

Legal Consequences of Medical Accidents and Medical Malpractice in Indonesia

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Abstract:

Medical malpractice, which refers to errors or negligence committed by doctors and medical personnel when treating patients. This malpractice can have serious consequences, such as worsening the patient's health condition or even causing death. This act of malpractice has legal consequences, and therefore it is important to have a clear legal system in the health sector. The research conducted is of a normative juridical nature, using various approaches to understand this problem. The results of the study indicate that the criminal law governing medical malpractice is contained in the Criminal Code, which includes elements of negligence. To increase legal certainty for patients who are harmed, there are special laws, namely Law No. 36 of 2009 concerning Health and Law No. 36 of 2014 concerning Health Workers, which regulate law enforcement related to malpractice. In general, this text emphasizes the importance of legal protection for patients and the responsibility of physicians in medical practice.

Keywords: Legal Consequences, Medical Accidents, Medical Malpractice

INTRODUCTION

Health as a Human Right means that every individual has the right to receive fair health services without discrimination. In the ideals of the Indonesian nation, health is an important part of well-being. Therefore, every effort to improve the health of the community must involve the principles of non-discrimination, participation, protection, and sustainability. These principles are very important to create healthy and quality human resources that support the progress and welfare of the nation. Health workers need to have adequate knowledge and skills through education in the health sector. This education is important for them to be able to carry out health efforts effectively. For some types of health intervention, health workers must also have special authority so that they can provide appropriate and safe services to the community. Thus, this competence and authority are very important in improving the health of the community (Andrianto & Andaru, 2020).

Being a doctor is essentially a noble profession. A doctor who works as a public health worker has an important job to protect the lives and health of patients. They are responsible for providing the best care, diagnosing diseases, and performing the necessary interventions to keep patients healthy. This task is carried out with full dedication and commitment, considering that their role is very vital in improving the quality of life of the community (Rudy Hidana, Nandang Ihwanudin, Irwan Hadi, Handayani et al., 2020).

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In the doctor-patient relationship, medical professional ethics play an important role. Doctors are expected to uphold ethical principles, such as respecting patient autonomy, maintaining confidentiality, and providing clear and accurate information. These ethics guide doctors in making decisions that focus on patient welfare, building trust, and creating a positive relationship between doctors and patients (Irianto, 2021). This is essential to ensure quality care that is responsive to patient needs. Medical ethics is the application of ethical philosophy that regulates the behavior and responsibilities of physicians. According to Medical Law, both general practitioners and specialists, including those with certain skills and graduates from within and outside the country, are recognized by the Indonesian government according to applicable regulations. This recognition is important to ensure that all health workers meet established professional standards, so that they can provide quality and safe services to the community (Pontoh, 2013).

Medical accidents are unintended events that occur in the context of health care in which a patient experiences injury or harm as a result of a medical procedure. These accidents can occur in a variety of situations, such as during diagnosis, treatment, or a medical procedure, and often raise questions about the liability of medical personnel. This awareness is important to encourage improvements in the quality of health services and professional responsibility in medical practice.

News about medical personnel being sued in court often arises due to errors in treatment, such as administering a dose of medication that is not appropriate for the patient's condition. These errors can have fatal consequences, including death, disability, or worsening of the patient's disease. In addition, there are also cases where medical personnel have committed indecent acts against patients, which adds to the public's distrust of this profession. These cases highlight the importance of adhering to ethical standards and professionalism in healthcare to protect patients and maintain the integrity of the profession (Handoyo, 2020).

In the legal sense, a crime is defined as an act that causes harm or makes another person a victim. This means that if someone does something that harms another person, they must be responsible for the consequences. This damage is often caused by negligence or lack of caution in acting. If this happens, the perpetrator can be subject to criminal sanctions because the act is considered a criminal offense. This also applies in medical practice, where negligence of medical personnel can be fatal to patients and bring legal consequences for them (Handoyo, 2020).

