

The Role of the Professional Discipline Council in Resolving Medical Disputes Based on Law Number 17 of 2023 concerning Health

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Abstract

Medical dispute resolution in Indonesia is an issue that is getting more and more attention, especially with the existence of new laws and regulations. Law Number 17 of 2023 concerning Health presents a legal framework that regulates the protection of patient rights and the obligations of medical personnel in providing services. One of the important aspects of this law is the existence of the Professional Discipline Council, which has a strategic role in resolving medical disputes involving medical personnel and patients. The Professional Disciplinary Council is tasked with enforcing the professional code of ethics and resolving disputes that arise as a result of negligence or violations committed by medical personnel in carrying out their duties. The role of the Professional Disciplinary Council is clearly regulated in Law Number 17 of 2023, which gives this body the authority to conduct examinations, assessments, and impose sanctions on medical personnel who are proven to have committed violations. This process is important to ensure that medical practice in Indonesia runs in accordance with established ethical and professional standards. Through a clear and transparent dispute resolution mechanism, the Professional Disciplinary Assembly functions as a mediator between patients and medical personnel, with the aim of prioritizing justice and mutual welfare. With the implementation of Law Number 17 of 2023, the Professional Discipline Council is expected to provide better protection for patients while ensuring that medical personnel carry out their profession responsibly. The process of resolving medical disputes carried out by the Professional Disciplinary Council does not only focus on providing sanctions, but also as an effort to educate medical personnel to always improve the quality of health services. In this regard, the law provides a stronger foundation for creating a better and more professional health system in Indonesia.

Keywords: Professional Disciplinary Assembly, Medical Disputes, Health Law, Health Law

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Introduction

In medical practice, conflicts between medical personnel and patients cannot be avoided, especially if there is an error or negligence in health services. Resolving medical disputes requires a fair, transparent, and professional mechanism so that patients' rights are protected, while medical personnel are also given the opportunity to maintain the integrity of their profession. For this reason, Law Number 17 of 2023 concerning Health is present as a regulation that regulates various aspects of the Indonesian health system, including protection for patients and medical personnel. One of the things regulated in this law is the existence of a Professional Disciplinary Council which is tasked with resolving medical disputes through procedures that are in accordance with the code of ethics and professional standards of medical personnel. The role of the Professional Disciplinary Council is very important in maintaining the quality of health services and upholding the principle of justice in resolving medical disputes. This panel is given the authority to conduct examinations and sanction medical personnel who are proven to have violated the professional code of ethics or committed negligence that harmed patients. With this role, it is hoped that a dispute resolution system will be created that not only prioritizes law enforcement, but also provides education and coaching for medical personnel to always carry out their profession responsibly. Therefore, a good understanding of the role of the Professional Disciplinary Council in the context of Law Number 17 of 2023 is very important to ensure the implementation of the goals of patient protection and professionalism of medical personnel in Indonesia.

Health services are a human right as well as the state's obligation to ensure decent health standards for all citizens. (Edwin & Fitri, 2025) In practice, the relationship between medical personnel and patients does not always run harmoniously and often raises legal problems referred to as medical disputes. This dispute can arise due to alleged negligence, violation of professional standards, or patient dissatisfaction with the results of medical procedures. (Siregar et al., 2024) So far, the resolution of medical disputes in Indonesia has often been directly brought to the realm of litigation (civil or criminal) without going through ethical mechanisms and professional discipline first. This raises concerns among medical personnel, because every medical action has risks that do not necessarily mean a violation of the law. As a result, the phenomenon of "defensive medicine" arises where medical personnel are too cautious and even reject high-risk cases in order to avoid prosecution.

Law Number 17 of 2023 concerning Health brings important updates in the national health legal system. One of the innovations is the establishment of the Professional Discipline Council (MDP) as an independent institution that is authorized to enforce professional discipline and provide recommendations before medical personnel or health workers can be held legally liable criminally or civilly. The existence of MDP is expected to be a pre-litigation filter mechanism in resolving medical disputes, so that the assessment of medical actions is carried out first from a professional point of view. (Vidi Galenso Syarief, 2023) This study aims to explain the position and role of the Professional Disciplinary Council in the Indonesian health legal system, analyze the legal basis, authority, and work mechanism of MDP in accordance with Law No. 17 of 2023 and identify the benefits and challenges of implementing MDP in resolving medical disputes. Medical disputes are one of the problems that are often faced in the world of health services. These disputes can occur as a result of medical negligence or actions that are not in accordance with professional standards, leading to losses to patients. In the face of such disputes, legal settlement through the common court is sometimes ineffective, due to the lengthy process, high costs, and psychological impact it has on all parties involved. Therefore, there is a need for a more efficient, fair, and affordable medical dispute resolution mechanism, one of which is through the role of the Professional Disciplinary Council. The Professional Discipline Council is a body that functions to enforce discipline among health workers, including doctors, nurses, and other medical personnel. In Law Number 17 of 2023 concerning Health, the role of the Professional Disciplinary Assembly is increasingly

