The Obligations of Medical Personnel in Providing Assistance to Emergency Patients are Reviewed From the Perspective of Health Law

Topan Goesdar, T.Riza Zarzani, Irsyam Risdawati

Abstract

Patients in an emergency need immediate, appropriate, and professional medical attention to prevent disability, complications, and death. In these conditions, medical personnel not only have professional obligations, but also legal obligations to provide help according to competence, professional standards, service standards, and the provisions of laws and regulations. However, in the practice of health services, there can still be refusals, delays, or no assistance to emergency patients. This condition raises legal issues regarding the protection of patients' rights and the limits of the liability of medical personnel if the obligation to provide assistance is not carried out. This study aims to analyze the obligations of medical personnel in providing assistance to emergency patients, analyze the form of legal protection for patients, and examine the legal consequences if these obligations are not carried out. This study uses a normative legal research method with a statute *approach*, a conceptual approach, and a *case approach*. Legal materials are analyzed qualitatively and juridically by examining the relationship between health law provisions, medical personnel's obligations, patients' rights, and legal responsibility. The results of the study show that the obligation of medical personnel in providing assistance to emergency patients is a professional obligation as well as a legal obligation that must be carried out by prioritizing patient safety. However, the limits of legal obligations and responsibilities must be assessed based on the competence of medical personnel, patient conditions, professional standards, service standards, operational procedures, and objective circumstances at the time of service provided. Failure to provide help or delay in service can cause legal consequences if it is proven that there is a breach of duty, negligence or error, as well as a causal relationship with the patient's loss. Therefore, it is necessary to apply the law that provides optimal protection to patients as well as legal certainty for medical personnel in carrying out their professional duties.

Keywords: *Medical Personnel; Patient Protection; Health Law.*

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3rd International Cofference on the Epicentrum of Economic Global Framework (ICEEGLOF)
Theme: Navigating The Future: Business and Social Paradigms in a Transformative Era.
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Introduction

1.1 The Importance of Health Services

Health is one of the fundamental rights of every human being as well as an important element in realizing community welfare. The fulfillment of the right to health is not only related to the availability of health service facilities, but also includes ensuring that everyone receives services that are accessible, safe, quality, effective, and provided in a non-discriminatory manner. The World Health Organization (WHO) emphasizes that the right to the highest degree of health is one of the fundamental rights of every human being, so the state has a responsibility to provide health policies and systems that are able to ensure access to quality health services. In the Indonesian context, the importance of health services is also reflected in Law Number 17 of 2023 concerning Health, which places health development as an effort to improve the highest degree of public health and strengthen safe, quality, and affordable health services. Thus, health services are not solely professional activities between medical personnel and patients, but are part of the fulfillment of people's rights that must be carried out based on legal principles, ethics, professionalism, and responsibility.

Good health services must be oriented to the safety and interests of patients and implemented based on professional standards and applicable service standards. WHO explains that quality health services must be effective, safe, patient-oriented, timely, fair, integrated, and efficient. This view is in line with the study of Matippanna (2022) which emphasizes that health services must focus on patient needs and be implemented based on service standards, competence, authority, prudence, and professional rigor; services that deviate from standards can have legal consequences. From the perspective of health law, the relationship between patients and medical personnel gives birth to rights and obligations that must be carried out in a balanced manner. Therefore, the implementation of health services must ensure not only the fulfillment of patients' medical needs, but also legal certainty, protection of patients' rights, and protection for medical personnel in carrying out their professional duties. This principle is becoming increasingly important in the service of emergency patients because delays or non-provision of the necessary services can have a direct impact on the safety and life of patients.

1.2 Emergency conditions

An emergency condition is a medical condition characterized by an illness, injury, or acute health disorder that can threaten life safety and requires immediate identification, assessment, and medical action. Patients in these conditions can experience various conditions, such as severe trauma, respiratory distress, bleeding, severe infections, heart attacks, strokes, and pregnancy complications, which if not treated immediately can lead to worsening health conditions, long-term disability, serious complications, and even death. The World Health Organization (WHO) emphasizes that emergency services are *time-sensitive*, because many medical interventions only provide optimal benefits if they are given at the right time. Therefore, services to emergency patients must prioritize early detection, condition assessment, resuscitation, stabilization, necessary medical measures, and appropriate referrals to reduce the risk of death and disability.

