

Criminal Prosecutions of Medical Personnel in Law Number 17 of 2023 Concerning N Health

Abang Anton¹

¹Program Study Magister Hukum Kesehatan, Pascasarjana UNPAB, Indonesia

Email: abang42t@gmail.com

Abstract

Health services often encounter conflicts between doctors and patients involved in alleged medical crimes. The Health Law was created to provide more certainty in the provision of health services, as well as to provide protection for the community and protection for health resources. This research uses a normative juridical legal approach, using descriptive qualitative methodology. Medical personnel can be criminally prosecuted if they perform illegal abortions, perform reconstructive and aesthetic plastic surgery with the aim of changing a person's identity, refuse health services in emergency situations, commit negligence/negligence, and practice without a registration certificate and/or practice permit. Medical personnel are obliged to comply with professional standards, service standards and standard operational procedures, by upholding professional ethical values and carrying out best efforts (Inspanning Verbintenis). Dispute resolution prioritizes through restorative justice mechanisms, using alternative dispute resolution methods outside of court.

Keywords: Medical crime, Medical Personnel, Dispute Resolution

1. INTRODUCTION

The implementation of health efforts must be carried out by medical personnel and responsible health workers, who have high ethics and morals, expertise and enthusiasm, whose quality must continuously be improved through continuous education and training, certification, registration and monitoring so that the implementation of health efforts fulfill a sense of justice and humanity and be in accordance with developments in health science and technology (Redyanto Sidi, 2022: 77-78). Health Services according to Law Number 17 of 2023 concerning Health, are all forms of activities and/or a series of service activities provided directly to individuals or the community to maintain and improve the level of public health in the form of promotive, preventive, curative, rehabilitative, and/ or palliative (Law No. 17 of 2023 Article 1 paragraph 3). In health services, there are often conflicts between doctors and patients, which cannot be resolved by ethical rules. In situations like this, legal rules can be applied. Current developments in science and technology encourage increasing public knowledge of their rights, which results in legal issues becoming very sensitive, especially when related to the implementation of human rights (Arif Budiman, 2024: 102). Protection of community members from obtaining medical services is a repressive aspect, namely when malpractice occurs by medical personnel (Fauji Salim, 2020: 400). The Health Law was created to provide more certainty in the provision of health services, as well as to provide protection for the community and protection for health resources. Health law has determined that medical personnel will be legally responsible if negligence occurs which causes harm to society or patients (Beni and Sidi, 2022: 66-67). Adequate legal protection for medical personnel is crucial in dealing with this situation. Space for self-defense must be provided so that medical personnel can explain the reasons behind their medical decisions and outline specific contexts that may not be understood by the general public. Providing balanced justice to both parties, namely medical personnel and patients, to build public trust in the health profession. The involvement of experts in the assessment process can also provide a more in-depth and contextual perspective regarding the decisions taken. The existence of Law Number 17 of 2023 concerning health is considered a middle way to solving problems. Through this research, the main objective is to explore regulatory points related to potential criminal charges against medical personnel in providing medical services. It is hoped that an in-depth analysis of this legal aspect can bring a better understanding regarding legal protection

for medical personnel in carrying out their duties and responsibilities. By having a better understanding of these regulations, it is hoped that we will be able to provide solutions or recommendations that are more accurate and contextually appropriate. This research functions as a vehicle for understanding the dynamics of legal protection for medical personnel against criminal prosecution so that medical personnel can be careful in the practice of medical services.

2. METHODOLOGY

This research uses a multidisciplinary approach that integrates normative juridical law, specifically using a legislative approach and a philosophical perspective. The focus point of this research is Law Number 17 of 2023 concerning Health which is the main legal basis. Apart from that, this research also uses scientific sources, including books and journals to increase the depth and breadth of analysis. This research uses descriptive qualitative methodology, with a deductive reasoning approach. Through an in-depth examination of legal texts and philosophical insights, this research aims to provide a comprehensive understanding of medical criminal law regarding issues related to health law. Approach the subject matter holistically, allowing conclusions to be reached that can contribute to broader knowledge about medical criminal law.

