple aspects of patient legal protection, including patient rights, physicians' responsibilities, and dispute-resolution mechanisms. Specifically, this research aims to understand the mechanisms of patient legal protection, identify effective methods used to safeguard patients' rights in medical services, analyze relevant legal regulations in the latest Health Law, namely Law of the Republic of Indonesia Number 17 of 2023 concerning health, which was enacted on September 22, 2023, in addition to Law No. 29 of 2004 concerning Medical Practice and Law No. 36 of 2009 concerning health, and evaluate the effectiveness of legal protection for patients in clinical practice. This study is expected to provide a more comprehensive understanding of patient legal protection in healthcare services, thereby improving the quality of medical services and ensuring that patient rights are preserved (Guwandi, 2004).

As previously explained, patients have rights regulated by the Law of the Republic of Indonesia Number 17 of 2023 concerning health. Key patient rights include the right to information, right to confidentiality, and right to file complaints. Patients have the right to clear information regarding their

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diagnosis, treatment plan, and potential risks (Hatta, 2018). Patients also have the right to the confidentiality of their health information, as stipulated in Article 276 of Law No. 17 of 2023, which states that physicians are obliged to maintain medical confidentiality. Furthermore, patients have the right to file complaints if they feel harmed by medical actions taken (Dagi, 1976).

On the other hand, the Law of the Republic of Indonesia Number 17 of 2023 concerning Health also states that doctors have legal responsibilities, both criminal and civil, to provide the best services for patient recovery. This responsibility arises when doctors commit errors or negligence that harm patients. Key aspects of a doctor's legal responsibility include malpractice and criminal acts. If a doctor's medical actions result in harm, the patient may file a malpractice claim (Dato' James Foong, 2003). According to Law No. 17 of 2023 concerning health, doctors have the right to legal protection while performing their duties in accordance with professional standards. Doctors may face criminal sanctions if proven to have committed legal violations, such as issuing false medical certificates or disclosing patient confidentiality without consent (Hatta, 2018). In the event of a dispute, resolution between the patient and doctor can be pursued through criminal or civil litigation as well as through mediation and arbitration. If the doctor's actions meet the criteria for a criminal offense, the case may proceed to court. Patients may file a civil lawsuit to seek compensation for damages incurred. Some cases may be resolved through mediation or arbitration as faster and more efficient alternative dispute resolution methods.

## **METHODS**

The research method used in this study was content analysis using a normative juridical approach. This study aimed to identify and analyze relevant information concerning legal protection for patients in medical practice and healthcare services, covering the identification of applicable legal principles, systematic analysis of laws related to patient protection, and evaluation of patient protection laws and regulations (Nurhayati et al., 2021). The normative juridical approach involves a qualitative analysis of the literature and secondary data (Diantha, 2017). To collect data, the researcher used several primary data collection tools, conducting a review of academic books, legal journal articles, official reports from the health department, and legislative documents related to patient protection. The study then identified key themes in patient protection and linked them with relevant legal principles and regulations, moving from specific cases toward generalizations to draw broader conclusions about legal protection for patients.

The procedural steps for data collection involved selecting relevant sources, such as criminal and civil law codes, case examples of patient protection, and specific regulations on patient protection. The data were then processed by organizing them into wellstructured, sequential, logical, non-overlapping, and selective sentences (Soemitro, 1991). The data were then interpreted using normative tools to derive findings based on scientific logic from a normative perspective (Lindlof, 2002). A deductive method was employed to draw general conclusions about legal protection for patients based on analytical findings. Consequently, this study aims to provide a comprehensive overview of legal protection for patients in medical practice and healthcare services in Indonesia.

