

APPLICATION OF THE PRINCIPLE OF DUE CARE IN MEDICAL PRACTICE AND ITS IMPLICATIONS FOR DOCTOR NEGLIGENCE

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Abstract

This study aims to analyze the application of the principle of duty of care in medical practice and its implications for physician negligence in Indonesia. The method used is normative with a juridical and conceptual approach, reviewing regulations, medical codes of ethics, literature, and court decisions through literature studies. Data were analyzed qualitatively to interpret the relationship between professional standards, duty of care, and legal liability for negligence in medical practice. The results of the study show that the principle of duty of care is the main guideline in determining whether a doctor's action falls into the category of negligence or is still a reasonable professional judgment. The application of this principle requires that every medical procedure be carried out carefully in accordance with operational standards of procedures and full awareness of the potential risks that exist. Violations of principles such as misdiagnosis, improper treatment, and ineffective communication to patients can be considered negligence and have the potential to give rise to civil, criminal, or administrative liability. Factors that affect physician compliance include understanding of regulations and ethics, competence, condition of health facilities, effective communication, and professional supervision. Efforts to prevent medical negligence based on the obligation to be cautious include continuous training, implementation of SOPs, use of information technology, professional supervision, and active patient participation so that health services can be carried out safely, professionally, and reliably.

Keywords: Due Care, Medical Practice, Doctor Negligence

INTRODUCTION

The application of the principle of the obligation to be cautious in medical practice is the main pillar that determines the quality and safety of health services. This principle requires medical personnel to carry out every action carefully, carefully, and responsibly so that risks that can harm patients can be minimized. The responsibility of caution includes not only the execution of medical measures, but also clinical decisions, communication between doctors and patients, and risk management during the diagnosis and therapy process. This principle is the moral basis as well as a legal obligation for doctors to always be guided by the applicable professional standards.

The rapid development of medical science and technology presents new challenges in the application of the duty of care. Doctors are often in situations that require quick decision-

making amid the pressure of case complexity, leaving the potential for negligence open despite efforts to comply with procedures. Negligence in carrying out the duty of care can cause losses to patients and have implications for the emergence of legal disputes and a decrease in public trust in the medical profession. This condition shows the need for a strong understanding of this principle so that every medical personnel is able to anticipate risks and avoid mistakes that lead to malpractice.

The application of the duty of care is also closely related to legal protection for patients as parties who are entitled to receive services according to standards. Medical ethics and laws and regulations affirm that any medical action must be based on objective and responsible professional considerations. However, the reality on the ground still shows that there are cases of negligence that illustrate the inconsistency in the application of these principles. The impact not only causes physical and psychological suffering for patients, but can also reduce the image of health institutions and disrupt public trust in the medical service system.

Obstacles to the application of the principle of the obligation to be cautious are often found in areas that face limited facilities, human resources, and professional supervision. Factors such as high workload, lack of ongoing training, and weak internal supervision systems also affect physicians' adherence to this principle. These problems raise the need to examine the extent to which the implementation of the duty of care has been carried out effectively and how it affects the potential for medical negligence.

The purpose of this study is to examine the application of the principle of duty of care in medical practice and identify its implications for the occurrence of physician negligence. The focus of the research is directed at the factors that affect the doctor's compliance in carrying out these obligations as well as the legal consequences arising from their violations. The results of the study are expected to be able to provide an in-depth picture of the actual conditions of applying the precautionary principle in the field and become the basis for the preparation of recommendations to strengthen the governance of the medical profession that is oriented towards patient safety and public trust.

LITERATURE REVIEW

Obligation

An obligation is a responsibility that must be fulfilled by a person based on legal rules, social norms, or contracts that have been agreed. This obligation requires a certain action or behavior that must be carried out so that the purpose or role carried out can be carried out correctly and effectively. In the legal field, obligations are often related to the rights of other parties that must be respected and fulfilled so that adverse violations do not occur. The performance of obligations shows a commitment to the responsibility inherent in a certain position or relationship, and its failure can result in legal and moral consequences as a form of accountability for actions or omissions that occur (Bahri, 2023).

Doctor's Negligence

Doctor negligence is a situation in which a medical personnel fails to carry out their professional standards in providing proper health services, resulting in loss or danger to patients. This negligence can be in the form of actions that are not in accordance with medical procedures, neglect of the patient's condition, misdiagnosis, or lack of attention in the

supervision and care of the patient. An important aspect of physician negligence is the causal relationship between the doctor's actions that are standardized and the losses suffered by the patient. In practice, doctors' negligence is assessed based on professional standards, medical ethics, and laws and regulations that regulate health services in order to ensure patient safety and rights (Sabri, 2023).

