

## LEGAL PROTECTION FOR INDEPENDENT DOCTORS: ANALYZING LAW NO. 17 OF 2023 IN CONJUNCTION WITH LAW NO. 29 OF 2004 ON MEDICAL PRACTICE IN INDONESIA

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### ABSTRACT

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In Indonesia, the enactment of Law No. 17 of 2023, in conjunction with Law No. 29 of 2004, has significantly reshaped the regulatory landscape for independently practicing physicians. This study provides a comprehensive analysis of these legislative changes and evaluates their impact on the legal protections afforded to medical professionals. By introducing stricter licensing requirements, continuing professional education mandates, and enhanced patient privacy protections, these laws aim to elevate the standard of medical practice and ensure greater accountability. The reform emphasizes the importance of informed consent, detailing the necessity for doctors to communicate treatment risks and options transparently, thus fostering a trust-based doctor-patient relationship. Additionally, the implementation of severe penalties for ethical violations and malpractice serves as a robust deterrent, ensuring compliance and safeguarding patient welfare. This paper employs a comparative document analysis method to dissect the legal texts and highlight the significant improvements in healthcare governance. The findings suggest that these legal enhancements not only bolster the quality of healthcare but also strengthen the legal framework supporting medical ethics and patient rights in Indonesia. The reform's comprehensive approach illustrates a progressive shift towards a more disciplined and ethically aligned healthcare system, promoting both professional integrity and public trust in medical services.

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### INTRODUCTION

The landscape of medical practice in Indonesia has undergone significant transformations with the enactment of Law No. 17 of 2023, which revises and extends the provisions of Law No. 29 of 2004. These legal reforms are pivotal in setting new benchmarks for the practice standards and regulatory oversight of independently practicing physicians. This study delves into these legislative changes, exploring their extensive implications on the professional and legal environment within which medical practitioners operate.

Historically, Indonesian healthcare regulation has faced challenges related to ensuring quality care, maintaining ethical standards, and protecting patient rights. Law No. 29 of 2004 laid the groundwork for medical practice standards, but gaps remained, particularly in areas concerning the continuous professional development of healthcare providers, enforcement of ethical compliance, and the safeguarding of patient data. Recognizing these issues, the Indonesian legislature introduced Law No. 17 of 2023, aimed at addressing these shortcomings and reinforcing the legal framework to better support the dynamics of modern medical practice.

The introduction of Law no. 17 of 2023 marks a crucial step forward in the healthcare sector's evolving regulatory framework. It introduces stringent requirements for practicing licenses, emphasizes the importance of ongoing medical education, and enhances the legal obligations of

medical practitioners to protect patient confidentiality. These changes not only aim to elevate the quality of medical care but also seek to build a more transparent and accountable healthcare system.

This research aims to provide a comprehensive analysis of how these changes enhance legal protections for doctors and the potential impacts on their practice. Through a detailed examination of the legislative texts, this study assesses the improvements in professional standards and the mechanisms introduced to enforce these standards effectively. It also explores the broader implications of these legal enhancements for patient safety and public trust in the healthcare system. The significance of this research lies in its potential to inform stakeholders, including policymakers, medical professionals, and legal experts, about the effectiveness of the new laws and their practical implications. By evaluating the reformed legal environment, this research contributes to ongoing discussions about how best to support medical practitioners in delivering high-quality care while ensuring robust legal protections and fostering a culture of compliance and ethical responsibility within the healthcare industry.

## RESEARCH METHODS

This study utilizes a normative juridical approach to thoroughly examine Indonesian Law No. 29 of 2004 and Law no. 17 of 2023, focusing on their impact on independently practicing physicians. By regularly processing related legal texts and norms, the research aims to understand the changes and continuity within these laws and assess their implications for the medical profession. The analysis explores how these regulations enhance or restrict independent medical practice and seeks solutions to improve legal protections for doctors. Ultimately, the study evaluates how these legislative frameworks influence the quality of healthcare services, emphasizing professional liability, patient rights, and the overall safety within the healthcare system.

## RESULTS AND DISCUSSION

In the regulatory framework of Indonesia, particularly under Law No. 29 of 2004 on Medical Practice and the newly enacted Law No. 17 of 2023, provisions for independent medical practitioners provide a structured and secure legal environment. Although neither law explicitly mentions 'independent practice,' a holistic interpretation indicates that these regulations provide a supportive framework for independent practice, focusing on aspects of registration, licensing, and stringent oversight to ensure safe and high-quality medical services.