Medical malpractice is an act or omission of a medical professional, such as a physician or nurse, that violates professional standards and causes harm or injury to a patient. In this context, malpractice can include errors in diagnosis, treatment, or care that are not in accordance with accepted and expected medical practice. Examples of medical malpractice include prescribing the wrong medication, not performing a necessary procedure, or not monitoring the condition of a patient after a medical procedure. To be considered malpractice, there must usually be evidence that the action was not only wrong but also that it was the result of negligence or lack of care on the part of the medical professional. Medical malpractice can lead to lawsuits from patients or their families and can result in both legal and administrative sanctions against the medical professionals involved. This is intended to protect patient rights and ensure that health care standards are maintained (Novianto, 2007).

Medical malpractice in Indonesia is related to several articles of the Criminal Code (KUHP) and other laws and regulations. In a legal context, malpractice is often considered a form of negligence that can be subject to criminal sanctions. One relevant article is Article 359 of the Criminal Code, which states that "anyone who, through error or negligence, causes the death of another person shall be punished by a maximum of five years' imprisonment or imprisonment." This article provides a legal basis for suing medical personnel whose negligence causes the death of a patient (Handoyo, 2020).

This study aims to determine and analyze the legal consequences of medical malpractice in medicine, with a focus on the application of the Health Law and the Criminal Code (KUHP). Furthermore, this study will also examine the legal procedures applicable in Indonesia in handling cases of medical accidents and medical malpractice. Therefore, it is expected to provide a better understanding of the legal responsibilities of medical personnel and the mechanisms of law enforcement in the health sector.

METHODS

In research on the legal consequences of medical accidents and medical malpractice in Indonesia, the approaches that can be used are normative legal analysis and case studies. This method aims to explore existing regulations and practices in the field (Soekanto, 2003). First, data collection is performed by examining the laws and regulations that govern medical malpractice, such as the Medical Practice Act and related regulations. In addition, the study also includes an analysis of jurisprudence, namely relevant court decisions in malpractice cases. This is important to understand how the law is applied and interpreted by the courts. Furthermore, interviews with legal professionals, doctors, and patients who have experienced medical accident cases can provide a deeper perspective (Soekanto, 2003).

Finally, the results of this study are expected to provide recommendations for improving the legal system and medical practices in Indonesia, to protect patient rights while providing clarity to medical personnel in carrying out their practices. This study can also enrich academic and policy discussions on the importance of patient safety and legal responsibility in the medical world.

RESULTS

Medical malpractice is an act or omission committed by a medical professional that causes harm to a patient. In a legal context, the consequences of this malpractice are very important to understand, especially in an effort to protect patient rights and ensure the quality of health services (Hidayani, 2023).

The legal consequences arising from medical malpractice can be divided into several aspects. First, there is the criminal aspect, where medical personnel can be faced with lawsuits if proven to have committed an unlawful act, such as negligence that causes injury or death to a patient. In this case, criminal law can provide sanctions in the form of imprisonment or fines, depending on the severity of the violation. Second, from a civil perspective, patients who feel they have been harmed can file a lawsuit to claim compensation. In this case, the plaintiff must be able to prove that there has been a legal relationship between the patient and the medical personnel, and that the medical actions taken were not in accordance with applicable professional standards. This proof often requires strong evidence, such as medical records and statements from expert witnesses.

Third, there are also administrative consequences. Medical personnel who have been proven to have committed malpractice can be subject to administrative sanctions by professional organizations or health regulatory bodies. These sanctions can be in the form of revocation of practice permits, warnings, or administrative fines. This aims to maintain the integrity of the profession and to ensure that medical personnel practice properly. Overall, the legal consequences of medical malpractice serve as a protection mechanism for patients and as a tool to encourage professionalism in the health sector. However, the application of this law must also be balanced with a good understanding of the complexity of medical practice so that medical personnel are not caught in legal problems simply due to unintentional mistakes. Malpractice can be divided into several groups, namely (Putra, 2020):

a. **Medical Malpractice:**

Medical malpractice can cause serious injuries to patients due to the professional negligence of doctors. Actions that are not in accordance with standard of care risk creating harm that could have been avoided. Therefore, it is important for medical personnel to practice medicine with care and according to the procedure.

b. **Ethical Malpractice**

According to KODEKI, malpractice is the action of a doctor that is contrary to medical ethics, which is part of the standards, principles, and norms that apply to the medical profession.

c. **Legal Malpractice**

Medical malpractice is an act that violates professional standards in medical practice, is contrary to applicable law, and can cause harm to patients.