RESEARCH METHOD

The normative method is the main approach in this study because the focus is on the analysis of legal principles, principles of medical ethics, and laws and regulations that regulate the obligation of caution in medical practice. This method allows researchers to critically evaluate the applicable norms and how they are applied in medical practice (Askin & Masidin, 2023), including legal aspects concerning physician negligence. Normative research focuses on literature studies, reviews of legal documents such as laws, ministerial regulations, medical codes of ethics, and relevant court decisions to understand the normative framework that governs doctors' obligations to patients.

The data collection technique uses a literature approach, namely literature studies through secondary sources consisting of books, scientific journals, legal articles, and other written sources that discuss aspects of the duty of care and medical negligence. These data are taken systematically to obtain an in-depth picture of the theories, principles, and legal practices that apply in the field of medicine. Law and medical books as well as academic journals are the main sources to provide a valid theoretical foundation and support analysis of cases and ethical assemblies that have occurred, so that this research has a strong basis in understanding the phenomenon of normative medical negligence.

The data analysis technique applied is normative qualitative analysis that prioritizes the interpretation and interpretation of legal materials and related written documents. Through this stage, the data that has been collected is selected, organized, and studied in depth in order to identify patterns of the application of the duty of care that cause or avoid the negligence of doctors. The analysis process focuses on comparing legal provisions with field facts supported by the literature, so that the results are able to provide a clear picture of the relevance of legal norms to ongoing medical practice and the suitability between rules and implementation in the field.

RESULT AND DISCUSSION

Application of the Duty of Caution Principle in Medical Practice

The application of the principle of the obligation to exercise caution in medical practice in Indonesia is based on Law Number 17 of 2023 concerning Health and related regulations that are more up-to-date such as Government Regulation Number 28 of 2024 which regulates the implementation of the Law. Health Law Number 17 of 2023 emphasizes that every medical personnel, including doctors, are required to carry out medical practice in accordance with professional standards and applicable standard operating procedures. The principle of self-care encourages doctors to perform medical actions carefully and responsibly to protect patient safety and prevent errors or omissions that can harm patients. This shows that the duty of caution has binding normative force in the practice of medicine (Amallia et al., 2024).

The Indonesian medical code of ethics also affirms the principle of the obligation to be careful as one of the main values that must be upheld by all doctors in carrying out their professional duties. This obligation includes vigilance in examination, diagnosis, and therapy as well as honest and clear communication to patients about their health conditions. The code of ethics also regulates the confidentiality of information and the obligation to carry out emergency relief measures as part of the sense of humanity inherent in the medical profession. This code of ethics is a moral and professional guideline that is used as a reference in assessing whether a doctor has carried out an obligation of caution in accordance with international standards applied in Indonesia (Jaya et al., 2022).

Regulation of the Minister of Health Number 3 of 2025 regulates in more detail the discipline of the medical profession which binds doctors to comply with the obligation to be cautious in every medical action. These regulations include limitations on the types of disciplinary violations that can occur, examination procedures, and sanctions that can be imposed if a doctor is found to be negligent or violates the duty of care. Supervision of the implementation of this principle is carried out in layers by professional organizations and the government so that medical practice runs in accordance with predetermined standards. The enforcement of this discipline supports the creation of a safe and reliable medical environment for patients.

The application of the obligation to be cautious cannot be separated from challenges such as the complexity of medical cases and pressure in health services that can sometimes affect the accuracy of doctors. The Health Law and its implementing regulations support the existence of a quality control and cost control mechanism that ensures that doctors provide services that meet the patient's medical needs and do not violate professional standards. In practice, doctors are required to refer patients to specialists if the case is beyond their capacity and are obliged to keep all patient medical information confidential to protect patients' rights. This is a concrete form of implementing the obligation to be careful so that the medical measures carried out do not have a negative impact on patients (Aryani & Intarti, 2019).

The application of the principle of duty of care in medical practice in Indonesia aims to minimize the risk of malpractice and improve the quality of health services as a whole. The Health Law and its derivative regulations place this obligation as the main foothold that must be fulfilled by doctors in order to maintain patient safety and trust. Compliance with the duty of care also ensures legal protection for doctors who have carried out their duties according to procedures, so that a balance is created between the rights and obligations of medical personnel and patients. This principle is a fundamental foundation in maintaining medical professionalism and the quality of health services that are oriented towards patient safety in the current modern era.

Factors Affecting the Level of Physician Compliance with the Principle of Duty of Care

The level of doctors' compliance with the principle of the duty of care in carrying out medical duties is influenced by various interrelated factors. The first factor comes from the doctor's understanding and awareness of the legal aspects and the code of ethics of the medical profession that regulates the obligation of care. Doctors who have a deep understanding of legal and ethical responsibilities tend to conduct medical practice with more caution to avoid the risk of malpractice and legal sanctions (Borysiak, 2023). Awareness of the importance of

professional standards regulated in Law Number 17 of 2023 and Minister of Health Regulation Number 3 of 2025 provides a strong foundation for doctors to carry out medical procedures in a safe and responsible manner.