3. RESULTS AND DISCUSSION

The definition of health law by Lennen as quoted in Jatri (2023) is that health law concerns all general provisions, including regulations relating to health care, in its application, whether criminal, civil, administrative, international guidelines and customs, the meaning is in line with the explanation of the law by the Association. Indonesian Health Law, according to article 1 of the Articles of Association of the Indonesian Health Law Association (Perhuki). The general definition of health law can be interpreted as that health law is all provisions relating to rights and obligations, medical services and medical facilities in terms of health maintenance, both in terms of promotive, preventive, curative and rehabilitative aspects, international guidelines, and customary law, as well as in the application of civil, criminal and administrative legal relations (Jatri and Meysita, 2023: 6341). Overall, the legal review of health workers aims to ensure that every health service provided complies with established ethical, professional and legal standards. This not only protects the interests of patients but also maintains the integrity and credibility of the health care profession in society (Murni et.al, 2024:7848). The main aim of the medical profession is to overcome suffering and restore health to sick people. There are sick people and even in simple societies there are people who are thought to be able to cure illnesses (shamans, doctors) and medicine is expected to help the sick in some way. Basically, what is now called the doctor-patient relationship can be traced back to the medical relationship in simple societies, of course coupled with the complexities brought by social, economic, human relations, medical science, technology, ethics, and legal developments. , business and others in this modern era. The most profound thing about a doctor's relationship with a patient is mutual trust. Patients as parties who need help believe that doctors can cure their illness. Meanwhile, the doctor also believes that the patient has provided correct information regarding his illness and he will comply with all the doctor's instructions. Good medical services are those that can meet people's needs, are quality and affordable (Jatri and Meysita, 2023:6341). Legal liability related to violations of professional competency standards by health workers has an important basis in the legal regulations governing medical practice. Violations of professional competency standards can become the basis for legal claims against health workers. For example, if a health worker makes a mistake in a medical procedure that causes injury or even death to the patient, the law allows the patient or his family to file a civil or criminal lawsuit (Murni et.al, 2024:7852).

Medical actions can be subject to criminal charges based on Law Number 17 of 2023

The actions or actions of medical personnel in carrying out their practices can be criminally prosecuted based on Law number 17 of 2023 concerning health as follows:

a. Having an Abortion

The crime of abortion is as stated in article 428, if the person carrying out the abortion is a medical personnel, the criminal charges mentioned in article 429.

Article 428:

- (1) Every person who carries out an abortion that does not comply with the provisions as intended in Article 60 on a woman:
 - (a) with the consent of the woman shall be sentenced to a maximum imprisonment of 5 (five) years; or
 - (b) without the woman's consent, she will be punished with a maximum imprisonment of 12 (twelve) years.

- (2) If the act as referred to in paragraph (1) letter a results in the death of the woman, she will be punished with imprisonment for a maximum of 8 (eight) years.
- (3) If the act as referred to in paragraph (1) letter b results in the death of the woman, she will be punished with imprisonment for a maximum of 15 (fifteen) years.

Article 429:

- (1) Medical personnel or health workers who commit criminal acts as intended in Article 428 can have their penalty increased by 1/3 (one third).
- (2) Medical personnel or health workers who commit criminal acts as intended in paragraph (1) may be subject to additional penalties in the form of revocation of certain rights, namely:
 - (a) the right to hold public office in general or certain positions; and/or
 - (b) the right to practice certain professions.
- (3) Medical personnel or health workers who perform abortions because of indications of a medical emergency or on victims of criminal acts of rape or other criminal acts of sexual violence that cause pregnancy as intended in Article 60 are not subject to punishment.

b. Reconstructive and Aesthetic Plastic Surgery

Reconstructive and aesthetic plastic surgery can be prosecuted as criminal as stated in article 433, "Every person who performs reconstructive and aesthetic plastic surgery which is contrary to the norms applicable in society and is intended to change a person's identity as intended in Article 137 paragraph (2) shall be punished with a criminal a maximum imprisonment of 10 (ten) years or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah)." Then Article 137 paragraph (2) states "Reconstructive and aesthetic plastic surgery must not conflict with the norms that apply in society and is not aimed at changing identity"

c. Refusing Health Services in Emergency Situations

Refusal of health services in emergency situations is regulated in Article 174 and Article 275.