## **RESULTS**

### **Healthcare Service Standards According to Law Number 17 of 2023 concerning Health**

According to Law Number 17 of 2023 concerning Health, patients have several important rights when receiving medical services. These rights include the right to receive a complete explanation, seek a second opinion, obtain care according to their needs, refuse medical treatment, access medical records, receive humane and non-discriminatory services, ensure privacy and confidentiality, and file complaints. This means that patients are entitled to clear information regarding the planned medical procedures by their doctor. Patients may request a second opinion from another doctor regarding their diagnosis or treatment plan. Patients have the right to receive medical services that meet their health

needs. Patients have the right to refuse medical procedures if they have doubts or are dissatisfied with the explanations provided. They may request to view and obtain information regarding their medical records (Mannas, 2018). Patients have a right to fair, honest, and non-discriminatory healthcare services. They also have the right to privacy and confidentiality of their health information, including their medical data. Patients may file complaints about the quality of care received if they feel disadvantaged. These rights aim to protect patients during the treatment process and ensure they receive quality healthcare that respects their dignity as individuals.

Concerning this, within the context of Law Number 17 of 2023 concerning Health, "medical services according to needs" refers to the obligation of healthcare providers to deliver appropriate and relevant care based on the patient's health condition. This concept encompasses several important aspects, including alignment with health conditions, adherence to professional standards and operational procedures, informed consent, resource availability, and humane treatment. Medical services must be personalized to the patient's diagnosis and specific health condition. Physicians should consider factors such as medical history, symptoms, and the individual needs of the patient. The services provided must adhere to established professional standards and operational procedures to ensure that medical actions taken are safe and effective (Siregar, 2020)

Before performing any medical procedure, doctors are required to provide patients with sufficient information about the procedure, including its risks and alternatives (Istiana Heriani, 2019). Patients have the right to give consent to or refuse the procedure. If a doctor lacks the equipment or expertise to conduct a specific examination or treatment, they are obligated to refer the patient to a more competent healthcare professional. Services must also be provided in a humane, fair, and non-discriminatory manner to ensure that each patient is treated with respect and dignity (Astuti, 2009).

The legal implication of this is that medical services not aligned with patient needs can result in legal liability for doctors, including malpractice claims if a patient suffers harm due to negligence in providing appropriate care (Muhammad, 2017). Therefore, healthcare professionals must understand and fulfill this obligation professionally. Thus, providing medical services according to patient needs not only meets technical standards but also encompasses ethical and legal aspects within medical practice.

Furthermore, in providing medical services, doctors must adhere to several professional standards as regulated in Law Number 17 of 2023 concerning Health and other relevant regulations. These professional standards include medical service standards, the obligation to refer patients, patient confidentiality, professional ethics, education and professional development, patient consent, standard operating procedures, and emergency care. This means that doctors are required to deliver medical services in accordance with professional standards and applicable standard operating procedures. This includes mastery of the techniques, procedures, and medical knowledge necessary for patient diagnosis and treatment (Siswati, 2017). If a doctor is unable to perform a specific examination or treatment, they are obligated to refer the patient to another doctor with greater expertise. Physicians must also maintain the confidentiality of patient health information, including medical data and health history, even after the patient's death (Endang, 2018).

Services must be provided in accordance with the medical code of ethics, which requires doctors to act in the patient's best interest and avoid actions that could cause harm. Doctors are required to continuously improve their knowledge and skills through ongoing education and to stay updated with developments in medical science. Before performing any medical procedure, doctors must obtain consent from the patient or their family after providing clear information about the procedure. Every medical action must be conducted based on the Standard Operating Procedures (SOP) established by the healthcare facility, ensuring that each step in the care process follows safe and effective protocols. In emergency situations, doctors are obligated to provide first aid to patients without refusal and may not request compensation before delivering care (Nurani et al., 2018). These standards aim to protect patient rights and ensure that healthcare services provided are of high quality and safe. Failure to comply with these standards may result in legal sanctions for doctors, including malpractice claims.

Regarding the legal protection of patients as regulated in Law Number 17 of 2023 concerning Health, this legal protection aims to provide a legal framework that safeguards patients' rights in healthcare

services. Key aspects of legal protection regulated under Law Number 17 of 2023 concerning Health relate to access to healthcare services, information, education, health data confidentiality, and healthcare providers' responsibilities. This includes the right to be informed about their health conditions and medical procedures to be performed. Patient health data confidentiality is regulated by the law. Everyone has the right to protect their personal health data. Parties who violate this provision may be subject to sanctions in accordance with applicable laws (Siswati, 2017).

