

## LEGAL PROTECTION FOR MEDICAL LABORATORY TECHNOLOGY PROFESSIONALS IN IMPLEMENTING HEALTH SERVICES ACCORDING TO PROFESSIONAL STANDARDS

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### ABSTRACT

*Doctors and health workers are expected to understand their rights and obligations in providing health services to the community. Therefore, doctors and health workers need to understand their rights and obligations in accordance with applicable laws, including confidentiality of patient information, informed consent, and reporting potentially dangerous events. Therefore, with this research, it is hoped that health workers will know legal certainty regarding legal protection for health workers, especially the medical laboratory technology profession in carrying out health services according to existing professional standards. As is often the case, health workers often encounter problems that befall them. Every action that will be carried out by medical personnel or health workers must first obtain approval from the patient. In this case, informed consent is a form of protection for patients and health workers against claims that might occur. The need for legal protection and the value of legal certainty regarding the regulation of health workers in Indonesia for the health profession and medical personnel aims to ensure that in carrying out their duties and profession they feel comfortable and do not feel afraid of legal sanctions and legal certainty. Because, without fair and good regulations for doctors and health workers in carrying out their duties and having great responsibilities, it is feared that there will be a feeling of fear of carrying out health services according to professional standards.*

Keywords: Legal Protection, Medical Laboratory Technologist, Health Services, Professional Standards

### INTRODUCTION

Health is a basic human need. Therefore, every person has the right to the standard of living he desires, the health needs as well as the welfare of himself and his family, including the right to food, clothing, shelter, health services and necessary social services. (Moniaga Sandrayati, 2020). The provision of sufficient public and health care facilities is the responsibility of the state.

The development of health human resources or health workers is one of the factors and indicators of whether the health service system is good or bad or inadequate (Adisasmito Wiku, 2007). The quality of health workers is one of the factors that supports the success of health services. As one of the supports for the success of services, medical personnel and health workers are required to always be professional in carrying out their duties (Fadhillah et al., 2019). Medical Laboratory Technologists are a type of health worker who provides health services in the laboratory examination competency described in Law Number 17 of 2023 concerning Health where Medical Laboratory Technologists or what we usually know as Health Analysts are a type of biomedical health worker. In carrying out their duties, Laboratory Experts have an important role as technical implementers, for medical laboratory services, as operational technicians, researchers and instructors in the field of health laboratories.

It cannot be denied that the increasingly advanced development of the times also creates critical thinking in patients towards health services, where the thought arises that the disease they are suffering from is not cured due to errors in health services, in which doctors and health workers who carry out medical procedures are the targets. (Gustina et al., 2022)

In Indonesia itself, many complaints of alleged malpractice cases have been found as a form of patient dissatisfaction with health services. This is because health problems are very complex, for example the application of health services to each person is different, the influence of technology on each health service facility is different as well as the abilities of doctors and other health workers. (Sukohar et al., 2015). As in carrying out their duties, quite a few problems happen to Medical Laboratory Technologists as health workers who work in health services. The problem that often befalls health workers in the world of health is that there is often a discrepancy between patients as consumers which results in complaints from patients as well as dissatisfaction with the patient's family which results in a medical dispute being attempted, so that the party who feels disadvantaged takes legal action to resolve the problem. (Rohman & Syafruddin, 2019), which often means that when providing health services, each health worker has carried out their duties correctly, but this does not rule out the possibility of dissatisfaction which often results in legal demands from the patient or the patient's family. Every medical action that will be carried out on a patient in health services by a doctor or health worker must and must obtain the consent of the patient.

Informed consent includes regulations that regulate the behavior of doctors and health workers in interacting with patients. This interaction gives birth to a relationship called a transaction or therapeutic contract. In essence, informed consent protects patients from doctor's abuse, but it is also needed to protect doctors and other health workers from patient abuse that violates legal and statutory boundaries, so more complete and clear legal regulations regarding this matter are needed.

### RESEARCH METHODS

This research uses normative legal research techniques. Normative legal research is legal research that uses norms, legal rules, legal principles, legal theories, statutory rules, legal doctrine, legal research literature and literature as the basis for answering the legal issues or problems being researched. (Muhaimin, 2020). The statutory approach method and the conceptual approach are 2 (two) types of methods used by researchers with the description:

1. Legislative approach (statute approach), namely by reviewing and connecting all laws and regulations related to the legal issue being studied (Marzuki, 2005). Later the results of the study will form an opinion to solve the issue being researched.

