

# THE ROLE OF HOSPITALS IN PROTECTING HEALTH WORKERS FROM VIOLENCE BY PATIENTS/PATIENT FAMILIES AT MELAWI REGIONAL HOSPITAL: A STUDY IN THE INTERNAL MEDICINE WARD

Chandra Dewi<sup>1</sup>, Dahlan<sup>2</sup>, Henry Aspan<sup>3</sup>

<sup>1,2,3</sup>Universitas Pembangunan Panca Budi, Indonesia.

Received : 17 March 2025

Revised : 22 March 2025

Accepted : 11 April 2025

Published : 16 May 2025

DOI : <https://doi.org/10.54443/morfai.v5i2.2827>

Link Publish : <https://radjapublika.com/index.php/MORFAI/article/view/2827>

## Abstract

Legal protection is a right owned by health workers and medical personnel, in accordance with Law no. 17 of 2023 on Health Article 273, hospitals have an obligation to protect staff who work when experiencing disputes, as long as they are in accordance with operational standards when working. This study aims to examine and analyze the regulations on legal protection of health workers and medical personnel, as well as the role of hospitals in acts of violence that occur at Melawi Regional Hospital. The research method is qualitative analysis with an empirical legal approach. The data sources used are primary data consisting of case observations, questionnaires and interviews at Melawi Regional Hospital, while secondary data is obtained from books, laws, cases and document data available at the hospital. The results of the study at Melawi Regional Hospital, problem solving will be carried out by the existing public relations/case manager team, but the Regional Hospital has not provided legal assistance/advocates. For problem solving, it is carried out through mediation/non-litigation, but without legal counsel.

**Keywords:** *Role of Hospitals, Legal Protection, Health Workers*

## I. INTRODUCTION

Legal protection for health service providers, namely health workers and medical personnel, is very necessary to ensure the certainty of legal protection in order to reduce the risk of legal problems and various claims from other parties such as patients or patient families while on duty. Law no. 17 of 2023 concerning Health, article 273, states that the rights of medical personnel and health workers in carrying out practice in point (a) are: "to obtain legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, operational procedure standards and professional ethics, as well as patient health needs".

Article 189 point (s) also explains that the Hospital has an obligation to "protect and provide legal assistance to all Hospital personnel in carrying out their duties". Some common causes of violence against health workers are patient dissatisfaction with the care provided, poor administration, miscommunication, infrastructure problems, and depictions of health workers in the media. A health worker, especially a doctor, must equip themselves with standardized expert knowledge to ensure the safety of themselves and others.<sup>1</sup>

Likewise in Government Regulation no. 28 of 2024, concerning implementing regulations of Law no. 17 of 2023 concerning health, Article 722, which explains about legal protection. "Legal protection as referred to in Article 721 letter a is intended to: (a) provide legal certainty to Medical Personnel and Health Personnel in carrying out Health Services in accordance with the provisions of laws and regulations". And in Article 723 (1) Legal protection as referred to in Article 721 letter a is provided by the Central Government, Regional Government, and the leadership of Health Service Facilities which include:

- legal protection in order to prevent Medical Personnel or Health Personnel from committing violations; and
- legal protection for medical personnel and health workers who face legal problems.

<sup>1</sup>Cirska Nadia Putri, Risk Management and Prevention of Violence Against Health Workers, IDN TIMES, June 2, 2023, <https://www.idntimes.com/health/fitness/cirska-nadia-putri/manajemen-risiko-dan-pengengahan-aksi-kekerasan-pada-nakes-clc2>

Health workers have a higher risk of experiencing violence in the workplace compared to other fields. Health workers such as doctors or nurses are four times more likely to be injured, because they often deal directly with patients, who are experiencing emotional burdens and stress during initial treatment..<sup>2</sup>

A study of risk factors associated with violence against doctors found that younger doctors were more vulnerable to physical violence:

- a. Female doctors are more likely to face violence
- b. The obstetrics and gynecology department reported the highest levels of violence, followed by the medical department with the same specialty, and the surgical department with the same specialty.
- c. Verbal abuse is the most common form of violence. In the emergency department, 100% of physicians reported verbal abuse.

