

**ANALYSIS OF LEGAL ETHICS IN MANAGING MEDICAL RISKS
DUE TO PHYSICIAN NEGLIGENCE AND IMPLICATIONS FOR
THE PROTECTION OF PATIENTS' RIGHTS AND MEDICAL
PROFESSIONALISM IN INDONESIA**

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Abstract

This study aims to analyze the aspects of legal ethics in the management of medical risks arising from physician negligence and its implications for the protection of patients' rights and medical professionalism in Indonesia. The method used is normative research with data collection techniques in the form of literature studies from books, journals, and relevant laws and regulations. Data are analyzed qualitatively with an interpretive approach to examine regulations and ethical principles and their implementation in medical practice. The results of the study show that the application of legal ethics in medical risk management is crucial to maintain a balance between the rights of patients and the obligations of medical professionals. The principles of legal ethics support the implementation of informed consent and physician accountability so that the risk of malpractice can be minimized. Obstacles such as low patient understanding, limited access to complaints, and an imbalance of protection between patients and medical personnel are still major challenges. Transparent, accountable, and equitable risk management can strengthen medical professionalism and build public trust in the health system. The restorative justice approach and supervision of professional discipline are important mechanisms in maintaining the integrity and protection of both parties.

Keywords: *legal equity, medical risks, protection of patient rights*

INTRODUCTION

As the development of medical technology continues to increase, people's expectations for health services are getting higher. The community demands a quality of service that is not only clinically effective but also safe and ethical. However, cases of medical negligence that result in serious risks to patients remain frequent, causing public anxiety and unrest. Physician negligence is not only a medical technical issue, but it also concerns complex aspects of legal and ethical responsibility of the profession. This requires serious attention from all parties, especially in dealing with risks that may occur during the health service process (Arthanti et al., 2024).

The imbalance between technological advances and the understanding of legal ethics in medical practice is often a source of conflict between medical personnel and patients. Patients who are victims of medical risks often feel that their rights are neglected and do not receive the justice they deserve. On the other hand, doctors face a heavy psychological and professional burden due to allegations of negligence that impact their reputations and careers. Legal and regulatory systems governing the protection of patients' rights and medical responsibilities are still evolving, but are often unable to accommodate the complexity of emerging cases, resulting in legal uncertainty and tension in medical practice (Ekayanti, 2022).

The level of ethical awareness of the medical profession in Indonesia varies, influencing the way doctors manage risk and make decisions in stressful situations. The medical risks that occur are not only related to technical errors, but extend to aspects of communication, information handling, and decision-making oriented to patient safety. How the role of legal ethics can strengthen the standards of medical professionalism is very crucial to reduce these risks. However, there is still a gap between legal ethics theory in the health sector and its implementation in daily practice in the field.

Another pressing issue is the protection of patients' rights that has not been fully protected optimally due to various limitations of the regulatory system and the unintegrated approach to legal implementation. Patients need legal certainty about their rights to safe and quality health care. In practice, differences in interpretation of doctors' legal responsibilities in cases of negligence often cause polemics. It is not uncommon for these cases to end in non-transparent settlements or harm one of the parties, thereby weakening public trust in the health system and the law in Indonesia.

This study aims to analyze in depth the aspects of legal ethics in the management of medical risks due to physician negligence, as well as assess its implications for the protection of patients' rights and medical professionalism in Indonesia. This research will evaluate how legal ethics frameworks can be used as a foundation in medical practice to minimize risk, enhance protection of patients'

rights, and strengthen the integrity of the medical profession. This study is expected to provide useful recommendations for policymakers, medical personnel, and legal institutions in improving medical risk management in a fair and professional manner.

METHOD

The normative method is the main approach in this study because it focuses on the analysis of legal rules, ethical principles, and norms that govern the management of medical risks due to physician negligence (Kristiawanto, 2022). This method is used to examine the applicable legal and ethical provisions and how they are applied in medical practice in Indonesia. Normative research helps to understand the conceptual and legal foundations that govern patient rights, medical responsibility, and medical professionalism, resulting in an in-depth understanding of the legal and ethical frameworks that must be pursued by medical professionals and healthcare institutions.