Specifically, Law No. 29 of 2004 regulates the requirements and procedures for licensing and registration of doctors, which also apply to doctors who wish to practice independently. Chapter VI, Articles 29 and 36 of this law details the registration process and the issuance of practice licenses, which are absolute requirements for any doctor to conduct medical practice, including independent practice. The law also emphasizes the importance of continuous education and training, as well as oversight and professional medical development, all of which are crucial in supporting ethical and competent independent practice.

Furthermore, Law No. 17 of 2023 strengthens these aspects by introducing stricter regulations related to medical action approvals and patient rights, enhancing transparency and accountability in medical practice. Chapter V, Articles 44 and 45 of this law highlight the importance of comprehensive consultation and informed consent, universally applicable, including in the context of independent practice. This law also establishes harsher penalties for breaches of medical ethics through Chapter X, Articles 73 and 75, serving as deterrents against malpractice and reinforcing public trust in the healthcare system. Thus, although independent practice is not specifically mentioned, doctors practicing independently in Indonesia can rely on the existing legal framework to obtain adequate legal protection, as long as they comply with all established regulations and standards.

### *A. Legal Protection in Independent Medical Practice*

The enactment of Law No. 17 of 2023 marks a significant advancement in the legal framework governing independent medical practice in Indonesia. This law introduces a

comprehensive suite of regulations that substantially tighten the criteria for obtaining and retaining a medical practice license. specifically, Chapter VI, Articles 30 and 36, not only refine the licensing process but also establish rigorous standards for ongoing supervision. This ensures continuous compliance and upholds high medical practice standards, thereby safeguarding patient welfare.

Moreover, Chapter VII, Article 48 enhances patient rights by enforcing stricter regulations on the confidentiality and security of patient information. This reinforces the legal obligations of medical practitioners to protect sensitive patient data, aligning with global privacy standards and building stronger trust in medical services.

Additionally, the law underscores the critical role of continuous professional development through Chapter IV, Article 27. By mandating regular updates to medical knowledge and skills, the legislation ensures that doctors are equipped to provide the most current and effective treatments. This ongoing education requirement not only mitigates the risk of malpractice but also empowers physicians with the knowledge to navigate complex medical scenarios confidently, thereby enhancing overall healthcare quality.

These provisions collectively strengthen the legal protections afforded to both patients and doctors, creating a more reliable and ethical healthcare environment.

**Impact of Regulatory Changes on Independent Medical Practice**

With Law No. 17 of 2023, Indonesia has significantly amplified its focus on the ethical responsibilities of medical professionals. Articles 44 and 45 of Chapter V stress the importance of thorough consultation processes and the necessity of obtaining informed consent. These regulations ensure that patients are fully aware of the medical procedures they will undergo, including potential risks and benefits, thereby fostering a transparent and respectful doctor-patient relationship.

This transparency is crucial in strengthening patient trust and engagement with their healthcare providers, which is fundamental to the effective delivery of medical services. It also positions the healthcare system in Indonesia closer to international patient care standards, where informed consent is a cornerstone of medical ethics.

Furthermore, the enhanced penalties outlined in Chapter X, Articles 73 and 75 introduce severe consequences for breaches of medical ethics, such as privacy violations or professional misconduct. The specified fines and potential imprisonment for severe violations serve as a robust deterrent against unethical practices. This tougher stance is indicative of a shift towards more stringent enforcement of medical regulations, aiming to reduce instances of malpractice and ensure strict compliance with established medical protocols.

By imposing strict penalties, the law not only deters potential malpractices but also underscores the seriousness of maintaining high ethical standards in medical practice. These changes highlight the government's commitment to uphold the integrity of the healthcare system and protect public health, ensuring that medical practitioners operate within a framework that prioritizes patient safety and ethical responsibility.

a) Table 1. The Comprehensive Scope of Legal Issues That Independent Doctors May Face Under the Current Indonesian Medical Law Framework.