Article 174 Paragraph:

- (1) Health Service Facilities belonging to the Central Government, Regional Government, and/or the community are obliged to provide Health Services for someone who is in an Emergency condition to prioritize saving lives and preventing disability.
- (2) In emergency conditions as referred to in paragraph (1), Health Service Facilities belonging to the Central Government, Regional Government, and/or the public are prohibited from refusing patients and/or asking for down payments and are prohibited from prioritizing all administrative matters thereby causing delays in Health Services.

Article 275 Paragraph:

- (1) Medical personnel and health workers who practice at health service facilities are obliged to provide first aid to patients in emergencies and/or disasters.
- (2) Medical personnel and health workers who provide health services in the context of life-saving measures or preventing someone's disability in emergencies and/or disasters are excluded from claims for compensation. Sanctions given for refusing a patient in an emergency situation are regulated in Law Number 17 of 2023

Article 438: Heads of Health Service Facilities, Medical Personnel, and/or Health Workers who do not provide first aid to Patients in Emergency Conditions. Health Service Facilities as intended in Article 174 and Article 275 paragraph:

- (1) shall be sentenced to a maximum imprisonment of 2 (two) years or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).
- (2) In the event that the act as intended in paragraph (1) results in disability or death, the head of the Health Service Facility shall be punished with a maximum imprisonment of 10 (ten) years or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).

d. Negligence/Omission

In Article 440, the paragraph is stated:

- (1) Every Medical Personnel or Health Personnel who commits negligence which results in a patient being seriously injured will be punished with a maximum imprisonment of 3 (three) years or a maximum fine of IDR 250,000,000.00 (two hundred and fifty million rupiah).
- (2) If the negligence as intended in paragraph (1) results in death, each Medical Personnel or Health Personnel shall be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of Rp. 500,000,000.00 (five hundred million rupiah).

e. Practice Without STR and/or SIP

Article 312, Everyone is prohibited from:

- a) without the right to use an identity in the form of a title or other form that gives the impression to the community concerned that he or she is a medical worker or health worker who has an STR and/or SIP;
- b) using tools, methods or other methods in providing services to the public which give the impression that the person concerned is a medical worker or health worker who has STR and/or SIP; And
- c) practicing as a Medical Personnel or Health Personnel without having STR and/or SIP.

Article 313 Paragraph:

- (1) Every Medical Personnel or Health Personnel who practices without having an STR and/or SIP as intended in Article 312 letter c is subject to administrative sanctions in the form of an administrative fine.
- (2) Provisions regarding procedures for the imposition of administrative sanctions as intended in paragraph (1) are regulated by Government Regulation.

Article 441:

- (1) Every person who uses an identity in the form of a title or other form that gives the impression that the community concerned is a Medical Personnel or Health Personnel who has an STR and/or SIP as intended in Article 1 312 letter a shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).
- (2) Every person who uses tools, methods or other means to provide services to the public which gives the impression that the person concerned is a Medical Personnel or Health Personnel who has STR and/or SIP as intended in Article 312 letter b shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

Article 442 Every person who employs Medical Personnel and/or Health Personnel who do not have a SIP as intended in Article 312 letter c shall be punished by imprisonment for a maximum of 5 (five) years or a fine of a maximum of IDR 500,000,000.00 (five hundred million rupiah).

How to Prevent Criminal Actions by Medical Personnel

Competence is a key factor that determines a person's success in work, including in health services. The main competencies for health workers include patient-focused care, evidence-based practice, quality improvement, and the use of information technology as members of interdisciplinary teams. Health workers must comply with applicable professional competency standards, operational procedures and ethics to provide quality and safe services to patients. However, there are cases where health workers do not work according to their competence, which results in a decrease in service quality. This is caused by a lack of competency supervision, a weak administrative system, and a lack of community participation and law enforcement. Although the law guarantees the right to quality health services, failure to comply with competencies can have a negative impact on health service outcomes (Murni et.al, 2024:7848). Regulated in Law Number 17 of 2023 Article 279, Article 280 and Article 291; that medical personnel and health workers in carrying out their practice are obliged to comply with professional standards, service standards and standard operational procedures, by upholding professional ethical values and providing health services to patients must carry out their best efforts (*Inspanning Verbintenis*). Legal liability for doctors who commit malpractice occurs if the doctor does not carry out his practice in accordance with the standards of the medical profession, and SOP (concerning medical service standards) as well as the patient's health needs, then medical ethics is automatically violated. Therefore, doctors must be legally responsible for their actions (Christian, et al, 2024: 168). In terms of negligence, it is a translation of " *Negligence* " which in the general sense is not a violation of the law or a crime. A person can be said to be negligent if he acts indifferently or doesn't care. Not paying attention to the interests of other people as is common in social life. As long as the consequences of negligence do not lead to loss or injury to other people, or because of trivial matters, there are no legal consequences whatsoever. A principle based on the adage " *de*