The data collection technique carried out in the form of library research uses secondary sources such as books, scientific journals, laws and regulations, articles, and academic documents that are relevant to the research theme. Data was systematically collected to obtain material from the literature containing theories, legal ethical principles, and cases related to medical risks and physician negligence. These documents are an important resource in analyzing the development of regulations and ethics in the medical profession and their impact on the protection of patients' rights and the management of medical risks.

Data analysis was carried out qualitatively with an interpretive approach to interpret the content of legal documents and ethical literature in depth. The analysis process is focused on comparing applicable regulations and ethical principles, evaluating the application of the law in medical practice, and identifying obstacles and implications that arise. The researchers systematically decomposed and grouped data in order to uncover the relationship between medical risk management, patient rights protection, and physician professionalism. This analysis technique produces a coherent and argumentative explanation of the need to strengthen legal ethics in health services in Indonesia.

RESULTS AND DISCUSSION

Application of Legal Ethics in Medical Risk Management Due to Physician Negligence in Indonesia

The application of legal ethics in the management of medical risks due to physician negligence in Indonesia is very complex because it involves a balance between the rights of patients and the professional obligations of medical personnel. Every medical procedure does have the potential to pose risks, even if carried out

according to standards, but negligence that poses a higher risk must be strictly regulated to protect the interests of patients without neglecting the professionalism of doctors. Legal ethics in the health sector prioritize the principles of justice, responsibility, and respect for patients' rights, so that medical risk management must be based on clear legal rules and strict professional ethical norms (Aryani & Intarti, 2019).

The management of medical risks that occur due to physician negligence requires the application of ethical principles that support each other in legal and professional aspects. One of the main principles is the obligation of doctors to provide honest information and obtain patient consent as a form of respect for patients' rights. Failure to carry out this obligation can increase the risk of medical negligence resulting in lawsuits. In this case, the application of legal ethics becomes a tool to ensure that doctors not only comply with clinical standards, but also ethical standards that protect the rights and dignity of patients during the treatment process.

The health legal system in Indonesia based on Law Number 17 of 2023 affirms the boundary between medical risk and medical negligence. Medical risks that occur even though they have gone through the correct procedures and standards are inherent and cannot always be punished, while medical negligence that meets the elements of unlawful acts and results in losses can have implications for criminal, civil, and administrative legal liability. The application of legal ethics here serves as a guideline in determining when medical actions should be categorized as legally blameable negligence, especially in the fair treatment of patients and the protection of the medical profession (Christanto et al., 2024).

Restorative justice is a legal ethical approach that has begun to be applied in handling medical risks due to physician negligence in Indonesia. This approach aims to improve the relationship between patients and medical personnel through a settlement process that emphasizes recovery and rehabilitation, not just legal retaliation. Legal ethics require that there be a moral responsibility of doctors to improve the patient's condition and maintain public trust in the medical profession. The application of restorative justice allows for a humane risk management process that respects the dignity of the victim while supporting professional medical performance.

Supervision of the discipline of the medical profession through the Honorary Council of Medical Discipline is an important part of the application of legal ethics in the context of medical risk management. This body functions to ensure that ethical standards are upheld and violations due to negligence are acted upon in accordance with applicable ethical procedures. This process supports the protection of patients' rights while warning doctors to continue to practice medicine responsibly and professionally. Legal ethics provides a normative framework that

strengthens professional discipline, so that the risk of negligence can be systematically minimized (Ginanjar & Syam, 2025).

The role of professional ethics is also realized through medical service standards and internal hospital policies that regulate risk governance and patient safety incident reporting. This procedure integrates the principles of legal ethics so that medical actions are oriented towards the safety and protection of the rights of patients. This system provides a preventive and corrective mechanism in medical risk management, where doctors and health institutions are obliged to implement professional service standards and provide accountability for every risk that occurs. Risk management based on legal ethics encourages the creation of a culture of patient safety without sacrificing the rights of medical personnel.