No	Example Cases	Legal Resolution Under Law No. 29/2004	Legal Resolution Under Law No. 17/2023	Legal Basis Under Law No. 29/2004	Legal Basis Under Law No. 17/2023	Estimated Fine Under Law No. 17/2023
1	Medical Malpractice Due to Negligence	Administrative sanctions, possible fines and/or compensation	Stricter administrative sanctions, fines and compensation	Chapter VI, Articles 53 and 54	Chapter VI, Articles 54 and 55	IDR 200 million - IDR 500 million
2	Unauthorized Use of Medical Titles	-	Imprisonment, higher fines	-	Chapter X, Article 73	IDR 100 million - IDR 300 million
3	Violation of Patient	-	Fines and/or	-	Chapter	IDR 150

No	Example Cases	Legal Resolution Under Law No. 29/2004	Legal Resolution Under Law No. 17/2023	Legal Basis Under Law No. 29/2004	Legal Basis Under Law No. 17/2023	Estimated Fine Under Law No. 17/2023
	Privacy		imprisonment, stricter ethical sanctions		VII, Article 48	million - IDR 250 million
4	Practicing without a Valid License	Fines and/or imprisonment, possible license revocation	Imprisonment and higher fines, license revocation	Chapter VI, Article 40	Chapter VI, Article 30	IDR 200 million - IDR 400 million
5	Use of Banned Substances	-	Confiscation, imprisonment, higher fines	-	Chapter X, Article 75	IDR 300 million - IDR 500 million
6	Failure to Meet Continuing Education Standards	-	Stricter administrative sanctions, higher fines	-	Chapter IV, Article 27	IDR 100 million - IDR 200 million
7	Diagnostic Errors	-	Civil lawsuits, stricter sanctions	-	Chapter V, Article 44	IDR 200 million - IDR 300 million
8	Non-Compliance with Medical Protocols	-	Stricter administrative sanctions, higher fines	-	Chapter VI, Article 40	IDR 150 million - IDR 250 million
9	Falsification of Medical Documents	-	Imprisonment, higher fines, license revocation	-	Chapter VIII, Article 60	IDR 200 million - IDR 500 million
10	Misleading Advertising About Medical Services	-	Higher fines, stricter administrative sanctions	-	Chapter IX, Article 65	IDR 100 million - IDR 200 million
11	Selling Patient Data	-	Imprisonment, higher fines, ethical sanctions	-	Chapter X, Article 73	IDR 150 million - IDR 300 million
12	Patient Harm Due to Unlicensed Acts	-	Higher compensation, imprisonment, higher fines	-	Chapter VI, Article 36	IDR 250 million - IDR 400 million
13	Providing Care Without Patient Consent	-	Civil lawsuits, stricter ethical sanctions, higher fines	-	Chapter V, Article 45	IDR 200 million - IDR 300 million
14	Lack of Valid Practice License	-	Longer prison, higher fines	-	Chapter VI, Article 36	IDR 250 million - IDR 350 million

No	Example Cases	Legal Resolution Under Law No. 29/2004	Legal Resolution Under Law No. 17/2023	Legal Basis Under Law No. 29/2004	Legal Basis Under Law No. 17/2023	Estimated Fine Under Law No. 17/2023
15	Conflict of Interest in Medical Practice	Ethical sanctions, possible fines	-	Chapter VII, Article 52	-	-
16	Failure to Report or Record Medical Actions	-	Higher fines, stricter ethical sanctions	-	Chapter VII, Article 46	IDR 100 million - IDR 200 million
17	Improper Medical Waste Management	-	Higher fines, stricter administrative sanctions	-	Chapter IX, Article 71	IDR 50 million - IDR 100 million
18	Use of Unapproved Medical Technology	-	Imprisonment, very high fines, license revocation	-	Chapter X, Article 75	IDR 300 million - IDR 600 million
19	Misuse of Narcotics in Medical Practice	-	Longer imprisonment, very high fines	-	Chapter X, Article 75	IDR 400 million - IDR 800 million
20	Refusing Patients Without Justifiable Medical Reasons	Administrative sanctions, possible fines	-	Chapter VII, Article 52	-	-
21	Discrimination Against Patients Based on Race or Religion	-	Ethical sanctions, fines, civil lawsuits	-	Chapter VII, Article 52	IDR 50 million - IDR 100 million
22	Failure to Refer Patients Needing Specialized Care	-	Ethical sanctions, fines, civil lawsuits	-	Chapter V, Article 51	IDR 50 million - IDR 150 million
23	Non-Compliance with Sterilization Procedures	-	Administrative sanctions, fines, civil lawsuits	-	Chapter VI, Article 36	IDR 100 million - IDR 200 million
24	Practicing Medicine Outside Registered Locations	-	Imprisonment, fines, license revocation	-	Chapter VI, Article 30	IDR 150 million - IDR 300 million
25	Errors in Storing or Handling Medical Samples	-	Fines, administrative sanctions, civil lawsuits	-	Chapter VI, Article 40	IDR 50 million - IDR 100 million
26	Ignoring Patient Complaints Leading to Complications	-	Civil lawsuits, ethical sanctions, fines	-	Chapter V, Article 44	IDR 100 million - IDR 250 million