Negligence due to medical malpractice is a condition in which a medical professional does not perform his/her duties according to the expected standards, resulting in harm or injury to the patient. In a legal context, this negligence can be associated with the provisions contained in the Criminal Code (KUHP) of Indonesia. In the Criminal Code, negligence can be considered a form of criminal offense if it is proven that the actions or omissions of the medical professional meet the elements that lead to gross negligence. For example, if a doctor performs a medical action that is clearly contrary to standard procedures and causes the patient to suffer injury or even death, then the action can be viewed as negligence that violates the law (Maulana, 2019).

Legally, to prove malpractice, there must be elements that show that medical personnel were negligent, not only negligent, but also that there was a causal relationship between negligence and the harm suffered by the patient. In this case, the Criminal Code provides a framework for assessing whether negligence is serious enough to be subject to criminal sanctions (Hatta et al., 2024). Patients who feel disadvantaged by malpractice have the right to file a lawsuit, civilly or criminally. In this process, evidence, such as medical records and testimony from other medical experts, will be very important in proving that a violation of the law has occurred. If the case is brought to court, the judge will evaluate all evidence and decide whether the actions of medical personnel meet the elements of negligence in the legal context. If found guilty, medical personnel can be subject to sanctions according to applicable provisions, which can be in the form of fines, imprisonment, or administrative sanctions from professional organizations (Maulana, 2019).

Therefore, the relationship between negligence due to malpractice and the Criminal Code lies in how this act of negligence can be measured, proven, and documented before the law, thus protecting patient rights and ensuring that medical personnel are held accountable for their actions.

DISCUSSION

When handling cases of medical accidents and medical malpractice in Indonesia, several steps are followed. First, it is necessary to understand the definition of medical accidents and malpractice. A medical accident is an unwanted event that occurs during treatment, whereas malpractice occurs when medical personnel do not meet professional standards that cause harm to patients. The procedure begins with the reporting. Patients or their families can report the incident to the hospital or health institution concerned. Reports can also be submitted to the Health Service or related professional organizations. After that, the hospital will conduct an initial investigation to collect facts and evidence from the incident.

Before proceeding to legal proceedings, mediation is often carried out. Mediation involves a meeting between the patient and the healthcare provider to find a mutually beneficial resolution without having to go through the courts. If mediation is unsuccessful, the patient has the right to file a civil lawsuit against medical personnel or the healthcare institution. In this process, evidence and witnesses will be presented to support the legal argument. Additionally, in certain cases where there is an element of gross negligence, criminal proceedings can also be applied. An investigation will be carried out by the police and, if proven, medical personnel can be subject to legal sanctions. After going through all these stages, the court will issue a decision based on the facts and applicable law. Parties who are dissatisfied with the decision can appeal. Additionally, the medical personnel involved can also be subject to administrative or disciplinary sanctions from their professional organizations.

This procedure aims to protect patient rights and ensure that medical personnel perform their duties according to established standards, while improving the quality of health services in Indonesia. In order for a mistake to be punished in criminal law, it must meet the following three necessary elements (Jamaluddin & Karmila Ratna, 2022).

In the context of criminal law, in order for a crime to be punishable, there are three main elements that must be met. First, the perpetrator must be in a normal mental state. This means that the individual committing the act must be in a mental state capable of understanding the consequences of his actions. If someone is not in a healthy mental state, then they may not be legally responsible for their actions.

Second, there must be a connection between the perpetrator and his act, which can be intentional or negligent. In this case, intentional means that the perpetrator performed the act with full awareness and intention, while negligence indicates that the perpetrator did not intend to do wrong but did not meet the expected standard of duty. In medical practice, this means that if a doctor performs a medical act that results in injury, it is important to determine whether he did the act intentionally or negligently.