The management of medical risks due to physician negligence must be accompanied by increased understanding and training in legal ethics for medical personnel as well as strengthening regulations that cover aspects of health ethics and law. This is the foundation for implementing transparent, accountable, and fair procedures in handling the impact of medical risks. All elements in the health system are required to prioritize the principles of justice, transparency, and respect for human rights in carrying out their duties. The consistent application of legal ethics is the main key in maintaining medical professionalism while minimizing medical risks that have the potential to harm patients and medical personnel (Kolib, 2020).

Legal and Ethical Constraints in Ensuring the Protection of Patients' Rights to the Risk of Medical Negligence

Some of the legal and ethical obstacles faced in ensuring the protection of patients' rights related to the risk of medical negligence in Indonesia are very diverse and complex. One of the main obstacles is the low understanding of patients of their rights. Many patients do not know the details of their legal rights, so they do not take advantage of the available complaint or protection mechanisms. This ignorance also weakens the position of patients in demanding justice when experiencing malpractice or medical negligence, and sometimes makes them choose to submit complaints through the mass media rather than the formal channels that should be taken (Lestaluhu, 2023).

Limited access to submit complaints and obtain legal services is also a significant problem. Not all health facilities provide a means of complaint that is easily accessible to patients. The complicated complaint handling process and lack of transparency make it difficult for patients to monitor and know the progress of the cases they submit. The lack of coordination between agencies that handle health complaints, such as the Health Office, the Hospital Accreditation Commission, and the Honorary Council of Medical Ethics, exacerbates this condition, so that case handling is often slow and unsatisfactory for patients.

The restrictive legal aspect also arises from the imbalance of legal protection between patients and health institutions. The law is often felt to be more in favor of hospitals or medical personnel than patients. For example, patients who submit complaints in the mass media sometimes face greater legal risks than the hospital in question. This condition causes injustice to patients and weakens public trust in the health legal system that should be able to protect the rights of all parties fairly and proportionately (Limbong & Pasaribu, 2022).

Supervision and law enforcement of the implementation of patients' rights and obligations is still weak, especially in terms of supervision of medical personnel and health facilities. Existing regulations and laws have not been fully effective to ensure the guarantee of patients' rights during the medical service process. In addition, the implementation of the law is often hampered by a lack of resources, both legal experts and adequate facilities, so that patient complaints often do not get optimal and fast handling.

Geographical and social factors also pose serious obstacles in the protection of patients' rights. Remote areas with limited health facilities and medical resources result in inequality in access to quality health services. This contributes to the difficulty of patients in obtaining adequate legal protection due to the limitations of legal education, grievance facilities, and legal assistance available in these areas. The inequality of services makes the protection of patients' rights a challenge that has not been thoroughly resolved throughout Indonesia (Manse et al., 2025).

Challenges of education and socialization related to patient rights also affect the governance of legal protection. The lack of counseling about patients' rights and obligations makes many patients unaware of the importance of informed consent, the right to confidentiality of medical data, and the complaint procedure in the event of a violation. This limitation is not only experienced by patients but also by medical personnel who sometimes lack understanding of their legal ethical obligations in safeguarding patients' rights. This causes inconsistency in practice in the field with applicable regulations.

Implications of Medical Risk Management on Medical Professionalism and Public Trust

The implications of medical risk management on medical professionalism and public trust in the health system in Indonesia are very significant because professionalism is the main foundation in safe, quality, and ethical health services. Doctors' professionalism includes commitment to ethical principles, integrity, competence, and accountability in carrying out their duties. When professionalism is maintained consistently, the risk of malpractice can be minimized, which makes the public more confident in the ability and integrity of medical personnel. On the other hand, actions that give birth to negligence or malpractice will lower the image

of the medical profession and cause public doubt about the health system as a whole (Naurah & Mangesti, 2024).

Effective medical risk management helps doctors to maintain service standards and adhere to established protocols. This encourages the creation of a work environment that supports medical competence and professional ethics so that patients receive safe and standard care. Strong professionalism is reflected in the application of medical codes of ethics and regulations governing medical practice. The code of ethics serves as a moral guide that directs doctors to provide medical services with care and a sense of responsibility, while maintaining confidentiality and the rights of patients. The implementation of this risk management is a real indicator of professional competence that is valued by the community (Rahayu et al., 2024).