The second factor is related to the work environment and health facilities where the doctor works. The availability of adequate facilities and infrastructure greatly determines the ability of doctors to implement the obligation of care. Hospitals or clinics that have clear standard operating procedures, good documentation of medical records, and a strict internal monitoring system, help doctors to perform their duties optimally without neglecting patient safety measures. On the contrary, weaknesses in hospital management, lack of sufficient human resources, and excessive work pressure can reduce doctors' compliance in upholding the principle of prudence.

The third influence comes from the doctor's own personal factors, such as competence, experience, and continuity of medical education and training. Doctors who are always up-to-date with the development of medical science and technology through training or continuing education will be more sensitive to risks and how to mitigate them. High professional competence makes doctors able to make the right clinical decisions and perform medical actions more carefully. Fatigue due to long working hours or psychological stress can also be an obstacle that weakens concentration and alertness, potentially negatively impacting compliance with the duty of care (Fadhlan et al., 2023).

Effective interaction and communication between doctors and patients and other medical teams is the fourth factor that also affects the level of physician compliance. Information disclosure, clear education, and mutual understanding between doctors and patients help reduce the risk of misunderstandings that could contribute to medical negligence. In addition, good cooperation within the medical team ensures that the procedures carried out are up to standards and remind each other of potential dangers. This culture of open communication is an important foundation for the duty of care to be applied consistently, considering that most of the risks of malpractice are often rooted in miscommunication.

The last factor is the regulatory and supervisory factors from professional institutions and the government that determine the standards and mechanisms of medical law enforcement. The existence of clear regulations regarding the duty of care, as well as strict sanctions for violations, increases the seriousness of doctors in fulfilling their obligations. Professional organizations such as the Indonesian Doctors Association play a major role in providing supervision, code of ethics education, and providing legal assistance for its members. If this supervision is effective, doctors will feel motivated and responsible to always be careful in medical practice to maintain patient safety and the reputation of the medical profession (Holijah et al., 2023).

Legal Implications for Violations of the Duty of Care Principle in Medical Practice

The legal implications of physician negligence stemming from violations of the duty of care in medical practice include various consequences that can be civil, criminal, and administrative. Civilly, doctors can be held accountable to provide compensation to patients or their families if medical negligence is proven to result in physical or psychological losses. These damages typically include medical expenses, lost income, and compensation for the patient's suffering. Legal protection through civil mechanisms aims to restore the rights of

patients who are harmed by actions that are not in accordance with the standards of the medical profession (Limbong & Pasaribu, 2022).

The criminal side of the legal implications of doctor negligence is regulated in Article 440 of Law Number 17 of 2023 concerning Health. This article stipulates a maximum prison sentence of three years or a fine of up to Rp250 million for medical personnel whose negligence causes serious injuries to patients. If the negligence causes death, the criminal sanction can be increased to five years in prison or a maximum fine of IDR 500 million. This criminal sanction is intended to provide a deterrent effect so that medical personnel carry out their practice carefully and responsibly. However, in practice, the element of intentionality is the main point in determining whether a case of medical negligence can be punished, so criminal sanctions usually apply to cases that contain elements of gross error.

Administrative sanctions are also an important form of legal implications, in the form of revocation or freezing of doctors' practice licenses by professional supervisory institutions such as the Indonesian Medical Discipline Honorary Council (MKDKI) or the government through the Ministry of Health. This action was enacted to maintain professional standards and prevent the recurrence of mistakes by doctors. Administrative sanctions send a strong signal that negligence that violates the code of ethics and medical standards will not be tolerated, and ensures doctors carry out their duty of care for patient safety consistently (Momodu & Oseni, 2019).

The application of the law to medical negligence also has an impact on the reputation of the medical profession which can decline due to cases of malpractice spread in the community. This requires doctors to always maintain professionalism and carry out medical practices based on applicable standards so as not to lose trust from the public. Clear legal protection for doctors who are on duty according to procedures provides a sense of security and supports them in carrying out their profession, while law enforcement against negligence serves to maintain the safety and security of patients.

The enforcement of the legal implications of the breach of the duty of care affirms that the duty of a doctor is not only a matter of practical expertise, but also a legal and ethical responsibility that must be maintained at all times. Preventive efforts such as continuous training, facility improvement, and professional discipline supervision aim to minimize the risk of negligence. With clear and firm legal and ethical rules, it is hoped that doctors will be able to provide safe and quality health services and provide legal certainty for both patients and medical personnel (Nugraha et al., 2023).

