

ETHICAL AND LEGAL RESPONSIBILITY OF PHYSICIANS FOR MEDICAL ACTIONS THAT POSE A RISK TO PATIENTS

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Abstract

This study aims to describe and analyze the ethical and legal responsibilities of physicians for medical actions that pose risks to patients, focusing on the application of informed consent and triggering factors for legal disputes between patients and doctors. The method used is normative research with a descriptive qualitative approach, based on literature studies of legal documents, medical literature, and professional codes of ethics. Data were systematically analyzed to examine the alignment of legal and ethical norms in risky medical practice. The results of the study show that the ethical responsibility of doctors requires the application of the principles of beneficence and non-maleficence, transparency in the communication of medical risks, and full respect for the autonomy of patients. From a legal perspective, the implementation of Law Number 17 of 2023 concerning Health provides a clear legal umbrella for the protection of patients and doctors, including the obligation of informed consent before medical procedures. However, legal disputes often arise not only due to medical errors, but also due to ineffective communication, unrealistic patient expectations, incomplete documentation, differences in medical interpretation, and psychological factors and hospital management. Thus, fulfilling professional standards accompanied by risk management and good communication can increase patient trust while reducing the potential for legal disputes.

Keywords: Physician responsibilities, informed consent, medical disputes

INTRODUCTION

The medical profession is regarded as highly noble because it directly impacts human health, safety, and overall quality of life. Doctors are entrusted with the responsibility of diagnosing illnesses, providing treatment, and ensuring the well-being of their patients. Every medical procedure, whether minor or complex, inherently carries risks that can affect the patient's condition, ranging from mild side effects to severe complications, including permanent disability or death. Such risks cannot be entirely eliminated because individual responses to medical interventions vary significantly. This reality places doctors in a position that demands not only advanced clinical skills but also the ability to uphold ethical and legal responsibilities in every medical decision made, ensuring that actions taken align with professional standards while minimizing harm to patients (Aida & Afrita, n.d.).

Health services demand precise diagnosis, careful execution of procedures, and clear communication regarding potential risks. Patients are entitled to receive comprehensive

information about their medical conditions and the interventions proposed, which allows them to give informed consent. Inadequate explanation of risks or failure to obtain proper consent may lead to misunderstandings, dissatisfaction, or legal disputes if the medical outcomes are unfavorable. At the same time, doctors require protection against being unjustly blamed when complications occur despite adherence to accepted standards of practice. Achieving a balance between protecting patients' rights and safeguarding medical professionals is crucial to maintaining trust in the healthcare system and ensuring fair treatment for both parties (Aulia & Yusuf, 2025).

Laws and regulations in Indonesia's health sector provide clear boundaries and obligations for medical practitioners. Law Number 17 of 2023 concerning Health establishes legal frameworks that link medical practice to professional standards, service standards, and ethical codes. The increasing number of legal cases against healthcare professionals highlights gaps in understanding and applying these rules in practice. Misalignment between patient expectations and the limits of medical authority can result in legal conflicts that negatively impact patients, healthcare providers, and the healthcare system as a whole. These challenges emphasize the need for medical professionals to maintain thorough knowledge of both legal provisions and ethical principles to guide their daily practice effectively (Bachri, 2024).

Responsibility for medical actions that carry risks is an issue that requires careful attention because risks do not necessarily indicate negligence. Procedures performed according to established standards can still lead to unexpected outcomes, creating complex situations where determining accountability becomes challenging. These scenarios raise critical questions regarding the extent of ethical and legal responsibilities doctors hold and the mechanisms available to resolve disputes when adverse events occur. Lack of clarity in this area may lead to reduced public confidence in healthcare services, increased litigation, and heightened anxiety among medical practitioners, which can affect overall service quality.

The purpose of this study is to describe and analyze the ethical and legal responsibilities of doctors in relation to medical actions that involve potential risks. The research also examines the implementation of informed consent in medical practice and identifies factors that trigger legal disputes between patients and healthcare providers. Conducting this research is urgent because it provides a deeper understanding of how the protection of patients' rights and the safeguarding of medical professionals can coexist. The study aims to produce findings that support safer healthcare practices, strengthen trust between patients and doctors, and contribute to the development of legal certainty in medical services.