Openness and transparency in medical risk management also contribute to increased public trust. When doctors and healthcare institutions are able to manage risk incidents professionally, including honest communication and prompt handling of patient complaints, patients' sense of security and trust increases. Effective risk management not only reduces malpractice rates, but also builds a culture of accountability and responsibility in the healthcare environment. This has a positive impact on patients' trust in doctors and medical institutions and strengthens the legitimacy of the health system in the eyes of the public (Ramadhani, 2022).

Inconsistencies in medical risk management, on the other hand, can erode professionalism and undermine public trust. Cases of medical negligence that are not handled properly often create a negative stigma against the medical profession in general. The occurrence of legal conflicts, malpractice lawsuits, and imbalances between patient rights and the protection of the medical profession can cause legal uncertainty. This condition has the potential to make doctors feel less protected when facing demands, which has an impact on work stress and reduces their motivation to maintain professional standards (Riyanto & Ratnawati, 2024).

Improving professionalism through training, ethical education, and capacity building of doctors are an integral part of medical risk management efforts. Continuous competency development keeps doctors up to date with the development of medical science and technology. The integration of legal ethics education in the medical curriculum strengthens the professional attitude of physicians in making informed clinical decisions and minimizing risks. The empowerment of health human resources supports the creation of responsible, professional, and patient-safety-oriented medical practices (Sadino & Rahmatullah, 2021).

The role of health institutions as risk management actors also greatly determines the level of professionalism and public trust. Hospitals and healthcare facilities must provide quality control systems, incident reporting, and strict risk

management policies. The establishment of a Medical Committee that oversees the credentials, discipline, and standards of medical services is an important mechanism in maintaining the professionalism of doctors. Strong institutional involvement in risk management allows for consistent and high-quality services to be achieved so that people feel protected and entitled to optimal medical services (Siahaan & Gultom, 2021).

Public trust in the health system will increase if medical risk management is seen as fair and transparent. All elements in the health system, including medical personnel, health institutions, and regulators, must carry out their respective roles synergistically in applying the principles of legal ethics. Transparency in dealing with medical risks, providing clear information to patients, and enforcing accountability will build positive relationships between the community and medical personnel. Maintained medical professionalism will strengthen the legitimacy of the health system and maintain public trust to continue to rely on existing medical services in Indonesia (Thahir & Tongat, 2024).

Medical risk management has a great influence on medical professionalism and public trust in Indonesia. Professionalism is the main foundation in providing safe, quality, and ethical health services. In accordance with Law Number 17 of 2023 concerning Health, doctors are required to carry out practices in accordance with professional standards and codes of ethics so that they can minimize the risk of malpractice. When the professionalism of doctors is maintained, public trust in medical personnel increases because they are believed to understand and carry out their obligations with full integrity and responsibility. On the contrary, negligence that leads to malpractice lowers the image of medicine and casts doubt on the national health service system. (Triana & Cahyo, 2024)

Law No. 17 of 2023 provides a clear legal basis regarding medical risk management, including the boundary between reasonable medical risk and medical negligence. The articles in this law stipulate that doctors must provide sufficient information to patients about the risks of medical procedures to be carried out so that the patient can give informed consent. This strengthens the ethical and legal dimension in the implementation of medical duties, which seeks to protect patients' rights while maintaining the professionalism of doctors. This provision is a foothold for doctors and health institutions to carry out the function of monitoring and mitigating medical risks effectively (Tsanie, 2023).

Transparency and honest communication between doctors and patients are also regulated in the Health Law as part of ethical medical risk management. Structured and accountable risk management shows that medical personnel and health institutions are professionally responsible for every action and its consequences. Implicit in the law is the need for systematic and comprehensive risk management, starting from prevention, reporting, to problem solving. The

implementation of this kind of risk governance supports the formation of a strong culture of professionalism and increases public trust in health services.