Efforts to Prevent and Overcome Medical Negligence Based on the Principle of Duty of Caution

Efforts to prevent medical negligence based on the principle of the obligation to be cautious in medical practice must be carried out through structured and continuous strategies that touch all aspects of health services, starting from medical education, professional development, risk management, and the use of modern technology. Continuous education and training are the main foundation for doctors to gain up-to-date knowledge and skills in carrying out medical actions accurately and safely. Medical schools need to design curricula that are adaptive to technological progress and responsive to changes in disease patterns, medical devices, and clinical standards. The inclusion of materials on medical law and ethics in the

learning process is a crucial part of shaping the awareness of future doctors about their moral and legal responsibilities. Regular training for practitioners through workshops, case discussions, and simulation-based learning ensures that doctors can continuously hone their clinical judgment and decision-making in complex medical situations (Ojo & Obieze, 2024).

The establishment and enforcement of clear and measurable standard operating procedures (SOPs) are also a vital mechanism to reduce the potential for negligence in health services. Every health facility, from hospitals to clinics, must ensure that all stages of service from patient admission, diagnosis, therapy, surgical procedures, to post-treatment care are guided by SOPs that align with both national and international medical standards. These procedures serve as a professional guideline that supports uniformity and accountability in the execution of medical duties. Internal and external audits are carried out periodically to ensure compliance and identify potential procedural gaps that could increase the risk of error. When health workers have access to SOPs that are continuously updated and based on empirical evidence, their actions will be more systematic, measurable, and defensible from both ethical and legal perspectives.

Technological innovation, especially in the field of medical information systems, contributes significantly to the prevention of medical errors. The application of electronic medical record (EMR) systems allows the storage, retrieval, and exchange of patient information in a structured and secure manner. This system minimizes the risk of misdiagnosis caused by incomplete or inconsistent data, as every medical professional involved in the patient's treatment has simultaneous access to accurate and up-to-date information. The integration of telemedicine and artificial intelligence-based diagnostic tools further enhances doctors' ability to make data-driven clinical decisions while maintaining the principles of patient safety. Effective communication among the multidisciplinary team, including doctors, nurses, pharmacists, and other health professionals, is also essential to avoid miscommunication that can lead to medical negligence (Rezaldy, 2020).

Professional supervision and the enforcement of medical discipline by organizations such as the Indonesian Medical Discipline Honorary Council (MKDKI) and the Indonesian Medical Council (KKI) are pillars in maintaining the credibility and integrity of the medical profession. These institutions have the authority to examine, mediate, and impose sanctions on doctors who are proven to have violated professional standards or ethics. Preventive measures through continuous professional development, seminars, and dissemination of the medical code of ethics are carried out to shape the awareness that prudence in medical practice is not only a professional requirement but also a moral and social responsibility. The consistent implementation of disciplinary measures strengthens the culture of accountability among medical practitioners and enhances public trust in the medical profession as a whole (Stępnia, 2021).

Public participation also plays a significant role in preventing and monitoring the occurrence of medical negligence. Patients who understand their rights and obligations tend to be more proactive in the treatment process, asking critical questions and ensuring that the medical actions they receive are in accordance with professional standards. Education campaigns by the government and medical institutions regarding patient rights, complaint procedures, and the mediation process in malpractice cases help the public become more

informed and empowered in interacting with the health system. The availability of a mediation process as an early stage in resolving disputes between doctors and patients opens up opportunities for fair and non-confrontational solutions. This approach not only reduces the potential for prolonged litigation but also encourages mutual understanding between medical professionals and the community in realizing safe, ethical, and patient-centered medical services (Santoso, 2018).

CONCLUSION

The principle of the obligation to be cautious is the main foundation in medical practice which requires medical personnel to act carefully and responsibly in order to minimize the risk of harm to patients, as stipulated in Law Number 17 of 2023 and its derivative regulations. Physicians' adherence to this principle is influenced by the understanding of professional law and ethics, working environment conditions, ongoing competence and training, effective communication between medical personnel and patients, and supervision from professional organizations and the government. Violations of the duty of care not only have the potential to cause losses to patients but also cause legal consequences in the form of civil, criminal, and administrative sanctions that function to maintain professionalism and patient safety. This principle-based medical negligence prevention effort includes improving professional education, implementing strict standard operating procedures, utilizing information technology in medical record management, strengthening professional discipline supervision, and active involvement of patients and the community in health service supervision. All of these measures must be carried out in an ongoing manner so that medical services not only meet quality and safety standards, but also maintain public trust and protect patients' rights in today's modern era of health.

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