The same study also showed that the main causes of violence were long waiting periods, delays in seeking medical help, and refusal to enter hospital, as well as several other factors.<sup>3</sup>

On the other hand, regulations governing legal protection for doctors and health workers in health services are still very minimal. Including in the hospital where the author studied, when the author conducted a survey, many health workers and medical personnel complained that they experienced violence while working, especially verbal violence received from the patient's family in particular. When asked further about what actions they took when they experienced violence, they answered that they did not report it, because they did not know where to report it. Whereas in Law no. 17 concerning health, article 189, letter (s) explains that every hospital has an obligation to, "protect and provide legal assistance to all Hospital staff in carrying out their duties"

The problem of violence in the health sector is often an iceberg phenomenon because what often happens is that incidents of violence that occur are not reported by victims to law enforcement, or higher management in the hospital. In addition, there is no reporting policy from the hospital institution/institution to support reporting, because of the perception that they believe (victims/health workers) that the incidents that occur are part of their duties and jobs, namely serving patients because it is their responsibility. Added to this is the belief that reporting is not beneficial for health workers, and the concern that the violence they experience is actually evidence of their poor performance.<sup>4</sup>

Cases of violence against health workers and medical personnel have also occurred at Melawi Regional Hospital, precisely in 2009 when a nurse on duty in the internal medicine room was slapped by the patient's family, and in 2014 an assault and defamation of a pediatrician in the children's room by the patient's family at Melawi Regional Hospital. These cases of violence occurred due to a lack of understanding from the patient's family regarding the patient's condition, which ultimately led to physical contact with the doctor and nurse, but due to the lack of legal protection at Melawi Regional Hospital, the case was resolved amicably, and compensation was given by the hospital to the patient. As previously discussed, medical personnel such as nurses or doctors are often the targets of both physical and non-physical violence because they often interact directly with patients, patient relatives, co-workers, and supervisors. Therefore, if a medical worker and health worker do not have an understanding of legal protection, it can increase the possibility of experiencing violence in the hospital as their workplace.

## **II. FORMULATION OF THE PROBLEM**

Based on the background, this journal raises the issue of violence experienced by health workers and medical personnel in hospitals, as well as the role of hospitals in protecting health workers and medical personnel who experience violence.

## **III. RESEARCH METHODS**

The research specification used in writing is to use qualitative analysis to analyze data. Qualitative analysis is a way of analyzing data sourced from legal materials based on concepts, theories, and laws and regulations.<sup>5</sup>With an empirical juridical legal approach, where research begins with normative research or a review

<sup>2</sup>Indla Ramasubba Reddy, Jateen Ukrani, et al, Violence against doctors: A viral epidemic, Indian journal of psychiatry, 2019, pp. 82-85

<sup>3</sup>Ibid.

<sup>4</sup>Doctor Konosin With Health Workers, Why, Is It Increasingly Frequent?, Colleague, May 3, 2023, <https://sejawat.co.id/article/detail/kekerasan-terhadap-dokter-dan-tenaga-kesehatan-kok-makin-sering-yah-1683101900>

<sup>5</sup>Suratman & Phillips Dillah, Legal Research Methods, Bandung, Alfabeta, 2015, page 51

of laws and regulations (normative) which is continued with in-depth observation.<sup>6</sup> Data collection in empirical legal research is done by means of surveys. Surveys are a means of collecting data from sources or research informants to conduct observations and interviews in the empirical approach. Survey research asks several respondents about their beliefs, opinions, characteristics, and behaviors that have or are occurring.<sup>7</sup> The types of data used by the author are primary and secondary data. Primary data consists of case observations, questionnaires and interviews conducted on staff and doctors at the Melawi Regional Hospital.