emphasized as an institution that can resolve medical disputes internally, without involving the courts. This is in accordance with the spirit of accelerating dispute resolution and maintaining the quality of health services in Indonesia. Based on the law, the Professional Discipline Council has the authority to assess negligence or violations committed by medical personnel and provide sanctions in accordance with the violations that occur.

The existence of the Professional Disciplinary Council in Law Number 17 of 2023 provides a wider space for the resolution of medical disputes in a way that is more based on professional ethics, not just positive law. This system allows for a more comprehensive settlement mechanism, because it not only looks at material losses, but also the impact of medical actions on the quality of service and the relationship between medical personnel and patients. Thus, the Professional Disciplinary Council not only functions as a supervisor, but also as a mediator in cases that have the potential to lower the integrity of the medical profession. The importance of the role of the Professional Disciplinary Council in resolving medical disputes is increasingly relevant with the increase in public demands for the quality of health services. People are increasingly aware of their rights as patients, and this makes the demands on medical personnel and hospitals even higher. In this context, Law Number 17 of 2023 concerning Health provides clear guidance on dispute resolution mechanisms that can be carried out by the Professional Disciplinary Council, with the aim of ensuring that medical personnel are responsible for every action taken in providing services to the community.

Literature Review

Definition of Professional Discipline Assembly in the Health Law

The Professional Disciplinary Council is an institution formed with the aim of enforcing discipline in the practice of the health profession in Indonesia. Law Number 17 of 2023 concerning Health provides a clear legal basis for the Professional Discipline Assembly to supervise and resolve medical disputes involving health workers, such as doctors, nurses, and other medical personnel. The role of the Professional Disciplinary Council is increasingly relevant with the increasing number of medical disputes that require fair and timely resolution. According to the law, the Professional Disciplinary Council has the authority to adjudicate cases of medical negligence and provide sanctions in the form of warnings, demotion, or revocation of practice licenses, depending on the extent of the violation committed. The Role of the Professional Disciplinary Council in the Resolution of Medical Disputes, the main role of the Professional Disciplinary Council is to resolve medical disputes that occur between patients and medical personnel internally, without having to go through the general judicial channels. This makes it easier for patients and medical personnel to achieve more efficient completion and reduce costs. Through the mediation and investigation process carried out by the Disciplinary Council, the parties involved can resolve the problem by prioritizing the principles of justice and professionalism. This is important, because medical disputes often involve not only legal issues, but also professional ethical aspects that need to be respected in any dispute resolution.

Authority of the Professional Discipline Council in the Enforcement of Health Professional Discipline In Law Number 17 of 2023 concerning Health, the Professional Disciplinary Assembly is given the authority to assess and prosecute violations of the code of ethics and professional standards committed by medical personnel. This panel can investigate medical negligence, malpractice, as well as actions that are detrimental to patients. Based on these findings, the Panel can provide sanctions in the form of warnings, delays or revocation of practice licenses. The sanctions aim to provide a deterrent effect and ensure that the medical profession is carried out with high standards and pays attention to the welfare of patients. The decisions resulting from this dispute resolution process have a far-reaching impact on the reputation of medical personnel and the hospitals where they work. The Relationship of the Professional Discipline Council with the Civil Law System, the Professional Discipline Council

plays a role as an institution that complements the civil law system in resolving medical disputes. In the context of medical negligence, many cases do not require settlement through the courts, but are sufficient with disciplinary proceedings conducted by the Tribunal. This is in line with the purpose of the Health Act which creates a more efficient dispute resolution space, without the need to go through a lengthy litigation process. The Professional Disciplinary Council not only resolves disputes from a civil law point of view, but also based on the ethical aspects of the medical profession, which prioritizes patient protection and the continuation of safe medical practice.