1.3 Position of medical personnel

Medical personnel have a strategic position in the implementation of health services because they are professionals who have the competence, authority, and expertise to provide medical services to patients. In carrying out their practice, medical personnel are not only bound by scientific and professional standards, but also have a legal obligation to provide services in accordance with professional standards, professional service standards, operational procedure standards, professional ethics, and patient health needs. Law Number 17 of 2023 concerning Health expressly regulates these obligations, including the obligation to provide first aid to patients in emergencies and/or disasters. These provisions show that the position of medical personnel is not solely as the implementer of medical measures, but also as a party who has a

legal responsibility in ensuring patient safety. On the other hand, the law also provides protection to medical personnel as long as their duties are carried out in accordance with professional standards, service standards, operational procedure standards, professional ethics, and patient health needs. Thus, the position of medical personnel in health law is in a position that demands a balance between the fulfillment of patients' rights, the implementation of professional obligations, and legal protection for medical personnel in carrying out their duties.

1.4 Problems in practice

In the practice of providing health services, meeting the needs of emergency patients still faces various obstacles that can cause medical help not to be provided immediately. These problems include denial or delay in services, including for financing or administrative reasons, delays in the triage and examination process, limited numbers and competencies of medical personnel, inadequate facilities and infrastructure, limited drugs and diagnostic tools, and obstacles in the process of referral and transfer of patients. WHO emphasizes that limited trained personnel, equipment and infrastructure, unorganized referral systems, and delays in early introduction and treatment are a number of obstacles that can affect access to quality emergency services. In the Indonesian context, research on emergency room services also shows that obstacles to waiting times, triage processes, supporting examinations, and patient transfers can still occur, while denial or delay of services for financing reasons has the potential to cause legal problems for the fulfillment of patients' rights. Therefore, these various obstacles need to be placed within the framework of health law to ensure that administrative conditions, limited facilities, and referral problems do not result in emergency patients losing the right to get the necessary help quickly and appropriately. Legal perspective

1.5 Liability issues

In the practice of providing health services, meeting the needs of emergency patients still faces various obstacles that can cause medical help not to be provided immediately. These problems include denial or delay in services, including for financing or administrative reasons, delays in the triage and examination process, limited numbers and competencies of medical personnel, inadequate facilities and infrastructure, limited drugs and diagnostic tools, and obstacles in the process of referral and transfer of patients. WHO emphasizes that limited trained personnel, equipment and infrastructure, unorganized referral systems, and delays in early introduction and treatment are a number of obstacles that can affect access to quality emergency services. In the Indonesian context, research on emergency room services also shows that obstacles to waiting times, triage processes, supporting examinations, and patient transfers can still occur, while denial or delay of services for financing reasons has the potential to cause legal problems for the fulfillment of patients' rights. Therefore, these various obstacles need to be placed within the framework of health law to ensure that administrative conditions, limited facilities, and referral problems do not result in emergency patients losing the right to get the necessary help quickly and appropriately.

1.6 Problem Formulation

1. How is the obligation of medical personnel to provide assistance to patients in emergencies based on health law in Indonesia?
2. What is the form of legal protection for emergency patients who do not receive help from medical personnel?
3. What is the legal liability of medical personnel if they do not carry out their obligation to provide assistance to patients in an emergency?

Research Objectives

In general, this study aims to analyze the obligations of medical personnel in providing assistance to emergency patients from the perspective of health law, especially in relation to the fulfillment of patients' rights, the implementation of professional obligations, and legal certainty

for medical personnel. This goal is based on the provisions of Law Number 17 of 2023 concerning Health which requires medical personnel and health workers who practice in health care facilities to provide first aid to patients in emergencies and/or disasters.