While secondary sources are obtained from books, laws, cases and documentary data available at the hospital. Interviews were conducted using an instrument in the form of a questionnaire given to staff at the Regional Hospital, in which there were 7 questions regarding the experience of violence experienced by staff while working at the Regional Hospital, with a population of .. (the total number of staff at the Regional Hospital), 40 respondents of whom filled out the questionnaire, which was selected by purposive sampling, namely the selection of samples with consideration of certain characteristics.<sup>8</sup> Respondents consisted of (13 general practitioners, 2 specialist doctors, 25 nurses or midwives), the 40 respondents were selected with the criteria as health workers or medical personnel who meet or have direct contact with patients and their families, whether they have experienced violence while on duty or not. Where out of 13 general practitioners, 13 of them have experienced verbal violence while on duty, 1 of the specialist doctors has experienced verbal and physical violence while on duty, 11 nurses and 2 midwives have experienced verbal violence, and 1 nurse has experienced physical violence while on duty.

#### **IV. RESULTS & DISCUSSION**

##### **LEGAL PROTECTION ARRANGEMENTS FOR HEALTH WORKERS AND MEDICAL WORKERS EXPERIENCING VIOLENCE**

###### **A. Laws and Regulations on Health Workers and Medical Personnel**

In general, lay people may see doctors, nurses, and midwives as health workers, but in Law no. 17 of 2023, the definition and division of groups of health workers and medical personnel are different, different from Law no. 36 of 2014 concerning health workers.

The different definitions between health workers and medical personnel, which are explained in Article 1 of Law no. 17 concerning health, in points (6) and (7) the definition of medical personnel and health workers, (6) "Medical personnel are any person who devotes themselves in the health sector and has a professional attitude, knowledge, and skills through professional medical or dental education that requires the authority to carry out health efforts." Health workers are defined in Law no. 17 of 2023 concerning Health in Article 1 point (7) "Health workers are any person who devotes themselves in the health sector and has a professional attitude, knowledge, and skills through higher education which for certain types requires the authority to carry out health efforts."

Health workers and medical personnel in Law no. 17 of 2023 concerning health, have different group divisions according to Article 197 concerning Health Human Resources consisting of: a. Medical Personnel; b. Health workers; and c. health support or supporting personnel. Article 198 (1) Medical Personnel as referred to in Article 197 letter a are grouped into:

- a. doctor; and
- b. dentist.

Article 199 (1) Health workers as referred to in Article 197 letter b are grouped into:

- a. clinical psychology staff;
- b. nursing staff;
- c. midwifery personnel;
- d. pharmaceutical personnel;
- e. community health workers;
- f. environmental health workers;
- g. nutrition staff;
- h. physical therapy personnel;
- i. medical technical personnel;
- j. biomedical engineering personnel;
- k. traditional health workers;

<sup>6</sup>Benediktus Hestu, *Legislative and Academic Principles of Drafting*, Yogyakarta, PT Kanisius, 2021, Page 215

<sup>7</sup>Benuf Kornelius and Azhar Muhamad, *Legal Research Methodology as an Instrument for Analyzing Contemporary Legal Problems*, Jurnal Gema Keadilan, vol 7 edition 1, 2020, pp 27-29

<sup>8</sup>Ibid, page 51

1. Other health workers determined by the Minister.

Meanwhile, in Law no. 36 of 2014, which defines health workers as anyone who dedicates themselves to the health sector and has knowledge and/or skills through education in the health sector for certain types that require authority to carry out health efforts.

## **B. Legal Protection for Health Workers and Medical Personnel in the Code of Ethics**

Health workers and medical personnel are professional jobs which are groups with expertise and skills obtained through a quality and high-standard education and training process that in applying all their high skills and expertise can only be controlled and assessed from within by colleagues, fellow professionals themselves. The presence of professional organizations with a "built-in mechanism" in the form of a professional code of ethics in this case will clearly be needed to maintain the dignity and honor of the profession, and on the other hand protect the public from all forms of deviation or misuse of expertise.<sup>9</sup>

Therefore, it can be concluded that a profession can only gain the trust of the community if the professional elites have a strong awareness to respect professional ethics when they want to provide professional expertise services to the community that needs them. Without professional ethics, what is generally known as an honorable profession will soon be degraded into an ordinary job seeking a living (occupation) that is not colored by idealistic values at all and will ultimately end with no more respect or trust that is appropriately given to these professional elites.<sup>10</sup>

According to PP no. 28 of 2024, article 498 point (6), "Professional ethics as referred to in paragraph (1) letter e are a set of principles and norms that bind the profession in providing the best health services to patients."