2. Conceptual approach, namely an approach method that uses an approach that refers to the views and doctrines that exist and are developing in legal science (Marzuki, 2005). This study draws on both primary and secondary sources of law. Primary sources include any and all legal documents with a binding legal status, while secondary sources encompass a wider range of legal documents, while secondary legal materials used in this research consists of the opinions of legal experts obtained from various legal literature related to the legal issue being studied such as legal books, legal papers, legal journals, writings published on internet websites., etc.

The main source in writing this research is secondary data. Data analysis in legal research uses a qualitative approach method, namely to answer legal protection for health workers in general and specifically for the profession of Medical Laboratory Technologist in carrying out health services according to professional standards, namely data analysis by analyzing, interpreting, drawing conclusions according to the problem. or legal issues discussed are based on legal principles, legal theories, legal definitions, legal norms, and concepts related to the main problem, and express them in the form of sentences without using statistical formulations, so that a clear and comprehensive picture is obtained regarding the problem under study. The data collection method was carried out by literature study.

## RESULTS AND DISCUSSION

### Legal Protection Concept

The concept of legal protection has a broad meaning for Indonesia, which is a rule of law country. Legal protection is divided into two areas, namely Preventive legal protection and Repressive legal protection. Forms of preventive legal protection are included in statutory regulations to prevent violations and limit binding limits in carrying out obligations.

Repressive Legal Protection functions to resolve disputes resulting from violations that allegedly arise in the implementation of health services. This safeguard, which takes the shape of penalties for infractions, is the last line of defense. (Santoso & Gegen, 2021)

According to experts, legal protection ensures the safeguarding of human rights and responsibilities, facilitating the pursuit of individual interests and the maintenance of interpersonal relationships. (Mertokusumo Sudikno, 1988). According to Satjipto Raharjo, the purpose of legal protection is to ensure that members of a community can exercise all their rights as citizens and to prevent them from suffering harm at the hands of others. (Raharjo, 2000).

Everyone has the right to be recognized, guaranteed, and protected, and to receive fair legal certainty and equitable treatment under the law, as stated in Article 28D paragraph (1) of the 1945 Constitution. Citizens working in the healthcare industry also enjoy these rights and are entitled to seek legal protection under this provision.

Article 27, paragraph (1) of Law no. 36/2009 concerning Health stipulates that health workers have the right to receive compensation and legal protection commensurate with their profession. This provision is further elaborated in Article 57, letter (a) of Law no. 36/2014 concerning Health Workers, which grants health workers the right to obtain legal protection enabling them to practice their profession in accordance with Professional Standards, Professional Service Standards, and Standard Operational Procedures. To ensure the legal protection of health professionals, the government is empowered to enforce legal instructions as outlined in the aforementioned regulations.

### The Concept of Legal Certainty in Realizing Protection for Health Workers

Legal protection for patients and doctors is actually regulated by law, but it still cannot fully accommodate several aspects of legal protection. (Wirabrata & Darma, 2018). In this day and age, people are increasingly critical and are making complaints and expressing dissatisfaction with the health services they receive, therefore it is important for medical personnel and health workers to get legal protection in providing health services considering that health workers have an important role in improving the quality of health services. With strong and clear regulations for health workers, the implementation of health workers in carrying out professional duties has a binding basis for all stakeholders in the implementation of health services which will have an impact on the effectiveness received by the community and health workers themselves. (Fadhillah et al., 2019).

Public and health care providers may look to state-established health legislation for direction and a legal foundation. In this case, it is very important for the public and health workers in particular to know clarity regarding legal certainty, legal protection and legal justice in the health sector. Law creates legal certainty which aims to create legal order in life. With this, the public hopes for legal certainty because with legal certainty society will become more orderly (Wirabrata & Darma, 2018).

Every health worker who works in a health facility must always provide the best service for patients according to the SOP (Standard Operating Procedure) which must and must be carried out by medical staff and health workers in treating patients in accordance with applicable laws and regulations. Every professional health worker who works in health services has a legal basis according to their respective profession. However, if inappropriate medical treatment is found, the patient and the patient's family can still file a lawsuit against the health worker if the health worker (doctor or dentist) concerned does not carry out the correct procedures according to professional standards when the abuse occurs. (Eka Pratama & Ngadino, 2022). Therefore, clear legal certainty is very necessary in realizing legal protection for health workers in order to support the quality of health services because in all forms of health services will always be related to legal aspects.