Third, there should be no excuse that erases or excuses mistakes. In law, there are certain situations in which an apparently wrongful act can be justified or excused, such as in an emergency or when the act was done to save another person's life. In the medical context, if the doctor has taken all necessary steps and followed established protocols, then he or she may be exempted from legal responsibility even if the outcome is not as expected (Ilahi, 2018).

The criminal law in Indonesia adheres to the principle of "no punishment without fault," which means that a person cannot be punished without a clear fault. This principle underlines the importance of individual accountability in law and ensures that only those who have committed a mistake, whether intentionally or negligently, can be subject to criminal sanctions. In the Criminal Code (KUHP), this principle can be found in Article 1 paragraph (1), which states that "no act can be punished, except based on the power of existing statutory regulations." This shows that for an act to be subject to criminal penalties, there must be a law that regulates it and explains the error that was committed. Furthermore, in the context of wrongdoing, Article 44 of the Criminal Code states that "acts committed intentionally or negligently are punishable." This confirms that there are two types of wrongdoing recognized in criminal law: intentional (*dolus*) and negligent (*negligens*). Intentional indicates the perpetrator's intention to commit a prohibited act, while negligence refers to carelessness that results in a detrimental act.

This principle is important because it provides protection for individuals from arbitrary actions by the state. Everyone has the right not to be punished if they have not committed a clear and provable crime. Thus, the principle of "no punishment without fault" serves to guarantee justice in the legal process and ensure that punishment is only given to those who are truly responsible for their actions (Deri Mulyadi, 2020).

A medical accident is a situation in which a patient experiences injury or loss due to medical treatment that does not meet the expected standard of care. In the context of Indonesian law, medical accidents can be related to several articles of the Criminal Code (KUHP), which regulate negligence and criminal liability. One of the relevant articles is Article 359 of the Criminal Code. This article states that "anyone who, through error or negligence, causes the death of another person shall be punished with a maximum imprisonment of five years or imprisonment." In the context of a medical accident, if a doctor performs a negligent act and causes the death of a patient, the doctor may be subject to criminal sanctions under this article (Miharja, 2018).

Additionally, Article 360 of the Criminal Code regulates negligence that causes serious injury. If a medical action causes serious injury, medical personnel can be held responsible under this article. In such cases, it is important to show that there is a causal relationship between the negligence committed and the harm suffered by the patient. Medical accidents can also be examined under Law No. 36 of 2009 concerning Health and Law No. 29 of 2004 concerning Medical Practice. These laws stipulate the obligation of medical personnel to provide care in accordance with professional standards. If medical personnel do not comply with these provisions, they can face both criminal and civil lawsuits. Overall, medical accident cases are complex because they involve medical, legal, and ethical elements. In the legal process, it is important to conduct a thorough investigation to determine whether negligence has occurred and whether the actions taken by medical personnel are in accordance with established standards. This aims to protect patient rights while enforcing responsibility for the medical personnel involved.

CONCLUSION

Doctors who carry out their duties in accordance with professional standards, services, and operating procedures are entitled to legal protection. In medical practice, it is important for doctors to provide informed consent and keep medical records as evidence to protect themselves from lawsuits in the event of alleged malpractice. Some reasons that can exempt doctors from legal responsibility include: treatment risks, medical accidents, contributory negligence, respectable minority rules, errors of judgment, risk assumptions (*volenti non fit iniura*), and the principle of "*res ipsa loquitur*."

The legal consequences arising from medical malpractice can be divided into several aspects. First, there is the criminal aspect, where medical personnel can face lawsuits if proven to have committed an unlawful act, such as negligence that causes injury or death to a patient. In this case, the criminal law can provide sanctions in the form of imprisonment or fines, depending on the severity of the violation. Second, from a civil perspective, patients who feel they have been harmed can file a lawsuit to claim compensation. In this case, the plaintiff must be able to prove that there has been a legal relationship between the patient and medical personnel and that the medical actions taken were not in accordance with applicable professional standards. This proof often requires strong evidence, such as medical records and statements from expert witnesses.

Conflict of Interest

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

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