A code of professional ethics is a norm that is established and accepted by a professional group, which directs and provides instructions to its members on how to act and at the same time guarantees the moral quality of the profession in the eyes of the community. A code of ethics is a product of applied ethics because it is produced based on the application of ethical thinking to a profession, a code of professional ethics is a formulation of the moral norms of humans who carry out that profession. A code of professional ethics is an effort to prevent unethical or immoral acts for its members.<sup>11</sup>

The code of ethics for doctors and nurses is created to provide a benchmark for health workers when serving patients, whether what they do is in accordance with existing ethics or not, and to make health workers or medical personnel more careful in taking action.

### **c. Legal Protection Regulations for Health Workers and Medical Personnel Who Experience Violence**

Current legal regulations with the latest health law should be sufficient to provide legal protection for patients and health workers or medical personnel. However, from the patient's perspective, the legal protection they have provides a legal basis for them to be able to sue doctors or hospitals freely if a dispute occurs, but on the other hand this has a negative impact on health workers or medical personnel and hospitals.

Why legal protection is important, to ensure that legal subjects obtain all their rights, the existence of legal protection can provide full protection to legal subjects who are victims. Legal protection is a narrowing of the meaning of protection, in this case only protection by law. The protection provided by law is also related to the existence of rights and obligations, in this case owned by humans as legal subjects in their interactions with other humans and their environment.<sup>12</sup>

Forms of legal protection in PP No. 28 of 2024 Article 723 (3), the forms of legal protection provided by the government, as well as hospitals in the form of: (a) Dispute resolution; (b) Enforcement of professional ethics; (c) Enforcement of scientific discipline; and (d) Law enforcement. (4) The agency where Medical Personnel and Health Personnel work is required to protect and provide legal assistance to Medical Personnel and Health Personnel who carry out their duties in the form of: (a) Legal consultation; and/or (b) Providing assistance in resolving disputes. Until now, cases of alleged violence against health workers in Indonesia are very numerous, but have not been well documented, because most incidents of violence are not reported, then legal protection for health workers is still not fully on the side of health workers, in addition to the absence of reporting policies from

<sup>9</sup>Rizal Isnanto, Textbook of Professional Ethics, Semarang, Diponegoro University, 2009, page 3

<sup>10</sup>ibid

<sup>11</sup>Ismantoro Dwi Yuwono, Understanding Various Professional & Work Ethics, Yogyakarta, Medpress digital, 2013, pp. 25-27

<sup>12</sup>Understanding Legal Protection and How to Obtain It, JDIH Sukoharjo Regency, 2022, <https://jdi.h.sukoharjokab.go.id/berita/detail/pengertian-perlindungan-Hukum-dan-cara-olehnya>

institutions. And there is a belief that reporting is not beneficial to health workers, and concerns that the violence received is actually evidence of their poor performance.<sup>13</sup>

#### **D. Efforts Made by Hospitals to Provide Legal Protection for Health Workers Who Experience Violence at Regional Public Hospitals**

Based on Law no. 17 of 2023 concerning health, article 1 point (10), a hospital is a "Health Service Facility that provides comprehensive individual Health Services through promotive, preventive, curative, rehabilitative, and/or palliative Health Services by providing inpatient, outpatient, and Emergency services". In addition to providing health service facilities, hospitals also have obligations, such as in Law no. 17 of 2023 concerning Health, article 189, point (s), namely "protecting and providing legal assistance for all hospital staff in carrying out their duties" this explains that hospitals are obliged to protect their staff both when they make mistakes or may experience attacks or violence in the hospital while on duty.