Concerning healthcare service standards regulated in Law Number 17 of 2023 concerning Health, there are also key points regarding the regulation of healthcare service standards. The government is required to establish quality standards for healthcare services to ensure that all healthcare facilities meet certain criteria in providing services to the public (Siswati, 2017). Standardized healthcare services encompass various aspects, such as service procedures, completion times, costs/fees, service products, facilities and infrastructure, and the competence of service providers. All of these must meet the established standards to ensure patient quality and safety (Rusyad, 2018).

In terms of supervision and accountability, Law Number 17 of 2023 also regulates the supervision of healthcare service delivery by the Government, Regional Government, and the community. This ensures that quality standards are adhered to and that services are provided responsibly and without discrimination. In emergency situations, all healthcare facilities, both public and private, are required to provide services without refusing patients or demanding an advance payment. This demonstrates a commitment to prioritize patient safety above other interests (Siswati, 2017).

### **Malpractice, Medical Risks, and Legal Protection of Patients**

Malpractice and medical risks are two concepts that are often misunderstood in the context of medical practice. Although both relate to the outcomes of medical actions, they have fundamental differences that are important to understand. Malpractice occurs when a doctor performs a medical action that does not meet professional standards, including negligence or a lack of care in providing treatment (Evander, 2018). This may involve errors in diagnosis, inappropriate treatment, or violations of standard operating procedures. In legal terms, malpractice refers to actions that cause harm to a patient due to a doctor's negligence, which can lead to criminal or civil claims.

On the other hand, medical risk refers to the possibility of adverse events occurring during or after a medical procedure, even if the procedure was performed according to professional standards (Rocy, 2014). This includes complications that may arise from treatment or procedures that are considered normal and predictable. Patients are informed of medical risks beforehand, and doctors cannot be held responsible if such events occur beyond their control. The legal implication is that a doctor accused of malpractice may face legal action and must demonstrate adherence to professional standards to receive legal protection. Conversely, if an event is categorized as a medical risk, the doctor cannot be held liable as they have fulfilled all necessary procedures.

The difference between malpractice and medical risk lies in the legal responsibility and the circumstances surrounding each (Nurani, 2018). Malpractice cases arise from negligence or mistakes in medical actions, while medical risk refers to the possibility of complications or diverse outcomes even when the procedure is performed according to professional standards. Understanding these two concepts is essential to protect patient rights and uphold the integrity of the medical profession. Legal protection for doctors facing malpractice allegations is an important aspect of the healthcare legal system (Santoso, 2022). This protection aims to ensure that doctors can perform their duties without undue fear of unfair legal consequences, as long as they act according to established professional standards (Muhammad Hatta, 2017).

The legal foundation for protecting both doctors and patients includes the following:

1. Law of the Republic of Indonesia Number 17 of 2023 concerning Health, enacted on September 22, 2023, regulates various key aspects of healthcare administration in Indonesia. Below is a summary of the main contents and provisions of this law:
  - a. General Provisions: Defines the terms used in healthcare regulation.

