

## **Legal Review of the Legal Status of Co-Assistant in the Teaching Hospital According to Law No. 17 of 2023 Concerning Health**

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### **ABSTRACT**

Professional medical education in Indonesia requires medical graduates to undergo a professional phase (co-ass) at a teaching hospital. At this stage, professional students perform clinical procedures under the supervision of a clinical supervisor. Education in hospitals raises new issues between education for professional students and patient safety. Law No. 17 of 2023 concerning Health has become a new reference for all issues in the world of health. As knowledge develops, patient awareness of their rights increases. Patients demand better services accompanied by clear legal protection. This study aims to analyze the legal status of professional students in teaching hospitals based on Law No. 17 of 2023 concerning Health, focusing on aspects of legal protection and the implementation of applicable norms. The results show that existing regulations are inadequate in detailing the status of professional students.co-ass in teaching hospitals. Therefore, coordination between relevant parties is needed to establish clear regulations for professional students in Law No. 17 of 2023 to create a safe environment for both co-ass and patients.

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### **Introduction**

Professional medical education in Indonesia requires medical graduates to undergo a professional stage/co-ass (co-assistant) in a hospital before obtaining a full practice license. At this stage, professional students (co-ass) perform various clinical procedures in a learning environment involving real patients, clinical supervisors, and the organizational structure of the teaching hospital. Clinical practice by co-ass raises unique legal issues, namely the legal status of service providers (whether they are considered licensed health workers or still training participants), the limits of authority for medical procedures that can be performed, the supervisor's supervision obligations, the protection of patient rights, and legal liability in the event of malpractice or patient injury.

These issues have received renewed attention following the enactment of Law Number 17 of 2023 concerning Health, which reforms several provisions regarding patient rights, the responsibilities of health service providers, and the regulation of health education.

Normative changes in Law Number 17 of 2023 require an examination of how these regulations affect the position of co-ass in clinical practice and the role of teaching hospitals as both learning centers and healthcare providers. This includes new provisions regarding the responsibilities of healthcare institutions and oversight obligations that can clarify who is responsible for actions taken. co-ass give rise to complications or lawsuits. The Ministry of Health as the policy holder has also published explanations or assistance regarding Law Number 17 of 2023 concerning health which is relevant for interpretation of implementation in the field.

The relationship between a doctor and a patient is essentially a civil legal one, where the patient seeks treatment for an illness and the doctor promises to attempt to treat or cure the patient. Recent empirical and legal studies demonstrate the need to clarify legal protection mechanisms for patients and professional students. Several studies in recent years have discussed the legal protection of patients treated by co-ass (especially in dental and oral teaching hospitals) and highlights the importance of strict supervision, procedures informed consent This involved explaining the role of the co-assistant, as well as the institution's complaint and accountability mechanisms. These findings indicate gaps in practice that require legal and policy reform to maintain a balance between educational goals and patient safety.

On the institutional side, teaching hospitals have a dual position, namely as health service facilities that are required to meet quality and patient safety standards, and as educational institutions that are required to provide clinical experience for students.<sup>5</sup>Contemporary legal studies examine the legal responsibilities of teaching hospitals for actions taken by medical students, which must involve ethics, morals, and professionalism in providing services to patients. Medical students need to

implementing ethical elements in the professional education process, especially in health services.

Co-assistants are required to treat a minimum number of patients, meeting the dental competency standards set by teaching hospitals to obtain a medical degree, but they do not yet have a license to practice like general practitioners or specialists.

Practically speaking, recurring legal issues include:

- 1) Unclear legal status co-ass (whether they are considered limited health workers or simply education participants),
- 2) Informed consent provisions require that patients be informed if the procedure is performed by students,
- 3) Division of responsibilities between supervisors/lecturers, hospitals, and educational institutions, as well as
- 4) Dispute resolution/compensation mechanisms in the event of a medical error.

Literally, responsibility is essentially the consequence of actions related to a person's code of ethics and messages based on the desire to act. In the implementation of education, especially medical education in hospitals, in the provision of health services to patients in hospitals, hospitals are responsible for the availability of facilities that support the implementation of education to hone the skills and insights of medical education students related to the health care process in hospitals. In the educational process, medical professional students (co-ass) certainly have the possibility of experiencing negligence in taking medical action on patients. Thus, medical practice is certainly inseparable from the competence of the doctor on duty and must be under the supervision or assistance of a supervising doctor.