No	Example Cases	Legal Resolution Under Law No. 29/2004	Legal Resolution Under Law No. 17/2023	Legal Basis Under Law No. 29/2004	Legal Basis Under Law No. 17/2023	Estimated Fine Under Law No. 17/2023
27	Practicing Without Meeting Renewal Requirements	-	Administrative sanctions, license revocation	-	Chapter IV, Article 27	IDR 200 million - IDR 400 million
28	Using Unapproved Medical Technology	-	Imprisonment, fines, license revocation	-	Chapter X, Article 75	IDR 250 million - IDR 500 million
29	Providing Inaccurate or Misleading Medical Information	-	Ethical sanctions, fines, civil lawsuits	-	Chapter VII, Article 52	IDR 100 million - IDR 200 million
30	Failure to Supervise Staff or Assistants	-	Administrative sanctions, fines, civil lawsuits	-	Chapter V, Article 51	IDR 50 million - IDR 150 million
31	Failure to Provide Adequate Medical Information	-	Civil lawsuits, ethical sanctions	-	Chapter V, Article 45	IDR 100 million - IDR 300 million
32	Overprescription Cases	-	Administrative sanctions, fines, potential license revocation	-	Chapter VI, Article 40	IDR 200 million - IDR 400 million
33	Failure to Follow Latest Guidelines	-	Civil lawsuits, administrative sanctions	-	Chapter V, Article 44	IDR 150 million - IDR 250 million
34	Violation of Advertising Rules	-	Fines, stricter administrative sanctions	-	Chapter IX, Article 65	IDR 100 million - IDR 200 million
35	Discrimination Against Patients with Specific Conditions	-	Ethical sanctions, civil lawsuits	-	Chapter VII, Article 52	IDR 50 million - IDR 150 million
36	Failure to Maintain Patient Confidentiality	Fines, possible ethical sanctions	Higher fines, stricter ethical sanctions	Chapter VII, Article 48	Chapter VII, Article 48	IDR 200 million - IDR 500 million
37	Practicing Outside Specialization Field	-	Civil lawsuits, administrative sanctions, license revocation	-	Chapter VI, Article 30	IDR 250 million - IDR 350 million
38	Delays in Treatment	-	Administrative sanctions, fines	-	Chapter VI, Article 40	IDR 150 million - IDR 300 million

No	Example Cases	Legal Resolution Under Law No. 29/2004	Legal Resolution Under Law No. 17/2023	Legal Basis Under Law No. 29/2004	Legal Basis Under Law No. 17/2023	Estimated Fine Under Law No. 17/2023
						million
39	Neglect During Emergencies	-	Administrative sanctions, fines, civil lawsuits	-	Chapter VI, Article 40	IDR 200 million - IDR 400 million
40	Manipulation of Test Results	-	Imprisonment, fines, license revocation	-	Chapter VIII, Article 60	IDR 300 million - IDR 500 million

Source: Identification of Primary data (Law Number 29 of 2004 on Medical Practice and Law Number 17 of 2023 on Health), Author 2024.

### CONCLUSIONS

Law No. 17 of 2023 significantly refines the regulatory environment for independent medical practitioners in Indonesia, enhancing requirements for practice licensing and bolstering oversight mechanisms. It also consolidates the regulations around informed consent and underscores the necessity for transparency within the healthcare sector. These improvements not only increase penalties for ethical and professional violations but also improve overall safety and care quality standards, illustrating Indonesia's committed effort to protect patient rights and promote a more transparent and ethical healthcare system. In particular, this law benefits independent doctors by clarifying the legal and ethical guidelines they must follow, thus encouraging practices that ensure safety and accountability for both healthcare providers and patients.

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