In particular, this study aims to, first, analyze the legal arrangements regarding the obligations of medical personnel in providing assistance to emergency patients based on applicable laws and regulations; second, analyze the form of legal protection for patients who do not receive help in emergency conditions, including the fulfillment of patients' rights to receive health services according to medical needs, professional standards, and quality services; and third, analyze the form of legal responsibility of medical personnel if the obligation to provide assistance is not carried out. This analysis is also directed to see the balance between patient protection and the protection of medical personnel, considering that Law No. 17 of 2023 provides legal protection to medical personnel as long as they carry out their duties in accordance with professional standards, professional service standards, operational procedure standards, professional ethics, and patient health needs.

Research Benefits

Theoretically, this research is expected to contribute to the development of health law, especially regarding the obligations of medical personnel in providing assistance to emergency patients, the protection of patient rights, and the legal liability of medical personnel if these obligations are not implemented. This research is also expected to be a reference for further research related to emergency health services. Practically, this research is expected to provide benefits for medical personnel as material for understanding legal obligations in handling emergency patients, for hospitals or health service facilities as evaluation material for the implementation of emergency service SOPs, for patients in understanding the right to receive medical help, and for the government as a consideration in strengthening regulations and supervision of emergency health services.

Literature Review

4.1 Health Law Concepts

Health law is a field of law that regulates various aspects related to health maintenance and services, including legal relations between patients, medical personnel, health service facilities, and the government. Its scope is multidisciplinary, including medical, nursing, hospital, public health, pharmacy, as well as administrative, civil, and criminal legal aspects related to health services. In health service relationships, civil law plays a role in regulating the legal relationship and responsibility between patients and medical personnel or health service facilities, while criminal law functions to provide sanctions for acts that meet the elements of criminal acts in the health sector, including certain errors or omissions. Thus, health law not only functions as a regulatory instrument, but also as a means of legal protection for patients and medical personnel, providing legal certainty in the implementation of health services, and encouraging the realization of safe, quality, professional, and fair health services. Studies of health law show that this field basically integrates civil, criminal, and administrative law norms in order to regulate health services and protect the interests of the parties.

4.2 Personnel Concept

Medical personnel are professionals in the health sector who have the competence and authority to provide medical services in accordance with their scientific fields and qualifications. From a health law perspective, the position of medical personnel is very important because the services provided are directly related to the safety and interests of patients. Law Number 17 of 2023 concerning Health emphasizes that the implementation of medical personnel practices must be based on their competencies and authority, and must comply with professional standards, service standards, and operational procedure standards.

Medical personnel also have the right to obtain legal protection as long as they carry out their duties according to professional standards, service standards, operational procedure standards, professional ethics, and patient health needs. On the other hand, medical personnel have the obligation to provide services according to standards, obtain patient consent, maintain health confidentiality, make service documentation, and make referrals if necessary. Thus, these competencies, authorities, rights, and obligations are the basis for the professional responsibility of medical personnel in providing safe, quality, and prioritized patient services.

4.3 Emergency Patient Concept

An emergency patient is someone who is in a clinical condition that threatens life safety or has the potential to cause disability so that it requires immediate medical attention. Emergencies are characterized by, among other things, airway disturbances, breathing, circulation, decreased consciousness, hemodynamic disorders, or other conditions that require immediate treatment. In emergency services, patients are generally triaged to determine the level of priority based on the degree of emergency so that patients with the most life-threatening conditions receive help first. Services for emergency patients have the characteristics of fast, precise, and oriented towards saving lives and preventing disability, so delays in services can increase the risk of worsening the patient's condition, disability, and even death. Patients also have the right to obtain the necessary health services in emergency conditions without discrimination, while medical personnel and health service facilities are obliged to provide help according to the competence, service standards, and capabilities of available facilities. The importance of immediate service is in line with the principle of emergency services which is *time-sensitive,* because punctuality in providing help is an important factor in saving lives and preventing disability.