minimis not curat lex ", *The Law does not concern itself with trifles* . The law does not interfere with things that are considered trivial (Beni and Sidi, 2023: 26-27).

However, if the negligence has reached a certain level and does not care about the safety of other people's lives or property, then the nature of the negligence can become serious and criminal. The law can no longer remain silent, because negligence is a violation of the public interest and a violation of the law. If it results in an accident, injury or even the loss of life of another person, then by law the level of negligence is classified as included in the criminal formulation (Beni and Sidi, 2023: 27-28). The nature of the contractual relationship between the doctor and the patient means that the following requirements must be met:

- a. There must be agreement *from* the contracting parties. This agreement takes the form of a meeting of the offer and acceptance of the service provider which is the cause of a contract. The agreement is between the doctor and the patient regarding the nature of the treatment services offered by the doctor and which have been well received by the patient. Thus, the agreement between each party must be voluntary.
- b. There must be an object which is the substance of the *contract* . The object or substance of the contract of the doctor-patient relationship is the provision of medical services desired by the patient and given to him by the doctor. The object of the contract must be guaranteed, legal and not outside the profession.
- c. there must be a *cause* or *consideration* . These reasons or considerations are the factors that move the doctor to provide treatment services to his patients. It could be by giving compensation or it could just be to help or based on the doctor's generosity. Payment for the provision of medical services is considered implied and known by the patient, unless required by law or deemed to be for charity and helping others. If a patient turns out to be unable to pay, it will not affect the existence of the contract or reduce the doctor's responsibility for claims of negligence (Jatri and Meysita, 2023: 6342).

In the context of a medical emergency where the doctor does not have written consent *from* the patient, the application of the *doctrine of necessity* can be analyzed as follows:

- a. Medical procedures that must be performed by doctors in emergency situations are usually excluded from standard procedures that require *informed consent* because they are essential to save lives or prevent serious health damage.
- b. *The doctrine of necessity* applies because in emergencies, there is often no time or possibility to obtain *informed consent* . This situation justifies the doctor to act immediately without such approval.
- c. In circumstances where allowing someone to die because of the absence of *informed consent* is considered more moral and ethical than violating standard procedures, then actions that usually require consent will be carried out (Vishnu and Yovita, 2023: 75).

Apart from the patient's incompetent condition, other problems that are actually often encountered by doctors in emergency situations related to providing *informed consent* are:

- a. There is not enough time to obtain informed consent because life-threatening emergencies occur suddenly and quickly, for example cases of total airway obstruction that cause the patient to be unable to breathe at all,
- b. There is no family responsible (the patient's status is unclear), for example the case of a homeless person who was found unconscious due to severe head trauma on the side of the road,
- c. The responsible family exists, but is not in the hospital and cannot be contacted in various ways by doctors when an emergency occurs, for example in the case of an emergency for a patient in hospital which occurs in the early hours of the morning when the family is sleeping at home,
- d. There are responsible families, but they cannot/do not dare to give *informed consent* because they are in a confused state and cannot think clearly, for example after being given complete information about the risks of the action, the family becomes increasingly confused/afraid of the possible consequences.