LITERATURE REVIEW

Ethical Responsibility

Ethical Responsibility is a moral obligation that must be obeyed by a person or group in carrying out their professional duties and roles, including maintaining integrity, honesty, justice, and concern for the rights and dignity of each individual involved, so that all actions taken are not only subject to written rules, but also pay attention to universal moral values that uphold humanity and the welfare of others (Venia et al., 2024).

Doctor's Law

Doctor's Law is a legal rule and provision that regulates medical practice, including rights, obligations, and limitations on the authority of doctors when providing health services to patients, so that every medical action carried out in accordance with professional standards, does not harm any party, and provides legal protection for doctors and patients in the event of problems or disputes in health services (Wahyudia Putri, 2024).

Medical Measures

Medical Measures are all actions taken by medical personnel to maintain, restore, or improve a person's health condition through diagnosis, treatment, disease prevention, rehabilitation, and various medical interventions carried out based on medical science standards and the patient's clinical needs, so that the treatment process takes place in a structured, directed, and in accordance with applicable medical procedures (Fetrus & Laia, 2025).

Risks to Patients

Risks to Patients are potential dangers, losses, or adverse effects that patients can experience due to medical procedures, drugs, equipment, human error, and the patient's own health condition that cannot always be predicted accurately, so that every action taken has the possibility of causing complications, therapy failure, injury, or other impacts that can threaten the patient's safety or quality of life (Ekowatiningsih et al., 2025).

RESEARCH METHOD

The normative research method is a research approach that focuses on the analysis of laws and regulations, legal principles, and ethics that apply in a particular practice (Askin & Masidin, 2023). This research emphasizes the understanding of professional norms, rules, and standards as a basis for assessing legal or ethical phenomena. In normative research, the data obtained is secondary, in the form of legal documents, scientific literature, and other relevant written sources, so that the researcher can assess the application of legal and ethical norms in professional practice. This approach allows for the identification of physicians' obligations and responsibilities as well as legal boundaries related to medical actions that pose a risk to patients.

The data collection technique used in this study is in the form of library research with the main source in the form of books, scientific journals, and related legal documents. Books are used to gain a fundamental understanding of medical ethics, health law, and medical practice standards. Scientific journals are an important source for obtaining the results of previous research, medical law case phenomena, and relevant theoretical analysis. Legal documents, including Law Number 17 of 2023 concerning Health, implementing regulations, and professional codes of ethics, are used to trace the legal provisions that govern doctors' responsibilities to patients. This data collection technique ensures that the information obtained is valid, up-to-date, and can be used as a strong basis for analysis.

Data analysis in this normative research uses descriptive qualitative techniques, namely analyzing, interpreting, and presenting data systematically to obtain conclusions that are relevant to the research objectives. The collected legal and literature data are described, classified, and associated with research problems. This approach allows researchers to identify the ethical and legal responsibilities of doctors, the practice of implementing informed consent,

as well as the triggering factors for legal disputes between patients and doctors. The results of the analysis are structured logically so as to facilitate understanding of the relationship between legal norms, ethical principles, and the risks of medical actions, and provide an accurate basis for accurate recommendations for safe and law-based medical practice.

RESULT AND DISCUSSION

Physician Ethical Responsibility for Medical Actions That Pose a Risk to Patients

Physician ethical responsibility for medical actions that pose a risk to patients is profound and essential in the practice of medicine. Doctors must carry out their profession by upholding ethical standards that prioritize the safety and welfare of patients. This includes the obligation to make professional decisions by combining medical, technical and ethical aspects that are oriented towards the totality of service to patients. Doctors must ensure that every medical procedure performed has gone through a thorough examination and assessment according to recognized guidelines so that the procedure is truly beneficial and minimizes the risks that may occur to the patient (Butar & Yusuf, 2024).