4.4 The Concept of Legal Obligation

Legal obligations are a must that must be fulfilled by a person based on applicable legal provisions, while in the medical profession these obligations include professional, ethical, and legal dimensions. Professional obligations require medical personnel to provide services according to competencies, professional standards, service standards, and operational procedure standards; ethical obligations require medical personnel to uphold professional moral values, prioritize the interests of patients, maintain confidentiality, and act in accordance with the code of ethics; while legal obligations are obligations that originate from laws and regulations and can cause legal consequences if violated. Law No. 17 of 2023 concerning Health emphasizes that medical personnel in carrying out their practice are required to comply with professional standards, service standards, and operational procedure standards, and are morally responsible to prioritize the interests of patients and the community. Thus, obligations and responsibilities have a close relationship, because the implementation of obligations is the basis for assessing whether medical personnel have carried out their professional responsibilities, while violations of obligations can give rise to ethical, administrative, civil, and criminal liability according to the nature and consequences of the violation. The study of health law also shows that the application of professional ethics and legal accountability is an important part of maintaining the professionalism of medical personnel and patient safety.

4.5 Legal Protection Concept

Legal protection is an effort provided by the law to guarantee, protect, and defend a person's rights from actions that can harm his or her interests. In health law, legal protection can be distinguished into preventive protection and repressive protection. Preventive protection aims to prevent violations or disputes through the regulation of rights and obligations, professional standards, service standards, operational procedures, informed consent, and service mechanisms in accordance with legal provisions. Meanwhile, repressive protection is provided when there has been a violation or dispute through a dispute resolution mechanism and the application of administrative, civil, and criminal sanctions in accordance with the form of violation. In the relationship of health services, legal protection must be provided in a

balanced manner to patients and medical personnel; patients have the right to receive safe, quality, and medical services according to medical needs, while medical personnel have the right to obtain legal protection as long as they carry out their duties in accordance with professional standards, service standards, operational procedure standards, and professional ethics. Thus, legal protection in health services aims to create legal certainty, guarantee patient rights, protect medical personnel, and realize professional and fair health services. A study of Law No. 17 of 2023 also shows that legal protection for medical personnel includes preventive and repressive aspects, while patients receive protection through various legal mechanisms if they suffer losses due to health services.

4.6 Legal Liability Concept

Legal liability is a consequence that arises when a person does not fulfill obligations or commits acts that are contrary to the provisions of the law, and in health services can include criminal, civil, administrative, and disciplinary or professional liability. Criminal liability is related to the acts of medical personnel that meet the elements of criminal acts as stipulated in laws and regulations, while civil liability is related to losses suffered by patients due to unlawful acts or violations of obligations in the relationship of health services. Administrative liability can arise due to violations of licensing provisions, service provisions, or administrative obligations, while discipline/professional liability is related to violations of professional standards, service standards, operational procedure standards, and professional discipline provisions. Law No. 17 of 2023 concerning Health places the obligation of medical personnel to provide services in accordance with professional standards, professional service standards, operational procedure standards, professional ethics, and patient health needs, so that violations of these obligations can be the basis for assessing liability according to the type of violation. Thus, legal liability cannot be applied automatically just because there are service results that do not meet expectations, but must consider the form of obligations, actions taken, applicable standards, errors or negligence, and consequences caused

Research Methodology

This research uses a normative legal research method, which is a research that examines the law based on norms, principles, doctrines, and laws and regulations related to the obligations of medical personnel in providing assistance to emergency patients. The approaches used include a statutory approach to analyze legal provisions that govern health services and the obligations of medical personnel, a conceptual approach to examine the concepts of obligations, patient protection, and legal liability, and a case *approach* if necessary to analyze court decisions related to emergency services. Primary legal materials are in the form of relevant laws and regulations, especially Law Number 17 of 2023 concerning Health, while secondary legal materials are obtained from books, scientific journals, and expert opinions. All legal materials are analyzed qualitatively by linking the provisions of laws and regulations with theories and concepts of health law to produce conclusions that are systematic and in accordance with research problems.