- b. Rights and Obligations: Regulates the rights and obligations of the central and regional governments in healthcare administration.
  - c. Healthcare Administration: Establishes the framework for delivering healthcare services.
  - d. Health Efforts: Provides guidelines for various health efforts, including prevention and treatment.
  - e. Healthcare Facilities: Regulates standards and management of healthcare facilities.
  - f. Health Human Resources: Ensures the availability of qualified healthcare personnel.
  - g. Health Supplies: Regulates the procurement and distribution of health supplies.
  - h. Pharmaceutical and Medical Device Resilience: Ensures the availability and safety of medical devices.
  - i. Health Technology: Integrates technology into the healthcare system.
  - j. Health Information System: Establishes an information system to support decision-making.
  - k. Extraordinary Events and Outbreaks: Develop protocols for handling extraordinary events and outbreaks.
  - l. Health Funding: Regulates funding sources for the healthcare sector.
  - m. Coordination and Synchronization: Strengthens the healthcare system through inter-agency coordination.
  - n. Community Participation: Encourages community involvement in health programs.
  - o. Development and Supervision<sup>\*\*</sup>: Establishes mechanisms for development and supervision in the health sector.
2. Informed of Consent and Medical Records: Doctors are required to obtain consent from the patient before performing any medical procedure (informed consent) and must keep medical records as evidence that they have followed proper procedures. This serves as a strong defense tool in the event of alleged malpractice.

In cases of malpractice, handling procedures may involve criminal charges, proceedings through the Indonesian Medical Discipline Honor Council (*Majelis Kehormatan Disiplin Kedokteran Indonesia/MKDKI*), and civil claims. However, if doctors can demonstrate that they acted according to professional standards, they are entitled to legal protection. MKDKI is authorized to handle disciplinary violations by doctors. If there is an allegation of malpractice, MKDKI will examine whether the actions violated medical discipline. MKDKI's decisions can serve as a basis for further legal enforcement. In civil claims, doctors may be sued to pay compensation to patients or their families for losses caused by malpractice. However, certain defenses may exempt doctors from legal claims, such as situations where adverse outcomes occur despite following all procedures, unavoidable accidents in medical practice, or if the patient contributed to the adverse outcome through their actions or omissions (Zahir, 2018).

On the other hand, evidence in malpractice cases often relies on medical records as proof (Muhammad, 2017). However, this also presents various challenges. Below are some of the main challenges that frequently arise and their implications:

1. Confidentiality and Privacy
  - a. Challenge: Medical records contain sensitive information about a patient's health, raising concerns about privacy violations if these records are used as evidence in court.
  - b. Implication: Healthcare providers are often cautious about releasing medical records to third parties to avoid violating laws that protect patient data confidentiality.
2. Difficulty in Reading and Understanding



- a. Challenge: Medical records often use complex medical terminology, making it difficult for laypersons to understand the content and context.
  - b. Implication: This can reduce the effectiveness of medical records as evidence, especially if there is no explanation provided by a competent medical professional.
3. Authenticity and Validity of Documents
- a. Challenge: Medical records must meet authenticity requirements to be recognized as legitimate evidence. For example, electronic medical records may not qualify as valid written documents if they lack a legally recognized electronic signature.
  - b. Implication: If the authenticity of the document is in question, the judge may refuse to admit the medical record as evidence.
4. Burden of Proof
- a. Challenge: In malpractice cases, the burden of proof rests on the plaintiff to demonstrate that the doctor's actions did not meet professional standards. The medical record must establish all necessary elements, including the causal link between the doctor's actions and the harm suffered by the patient.
  - b. Implication: If the medical record does not sufficiently support the plaintiff's claim, this may fail to obtain compensation.
5. Legal Uncertainty
- a. Challenge: There is uncertainty regarding regulations and guidelines governing the use of medical records, especially in the context of electronic medical records.
  - b. Implication: The lack of clear regulations can lead to confusion about how medical records should be stored, managed, and used as evidence in court.
6. Although medical records have great potential as evidence in medical malpractice cases, challenges such as confidentiality, difficulty of understanding, document authenticity, burden of proof, and legal uncertainty can restrict their effectiveness. Therefore, it is essential to develop clearer regulations and enhance understanding of medical record content for all parties involved in the legal process.

## DISCUSSION

Legal protection for patients in Indonesia involves various aspects, including medical ethics, health law, and human rights. Key points regarding the ethical legal protection of patients include the rights of patients in healthcare services, as outlined in Law No. 17 of 2023 concerning Health. These rights include the right to receive information in the form of a complete explanation of the medical procedures to be performed, including diagnosis and treatment alternatives. Patients may refuse medical procedures considered unnecessary or risky. Additionally, patients have the right to access their medical records as part of transparency in healthcare services (Feriyanasyah, 2019).