This ethical responsibility also includes transparency in communication to patients. Doctors are obliged to convey information about the risks and benefits of medical procedures clearly and completely so that patients can make decisions based on sufficient knowledge and feel that their autonomy is respected. The principle of patient autonomy must be upheld so that the final decision about treatment is in the hands of the patient, with the doctor respecting and supporting the decision even though they may have different views. This open communication is an important foundation so that the existing risks can be understood together by doctors and patients so that they can avoid misunderstandings and build trust (Sp & Mangesti, 2023).

Another aspect of ethical responsibility is the doctor's maximum effort to avoid actions that could unnecessarily harm the patient. Although medical procedures are never without risks, doctors must reduce the degree of risk of treatment to the smallest possible through the best service standards. This includes adjusting decision-making when healthcare facilities are not ideal in order to continue to provide the best treatment for the benefit of patients. If an ethical dilemma occurs, doctors are obliged to adhere to the virtues of their profession as a guide in taking an attitude that can minimize the negative impact on patients (Cahyani et al., 2024).

If the risk in medical action leads to adverse consequences such as disability or death, the ethical responsibility of the doctor must still be fairly sitting, where the risk is the shared responsibility of the doctor and the patient. To maintain the quality of services and minimize the risk of malpractice, doctors must exercise their authority according to professional competence. Violations of professional standards can result in ethical sanctions from professional organizations ranging from reprimands to revocation of practice licenses, as well as potential lawsuits if they are significantly detrimental to patients (Soge, 2023).

Physicians also face significant moral and psychological responsibilities when the risk of medical action poses an unexpected impact. Inner conflict and moral burden arise if the doctor feels that he has made the maximum effort but the results are detrimental to the patient. This emphasizes the need for a code of ethics as a guideline that not only regulates professional behavior, but also as a psychological counterbalance for doctors so as to maintain moral integrity and honesty in decision-making. An ethics committee and internal oversight

mechanism are essential to enforce compliance with this code of conduct (Damayanti et al., 2024).

Commitment to the principles of beneficence and non-maleficence are the main foundations of a doctor's ethical responsibility in situations involving medical risks. Doctors should work to ensure that each action not only has the potential to provide optimal benefits but also does not cause unnecessary harm. Respect for these principles while upholding the professional accountability of doctors, so that medical practice is carried out responsibly and ethically, building patient and public trust in the medical profession.

Legal Responsibility of Doctors in Case of Risk to Patients Due to Medical Actions

The legal responsibility of doctors in the event of risks to patients due to medical actions requires serious consideration in terms of regulations and legal protection. Doctors have the obligation to provide services in accordance with professional standards and applicable surgical procedures. Medical risks that arise must be understood that not all risks have implications for physician error or malpractice, but doctors must be held responsible if the medical measures performed violate the standards of expertise or cause losses due to negligence. This regulation on legal responsibility is even more concrete after the enactment of Law Number 17 of 2023 concerning Health, which affirms legal protection for patients as well as the professional obligations of health workers, including doctors (Esti et al., 2025).

Law Number 17 of 2023 expands the scope of legal responsibility of doctors, not only individually but also health service providers such as hospitals that employ doctors. The articles in the law affirm that hospitals are also responsible for patient losses that arise due to the medical actions of medical personnel under their supervision. This concept of responsibility is in accordance with the principle of vicarious liability which regulates that an employer entity is also responsible for the actions of its workers while carrying out their duties, so that patients get stronger legal certainty in obtaining compensation due to malpractice or medical negligence (Siregar, 2025).

In civil law, doctors can be held liable for default in the event of failure to fulfill therapeutic agreements to patients, which includes the obligation to provide care according to standards and competencies. Doctors who commit malpractice or negligence that cause harm to patients can be sued civilly. The lawsuit is usually based on fault liability which requires proof that the doctor has violated his professional obligations, ignored service standards, and the losses incurred are a direct result of the action (Fauziah et al., 2025).