Results

6.1 Regulation of the Obligations of Medical Personnel in Providing Help to Emergency Patients

Legal Basis of Medical Personnel's Obligations. The regulation regarding the obligations of medical personnel in providing assistance to emergency patients has the main

foundation in Law Number 17 of 2023 concerning Health. The law defines an emergency as a patient's clinical condition that requires immediate medical and/or psychological action to save lives and prevent disability. In particular, Article 275 paragraph (1) of Law No. 17 of 2023 emphasizes that Medical Personnel and Health Workers who practice at Health Service Facilities are obliged to provide first aid to patients in an Emergency and/or in a disaster. This provision shows that the provision of first aid is not just an ethical or voluntary action, but is a legal obligation inherent in medical personnel and health workers. Furthermore, Article 275 paragraph (2) provides legal protection in the form of exemptions from claims for compensation for medical personnel and health workers who provide services in the context of saving lives or preventing disability in emergencies and/or disasters. The regulation is then detailed in Government Regulation No. 28 of 2024 as a regulation for the implementation of Law No. 17 of 2023, especially provisions regarding emergency services that place triage measures and actions that prioritize saving lives and preventing disability as forms of first aid. Watuseke's study also emphasized that Article 275 paragraph (1) is a norm that orders medical personnel and health workers to provide first aid to emergency patients.

Obligation to Provide Help. The obligation to provide assistance to emergency patients must be understood as the obligation to take the necessary initial actions based on the patient's level of emergency, not solely the obligation to provide all forms of medical services until the patient recovers. In the context of Law No. 17 of 2023, health service facilities also have the obligation to provide services to a person in an emergency condition by prioritizing saving lives and preventing disability, and must not refuse patients, ask for advance payments, or prioritize administrative matters if this causes delays in health services. Government Regulation No. 28 of 2024 then clarifies that emergency services include triage followed by life-saving actions or disability prevention, so the obligations of medical personnel must be carried out based on the patient's clinical priorities. Thus, medical personnel who face patients in an emergency are required to conduct an initial assessment, determine the level of emergency, provide the necessary actions according to their competence, stabilize if necessary, and refer patients to medical personnel or health facilities who have more appropriate competencies and abilities if the patient's condition is beyond the available service capacity. Research on the criminal responsibility of health services also shows that not providing first aid to emergency patients can have legal consequences as stipulated in Article 438 of Law No. 17 of 2023, especially if the negligence results in disability or death.

Emergency Care *Principles*. The implementation of the obligations of medical personnel in handling emergency patients must be guided by the principle *of emergency care* that places patient safety as the top priority. The principle of immediate means that actions must be carried out without unjustifiable delay because delays can increase the risk of death or disability; the professional principle requires medical personnel to use knowledge, skills, clinical considerations, and professional ethics in providing services; the principle of non-discrimination requires emergency patients to receive help without distinguishing social, economic, administrative, health insurance membership, or other backgrounds; The competency principle requires that actions be carried out within the limits of the professional ability of medical personnel, except in certain conditions that legally allow the provision of services beyond their authority to save lives and prevent disability; while the principle according to service standards requires actions to be guided by professional standards, professional service standards, operational procedure standards, and professional ethics. All of these principles boil down to patient *safety*, namely preventing deaths, injuries, complications, and disabilities that can actually be prevented. Trisyani et al.'s research shows that clear competence for nursing personnel in emergency units is an important factor in creating safe and effective emergency services, while Wicaksono's research shows that legally and ethically services for emergency patients must be provided without delays caused by administrative problems.

Limits on the Liability of Medical Personnel. Although the law stipulates the obligation to provide assistance to emergency patients, these obligations cannot be interpreted as an unlimited obligation or an obligation to ensure the final result in the form of patient recovery. The limit of liability must be assessed objectively based on the competence of medical personnel, the condition and level of emergency of the patient, the availability of medical facilities and equipment, professional standards, service standards, operational procedure standards, the capabilities of health facilities, and other objective circumstances that exist at the time of the provision of help. Government Regulation No. 28 of 2024 emphasizes that medical personnel and health workers basically carry out their obligations according to their authority and competence based on professional standards, professional service standards, operational procedure standards, and professional ethics. However, in certain circumstances, including medical emergencies, medical personnel or health workers can provide services beyond their authority if the action is taken immediately to prioritize saving lives and preventing disability. Therefore, the assessment of the existence or absence of a breach of duty in the case of an emergency patient must take into account the concrete situation faced by the medical personnel at the time of the incident, including whether the actions taken were in accordance with the professional capabilities and available resources. Thus, the law should not judge medical personnel only on the basis of an unfavorable end result for the patient, but also on the basis of the process, standards of care, competence, facilities, and objective conditions when help was provided.