In terms of legal and ethical responsibilities, doctors and healthcare professionals are obligated to adhere to ethical and legal standards in medical practice, as outlined in Law No. 17 of 2023. Ethical legal protection for patients in Indonesia includes the regulation of patient rights, the informed consent process, the professional responsibilities of healthcare providers, and the protection of personal data. These measures aim to foster a fair and transparent relationship between patients and healthcare providers, ensuring that human rights are respected in all aspects of healthcare services (Health Law No. 17 of 2023).

The ethical legal protection of patients under Health Law No. 17 of 2023 encompasses various aspects that emphasize the rights and obligations of both patients and healthcare providers. This law aims to create a more patient-centered healthcare system, with a focus on transparency and effective communication between patients and healthcare providers. Article 276 of Law No. 17 of 2023

specifically regulates patient rights, while Article 277 outlines patient obligations. It provides legal protection for healthcare providers, ensuring that they are protected while performing their duties in accordance with professional standards and ethics (Yussy, 2021). It is widely understood that ethical aspects are crucial in the relationship between patients and healthcare professionals. Medical personnel are expected to maintain patient confidentiality and deliver services with integrity. Violations of these ethical standards may result in disciplinary sanctions for healthcare providers. Thus, Health Law No. 17 of 2023 not only protects patient rights but also ensures that healthcare professionals can operate in a safe and legally secure environment. This creates a balance between the patient's right to quality care and the protection of medical personnel in performing their professional duties (Law No. 17 of 2023).

Law Number 17 of 2023 concerning Health mandates a series of implementing regulations aimed at strengthening and executing the provisions within the law. Below is a breakdown of the resulting implementing regulations:

1. Government Regulations (*PP*):

A total of 101 Government Regulations will be issued as implementing regulations for the Health Law. These regulations cover various technical aspects of healthcare administration, including the management of healthcare personnel, healthcare service facilities, and health supplies.

2. Presidential Regulations (*Perpres*):

Two Presidential Regulations will be enacted to support the implementation of the Health Law. These regulations will regulate strategic policies and inter-agent coordination within the health sector.

3. Minister of Health Regulations (*Permenkes*):

Five Minister of Health Regulations will be formed to further regulate technical aspects of healthcare services, including service standards and the management of healthcare facilities.

4. Rule-Making Process:

The drafting process for these implementing regulations involves public participation, allowing the public to provide input on the proposed regulations. This is conducted to ensure that all critical aspects are accommodated in the implementing regulations.

5. Revocation of Old Regulations:

With the enactment of this law, several outdated regulations will be revoked, including 26 Government Regulations and 5 Presidential Regulations that are no longer considered relevant to the current needs of the healthcare system.

Additionally, the implementing regulations of Law Number 17 of 2023 concerning Health have a significant impact on healthcare efforts in Indonesia. The primary effects of these regulations are related to regulatory simplification, the establishment of healthcare service standards, management of healthcare personnel, improvement of access and service quality, public participation, and health information systems. Law No. 17 of 2023 results in 101 Government Regulations, 2 Presidential Regulations, and 5 Minister of Health Regulations, which collectively reduce the complexity of previous regulations. The implementation of regulations covers 22 aspects of healthcare services, such as maternal and child health, reproductive health, and the prevention of infectious and noncommunicable diseases. This ensures that various community groups receive appropriate attention. The establishment of clearer and measurable healthcare service standards will enhance the quality of services in healthcare facilities (Law No. 17 of 2023). This law also provides detailed regulations concerning medical personnel, covering planning, recruitment, and quality improvement of medical and healthcare professionals. This is essential to ensure that healthcare providers have adequate competencies. Additionally, there are provisions regarding administrative sanctions for medical personnel who violate regulations, aimed at promoting discipline and professionalism in healthcare services (Law No. 17 of 2023).

