

Legal Protection for Medical Personnel in Health Centers based on Law No. 17 of 2023 concerning Health

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Article History

Submission : 27-03-2026
Received : 30-03-2026
Revised : 28-04-2026
Accepted : 30-04-2026

Abstract

Legal protection for medical personnel in health centers is a very important issue considering the strategic role they play in providing health services to the community. Medical personnel at health centers, both doctors, nurses, and other health workers, often face legal risks in carrying out their duties, whether related to negligence, malpractice, or demands from patients or third parties. Based on this, legal protection for medical personnel needs to be clearly regulated to ensure the sustainability of safe and guaranteed health services. Law No. 17 of 2023 is here to provide a guarantee of better legal protection for medical personnel, especially in the first level of health facilities of Puskesmas. Law No. 17 of 2023 provides a stronger legal basis for medical personnel by affirming their rights in carrying out their profession. One of the important aspects of this law is the existence of rules that ensure that medical personnel will not be punished criminally or civilly as long as the medical actions carried out are in accordance with applicable professional standards and medical ethics. The law also provides for a fairer dispute resolution mechanism, providing opportunities for medical personnel to defend themselves in cases that could potentially harm them, as well as ensuring adequate legal assistance. The importance of this legal protection not only provides a sense of security for medical personnel, but also ensures the quality of health services provided to the community. With clear regulations, medical personnel at Puskesmas can focus more on carrying out their duties without worrying about legal repercussions that can arise due to accidental mistakes. Through Law No. 17 of 2023, it is hoped that a better, fair, and professional health service system will be created, which in turn can increase public trust in health services at Puskesmas.

Keywords: Health Center, Medical Personnel, Legal Protection,

Abstrak

Perlindungan hukum bagi tenaga medis di pusat kesehatan merupakan isu yang sangat penting mengingat peran strategis mereka dalam menyediakan layanan kesehatan bagi masyarakat. Tenaga medis di pusat kesehatan, baik dokter, perawat, dan petugas kesehatan lainnya, sering menghadapi risiko hukum dalam menjalankan tugasnya, baik yang berkaitan dengan kelalaian, malpraktik, atau tuntutan dari pasien atau pihak ketiga. Berdasarkan hal tersebut, perlindungan hukum bagi tenaga medis perlu diatur secara jelas untuk memastikan keberlanjutan layanan kesehatan yang aman dan terjamin. Undang-Undang Nomor 17 Tahun 2023 hadir untuk memberikan jaminan perlindungan hukum yang lebih baik bagi tenaga medis, khususnya di fasilitas kesehatan tingkat pertama Puskesmas. Undang-Undang Nomor 17 Tahun 2023 memberikan landasan hukum yang lebih kuat bagi tenaga medis dengan menegaskan hak-hak mereka dalam menjalankan profesinya. Salah satu aspek penting dari undang-undang ini adalah adanya aturan yang memastikan bahwa tenaga medis tidak akan dihukum secara pidana atau perdata selama tindakan medis yang dilakukan sesuai dengan standar profesional dan etika kedokteran yang berlaku. Undang-undang ini juga

469



menyediakan mekanisme penyelesaian sengketa yang lebih adil, memberikan kesempatan bagi tenaga medis untuk membela diri dalam kasus-kasus yang berpotensi membahayakan mereka, serta memastikan bantuan hukum yang memadai. Pentingnya perlindungan hukum ini tidak hanya memberikan rasa aman bagi tenaga medis, tetapi juga memastikan kualitas layanan kesehatan yang diberikan kepada masyarakat. Dengan peraturan yang jelas, tenaga medis di Puskesmas dapat lebih fokus pada pelaksanaan tugas mereka tanpa khawatir akan konsekuensi hukum yang dapat timbul akibat kesalahan yang tidak disengaja. Melalui Undang-Undang Nomor 17 Tahun 2023, diharapkan tercipta sistem pelayanan kesehatan yang lebih baik, adil, dan profesional, yang pada gilirannya dapat meningkatkan kepercayaan masyarakat terhadap pelayanan kesehatan di Puskesmas.