Medical Dispute Resolution Procedure Through Professional Disciplinary Council

The resolution of medical disputes through the Professional Disciplinary Assembly begins with the submission of a report from the patient or the patient's family to the medical personnel involved in the violation. After that, the Professional Disciplinary Council will examine the report by exploring the existing evidence and listening to information from the parties involved. This process is carried out objectively by considering all aspects, both medical, legal, and professional ethics. After the examination is completed, the Panel will issue a decision that can be in the form of sanctions or recommendations on actions that must be taken by the relevant parties. This procedure allows disputes to be resolved more quickly and reduces the burden on the general justice system.

The Effectiveness of Professional Disciplinary Councils in Resolving Medical Disputes

The effectiveness of the Professional Disciplinary Council in resolving medical disputes can be seen from several aspects, such as the speed of the process, conformity with the professional code of ethics, and its impact on the quality of medical services. In many cases, the Tribunal manages to resolve medical disputes faster than litigation proceedings in court. This is due to the faster and more flexible nature of the mediation process, as well as the emphasis on settlements based on the principles of prudence and fairness. However, its effectiveness depends on the quality and independence of the Assembly in carrying out its duties, as well as the oversight carried out by higher institutions. In some developed countries, medical dispute resolution through professional disciplinary bodies has also been implemented. This process aims to provide a faster and fairer solution, without burdening the justice system. For example, in the United Kingdom, there is a "General Medical Council" system that oversees the conduct of doctors and sanctions violations of the profession's code of conduct. A similar system can also be applied in Indonesia by utilizing the authority of the Professional Discipline Council in Law Number 17 of 2023. The process of resolving medical disputes through this Assembly can increase efficiency and reduce negative impacts on the quality of medical services.

The Impact of Professional Disciplinary Assembly Sanctions on Medical Personnel

The sanctions given by the Professional Disciplinary Council can have a significant impact on the medical practice of health workers. For example, the revocation of a practice license or the postponement of practice can reduce public trust in the professionalism of medical personnel. In addition, these sanctions can also affect the reputation of the medical personnel concerned, as well as the hospitals or health institutions where they work. Therefore, the decisions taken by the Professional Disciplinary Council must be balanced and take into account all factors, including their impact on the sustainability of medical practice and public health in general. With the existence of the Professional Discipline Council, it is hoped that it can increase the professionalism of medical personnel in Indonesia. The dispute resolution process through this Assembly prioritizes professional codes of ethics and medical service standards, which are expected to improve the quality of health services. In addition, this system also sends a message to medical personnel that acts of negligence or violations of professional

standards will have strict consequences, which in turn can encourage improvement in the quality of health services and protection of patients.

Research Methodology

This research uses normative legal research methods, with a statutory approach and a conceptual approach.

1. Data Types and Sources

The data used is sourced from:

- a. Primary legal materials, namely laws and regulations such as Law Number 17 of 2023 concerning Health, Government Regulation Number 28 of 2024 concerning the Implementation of the Health Law, and Regulation of the Minister of Health Number 3 of 2025 concerning the Enforcement of Professional Discipline of Medical Personnel and Health Workers.
- b. Secondary legal materials, such as health law journals, textbooks, and relevant Constitutional Court rulings.
- c. Tertiary legal materials, in the form of legal dictionaries and legal encyclopedias to clarify terms.

2. Data Collection and Analysis Techniques

Data is collected through library research. The analysis was carried out in a descriptive-qualitative manner, by describing the applicable legal provisions, analyzing the role of MDP, and relating it to the principles of justice and legal protection for patients and medical personnel.

Results

The role of the Professional Disciplinary Council in the resolution of medical disputes in Indonesia is essential to maintain the integrity of the medical profession and ensure that patients' rights are protected. Based on Law Number 17 of 2023 concerning Health, the Professional Disciplinary Council functions as an institution that handles violations of the medical code of ethics as well as disputes arising from negligence or errors in medical services. This law gives the authority to the Professional Disciplinary Council to conduct examinations, assessments, and sanctions on medical personnel who are proven guilty. This function is vital to maintain the professionalism of medical personnel and improve the quality of health services in Indonesia. According to Article 142 of Law Number 17 of 2023, the Professional Disciplinary Council has considerable authority in resolving medical disputes, both submitted by patients and by other parties who feel aggrieved. This examination process is carried out through a transparent and fair mechanism, involving competent experts in the medical field. Thus, the Professional Disciplinary Council acts as a mediator who balances the interests between medical personnel and patients, as well as providing solutions in accordance with the laws and ethics of the medical profession.