To deal with such situations, doctors do not need to hesitate to immediately take medical action if necessary. Law Number 17 of 2023 concerning Health in Indonesia recognizes the concept of presumed consent in emergency situations, where doctors are allowed to carry out medical procedures without the patient's explicit consent if the patient's condition makes it impossible to give consent or there is no family who can be contacted. This is stated in Article 80 paragraph (3) and Article 293 paragraph (9). Even though high-risk medical procedures in emergencies have not been explicitly regulated, doctors can still rely on several other articles in this law, including Article 293 paragraph (10) which emphasizes the patient's best interests, Article 275 paragraph (1) which requires doctors to provide assistance in emergency cases, and Article 273 paragraph (1) which provides legal protection to doctors who act according to standards. Apart from that, Article 275 paragraph (1) also exempts doctors from claims for compensation in emergency cases, providing legal security for doctors to act quickly to save the patient's life without any doubt. carried out (Vishnu and Yovita, 2023:79

Every medical worker who will carry out practice is required to have a Registration Certificate (STR) as mentioned in Article 260. The convenience now is that the STR is valid for life, so there is no longer any reason why medical workers do not have an STR due to difficulties in managing it. Apart from STR, Medical Personnel in carrying out their professional practice are required to have a license/Practice Permit (SIP) extended every 5 years with the requirement of sufficient professional credit figures (SKP), as stated in Article 263 to Article 266 of Law Number 17 of 2023 about health.

How to Settle Medical Criminal Claims

Completion stages medical personnel suspected of violating the law have been explained in Article 308 of Law Number 17 of 2023 concerning Health. Medical personnel who are suspected of committing unlawful acts in the implementation of health services may be subject to criminal sanctions. The Sipil Civil Servant investigator or the Indonesian National Police investigator submits a written recommendation request to the assembly. The panel's recommendation is a recommendation whether or not an investigation can be carried out because the implementation of professional practices carried out by Medical Personnel or Health Personnel is in accordance with or not in accordance with professional standards, service standards and standard operational procedures. The panel's recommendation is given no later than 14 (fourteen) working days after the application is received. In the event that the panel does not provide a recommendation after that time period, the panel is deemed to have provided a recommendation so that an investigation into the criminal act can be carried out. Furthermore, in Article 1 424, the investigating officers of the Indonesian National Police (Polri) and certain civil servant investigators (PPNS) in the government environment who carry out government affairs in the health sector have the authority and responsibility to carry out investigations of criminal acts in the health sector based on the Law Code. Criminal Procedure. Civil Servant investigators send notification about the start of the investigation and submit the results of the investigation to the public prosecutor through investigators from the Indonesian National Police. Civil Servant Investigating Officers under the coordination and supervision of the Indonesian National Police in accordance with the provisions of statutory regulations have the authority to receive reports and carry out examinations of the veracity of reports and information regarding criminal acts in the Health sector; summon, examine, or conduct searches related to suspected criminal acts in the Health sector; take the first action on the scene; prohibit any person from leaving or entering the scene of a crime for investigation purposes; ordering people suspected of committing criminal acts in the Health sector to stop; check the identity of people suspected of committing criminal acts in the Health sector; seek and request information and evidence from persons or legal entities in connection with criminal acts in the Health sector; detain, examine and confiscate letters, documents and/or other materials/evidence in criminal cases in the Health sector; carry out inspections at certain places where it is suspected that there are letters, documents or other objects related to criminal acts in the Health sector; summon someone to be questioned and hear their statement as a suspect or witness; request expert assistance in carrying out the task of investigating criminal acts in the Health sector; stop the investigation if there is not enough evidence to prove the existence of a criminal act in the Health sector; and take other actions after coordinating in order to request investigative assistance from investigators from the Indonesian National Police.

The panel will assess whether the medical personnel's actions constitute a medical risk or a medical crime. There are two standards that can be used to differentiate between medical risk and medical crime, namely: (Beni, and Redi, 2022:33)

1. There is an error or negligence in carrying out medical procedures, namely doing something that should not be done, not doing what should be done/neglecting one's obligations (negligence), and violating a provision according to statutory regulations.
2. Doctors do not carry out their profession according to the standards of medical services outlined by professional associations in their field of expertise.

This is evaluated from the aspect of deliberate or unlawful intent in the actions of a perpetrator, including the use of tools, methods or other means that provide services to the public as if they were a doctor or dentist who has a registration certificate or practice permit (Fadhlan, et al, 2023: 305). There is also a doctor's responsibility in treating patients, when viewed from a health law perspective, it can fall into the category of criminal malpractice if the action meets the elements of a criminal offense. The doctor's responsibility towards the patient due to malpractice in patient care must be based on the consideration that unlawful acts were found in the actions of medical personnel. In proving a criminal act, medical personnel cannot be punished if they do not fulfill the criminal elements. These elements include:

1. There is an element of act/action (*actus reus*) which includes acts or omissions that violate the law,

2. There is an element of error (*mens rea*) which includes malicious intent, intent, negligence, or proper ignorance
3. There is a relationship between the losses incurred and acts of negligence.