Based on the above background, there is a need for research that systematically examines the legal status of medical professional students (co-ass) in the teaching hospital environment according to the provisions of Law Number 17 of 2023 concerning Health related laws and regulations that have provided legal certainty regarding the status, responsibilities and protection (for both patients and students), as well as related to the practice of teaching hospitals in complying with or interpreting these provisions. This study is important for formulating policy recommendations and guidelines for the governance of teaching hospitals that are harmonious between the aspects of education and legal protection of health services.

## **Method**

In this study used normative legal approach method, this approach is aimed at identifying, examining, and interpreting legal provisions relevant to the issue under study. Normative juridical research focuses on analyzing regulations, both in terms of the hierarchical structure of regulations (vertically) and the relationships between parallel regulations (horizontally). In the context of this research, this approach is used to examine the law regarding medical professional students (co-ass) in a teaching hospital environment based on Law Number 17 of 2023 concerning Health.

The data in this study comes from secondary data used for support and analysis, namely academic documents in the form of textbooks, journal articles, and legal literature discussing medical professional students (co-ass) in the teaching hospital environment as regulated by Law Number 17 of 2023 concerning Health. In addition, the study also uses sources from Government Regulations and several other regulations related to the legal protection aspects of medical professional students (co-ass) in the teaching hospital environment based on Law Number 17 of 2023 concerning Health.

This research was conducted using qualitative data analysis, namely analyzing existing legal norms, both those written in legislation and in the practice of the medical profession (co-ass) in the teaching hospital environment. This approach will be used to examine whether existing regulations have provided legal protection for professional students. Medical students (co-ass) in teaching hospitals based on Law Number 17 of 2023 concerning

Health. Furthermore, this study also applies a critical approach to assess the need for strengthening regulations and technical guidelines related to the implementation of medical professional student (co-ass) practices in teaching hospitals based on Law Number 17 of 2023 concerning Health. This study aims to ensure the provision of safe services, meet professional standards, and are able to address various emerging challenges.

## **Results and Discussion**

### **1. Legal Regulations Regarding the Status, Position, and Authority of Medical Professional Students (Co-Ass) in Clinical Practice in Teaching Hospitals According to Law No. 17 Of 2023 concerning Health**

Professional medical education is a mandatory stage after academic education to obtain adequate clinical competence before a doctor can be granted a practice license. This stage is carried out in the form of a clinical clerkship, where medical profession students are often called co-ass conducting service-based learning within a teaching hospital environment. A teaching hospital is a health care facility that has a dual function: as a place for health care services and as a clinical education institution.

In a legal context, professional students are not classified as licensed healthcare workers, so all clinical practice must be conducted under the supervision of a supervising physician and within the framework of education. Several studies indicate that the legal status of professional students is different. Co-ass "Semi- clinical" in nature, as they are directly involved in health care but do not have independent medical authority. Teaching hospitals are health care facilities that serve a dual function: as a place for health care services and as a clinical educational institution.

Even though (co-ass) have studied medicine at university, they are not part of the health workforce or medical staff, because co-ass do not possess a Registration Certificate (STR). As stipulated in Law No. 17 of 2023, Article 260, paragraph 1, all medical and health workers are required to possess a STR before practicing. Medical workers referred to in Law No. 17 of 2023 concerning Health include doctors and dentists, both specialists and subspecialists. Health workers, as defined by Law No. 17 of 2023, Article 199, include: clinical psychologists, nurses, midwives, pharmacists, nutritionists, and others.

Hospitals are required to provide services in accordance with the standard operating procedures (SOP) applicable to healthcare facilities. Healthcare services must also be performed by registered medical personnel or health workers with a practice license. Therefore, during this period, being in a hospital environment, co-ass does not have the authority to carry out any medical action on a patient without permission from the supervising doctor either through direct approval or through telecommunications media.

Position of young doctor (co-assistant) as a student undertaking a professional education program, he or she is under the authority of a supervising physician who is responsible for the activities he or she carries out in the hospital. Therefore, this dual function

creates complex legal consequences, particularly in the division of responsibilities between the medical faculty, the hospital, and the clinical supervisor.

## **2. Forms of Legal Protection for Medical Professional Students (Co-Ass) in Carrying Out Medical Procedures During Clinical Education at Teaching Hospitals.**

Hospitals are institutions that play a vital role in public health services. As knowledge advances, public awareness of their rights as patients is growing. Patients demand better quality services and legal protection for every medical procedure performed. Therefore, services provided must comply with operational standards established by healthcare facilities. Furthermore, hospitals are obligated to provide legal protection for patients and their human resources.

