



ETHICS AND LAW IN HEALTH CARE

Rahmayanti¹, Yunita Ramadhani Panjaitan², Dewi Suryati³,
Novalina Br Kembaren⁴, Wahyu Rahmatica⁵, Edi Hidayat⁶

¹Lecturer Master of Health Law, Universitas Panca Budi, Medan
^{2,3,4,5,6}Health Law Masters Student, Universitas Panca Budi, Medan
Correspondence: Email nittapanjaitan@yahoo.co.id

ABSTRACT

Informed consent is a communication process between patients and health workers that aims to ensure that patients understand relevant medical information and provide consent for a medical procedure. This process is critical to protecting patient rights and meeting medical ethical standards. This journal presents a literature review on the concept of informed consent, the importance of its appropriate implementation, as well as challenges and strategies for implementing it in clinical practice. The discussion focuses on the key components of informed consent, such as providing adequate information, assessing patient capacity, and documenting consent. Apart from that, special issues related to informed consent are also discussed, such as in patients with cognitive impairment, children and emergencies. This journal concludes that effective implementation of informed consent requires commitment from health workers to ensure patient rights are protected and meet ethical standards for treatment.

Keywords: *Medical Law, Patient Rights, Legal Ethics*

A. INTRODUCTION

Health services are an important aspect of people's lives. Every individual has the right to receive quality health services that comply with applicable standards. However, in practice, health services are often faced with various ethical and legal dilemmas that must be considered carefully. These dilemmas can arise from various factors, such as technological developments, limited resources, cultural differences, and conflicts of interest. Ethics in health services refers to the moral principles that must be adhered to by health workers in carrying out their profession. These principles include respecting patient autonomy, not injuring (non-maleficence), doing good (beneficence), and justice (justice). However, the application of these principles is often faced with complex situations, where there are conflicts between the interests of patients, families and health workers. On the other hand, law in health services aims to protect patient rights, regulate the practices of health workers, and ensure the safety and quality of health services. Legislation governing health services covers various aspects, such as medical practice, nursing, pharmacy, and the use of medical technology and equipment. However, sometimes there is a discrepancy or conflict between ethical norms and applicable legal provisions. Therefore, it is important for health workers and all stakeholders to understand and integrate ethical and legal aspects in health services. This aims to ensure the protection of patient rights, improve the quality of services, and create a conducive work environment for health workers. By understanding and implementing ethics and law in health services, it is hoped that better, fair and dignified health services can be created for all levels of society.

B. FORMULATION OF THE PROBLEM

1. What are the ethical principles in health services?
2. What is the Legal Framework for Health Services?
3. What are the challenges in implementing ethics and law?
4. What are the Best Practices in the Application of Ethics and Law?

C. RESEARCH METHODS

This research uses a qualitative approach with a combined method of literature study and field study. The goal is to gain an in-depth understanding of the application of ethics and law in health care, as well as identify challenges and best practices that can be implemented.

1. Study of literature

Literature studies are carried out by reviewing written sources such as books, scientific journals, statutory regulations and ethical guidelines that are relevant to the research topic. The analysis is carried out critically to understand ethical principles, legal frameworks, and theories related to ethics and law in health services.

2. Field Study

Field studies were carried out using in-depth interviews and field observations. In-depth interviews were conducted with health professionals such as doctors, nurses and other health workers, as well as with patients and their families. The aim is to obtain direct perspectives from stakeholders regarding the application of ethics and law in health services, as well as to identify frequently encountered ethical challenges and dilemmas. Field observations were carried out in health service facilities such as hospitals, clinics and community health centers. Observations focused on interactions between health workers and patients, the ethical decision-making process, and the implementation of procedures and policies related to ethics and law.