6.2 Legal Protection for Emergency Patients

Patients in an emergency have the right to receive health services that are fast, precise, safe, and in accordance with their medical needs. In these conditions, medical personnel and health service facilities have an obligation to provide assistance by prioritizing saving lives and preventing disability. Law No. 17 of 2023 concerning Health provides a legal basis for the fulfillment of these patients' rights and prohibits health service facilities from refusing patients in an emergency. Refusal or delay of services for unjustified reasons, including administrative issues, can cause legal problems if it causes harm to patients. Research on the legal protection of emergency patients also shows that denial of service can be related to the legal responsibilities of hospitals and health workers.

Legal protection for patients can be carried out preventively through the implementation of standard operating procedures (SOPs), triage systems, service standards, improving the competence of medical personnel, and good medical recording and documentation. The triage system is needed to identify the level of urgency and determine the priority of patient handling based on medical conditions, not based on the order of arrival or administrative importance. The implementation of SOPs and service standards is also an important instrument to ensure that each patient receives treatment that is in accordance with their medical conditions and needs. Research on emergency services shows that the competence of health workers, the accuracy of triage, the availability of facilities, and the speed of service are important factors in determining the success of handling emergency patients.

In addition to preventive protection, patients also receive repressive legal protection in the event of a violation of their rights. Patients or their families can use complaint mechanisms, settlement through professional discipline mechanisms, administrative demands, civil lawsuits, or criminal proceedings if the acts committed meet the elements of a criminal act. In the context of Law No. 17 of 2023, the failure to provide first aid to emergency patients can have criminal consequences in conditions that meet the elements as determined by law. However, the liability of medical personnel must still be based on proof of obligations, actions or omissions, errors, and the causal relationship with the losses experienced by the patient. Thus, legal protection in emergency services must create a balance between guaranteeing the patient's right to receive immediate help and legal certainty for medical personnel who have carried out actions in accordance with professional standards and legal provisions.

6.3 Legal Liability of Medical Personnel

The legal liability of medical personnel is a consequence that can arise if in carrying out health services there is a violation of professional obligations and legal provisions. In the context of emergency patients, medical personnel are in principle obliged to provide help according to their competence, professional standards, service standards, and operational procedure standards. Criminal liability can be imposed if the failure to provide certain medical help or actions is proven to meet the elements of a criminal act, including errors or negligence that can be legally accounted for. Thus, not every failure of medical action can be immediately categorized as a criminal act because it must be proven that there is an element of error and a causal relationship between the actions of medical personnel and the consequences caused. Legal studies on doctors' liability also emphasize that mistakes are an important element in determining whether or not medical personnel can be held criminally liable.

Civil liability is related to the possibility of losses for patients due to the non-fulfillment of obligations in the health service relationship. This form of liability can be associated with default if there is a contractual obligation that is not fulfilled or an unlawful act if the actions or omissions of medical personnel meet the elements of unlawful acts and cause losses. Therefore, to determine civil liability, it is necessary to analyze the existence of acts or omissions, mistakes, patient losses, and causal relationships between the actions of medical personnel and the loss. If the elements are met, the patient can obtain recovery or compensation in accordance with the applicable legal provisions. Research on the legal consequences of malpractice from a civil perspective shows that liability can arise through default or unlawful acts when the doctor's actions cause harm to the patient.

In addition to criminal and civil matters, medical personnel can also face administrative liability as well as discipline and ethics. Administrative liability can be related to violations of the provisions of service delivery, authority, licensing, or other administrative obligations and can lead to reprimands, coaching, or administrative sanctions in accordance with applicable regulations. Meanwhile, disciplinary and ethical accountability is related to the compliance of medical personnel with professional standards, service standards, operational procedure standards, codes of ethics, and professional discipline provisions. Law No. 17 of 2023 strengthens the professional discipline mechanism through the establishment of the Professional Discipline Council (MDP), which has a role in examining alleged violations of professional discipline; MDP recommendations are also related to criminal and civil legal processes.