Even more than that, hospitals also have responsibilities in the event of losses caused by hospital human resources, as stated in Article 193 of Law Number 17 of 2023 concerning Health, "Hospitals are legally responsible for all losses caused by negligence committed by Hospital Health Human Resources". The legal basis that can be used in implementing the Hospital Liability pattern in Indonesia is Article 1367 of the Civil Code. Article 1367 (1) of the Civil Code states that: "A person is not only responsible for losses caused by his own actions, but also for losses caused by the actions of people for whom he is responsible or caused by goods under his control." The legal dispute handling mechanism in handling medical service cases in hospitals has an effective and systematic legal dispute handling flow. Handling legal disputes on hospital services involves work units or related parties which include:

1. Internal Hospital
  - a. Management elements (Hospital Directors or Management);
  - b. The hospital legal department or work unit responsible for managing legal activities in the hospital;
  - c. Public complaint installation or work unit tasked with receiving and managing public complaints and grievances;
  - d. Professional committee (Medical Committee, Nursing Committee, or other Health Workers Committee if there is one in the hospital);
2. External Parties
  - a. Hospital Association (PERSI and Hospital Association which are joined by each hospital);
  - b. Professional Organization;
  - c. Health Service; and
  - d. Professional Liability Insurance.<sup>14</sup>

How to Resolve Legal Dispute Cases in Hospitals, there are 2 ways to resolve them, namely litigation and non-litigation, according to the Indonesian Hospital Association, the two ways are:

1. To resolve legal disputes regarding services through litigation, the following must be done:
  - a. Appointing the hospital's Legal Department staff as legal counsel and/or work partner coordinator for the Legal Counsel appointed by the hospital; and Guidelines for Handling Medical Service Cases with Potential Legal Disputes in the Hospital
  - b. If necessary, the hospital will appoint and determine a Legal Representative or Legal Advisor for the Hospital or Health Worker being sued by the Plaintiff.
2. To resolve legal disputes regarding services carried out non-litigation, the hospital must:
  - a. Hospital management or management invites the complainant to discuss the settlement of the disputed case (negotiation). The position of hospital management acts as a listener to obtain information and expectations desired by the complainant, and provides an opportunity for the accused to provide a brief explanation of each decision or event that occurs. Hospital management needs to consider whether the complainant will have obstacles when meeting directly with the accused, and the potential for undesirable things that may occur in the meeting in question;

<sup>13</sup>Ardia Putra, Preventing Violence Against Health Workers in the Workplace, AJNN Aceh Journal Natonal Network, May 13, 2022, <https://www.ajnn.net/news/mencepat-kekerasan-terhadap-tenaga-kesehatan-di-plac-kerja/index.html>

<sup>14</sup>H. Edi Sumarwanto, Guidelines for Handling Medical Service Cases with Potential for Legal Disputes in Hospitals "Disputes Between Patients and Hospitals", Indonesian Hospital Association, Jakarta, 2024, p. 14



- b. If direct negotiation efforts made by the hospital are estimated to be unsuccessful, the hospital can offer the complainant the opportunity to ask the Health Service and/or Hospital Association to become a facilitator (mediator) for a mutually agreed mediation process to resolve the ongoing legal dispute regarding services; and
- c. The results of the peace through negotiation and/or mediation are stated in a Peace Agreement signed by the Parties and the Mediator, and if deemed necessary, can be registered by the Indonesian Hospital Association (PERSI) through a Notary and/or registered with the Clerk of the District Court.<sup>15</sup>

Maintaining safety while working is the responsibility of the hospital or management, especially for health workers or medical personnel working in hospital institutions in accordance with PP no. 28 of 2024, Article 851. The obligation of the Hospital to protect and provide legal assistance to all Hospital officers in carrying out the duties as referred to in Article 833 letter s is carried out by:

- a. Providing legal consultation;
- b. Facilitating mediation and judicial processes;
- c. Providing legal advocacy;
- d. Providing assistance in resolving medical disputes;
- e. Allocate budget for funding legal processes and compensation;
- f. Providing protection efforts and other legal assistance.