The establishment of Medical Committees in hospitals, as stipulated in the regulations for the implementation of the Health Law, plays a strategic role in maintaining service standards and supervising the implementation of the professional code of ethics. This committee is tasked with assessing the credentials of medical personnel, supervising discipline, and handling cases of negligence that have the potential to cause malpractice. This strict internal oversight serves to ensure that medical practice is not only based on clinical standards but also on the principles of legal ethics, reinforcing the expected professionalism. The involvement of institutions in risk management helps ensure the protection of patients' rights while maintaining the integrity of the medical profession.

Public trust in the health system will continue to increase if medical risk management is carried out fairly and transparently in accordance with the provisions of Law Number 17 of 2023. Every element, ranging from medical personnel, health institutions, to regulators, must play a synergistic role in implementing the principles of legal ethics and accountable risk governance. Providing clear information, fair law enforcement, and the fulfillment of patients' rights is not only a legal obligation, but also an important strategy to strengthen the legitimacy of the national health system. Maintained medical professionalism will maintain public trust to continue to rely on quality medical services in Indonesia.

CONCLUSION

This study shows that the management of medical risks due to physician negligence within the framework of legal ethics is indispensable to maintain a balance between the protection of patients' rights and medical professionalism. Legal ethics provides a normative foundation that regulates the obligations of doctors in providing safe, quality, and ethical services, including providing honest information to patients and the application of the principle of informed consent. The existence of a restorative justice approach and supervision of professional discipline strengthens ethical and legal enforcement mechanisms that protect patients without neglecting the professionalism of doctors. However, the imbalance of legal protection, low patient understanding, and limited access to complaints are still the main obstacles that demand the improvement of the system of legal order and education on patient rights in Indonesia.

Suggestions that can be put forward are the need to strengthen regulations and the implementation of legal ethics through increasing the capacity of medical personnel in understanding legal aspects and professional ethics. Health institutions and law enforcement must work synergistically to provide an easily accessible and transparent complaint mechanism for patients, while providing fair protection for

doctors. Increasing the socialization of patients' rights and integrating legal ethics education in the medical curriculum is an effective preventive effort to reduce the risk of medical negligence. Humanist approaches such as restorative justice must also be further developed to improve the relationship between patients and medical personnel and strengthen public trust in the health system in Indonesia.

REFERENCES

- Arthanti, W. B., Rusdi, M. S., & Yuliwulandari, R. (2024). *Etika Kedokteran dengan Hukum Kesehatan*. Thalibul Ilmi Publishing & Education.
- Aryani, F. N., & Intarti, A. (2019). Pertanggungjawaban Hukum Atas Malpraktik Oleh Tenaga Medis Berdasarkan Undang-Undang Nomor 29 Tahun 2004 Tentang Praktik Kedokteran. *Wacana Paramarta: Jurnal Ilmu Hukum*, 18(1), 51–60. <https://doi.org/10.32816/paramarta.v18i1.66>
- Christanto, E. A., Yuyut Prayuti, Y. P., & Arman Lany, A. L. (2024). Perlindungan Hukum Terhadap Pasien Korban Malapraktek Medis Dalam Perspektif Hukum Perdata. *JURNAL HUKUM MEDIA JUSTITIA NUSANTARA*, 14(1), 53–66. <https://doi.org/10.30999/mjn.v14i1.2975>
- Ekayanti, F. (2022). *Etika Kedokteran: Tinjauan Kurikulum Pada Fakultas Kedokteran di Universitas Islam di Jakarta*. Deepublish.
- Ginanjari, S. S., & Syam, H. (2025). Tanggung Jawab Hukum Dokter atas Kelalaiannya dalam Melakukan Pelayanan Kesehatan Pascapersalinan di Rumah Sakit yang Merugikan Pasien menurut Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan. *Bandung Conference Series: Law Studies*, 5(2). <https://doi.org/10.29313/bcsls.v5i2.18543>
- Kolib, A. (2020). Analisis Yuridis Perbandingan Risiko Medis dengan Kelalaian Medis. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 2(2), 238–254. <https://doi.org/10.37680/almanhaj.v2i2.481>
- Kristiawanto. (2022). *Memahami Penelitian Hukum Normatif*. Prenada Media.
- Lestaluhu, R. F. (2023). Harmonisasi dan Sinkronisasi Peraturan Perundang-Undangan Pidana di Bidang Kesehatan dan Medis. *IBLAM LAW REVIEW*, 3(3), 451–459. <https://doi.org/10.52249/ilr.v3i3.234>
- Limbong, D., & Pasaribu, M. R. (2022). Perspektif Hukum Kesehatan Terhadap Pertanggungjawaban Perbuatan Malapraktek Melalui Harmonisasi Regulasi Anti Malapraktek. *Ilmu Hukum Prima (IHP)*, 5(1), 58–71. <https://doi.org/10.34012/jihp.v5i1.2342>
- Manse, Y. R., Siregar, R. A., & Panggabean, M. L. (2025). Pertanggungjawaban Pidana Tenaga Medis dalam Malpraktik. *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 5(5), 4682–4688. <https://doi.org/10.38035/jihhp.v5i5.5771>
- Naurah, T. Z., & Mangesti, Y. A. (2024). Pertanggungjawaban Hukum Tenaga Medis Terhadap Risiko Medis yang Diderita Pasien pada Pelayanan