6.3 Juridical Analysis of Not Providing Help

In the hypothetical case that a patient comes to a health service facility in an emergency condition, but does not immediately get help for administrative reasons until his condition deteriorates, it must first be assessed whether the patient's condition meets the emergency criteria and requires immediate action. If proven to be so, medical personnel who practice in health care facilities have the obligation to provide first aid as affirmed in Article 275 paragraph (1) of Law No. 17 of 2023 concerning Health. Patients also have the right to receive health services according to medical needs, professional standards, and quality services. Thus, administrative reasons in principle cannot be used as a basis for ignoring the need for first aid for patients in emergency conditions. Furthermore, it is necessary to analyze whether the delay or non-provision of help is a form of negligence by considering the concrete conditions, obligations of medical personnel, service standards, actions that should be taken, and the causal relationship between the delay in service and the deterioration of the patient's condition.

From the perspective of legal liability, if there is evidence that medical personnel or the party who is required to provide assistance do not carry out their obligations and the act meets the elements of violation of the law, criminal, civil, administrative, or professional disciplinary consequences may arise according to the nature of the violation. Law No. 17 of 2023

specifically stipulates that leaders of health service facilities, medical personnel, and/or health workers who do not provide first aid to patients in an emergency can be subject to criminal provisions as per Article 438, while the negligence of medical personnel that results in serious injury or death is regulated in Article 440. However, this liability must not be applied automatically just because the patient's condition has worsened. It must be proven that there is an obligation violated, a form of error or negligence, and a causal relationship with the consequences experienced by the patient. On the other hand, if medical personnel have provided assistance according to their competence, professional standards, service standards, and applicable procedures, the law provides protection for life-saving actions or disability prevention in an emergency.

4.4Balancing Legal Protection of Patients and Medical Personnel

Legal protection for patients in emergency services is important to ensure that patients receive help quickly, precisely, safely, and in accordance with their medical needs. In emergency situations, the importance of saving lives and preventing disability must be a top priority. However, the protection of patients needs to be balanced with legal protection for medical personnel. Law No. 17 of 2023 concerning Health stipulates that medical personnel are obliged to provide services in accordance with professional standards, professional service standards, operational procedure standards, professional ethics, and patient health needs, as well as providing legal protection rights to medical personnel while carrying out their duties in accordance with these provisions.

This balance is important because the results of medical actions that do not meet expectations do not automatically prove the error or negligence of medical personnel. Liability assessments must consider the patient's condition, the competence and authority of medical personnel, professional standards, service standards, operational procedures, and the relationship between the actions or omissions and the losses that occurred. Thus, the law must provide protection to patients when their right to seek help is violated, while providing legal certainty to medical personnel who have carried out their actions professionally and in accordance with standards. This balanced approach is important to prevent the criminalization of medical personnel while ensuring that there is no neglect of patients' rights and safety. The study of medical risks also emphasizes the importance of clarity between the risk of medical actions and professional misconduct in providing legal protection to medical personnel.

Conclusion

The obligation of medical personnel in providing assistance to emergency patients is part of a professional obligation as well as a legal obligation in the implementation of health services. These obligations must be carried out by prioritizing patient safety and based on competence, authority, professional standards, service standards, operational procedure standards, and the provisions of laws and regulations. Patients in emergencies have the right to receive fast, precise, safe, and non-discriminatory assistance, so the health service system must be able to ensure the fulfillment of these rights through the readiness of medical personnel, facilities, triage procedures, and effective emergency service mechanisms.

The failure to provide assistance to emergency patients does not automatically give rise to criminal liability against medical personnel. Liability must be based on proof of the existence of obligations that must be carried out, violations or omissions, errors, causal relationships, and consequences or losses incurred in accordance with applicable legal provisions. Therefore, the application of legal liability must be carried out proportionately while still providing protection for the rights and safety of patients as well as certainty and legal protection for medical personnel who have carried out their duties in accordance with professional standards and health service provisions. With this approach, health law can create a balance between the interests of patients and the professionalism of medical personnel in emergency services.

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