The resolution of medical disputes through the Professional Discipline Council does not only focus on the provision of sanctions, but also as a form of education for medical personnel. In many cases, in addition to providing administrative or professional sanctions, the Professional Discipline Council also provides training or re-coaching to medical personnel to improve their understanding of the professional code of ethics. This coaching aims to make medical personnel more careful and professional in carrying out their duties and not repeat the same mistakes in the future. This is very important in improving the quality of health services in Indonesia. In addition, the process of resolving medical disputes carried out by the Professional Discipline Council also involves consideration of the medical code of ethics that must be complied with by every medical personnel. This code of ethics serves as a guideline in carrying out a fair and responsible medical task. Every medical action carried out by medical personnel must prioritize the principles of prudence, transparency, and responsibility. With the existence of the Professional Discipline Council, medical personnel are expected to be able to

carry out medical practices in accordance with applicable ethical standards, avoid medical errors, and maintain patient trust.

The role of the Professional Disciplinary Council is also very important in maintaining public trust in the health service system in Indonesia. With this institution, the public can feel safer because of the clear and transparent mechanism to handle medical disputes. This also builds a culture of discipline and responsibility among medical personnel. This trust is very important to create a harmonious relationship between patients and medical personnel, as well as improve the quality of health services in Indonesia as a whole. However, the implementation of the role of the Professional Disciplinary Council still faces several challenges. One of them is the limited number of competent human resources in handling medical dispute cases. The Professional Disciplinary Assembly needs experts who not only have medical competence, but also the ability to handle legal and ethical aspects. Therefore, strengthening the capacity of the Professional Disciplinary Assembly through training and certification for its members is very important to ensure a smooth and effective medical dispute resolution process.

In addition, although the Professional Disciplinary Council already has the authority to impose sanctions, another challenge faced is the low level of awareness among medical personnel about the importance of the code of ethics and their obligations in adhering to professional standards. Many medical professionals still do not fully understand the impact of medical ethics violations and medical errors on their own patients and professions. Therefore, medical ethics education needs to be strengthened from an early age in the education of medical personnel so that they are better prepared to face challenges in medical practice. The Professional Disciplinary Council also needs to work with various related parties, such as medical professional associations, the government, and legal institutions, to strengthen the medical dispute resolution system in Indonesia. This collaboration between various parties is expected to create a more effective system in handling medical disputes and maintaining the quality of health services. By working together, the Professional Discipline Council can have better resources and more supportive policies in carrying out its duties. Finally, although there are clear procedures in resolving medical disputes, there is a need for increased transparency in the decision-making process of the Professional Disciplinary Council. The decisions taken by this assembly must be accessible to the public and related parties, in order to create higher accountability. It is also to ensure that every decision taken is based on clear evidence and fair process. With this transparency, it is hoped that public trust in the medical dispute resolution system will increase.

Conclusion

Based on the discussion that has been described, it can be concluded that the Professional Disciplinary Council has a very strategic role in the medical dispute resolution system in Indonesia after the enactment of Law Number 17 of 2023 concerning Health. The existence of this assembly not only functions as an institution for enforcing professional discipline, but also as an instrument of legal protection for patients and at the same time a guarantee of professionalism for medical personnel. Through the authority to inspect, assess, and impose sanctions, the Professional Discipline Council is the main line in maintaining ethical standards and the quality of health services. Law Number 17 of 2023 has strengthened the position of the Professional Discipline Council in the framework of a more structured, transparent, and fair resolution of medical disputes. The mechanism provided for in the law provides legal certainty for both patients and medical personnel, as well as encourages dispute resolution that is more oriented towards substantive justice, rather than solely on a repressive approach. Thus, the Professional Disciplinary Assembly functions as a bridge between the interests of patient protection and the sustainability of professional and responsible medical practice. In the future,

the effectiveness of the role of the Professional Disciplinary Council is highly determined by strengthening institutional capacity, improving the competence of council members, and synergizing with health institutions, professional organizations, and law enforcement officials. If all of these elements run optimally, the medical dispute resolution system in Indonesia will be able to create a fair, safe, and public-interest-oriented health service climate, while strengthening public trust in the medical profession and the national health legal system.

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