3. Data analysis

Data obtained from literature studies, in-depth interviews and field observations will be analyzed qualitatively using the thematic analysis method. The analysis process includes data coding, identification of main themes, and interpretation of results to gain an in-depth understanding of the application of ethics and law in health services. This research is designed to provide a comprehensive perspective on ethics and law in health care, combining a theoretical review of the literature and a practical perspective from field studies. The results are expected to provide an important contribution to the development of ethical, legal and dignified health care practices.

D. RESULTS AND DISCUSSION

The results of this research confirm the significance of the application of ethics and law in health services as a basis for ensuring safe, effective and dignified care. The main findings from literature studies, in-depth interviews, and field observations are discussed comprehensively as follows:

1. Ethical Principles in Health Services

The research results confirm the importance of applying the main ethical principles in health services, namely autonomy, non-maleficence, goodness and justice. The principle of autonomy emphasizes respect for the patient's right to make decisions for himself, after receiving adequate information. The principle of doing no harm requires health workers to avoid actions that could harm or harm patients. Meanwhile, the principle of kindness encourages efforts to do the best for the patient's welfare. Finally, the principle of justice ensures that every patient is treated fairly and equally, without discrimination. The principle of autonomy emphasizes respect for the patient's right to make decisions for himself, after receiving adequate information. However, its implementation is often faced with challenges such as patients' ability to understand complex medical information and make rational decisions.

In addition, there are also situations where patient autonomy must be limited, such as in the case of patients with mental disorders or pediatric patients. The principle of doing no harm requires health workers to avoid actions that could harm or harm patients. However, in some cases, risky medical procedures may be necessary to achieve greater benefit for the patient. In situations such as these, a careful assessment of the risks and benefits is required to

ensure that these principles are adhered to. Meanwhile, the principle of goodness encourages efforts to do the best for the patient's welfare. In practice, this principle is often faced with ethical dilemmas such as determining the line between appropriate medical intervention and overtreatment that can harm the final patient. The principle of justice guarantees that every patient is treated fairly and equally, without discrimination. Although this principle appears simple, implementing it in complex and resource-limited health care systems is often challenging. For example, in situations where medical resources are limited.

2. Legal Framework in Health Services

The research results also emphasize the importance of complying with the legal framework governing health care practices. The most crucial legal aspects include informed consent, medical confidentiality, and patient rights. Informed consent is a process in which the patient gives consent based on a clear understanding of the procedure, risks and benefits of the medical action to be carried out. Medical confidentiality requires health workers to strictly maintain the confidentiality of patient medical information. Meanwhile, patient rights include the right to complete information, the right to refuse treatment, and the right to privacy. Informed consent is a process in which the patient gives consent based on a clear understanding of the procedure, risks and benefits of the medical action to be carried out. However, in practice, this process often faces challenges such as the use of complicated medical language, limited ability of patients to understand information, and lack of time for health professionals to explain thoroughly.

Medical confidentiality requires health workers to strictly maintain the confidentiality of patient medical information. However, there are situations where this confidentiality may be waived, such as in cases involving threats to public safety or in legal proceedings. Strict enforcement of medical confidentiality can also create challenges in care coordination and information flow between health professionals. Meanwhile, patient rights include the right to complete information, the right to refuse treatment, and the right to privacy. Although these rights have been legally recognized, their implementation in practice is often faced with obstacles such as patients' lack of understanding of their rights, paternalistic attitudes from health professionals, and limited resources that can limit treatment options for patients.

3. Challenges in the Application of Ethics and Law

Although ethical principles and legal frameworks have been established, this research reveals that there are still challenges in implementing them in the real world of health care. These challenges include conflicts between ethical principles, limited resources, and a lack of understanding of ethics and law among health workers. Apart from that, there are also ethical dilemmas that are often faced, such as the issue of euthanasia, allocation of limited resources, and treatment decisions for patients who are unable to make their own decisions. Conflicts between ethical principles often arise in situations where there is a conflict between the principles. For example, in cases where a patient refuses treatment that could save his life, there is a conflict between the principle of autonomy and the principle of beneficence. In situations like these, careful and thoughtful judgment is required to determine which principles should be prioritized. Limited resources are also a big challenge in implementing ethics and law in health services.