Kata kunci: Perlindungan Hukum, Puskesmas, Tenaga Medis,

Introduction

Medical personnel at health centers are often in a vulnerable position to lawsuits, especially due to allegations of malpractice or medical negligence. For example, in the article Health Law's View of Allegations of Malpractice Versus Complications of Medical Actions, it is explained that the difference between malpractice and complications is often a point of conflict in legal liability, because operational standards and procedures (SOPs) are not always understood or followed consistently by medical personnel, so the potential for civil lawsuits and administrative sanctions becomes real. In addition, in the study on the Effectiveness of Legal Protection for Health Workers in Taking Action, it was found that the lack of understanding of health laws that regulate the legal protection of medical personnel causes medical personnel to not be fully protected even though there is already a policy in place. Administrative burden is also a serious problem. Medical personnel at Puskesmas must meet various requirements for documentation, reporting, and claim administration (especially in the National Health Center Guarantee System/JKN) which require extra time and effort. When the administration is incomplete or incorrect, this can be the subject of a lawsuit or demand, or even administrative sanctions. Although not all articles specifically explore the administrative burden in Puskesmas in a legal context, the study on the Availability of Human Resources in First-Level Health Facilities in the JKN Era in Medan City shows that the increase in patient visits due to JKN creates high pressure on human resources who also have to manage the burden of documentation and service administration.

Limited resources are one of the root problems that exacerbate legal risks. In many health centers, the number of health workers is inadequate, the distribution of health workers is uneven, medical facilities and facilities are inadequate, and the operational budget is limited. The impact of these three aspects of lawsuits, administrative burdens, and limited resources is that medical personnel become more cautious in their practice, sometimes to the point of resorting to "defensive medicine" or avoiding actions that they consider risky even though necessary. This can have a negative impact on the speed and quality of health services at the Health Center. In addition, increased psychological and professional pressure can lead to stress, burnout, and even decreased work morale. For this reason, regulations such as the latest Health Law need to be equipped with clear protection mechanisms, training for medical human resources, and adequate resource allocation so that legal risks can be minimized and primary health services remain optimal.

Law Number 17 of 2023 concerning Health marks a significant change in the governance of health law in Indonesia, replacing the old Law and introducing new, more comprehensive norms for the medical profession. One of the main changes is a clearer regulation regarding the obligations and responsibilities of medical personnel and health workers in handling the medical and health professions, including competency standards, ownership of Registration



Certificates (STR) and Practice Licenses (SIP), as well as obligations to comply with ethical and professional standards according to new regulations. This new regulation also includes provisions for the settlement of professional violations not only through criminal or civil channels, but through professional mechanisms and ethical disciplines, such as the Honorary Council for Ethics and Professional Discipline. The implications for medical personnel are very important. With the provisions in this Act that provide legal protection as long as medical personnel act in accordance with professional and ethical standards, the risk of unfounded lawsuits can be reduced. For example, the *Analysis of the Analysis of Handling Errors in the Medical and Health Professions in Law Number 17 of 2023* concluded that Law Number 17 of 2023 concerning Health has increased protection for medical personnel, especially in terms of the definition of professional misconduct and the limits of legal responsibility. Furthermore, the study on Legal Protection for Medical Personnel and Health Workers in Law Number 17 of 2023 concerning Health shows that medical personnel now have a stronger legal footing to reject charges if they have met professional procedures and standards.

Even so, the new regulations also bring challenges in implementation. Some studies have suggested that there are ambiguities in some articles, such as how to distinguish between "negligence" and "malpractice", and when exactly alternative dispute resolution mechanisms apply. In addition, the distribution of implementing regulations, socialization to medical personnel, and the readiness of health institutions at the primary level such as Puskesmas to meet new standards and procedures are still not optimal. The lack of understanding of regulations, supporting facilities, and human resources with adequate capabilities is a real obstacle in realizing legal protection as referred to in Law Number 17 of 2023 concerning Health.

Methods Research

The research method used in this study is a descriptive analysis method, which aims to systematically and in-depth describe the provisions and implementation of legal protection for medical personnel, especially in Puskesmas based on Law Number 17 of 2023 concerning Health. The data collection technique is carried out through documentation studies, namely by analyzing various relevant legal and literature sources, such as the text of Law Number 17 of 2023, related government regulations, as well as references from books and scientific journals that discuss aspects of health law and the medical profession. This approach is used to gain a comprehensive understanding of the applicable legal norms and the reality of their application in the field, so that an objective and relevant analysis of the legal protection of medical personnel in first-level health care facilities can be produced.