The resolution of medical personnel suspected of committing criminal acts in the health sector is explained in article 306 of Law No. 17 of 2023, Medical Personnel are prosecuted for alleged criminal acts, law enforcement officials prioritize resolving disputes using restorative justice mechanisms in accordance with statutory provisions. It is also explained in Article 310 that medical personnel are suspected of making mistakes in carrying out their profession which causes harm to patients. Disputes arising from these mistakes are resolved first through alternative dispute resolution outside of court. This does not necessarily mean that every solution suspected of criminal action by medical personnel will immediately be brought to court. Looking at the pattern of criminal liability for medical personnel as described above, the author considers that the government is trying to increase legal protection for health workers. This can be seen from the efforts to truly ascertain in advance whether the actions of medical personnel that cause harm to patients are carried out in accordance or not in accordance with professional standards, service standards and standard operational procedures. From the description above, the author is of the view that there is still a dilemma in implementing Law Number 17 of 2023 concerning health, namely:

1. The assembly is a crucial gateway for resolving medical criminal disputes. There is no detailed explanation of the duties and authority of the assembly. We must be patient in waiting for a detailed explanation of the derivative regulations regarding the assembly referred to in the health law
2. Investigating health crimes is a special crime that must involve health experts to determine whether the actions of medical personnel are in accordance or not with professional standards, service standards and standard operational procedures
3. In general, investigators (especially National Police and Civil Service Investigators) do not have sufficient knowledge to determine whether the actions of medical personnel are in accordance or not with professional standards, service standards and standard operational procedures. To be able to determine whether the action is in accordance or not in accordance with professional standards, service standards and standard operational procedures, it must be analyzed by someone who is truly competent in carrying out medical procedures (Yusuf, 2023: 2807)

Various deficiencies and weaknesses in legislative regulations in the field of health services will have a very detrimental impact on health services themselves as well as society. To overcome these problems, improving legal instruments is very necessary because legal instruments can be a tool of *social control* to maintain or maintain order in the world. public. Health law, which has specific legal content related to the health profession, has not yet developed very advanced, therefore the current legal instruments are still directly applied with general legal regulations which often contradict the essence of health. The content of health law can be classified in the form of *lex specialist*. Weakening the role of professional organizations in Law No. 17 of 2023. The medical profession has the potential to experience discrimination in resolving medical disputes. Often the resolution of medical disputes is brought to the resolution of general criminal acts using the basis of the Criminal Code. Considering that health law is *lex specialist*, the solution also uses special courts. Apart from that, the medical profession is a noble profession that upholds professional ethical values, there is very little potential for medical personnel to have the intention of harming their patients. It is a difficult task that professional organizations must undertake in the struggle to protect their members from criminal prosecution. Seeing the current conditions and situation of health law, medical personnel must be legally literate and continue to study health law in order to clearly understand the legal protection of medical personnel in the transition to legal health products. Collaboration between legal and health experts in actualizing ethical and legal norms both through statutory regulations and legal science that is integrated with health science, both developing nationally and internationally (Arif Budiman, 2024: 113).

4. CONCLUSION

The Health Law was created to provide more certainty in the provision of health services, as well as to provide protection for the community and protection for health resources. Health law has determined that medical personnel will be legally responsible if negligence occurs which causes harm to the public or patients. The actions of medical personnel can be criminally prosecuted, namely carrying out illegal abortions, carrying out reconstructive and aesthetic plastic surgery with the aim of changing a person's identity, refusing health services in emergency situations, committing negligence/negligence (malpractice), and practicing without STR and/or SIP. To prevent legal claims, medical personnel in carrying out their practice are obliged to comply with professional standards, service standards and operational procedure standards, by upholding professional ethical

values and providing health services to patients must carry out their best efforts (*Inspanning Verbintenis*), as well as medical personnel in carrying out Practices are required to have STR and/or SIP. Settlement of medical investigative disputes (Police investigators or civil servant investigators) must first submit a request with a written recommendation to the panel. Medical personnel are charged with alleged criminal acts, the resolution prioritizes resolving disputes using restorative justice mechanisms, first through alternative dispute resolution outside of court.