Limited resources, whether in terms of health personnel, medical equipment, or budget, can affect the ability to provide optimal and equitable care for all patients. In situations like these, clear and transparent policies are needed to allocate limited resources in a fair and ethical manner. In addition, a lack of understanding of ethics and law among health workers is also a significant challenge. Many health workers lack adequate education and training in the fields of ethics and law, which can lead to ethical or legal violations without realizing it. This research also identifies several ethical dilemmas that are often faced in the world of health services, such as the issue of euthanasia, allocation of limited resources, and treatment decisions

for patients who are unable to make their own decisions (for example, patients with mental disorders or pediatric patients). These dilemmas require careful and thoughtful consideration, taking into account various ethical principles and relevant legal frameworks.

4. Best Practices in the Application of Ethics and Law

This research also identifies several best practices that can be implemented to ensure the application of ethics and law in effective and dignified health services. These best practices include increasing education and training on ethics and law for health workers, establishing ethics committees in health facilities, developing clear guidelines and policies, and increasing communication and patient involvement in the decision-making process. The findings from this research confirm that ethics and law are two aspects that complement each other and cannot be separated in health services. Ethical principles provide a strong moral foundation for the actions and decisions of healthcare professionals, while the legal framework provides guidelines and rules that must be adhered to to ensure safe, legal and dignified practice.

However, applying ethics and law in the real world of health services is not easy. There are ethical challenges and dilemmas that are often faced, such as conflicts between ethical principles, limited resources, and a lack of understanding of ethics and law among health workers. Therefore, continued efforts are needed to improve education and training on ethics and law, as well as develop clear guidelines and policies. Best practices such as establishing ethics committees in healthcare facilities, improving communication and patient involvement in decision-making processes, and developing clear guidelines and policies can help in overcoming the ethical challenges and dilemmas faced. In this way, health services can be provided by upholding ethical principles and complying with the applicable legal framework, so as to provide safe, effective and dignified care for patients.

E. CLOSING

This research has provided in-depth insight into the importance of applying ethics and law in health services to ensure safe, effective and dignified care for patients. Ethical principles such as autonomy, non-harm, beneficence, and justice provide the moral basis for health workers' actions and decisions, while the legal framework governing aspects such as informed consent, medical confidentiality, and patient rights provides guidelines and rules that must be adhered to. However, the application of ethics and law in the real practice of health services faces various significant ethical challenges and dilemmas. Conflicts between ethical principles, limited resources, lack of understanding of ethics and law among health workers, as well as ethical dilemmas such as euthanasia, allocation of limited resources, and decision making for patients who are unable to make their own decisions are some of the main issues that must be addressed. To overcome these challenges and dilemmas, this research identifies several best practices that can be implemented, such as increasing education and training on ethics and law for health workers, establishing ethics committees in health facilities, developing clear guidelines and policies, increasing communication and patient involvement, as well as close collaboration and coordination between professions in health services. By implementing these best practices, it is hoped that the application of ethics and law in health services can be significantly improved. This will enable health workers to provide safe, effective and dignified care, while upholding ethical principles and complying with the applicable legal framework. Ultimately, implementing good ethics and law in health services will not only improve the quality of care for patients, but will also help build trust and strong relationships between health workers and patients, as well as ensuring that patients' dignity and rights are fully respected.