A doctor's criminal liability is also expressly regulated in the Health Law and other relevant regulations. If the doctor is proven to have committed gross negligence or mistakes that contain elements of intentionality that endanger the patient's life or safety, he may be subject to criminal sanctions such as fines, confinement, or imprisonment. The aspect of prudence and the obligation to obtain informed consent from patients are important factors in building a doctor's legal defense. If the consent to medical procedure is not properly fulfilled, the doctor may be considered to have violated the criminal law for disregarding the patient's rights (Rokhim, 2020).

The implementation of doctors' legal responsibilities must be accompanied by a mechanism of continuous supervision and evaluation of professional standards adhered to by

medical personnel. Hospitals and other health institutions have a role to ensure that doctors apply strict operational standards for patient safety, as well as take corrective action in case of deviations. Law enforcement against malpractice cases must be balanced between the protection of patients' rights and the protection of doctors so that there is no excessive fear that can hinder quality medical services (Harry & Widjaja, 2023).

In order for the legal responsibility of doctors to be effectively enforced, the understanding and implementation of Law Number 17 of 2023 is very vital. The regulation regulates patients' rights to legal protection and health service standards, as well as concerns the complaint mechanism and systematic handling of alleged medical malpractices. Doctors and health institutions are obliged to carry out their obligations in accordance with the law in order to generate public trust. This at the same time encourages the professionalism of doctors in providing services that are responsible, safe, and oriented towards patient welfare.

The Implementation of Informed Consent in Protecting the Rights of Patients and Doctors against Potential Disputes

The implementation of informed consent plays a central role in protecting patients' rights while providing legal protection for doctors against potential disputes due to medical actions. In Law Number 17 of 2023 concerning Health, approval of medical procedures is an obligation that must be obtained before performing medical procedures, except in emergencies that require immediate action. The informed consent process must include providing complete and clear information about the diagnosis, the purpose of therapy, benefits, alternative course of action, and the risks and consequences if the action is refused. This puts patients as parties who have full autonomy in making decisions related to their health (Hidayat & Asyhadie, 2024).

The doctor is responsible for ensuring that the information conveyed can be understood properly by the patient or his family so that the consent taken is truly based on adequate understanding. This submission must be done honestly and openly without imposing certain choices, and must be recorded in writing and documented as evidence of the implementation of informed consent. This documentation is important as evidence to protect doctors in the event of a dispute claim in the future. Thus, informed consent is not just a formality, but the legal basis of the relationship of trust between doctors and patients (Ramadhani, 2024).

The regulation in Law No. 17 of 2023 accommodates the principle of balance between patient and doctor protection. Special articles provide for the exception of written consent in emergency situations, where doctors have the right to provide medical care without prior consent to save lives or prevent serious disability. This provision provides legal protection for doctors so that they are not easily prosecuted if the procedure is carried out according to professional standards and aims to save patients in critical conditions. Doctors receive legal protection against compensation claims as long as the action is taken within the limits of reasonableness and professionalism (Lubis, 2024).

The quality of communication in the implementation of informed consent is a key factor in preventing legal disputes. Transparent disclosure of potential risks minimizes misunderstandings and patient disappointment that could lead to lawsuits. This approach strengthens patients' trust in doctors and healthcare institutions while improving patient

adherence to recommended medical procedures. The role of education to the public and training for medical personnel related to the principle of informed consent is an important aspect that receives special attention in the implementation of the latest health law (Prayuti et al., 2024).

The implementation of informed consent must also be followed by strict supervision by both medical professional institutions and health regulators. Standardization of informed consent procedures and compliance audits is a mechanism to maintain the accountability of doctors and health institutions. In the event of a violation or disagreement, legal mechanisms can be activated to resolve disputes, in the form of mediation, administrative settlement, and formal legal procedures. Effective and fair dispute resolution is a support for the sustainability of safe and responsible medical practice (Manela et al., 2025).

The development of legal and regulatory systems that optimally integrate the principle of informed consent encourages dual protection, namely the rights of patients who have the right to receive information as well as protection for doctors who carry out their professional duties in good faith and based on standards. Law No. 17 of 2023 provides a strong legal umbrella as well as implementation challenges for all stakeholders in the health sector so that the implementation of informed consent can run effectively and ethically. Awareness and compliance with these provisions greatly determine the quality of health services and the reduction of potential disputes in the future.