Results and Discussion

The provisions of Law Number 17 of 2023 concerning Health regulate legal protection for medical personnel, especially in Puskesmas

Law of the Republic of Indonesia Number 17 of 2023 concerning Health is a new legal foundation that unifies and updates various aspects of the national health system, including regulations regarding legal protection for medical personnel and health workers. This law replaces a number of previous separate laws and provides more comprehensive legal certainty regarding the rights, obligations, and responsibilities of medical personnel in providing health services. In this law, legal protection for medical personnel is enforced as long as they carry out their practice in accordance with professional standards, service standards, standard operating procedures, and professional ethics, so that medical actions carried out professionally are not necessarily considered unlawful just because the results are not in accordance with the patient's expectations.



Law Number 17 of 2023 regulates the mechanism for resolving disputes between medical personnel and patients arising from alleged errors in health practices. This provision emphasizes that any dispute that originates from alleged professional misconduct must first be resolved through alternative channels outside the court, such as mediation or non-litigation dispute resolution mechanisms, before proceeding to the judicial process. It is designed to reduce the psychological burden, cost, and potential reputational impact that medical personnel face if disputes are brought directly to court. In addition, Law Number 17 of 2023 also stipulates provisions for disciplinary sanctions and examination procedures for medical personnel or health workers suspected of violating violations. For example, if an alleged error is found in service practice, medical personnel or health workers will be examined by the professional discipline examination panel and the results of the examination will be the basis for recommendations for dispute resolution or further law enforcement steps. The provisions related to this recommendation reflect the legislature's efforts to balance the interests of medical professional protection with patients' right to justice.

In the context of primary service facilities, especially in health centers, this provision of legal protection is very important because medical personnel in primary services often work in conditions of limited resources and face directly with the wider community. With the guarantee of legal protection in the 2023 Health Law, it is hoped that medical personnel at Puskesmas will feel safer and more protected in carrying out their duties, both in terms of providing honest and complete information to patients, as well as in the implementation of correct medical procedures. This regulation also encourages continuous coaching through professional ethical standards and service practices to minimize the risk of disputes.

Factors that inhibit and drive the implementation of legal protection

Law Number 17 of 2023 concerning Health provides a strong normative basis for the legal protection of medical personnel, including doctors, nurses, and other health workers, while carrying out professional duties in accordance with professional standards, service standards, and professional ethics. These norms are designed to prevent the criminalization of medical personnel from unsubstantiated legal claims, as well as to ensure that the medical risks inherent in healthcare practice are not treated the same as professional misconduct. However, the existence of this strong norm must be followed by effective implementation in the field so that legal protection is truly felt by medical personnel in daily practice.

The driving factors for the implementation of legal protection include the clearer legal arrangements that regulate the rights and obligations of medical personnel, including the right to legal assistance and efforts to resolve disputes in stages (e.g., mediation before criminal proceedings), as well as the encouragement of health professional organizations that provide advocacy and legal assistance for their members. Research shows that strengthening the role of professional organizations such as the Indonesian Doctors Association (IDI) or nurses' unions can help medical personnel understand their legal rights, build effective defense strategies, and increase legal awareness in the healthcare facility.

On the other hand, there are significant inhibiting factors in the implementation of legal protection. One of the main obstacles is the limited understanding of medical personnel on aspects of health law, including legal assistance procedures and dispute resolution mechanisms, which makes medical personnel vulnerable to legal proceedings without adequate preparation and support. In addition, the low legal literacy among law enforcement officials, such as police or prosecutors who do not always understand the difference between a reasonable medical risk and malpractice, has also weakened this legal protection in practice. This condition is exacerbated by the lack of internal legal aid units in health facilities and the lack of socialization and health law training both in health education institutions and in service facilities.



The implementation of legal protection is also influenced by external factors such as uncertainty in dispute resolution of medical measures that have not fully supported alternative effective dispute resolution mechanisms in many health facilities, as well as the tendency of the public to directly bring medical cases to criminal proceedings without first pursuing mediation or non-litigation mechanisms provided by law. Other driving factors such as increasing legal socialization and training on the legal rights and obligations of medical personnel need to be continuously improved so that the law is not only strong normative but also effective in implementation in the field.

Legal Responsibilities and Risks of Medical Personnel in Health Centers

Medical personnel who work at the Health Center have significant legal responsibilities in the implementation of health services to the community. In general, medical personnel are obliged to meet professional standards, service standards, and applicable operational procedures, if there is negligence in fulfilling these obligations that cause losses to patients, they may be subject to administrative, civil, or criminal legal liability. The legal responsibility of medical personnel emphasizes that medical actions carried out outside the competency standards or without the legitimate consent of the patient can lead to malpractice claims, so the medical profession in the Puskesmas needs to continue to improve compliance with professional standards as part of legal risk mitigation.