Law No. 17 of 2023 also regulates the provision of healthcare services in underserved and low-demand areas as a key focus, aiming to ensure equitable access to healthcare across all regions of Indonesia. Additionally, the law addresses the implementation of telehealth and telemedicine as part of modern healthcare services, allowing communities to access healthcare without physical distance limitations. The drafting of implementing regulations involves public participation, providing an opportunity for the public to offer input. This creates transparency and accountability in the healthcare decision-making process. Law No. 17 of 2023 also regulates the integration of health information systems with the National Health Information System to ensure the availability of accurate data and support evidence-based decision-making in health policy. Overall, the implementing regulations of Law No. 17 of 2023 aim to create a more resilient, self-sufficient, and inclusive healthcare system, enhancing the quality and accessibility of healthcare services for all Indonesians.

The concept of patient protection under Law Number 17 of 2023 on Health refers to several legal theories, emphasizing the Stufenbau theory and the theory of responsibility. The Stufenbau theory explains that law consists of various interconnected levels (Kelsen, 2006). In the context of patient protection, this law asserts that although patients have the right to choose medical care, there are restrictions aimed at protecting them from potentially inappropriate decisions due to limited medical knowledge. These restrictions are considered a form of active protection, where the state plays a role in ensuring that patients make the best decisions for their health. Under Law No. 17 of 2023, the state holds the responsibility to protect patients' rights. Article 3 states that the function of health services is a form of patient protection, while Article 4 grants patients the right to choose their desired treatment. However, this also creates a dilemma where patients' responsibility in choosing their treatment must be balanced with state protection to ensure that such decisions do not harm their health. The theory of responsibility, on the other hand, emphasizes the legal obligation to compensate for losses caused by actions or negligence. In the context of health law, this means that healthcare providers are responsible for ensuring patient safety. If violations or negligence occur, they may face sanctions or be required to provide compensation (Undang-Undang no.17 tahun 2023)

Additionally, other legal aspects such as administrative and criminal liability also play a role in patient protection. For example, in cases of medical negligence, Law No. 17 of 2023 establishes legal mechanisms that allow patients to seek compensation if they suffer harm due to medical actions that do not meet standards. This indicates that patient protection is not only preventive but also reactive in addressing violations of their rights. Overall, patient protection under Law No. 17 of 2023 reflects efforts to balance individual rights and collective responsibility in the context of healthcare services. The Stufenbau theory focuses on the structure and validity of legal norms within the legal system, while the theory of responsibility emphasizes the legal obligation of individuals or institutions to protect patient's rights and the consequences of such violations (Kelsen, 2006). Together, these theories complement each other in constructing a comprehensive legal framework for healthcare.

Here are real examples of malpractice and medical risk cases that have occurred in Indonesia (Evander, 2018), according to various credible sources. Example of Malpractice Cases:

1. Selphie's Case:

A 27-year-old woman lost both of her ovaries due to malpractice at Grha Kedoya Hospital. This case drew public attention and was handled by Hotman Paris, a well-known lawyer.

2. Infant Death Due to Delivery Complications:

In Palembang, a couple faced a tragic situation when their baby was born with a broken neck and skin abrasions, allegedly due to errors made by a midwife during the delivery process.

3. Blindness After Appendix Surgery:

A 14-year-old child suffered blindness after an appendectomy. Initially, there was only eye swelling, but the condition worsened, ultimately resulting in vision loss.

4. Medication Error:



A farmer in Bone Regency experienced blindness after a doctor mistakenly prescribed a skin ointment for application near his eye. After applying the ointment, the patient felt a burning sensation and subsequently lost his vision.

5. Blindness in a Premature Infant:

A mother gave birth to premature twins, but one of the babies became blind due to excessive oxygen exposure during ICU incubator care. It is suspected that the doctor did not follow standard treatment procedures.

Examples of medical risk cases are as follows:

1. High-Risk Tumor Surgery:

A surgeon performed a tumor operation located near an arterial vessel. Although the procedure was conducted carefully, two blood vessels were accidentally punctured, resulting in uncontrollable bleeding. This case demonstrates that even when the surgeon meets professional standards, medical risks still exist.