The hospital is legally responsible for negligence caused by the hospital's health human resources in accordance with Article 193 of Law No. 17 of 2023. The human resources referred to are medical personnel, health personnel and other health support personnel as stated in Article 197 of Law No. 17 of 2023 concerning Health.

Professional students (co-ass) are not part of the hospital's health human resources, because co-ass do not have the necessary skills and licenses to practice healthcare. All medical procedures in hospitals must be performed by licensed medical and healthcare personnel and in accordance with Standard Operating Procedures (SOP) established by leaders in healthcare services. Standards are established to prevent malpractice. Therefore, co-ass does not have the authority to provide health services while in the hospital environment.

All medical actions carried out by co-ass is the responsibility of the supervising or supervising doctor at the Teaching Hospital. Therefore co-ass can not be held legally responsible for medical negligence committed while carrying out their university duties. Several cases of malpractice in the community often cause public unrest and highlight the importance of clear laws regarding the responsibilities of healthcare workers.

In this case, co-ass do not have clear legal protection, unlike students in specialist professional education who receive legal assistance for medical disputes while undergoing education in hospitals, as stated in Article 219 paragraph 1 of Law No. 17 of 2023 concerning Health. Therefore, when co-ass faced with a legal problem such as medical negligence, co-ass can not be held accountable. Responsibility is delegated to the supervisor or supervising doctor.

With the increasingly broad scope of law in the medical and health professions, more and more problems are arising related to malpractice or medical malpractice. Legal responsibility in clinical practice by professional students depends on several aspects: supervisor supervision, compliance to standard operating procedure (SOP), suitability of actions to student competencies, and documentation of actions.

Wardhani study (2024) showed that supervision is a determining factor in determining whether responsibility rests with the student, the supervisor, or the institution. Meanwhile, from the perspective of protecting professional students, teaching hospitals and

educational institutions are required to provide occupational safety guarantees, clinical activity insurance, and legal protection in the event students face legal action.

### **Implementation of Norms and Policies of Teaching Hospitals in Complying with The Provisions of Law No. 17 of 2023 concerning The Implementation of Professional Education and Patient Safety.**

Hospitals play a key role in providing the best healthcare services to patients. Healthcare services provided must comply with applicable legal provisions. This compliance ensures that patients receive their rights, such as the right to medical information, the right to privacy, and the right to adequate medical care. Hospitals are required to maintain privacy, including safeguarding patients' medical records. Medical records are important files that can be used as evidence in court, containing the patient's medical history.

In addition, hospitals can be designated as teaching hospitals for medical students. Teaching hospitals are those that collaborate with universities to provide professional medical education programs. Teaching hospitals are hospitals that serve as educational and research facilities, while still maintaining their primary function as healthcare providers for patients.

Throughout the professional program, teaching hospitals are required to continue providing protection and legal certainty for patients. They are also required to continually improve the quality of services and ensure patient safety. Patient safety is a crucial component that must be prioritized in hospital healthcare. Healthcare must be integrated with patient safety to avoid the risk of adverse events.

The principles of health care refer to standards consisting of: patient-centered care, patient needs, patient safety with continuous care, and professional ethics. Patient safety standards can be implemented by identification and management of risks as well as analysis and problem solving to avoid incidents such as patient safety incidents.

Patient safety incidents consist of several components, such as : non-injury incidents, potential injury incidents, significant potential injury incidents, adverse events, and sentinel events. Hospitals must also prioritize reporting of patient safety incidents. These incidents are managed through a thorough investigation process to identify and resolve the root cause. Improving patient safety and quality, as well as resolving patient safety incidents, can increase trust and make patients feel safer.

### **Conclusion**

Co-assistant (co-ass) is a mandatory educational stage for medical students. Co-ass are required to interact directly with patients in a hospital environment. This interaction makes co-ass vulnerable to legal problems because they do not yet have a registration certificate to treat patients. Law no. 17 of 2023 concerning health is a new guideline regarding all matters concerning health in Indonesia. Regulations regarding legal protection for co-as are not yet included in Law No. 17 of 2023 concerning health. Regulations regarding the legal protection of co-ass need to be created and studied in depth. Regulations

must also be made to clarify the limits of actions that co-ass can take towards patients so that they can protect both parties if problems arise in the future.

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