Factors That Trigger Lawsuits Against Doctors Even Though Medical Procedures Have Been Up to Standard

Several factors can trigger lawsuits against doctors even though the medical actions carried out are in accordance with professional standards. One of them is the failure of communication between the doctor and the patient or his family. The information conveyed by doctors is sometimes difficult for ordinary patients to understand, causing misunderstandings related to medical conditions, risks of action, or therapeutic outcomes. This difference in perception often leads to disappointment in patients who then choose to sue legally, even though the standard procedure has been complied with. Ineffective communication is the main cause of medical disputes in Indonesia (Nagieb et al., 2024).

Another factor is the patient's unrealistic expectations of the outcome of the medical procedure. People sometimes expect a complete recovery without understanding the limitations of medical science and the nature of medical risks that cannot be completely eliminated. When the results are not as expected, patients and families feel disadvantaged and have the potential to sue doctors. This high expectation is also driven by the development of communication and information technology that allows patients to obtain a wide range of health opinions and information outside of an adequate context. Law Number 17 of 2023 emphasizes the need for comprehensive explanations from doctors so that patient expectations are more managed (Pombengi et al., 2025).

Incompleteness or lack of documentation of medical procedures is also often a trigger for lawsuits. Written evidence in the form of complete medical records and informed consent is very decisive in proving whether the doctor has carried out his obligations according to professional standards. Doctors who neglect to record and fill out documents instead make it easier for other parties to file a lawsuit. The Health Law regulates this aspect as an obligation

to protect patients' rights while protecting doctors from unfounded accusations (Pabidang et al., 2024).

Differences in interpretation of medical data and standard procedures among doctors or between health institutions can also cause disputes. Disagreements in medical opinions regarding diagnosis, therapy, or complications can trigger disputes that can lead to lawsuits. The provisions in Law No. 17 of 2023 encourage the resolution of disputes through reconciliation and mediation so that conflicts do not directly continue to the criminal or civil realm, in order to maintain professional relationships and patient rights (Parlin & Buaton, 2024).

Psychological and social factors also play a role in the emergence of lawsuits against doctors. A patient's and family's great fear, sadness, or disappointment at a deteriorating health condition can prompt them to look for a party to blame, including the attending physician. This condition can occur even if the doctor has carried out the procedure correctly. Differences in culture, values, and education also affect how patients interpret treatment outcomes and interact with medical personnel (Pabidang et al., 2024).

The management policy of hospitals or health facilities also affects the potential for lawsuits against doctors. Service imbalances, patient satisfaction, and the role of hospitals in supervising the implementation of medical measures are additional factors. Hospitals that are less than optimal in service quality management actually increase the risk of disputes involving doctors even though medical measures are appropriate. Law No. 17 of 2023 regulates the shared responsibility between doctors and health institutions to create safe and legally protected services.

CONCLUSION

Perlindungan hak pasien dan dokter dalam praktik medis harus seimbang, mengingat setiap tindakan medis memiliki risiko yang tidak bisa dihindari sepenuhnya. Pemahaman yang tepat tentang tanggung jawab etik dan hukum dokter, khususnya sesuai Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan, penting untuk mencegah konflik dan sengketa hukum. Penerapan informed consent menjadi aspek krusial yang menjamin transparansi komunikasi dan penghormatan terhadap otonomi pasien sekaligus memberikan dasar perlindungan hukum bagi dokter. Faktor pemicu tuntutan hukum terhadap dokter sering kali bukan hanya pada kesalahan medis, melainkan juga komunikasi yang kurang efektif, harapan pasien yang tidak realistis, dokumentasi yang tidak lengkap, perbedaan interpretasi medis, serta faktor psikologis dan manajemen institusi kesehatan. Pemenuhan standar profesi yang disertai komunikasi yang baik serta pengelolaan risiko yang tepat akan meningkatkan kepercayaan masyarakat dan mengurangi potensi sengketa hukum yang merugikan kedua belah pihak.

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