REFERENCES

- AK Wisnu Baroto SP, Yovita Arie Mangesti, 2023, Presumed Consent for High Risk Medical Procedures in Emergency: Perspective of Law Number 17 of 2023, *Journal of Health Law and Ethics* Vol 3 (2): 75, DOI: DOI: <https://doi.org/10.30649/jhek.v3i2.131> , accessed 20 February 2024.
- Arif Budiman, 2024, Ideal Construction of the Use of Health Law in Health Services in Hospitals Based on Justice Values, *Res Justitia Journal: Journal of Legal Studies* , Volume 4 (1): 102, DOI: <https://doi.org/10.46306/rj.v4i1.104> accessed on February 20, 2024.
- Arif Budiman, 2024, Ideal Construction of the Use of Health Law in Health Services in Hospitals Based on Justice Values, *Res Justitia Journal: Journal of Legal Studies* , Vol 4 (1): 102-114, DOI: <https://doi.org/10.46306/rj.v4i1.104> , accessed February 20, 2024.
- Beni Satria, Redyanto Sidi Jambak, 2022, *Hospital Criminal Liability* , Medan: CV. Dewa Publishing.
- Beni Satria, Redyanto Sidi Jambak, 2022, *Medical Criminal Law and Malpractice* , Medan: CV. Cattleya Darmaya Fortuna.
- Beni Satria, Redyanto Sidi Jambak, 2023, *Medical Criminal Law and Malpractice* , Medan: CV. Cattleya Darmaya Fortuna.
- Christian Elizar, Markoni Markoni, I Made Kantikha, Saragih Saragih, 2024, Legal Protection for Doctors Suspected of Committing Malpractice in View of Applicable Legislation (Case Study of Supreme Court Decision Number 233 K/Pid.Sus/2021), *ALADALAH : Journal of Politics, Social, Law and Humanities* , Vol.2 (2): 168, DOI: <https://doi.org/10.59246/aljadi.v2i2.794> accessed on 20 February 2024.
- Fadhlan F, Akhyar A, Affan I. 2023. Doctors' Malpractice Actions as a Result of Doctors' Negligence in Handling Patients Reviewed from a Health Law Perspective. *Metadata Scientific Journal* , Vol 5 (1): 305-319. DOI: <https://doi.org/10.47652/Metadata.V5i1.326> , accessed February 20, 2024.
- Fauji Salim, 2020, *Normative Juridical Review of Legal Protection for Patients as Consumers in Malpractice in Hospitals* , Lex Renaissance, Vol 5 (2): 400. <https://journal.uui.ac.id/Lex-Renaissance/article/view/17207/pdf> , accessed 20 February 2024.
- Jatri Handijani, Meysita Arum Nugroho, 2023, Review of Medical and Health Practices Based on the Ethical Principles of Confidentiality Guided by Health Law, *Syntax Literate: Indonesian Scientific Journal*, Vol. 8 (11): 6341-6342, DOI: <https://doi.org/10.36418/syntax-literate.v8i11.13890> accessed February 20, 2024.
- Law Number 17 of 2023 concerning Health
- Murni Kurniyanti Siregar, Fahmi, Yeni Triana, 2024, Legal Responsibility for Violations of Professional Competency Standards by Health Workers, *Journal of Social Science Research*, Vol 4 (1): 7848-7852. DOI: <https://doi.org/10.31004/innovative.v4i1.87737852> accessed on February 20, 2024.
- Redyanto Sidi, 2022, *Human Rights in the Perspective of Health Law in Indonesia*, Medan: Perdana Publishing.
- Yusuf Daeng, Nelda Ningsih, Fatma Khairul, Sri Winarsih, Zulaida, 2023, Criminal Liability of Hospitals and Medical Personnel for Malpractice Acts Based on Law Number 17 of 2023 concerning Health, *Journal of Social Science Research*, Vol 3 (6): 2807-4246, DOI: <https://doi.org/10.31004/innovative.v3i6.6796> accessed February 20, 2024.