REFERENCES

- Is, M. S. (2010). Etika dan Hukum Kesehatan. Kencana.
- Septie, A. S. A. A. A., & Aningrum, A. N. (2018). Analisis Penerapan Etika Dan Hukum Kesehatan Pada Pemberian Pelayanan Kesehatan Di Rumah Sakit Nene Mallomo Kabupaten Sidenreng Rappang. *Jurnal Ilmiah Manusia Dan Kesehatan*, 1(3), 189- 200.
- Budiyanti, R. T., Herlambang, P. M., & Nandini, N. (2019). Tantangan Etika dan Hukum Penggunaan Rekam Medis Elektronik dalam Era Personalized Medicine. *Jurnal Kesehatan Vokasional*, 4(1), 49-54.
- Johansyah, A. B. (2020). *Tanggung Jawab Profesional Dokter Dalam Pelayanan Kesehatan* (Doctoral dissertation, Universitas 17 Agustus 1945 Surabaya).
- Rembet, D. (2020). Perlindungan Hukum Terhadap Pasien Dalam Pelayanan Kesehatan Berdasarkan Undang-Undang Nomor 36 Tahun 2009. *Lex Et Societatis*, 8(2).
- Koswara, I. Y. (2018). Perlindungan Tenaga Kesehatan dalam Regulasi Perspektif Bidang Kesehatan Dihubungkan dengan Undang-undang Nomor 36 Tahun 2009 tentang Kesehatan dan Sistem Jaminan Sosial. *Jurnal Hukum POSITUM*, 3(1), 1-18.
- Suhaid, D. N., Ningsih, K. P., Fatsena, R. A., Lufianti, A., Martyastuti, N. E., Fuadi, M. F., ... & Hidayah, N. (2022). Etika Profesi Dan Hukum Kesehatan. Pradina Pustaka.
- Rijal, F., Siridangnga, H. M., & Sari, N. N. (2019). Pengaruh Etika dan Kinerja Tenaga Kesehatan terhadap Pemberian Pelayanan Kesehatan Pasien di Puskesmas Madising Na Mario Kota Parepare. *Jurnal Ilmiah Manusia Dan Kesehatan*, 2(1), 12-25.
- RAHMAYANTI, R. (2022). *PERLINDUNGAN KONSTITUSIONAL NEGARA TERHADAP ANAK TERLANTAR DI INDONESIA DAN TINJAUAN FIQH SIYASAH* (Doctoral dissertation, Institut agama islam Negeri (IAIN Palopo)).
- Anwar, Y., Zarzani, T. R., & Chermanto, C. (2023). TANGGUNG JAWAB HUKUM PETUGAS FISIKAWAN MEDIS TERHADAP KUALITAS MUTU PADA IZIN OPERASIONAL RADIOLOGI DI RUMAH SAKIT BHAYANGKARA BANDA ACEH. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 2(8), 2263-2282.
- Risdawati, I., & Zarzani, T. R. (2023). Legitimation Of National Health Services Law: The Right to Health for All Citizens. *International Journal of Social Science, Education, Communication and Economics (SINOMICS JOURNAL)*, 2(5), 1325-1330.
- Effendi, U., Rahmayanti, R., Usman, R. F., & Mariati, M. R. (2021). CHARACTERISTICS OF CONSUMTIVE BEHAVIOR IN ONLINE SHOP: SHOPPING TRENDS DURING THE COVID-19 PANDEMIC. *Jurnal Sociohumaniora Kodepena (JSK)*, 2(1), 16-28.
- Sofia, J. A. (2020). Kajian Penerapan Etika Dokter pada Pemberian Pelayanan Kesehatan di Era Pandemi Covid-19. *Jurnal Hukum dan Pembangunan Ekonomi*, 9(1), 16- 25.
- Arifin, M. A., Amelia, A. R., & Ismaniar, L. (2019). Hukum dan Bioetik Dalam Perspektif Etika Dan Hukum Kesehatan. Deepublish.
- Herniwati, H., Siregar, R. A., Kusumaningrum, A. E., Muntasir, M., Kurniasari, L., Yustina, E. W., ... & Afdhal, A. (2020). ETIKA PROFESI & ASPEK HUKUM KESEHATAN. https://www.academia.edu/24104429/Makalah_Etika_dan_Moral?rhid=28172564434&wp=rr-rw-wc-9789492