### The position of Informed Consent as a form of legal protection for health workers in carrying out health services

There is no doubt that patients are in danger during medical operations performed by physicians and other healthcare professionals. For this reason, doctors and health workers who will carry out medical procedures must first provide information regarding the action to be given to the patient, the benefits and risks, as well as other alternatives if possible, which are important aspects of Informed Consent. (Nasution, 2005). In this case, the doctor ensures that the patient has a clear understanding before giving consent for the medical action he or she will undergo. Of course, this not only strengthens the relationship and builds the patient's trust in the doctor, it also reduces the potential risk of lawsuits against the doctor and other health workers that might occur. happen in the future.

Informed Consent is an important aspect in providing a role in the legal protection of doctors in health services. In this context Law Number 29 of 2004 concerning Medical Practice provides a legal basis for doctors to act in urgent situations without having to first obtain written consent from the patient or their family. Thus, the role of Informed Consent in the legal protection of doctors in health services must uphold a balance between the rights and obligations of doctors in emergency situations, the principles of medical ethics, legal guidelines, and good and transparent communication between doctors and patients. (Kasiman et al., 2023).

Article 293 paragraph (1) of Law Number 17 of 2023 concerning Health states that every individual health service action carried out by Medical Personnel and Health Personnel must obtain approval and further in paragraph (2) it is explained that approval as intended is given after the patient has received a proper explanation. adequate. The relationship that exists between a doctor and a patient as a consumer of health services according to legal perception becomes an agreement or what is usually called a therapeutic agreement. Therapeutic transactions that occur between doctors and patients indirectly give rise to rights and obligations between parties, this is what creates the existence of Informed Consent. Draft Informed Consent includes regulating the doctor's behavior in interacting with patients as recipients of health services. Meanwhile, for health workers, Informed Consent is a health professional reference that can be used by health workers to create a sense of security when carrying out medical procedures.

Legal protection for health workers or doctors and dentists is not a provision that eliminates the possibility of legal prosecution by other people such as patients and the patient's family, but as stated in Law Number. 36 of 2014 concerning Health article 78 which states that "If a Health Worker is suspected of having committed negligence in carrying out their profession which causes harm to the Recipient of Health Services so that a dispute arises as a result of the health worker's negligence, then it must be resolved first through out-of-court dispute resolution or mediation . in accordance with applicable regulatory provisions. And when the issue or dispute is brought into the realm of law, health workers have the right to have the opportunity to defend themselves and be processed fairly if they are suspected of committing a professional violation, whether in a professional court, hospital institution, or in general court."

## CONCLUSION

Doctors and health workers have the right to obtain legal protection in carrying out their duties according to their profession, especially medical laboratory technology experts, where legal protection is the right of every health worker who is given as long as carrying out health services meets the provisions of the code of ethics, professional standards, and the rights of service users. health, service standards, and standard operational procedures. Draft Informed Consent to doctors is to regulate the doctor's behavior in providing services and interacting with patients as recipients of health services. Meanwhile, for health workers, Informed Consent is a reference for the health profession that can be used by health workers to create a sense of security when carrying out medical procedures.

Informed consent includes regulations that regulate the behavior of doctors and health workers in interacting with patients. This interaction gives birth to a relationship called a transaction or therapeutic contract. Doctors and health workers who will carry out medical procedures must first provide information regarding the actions to be given to the patient, the benefits and risks as well as other alternatives if possible. The doctor ensures that the patient has a clear understanding before giving consent for the medical treatment he will undergo, of course this not only strengthens the relationship and builds the patient's trust in the doctor, it also reduces the potential risk of lawsuits against doctors and other health workers that may occur in the future. coming.

In essence, informed consent protects patients from doctor's abuse, but it is also needed to protect doctors and other health workers from patient abuse that violates legal and statutory boundaries, so more complete legal regulations regarding this matter are needed. Clear legal certainty is very necessary in realizing legal protection for health workers in order to support the quality of health services because in all forms of health services will always be related to legal aspects. informed consent must address rights related to legal protection for doctors and health workers.

The legal protection promised by the government is a good and wise step considering the large responsibility borne by doctors and health workers as one of the benchmarks for the success of health services in Indonesia.

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