## V CONCLUSION & SUGGESTIONS

Legal protection for medical personnel and health workers has been regulated in Law no. 17 of 2023 concerning Health, article 273, that every medical personnel and health workers who work have the right to receive legal protection. If a health worker or medical worker makes a mistake and is sued by the victim as long as they do their work according to the rules, they have the right to receive legal protection. The code of ethics is a guide for how health workers and medical personnel work well in providing services and treatment to patients, patient dissatisfaction with services is mostly due to lack of good communication and violations of ethics. With the latest Health Law, it provides strength based on the fact that medical personnel and health workers will receive legal protection and avoid discrimination against health workers.

## REFERENCES

- Aris, Prio dkk, 2020, *Perlindungan Hukum Tenaga kesehatan dalam Gugus Tugas Percepatan Penanganan Covid - 19 Ditinjau dari Sudut Pandang Hukum Administrasi Negara*, CV Jejak, Sukabumi.
- Benuf Kornelius Dan Azhar Muhamad, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahn Hukum Kontemporer", *Jurnal Gema Keadilan*, Vol 7 Edisi 1, 2020, Hal 27-29
- Cirska nadia putri, 2023, *Manajemen Risiko dan Pencegahan Tindakan Kekerasan pada Nakes*, <https://www.idntimes.com/health/fitness/cirska-nadia-putri/manajemen-risiko-dan-pencegahan-tindakan-kekerasan-pada-nakes-clc2?page=all>,
- Hestu, Benediktus, 2021, *Prinsip-Prinsip Legislatif Dan Akademik Drafting*, PT Kanisius, Yogyakarta
- Isnanto, Rizal, 2009, *Buku Ajar Etika Profesi*, Universitas Diponegoro, Semarang
- JDIH Kabupaten Sukoharjo, 2022, *Pengertian Perlindungan Hukum dan Cara Memperolehnya*, <https://jdih.sukoharjokab.go.id/berita/detail/pengertian-perlindungan-hukum-dan-cara-memperolehnya>
- Putra Ardia, "Mencegah Kekerasan Terhadap Tenaga Kesehatan di Tempat Kerja", *AJNN Aceh Journal Natonal Network*, 13 Mei 2022.
- Reddy, Indla Ramasubba, Jateen Ukrani, Dkk, "Violence Against Doctors: A Viral Epidemic", *Indian Journal Of Psychiatry*, 2019, Hal 82-85
- Sejawat, 2023, *Dokter Konosin Dengan Tenaga Kesehatan, Kok, Makin Sering, yah?*, <https://sejawat.co.id/article/detail/kekerasan-terhadap-dokter-dan-tenaga-kesehatan-kok-makin-sering-yah-1683101900>

<sup>15</sup>Guidelines for Handling Medical Service Cases with Potential Legal Disputes in Hospitals Disputes Between Patients and Hospitals, Indonesian Hospital Association, Jakarta, 2024, p. 21.

**The Role of Hospitals in Protecting Health Workers from Violence by Patients/Patient Families at Melawi Regional Hospital: A Study in the Internal Medicine Ward**

Chandra Dewi et al

---

Sumarwanto, H. Edi, 2024, *Pedoman Penanganan Kasus Pelayanan Medik Yang Berpotensi Sengketa Hukum Di Rumah Sakit "Sengketa Antara Pasien Dan Rumah Sakit"*, Perhimpunan Rumah Sakit Seluruh Indonesia, Jakarta

Suratman & Phillips Dillah, 2015, *Metode Penelitian Hukum*, Alfabeta, Bandung

Yuwono, Ismantoro Dwi, 2013, *Memahami Berbagai Etika Profesi & Pekerjaan*, Medpress Digital, Yogyakarta