2. Complications from Radiotherapy:

A patient undergoing radiotherapy experienced side effects such as skin darkening and burning. Although the procedure was performed according to protocol, these side effects are inherent risks of the treatment and not due to medical negligence.

3. Anaphylactic Reaction to Anesthesia:

A patient experienced a severe allergic reaction (anaphylaxis) after receiving anesthesia before surgery. Despite the preliminary examination conducted by the doctor, this reaction was an unpredictable risk and not a medical error.

The resolution of these cases varies, involving both litigation and non-litigation approaches. In implementing legal protection in hospitals for cases that occur, there are various challenges. For example, in emergencies, quick decisions are often required to provide timely medical care. However, this can challenge the preservation of patient rights, particularly the right to consent to or refuse treatment. Additionally, administrative obstacles and communication issues between medical personnel and patients may hinder the provision of sufficient information to patients, which in turn can affect their rights. Legal protection for patients in urgent situations in hospitals often faces challenges related to effective communication. Furthermore, disparities in court rulings create legal uncertainty for patients. There are differing opinions on whether hospitals are responsible for both permanent and non-permanent doctors, which can make legal protection for patients unclear. Resistance from hospitals to assume liability for damages can also contribute to legal uncertainty for patients. Regulatory measures and law enforcement need to be strengthened to ensure adequate protection for patients (Yussy, 2018).

In this regard, the high workload of doctors can impact their ability to provide optimal healthcare services. A supportive work environment, including adequate facilities and policies that value work-life balance, is essential for maintaining service quality. Inadequate infrastructure and administrative procedures can hinder the provision of sufficient information to patients and affect their rights. Research recommends improving infrastructure and administrative procedures to facilitate effective communication between patients and medical staff. Thus, the challenges in implementing legal protection in hospitals include quick decision-making without direct consent, effective communication, court ruling disparities, hospital resistance, doctors' high workloads, and imperfect infrastructure and administration. Solutions to address these challenges include enhanced training for medical staff, infrastructure improvements, and the implementation of policies that prioritize work-life balance for doctors. Legal protection not only safeguards patient rights but also promotes medical professionalism, enhances transparency, and creates a supportive work environment (Yussy, 2021). Altogether, these form a powerful combination for improving the overall quality of healthcare services.

## CONCLUSION

Law No. 17 of 2023 concerning Health provide a clear legal framework regarding healthcare service standards in Indonesia. By mandating the government to set quality and minimum standards in healthcare services as well as responsibilities for medical personnel, these laws aim to improve the quality of healthcare services and effectively protect patient rights. These laws serve as a foundation to ensure that patient rights are respected and safeguarded in medical practice and healthcare services in Indonesia. Legal protection for patients in medical practice is essential to ensure that their rights are respected and protected. In this context, both doctors and healthcare institutions must understand their legal responsibilities and commit to delivering quality medical services.

Legal protection for patients in healthcare practice in Indonesia encompasses various aspects, from regulating patient rights to the obligations of healthcare providers. With clear laws and complaint procedures in place, it is hoped that patient rights will be wellprotected, contributing to the overall improvement of healthcare quality. Understanding the difference between malpractice and medical risk is crucial for both medical personnel and patients, as it helps manage patient expectations regarding treatment outcomes and protects doctors from unfounded accusations. Therefore, clear communication between doctors and patients about risks and medical procedures is key to safe and effective medical practice.

On the other hand, legal protection for doctors in malpractice cases is also crucial to maintaining the integrity of the medical profession. With clear regulations and effective dispute-resolution mechanisms, it is expected that doctors can perform their duties without fear of unjust legal consequences. This also promotes the improvement of healthcare quality for patients. A well-defined dispute resolution mechanism is hoped to foster a positive and mutually beneficial relationship between patients and medical personnel.

### Conflict of Interest

All the authors declare that there are no conflicts of interest.

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