On the other hand, legal risks for medical personnel at Puskesmas are also closely related to the legal relationship between medical personnel and patients, especially when medical disputes occur. Law Number 17 of 2023 concerning Health provides a legal protection framework for medical personnel as long as medical actions are carried out in accordance with legal and professional provisions, as well as regulating medical dispute resolution mechanisms. In this context, dispute resolution carried out through mediation or non-litigation mechanisms is a form of legal protection that can help reduce the psychological and financial burden on medical personnel in primary health facilities. The implementation of legal protection at the Puskesmas level still faces practical challenges in the field, especially related to optimal legal understanding by medical personnel and law enforcement officials and the lack of resources for legal assistance. An empirical study of the implementation of legal protection for health workers in health care facilities shows that although regulations are available, such as Law Number 17 of 2023 and other relevant provisions, their implementation is still limited by a lack of socialization, strengthening security, and effective complaint channels. As a result, medical personnel at the Health Center remain in a vulnerable position to face lawsuits despite their efforts to carry out their professional duties.

Recommendations for Strengthening Legal Protection Policies for Medical Personnel in Health Centers

Strengthening legal protection policies for medical personnel needs to be directed at improving regulatory frameworks and implicit mechanisms that are clearer and more comprehensive. Juridical studies show that although Law Number 17 of 2023 concerning Health has provided a basis for legal protection for medical personnel, the practice of its implementation in the field is often hampered by a lack of technical guidelines and a lack of intensive legal education for health workers and law enforcement related to professional aspects and medical malpractice. Therefore, the main recommendation is to prepare an integrated guidebook that outlines professional standards, dispute resolution procedures, and restorative legal mechanisms that must be used as a reference in primary health service facilities, especially health centers. This approach will help medical personnel understand



their legal rights and obligations more systematically and minimize the risk of unnecessary disputes.

Strengthening legal protection should include increasing the legal literacy of medical personnel and the public, including education on the difference between losses incurred during medical treatment and acts of negligence or mistakes committed by medical personnel, as well as dissemination of information regarding non-litigation dispute resolution mechanisms such as mediation or restorative justice. In addition, it is also suggested the need for collaboration between the government, professional organizations, and health education institutions to provide periodic training on the legal aspects of health services and build a legal assistance system that is easily accessible to medical personnel at the Health Center when facing legal disputes. Other recommendations identified are to strengthen coordination between law enforcement agencies to understand each other's characteristics of medical acts, which can significantly reduce the practice of criminalization or the process or act of making something that was not previously considered a criminal offense, a crime according to the law for medical personnel and increasing a sense of security in providing health services to the community.

Conclusion

Legal protection for medical personnel, at the first level of Puskesmas, requires strengthening policies and more effective implementation. Although Law Number 17 of 2023 concerning Health has provided a clear legal basis for medical personnel, there is still a significant gap between written legal norms and practice in the field. This is due to the lack of understanding and socialization of the legal rights and obligations of medical personnel, as well as limited resources to support the implementation of legal protection. Therefore, there is a need for the preparation of more detailed technical guidelines, broader legal counseling, and continuous coaching for medical personnel so that they can carry out their duties with a sense of security and protection from potential legal risks.

The driving factor for the legal protection of medical personnel can be found in the role of professional organizations that actively provide legal advocacy and understanding to their members, as well as increasing public awareness of the rights of medical personnel and patients. Legal policies that facilitate the resolution of medical disputes through non-litigation channels, such as mediation, are also positive steps to reduce the legal burden on medical personnel. However, an inhibiting factor that needs to be addressed immediately is the lack of legal training among medical personnel and law enforcement officials which can worsen the implementation of legal protection. Therefore, efforts to improve the legal literacy of medical personnel in health facilities are one of the important steps in strengthening legal protection policies.

The policy of legal protection of medical personnel requires stronger support from various parties, including the government, professional organizations, and health education institutions. Clearer enforcement of the law and a more accessible legal assistance system will create a safe working environment for medical personnel, while ensuring that patients receive quality services without causing legal uncertainty. Efforts to strengthen oversight and socialization of legal rights and obligations, as well as strengthen effective medical dispute resolution procedures, should be an integral part of Indonesia's sustainable health policy. This will ensure that medical personnel, especially in health centers, can provide health services more confidently and without fear of potential unfounded legal risks.

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