- Kesehatan. *COURT REVIEW: Jurnal Penelitian Hukum* (e-ISSN: 2776-1916), 4(04), 31–40. <https://doi.org/10.69957/cr.v4i04.1569>
- Rahayu, A., Rokhmat, R., Silitonga, V. D., & Suswantoro, T. A. (2024). Payung Hukum Terhadap Profesi Dokter Dalam Menghadapi Perselisihan Medis. *Jurnal Cahaya Mandalika ISSN 2721-4796 (Online)*, 3(1), 784–810. <https://doi.org/10.36312/jcm.v3i1.3687>
- Ramadhani, S. S. (2022). Upaya Penyelesaian Malpraktek Medis dengan Menghadirkan Payung Hukum Tindak Pidana Medis. *Wijayakusuma Law Review*, 4(2). <https://doi.org/10.51921/wlr.v4i2.213>
- Riyanto, O. S., & Ratnawati, E. T. R. (2024). Hak atas Informasi Kesehatan dan Perlindungan Hukum bagi Dokter: Implikasi HAM dalam Komunikasi Dokter-Pasien. *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia*, 3(1), 78–88. <https://doi.org/10.37631/jrkhm.v3i1.39>
- Sadino, S., & Rahmatullah, I. A. (2021). Analisis Putusan Sanksi Perdata Malapraktek Sebagai Bentuk Pertanggungjawaban Perlindungan Konsumen (Studi Kasus Putusan Mahkamah Agung Nomor: 515 PK/Pdt/2011). *Jurnal Magister Ilmu Hukum*, 1(1), 8. <https://doi.org/10.36722/jmih.v1i1.727>
- Siahaan, B. R. H., & Gultom, M. (2021). Perlindungan Hukum Terhadap Hak Dokter yang Memberikan Pelayanan Medis. *Hukum Pidana Dan Pembangunan Hukum*, 3(1). <https://doi.org/10.25105/hpph.v3i1.10179>
- Thahir, P. S., & Tongat, T. (2024). Legal Review of Medical Crime: Patient Protection and Professional Responsibility in Medical Practice. *Audito Comparative Law Journal (ACLJ)*, 5(2), 130–142. <https://doi.org/10.22219/aclj.v5i2.33832>
- Triana, M., & Cahyo, C. (2024). Perlindungan Hukum Terhadap Dokter Dalam Melaksanakan Tindakan Medis (Studi Putusan Pengadilan Negeri Cikarang Nomor 120/Pdt.G/2019/PN Ckr). *FOCUS*, 5(2), 158–163. <https://doi.org/10.37010/fcs.v5i2.1657>
- Tsanie, M. L. (2023). Tinjauan Yuridis Risiko Medis Terhadap Persetujuan Dokter Kepada Pasien Atas Tindakan Medis. *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora*, 1(1), 148–165. <https://doi.org/10.59246/aladalah.v1i1.161>