

LEGAL PROTECTION FOR NURSES IN MEDICAL PRACTICE IN HOSPITALS

Andre Yulius, Muas Mubarak, Rommy Hardyansah, Didit Darmawan, Mohammad Yasif

Universitas Sunan Giri Surabaya

correspondence: dr.rommyhardyansah@gmail.com

Abstract - Nurses play a vital role in the healthcare system, responsible for direct care, monitoring patient conditions, and collaborating with other medical teams. However, in practice, nurses often face legal risks due to the medical actions they perform. This study aims to identify regulations governing the authority and responsibilities of nurses, as well as analyze the legal protection provided to them in carrying out their duties in hospitals. The research method used is literature study and juridical analysis. The study results show that although there are regulations governing the authority and responsibilities of nurses, there are still challenges in law enforcement and understanding of nurses' rights. To improve legal protection for nurses, efforts are needed to increase legal education, socialize regulations, and strengthen law enforcement.

Keywords: legal protection, nurse, medical action, hospital, nursing regulation, law enforcement, malpractice insurance.

INTRODUCTION

Nurses are health workers who have a vital role in the healthcare system in hospitals. They are the backbone of providing direct care to patients and help maintain their well-being while in the hospital. Nurses are responsible for monitoring patients' conditions, providing proper care, administering medications, maintaining hygiene, and providing emotional support to patients and their families. In addition, nurses also play an important role in collaborating with the rest of the medical team, such as doctors and therapists, to plan and execute the best possible care for the patient.

Nurses contribute to the medical team in many important ways. First, they are involved in patient care planning, including planning necessary medical actions and providing disease management education to patients and their families. In addition, nurses also serve as collaborators within the healthcare team, working with doctors, physiotherapists, dieticians, and others to identify the nursing services needed and discuss the form of care to be provided. Nurses also act as case managers, coordinating the activities of other health team members in providing care to patients. In addition, nurses also play a role in providing emotional support to patients and their families, as well as maintaining effective communication between members of the medical team. In carrying out their role, nurses must also have good communication skills with patients and their families, as well as ensuring patient hygiene and safety. With their various roles and contributions, nurses help ensure patients get the best and guaranteed care in the hospital (Juliarto et al., 2023). These duties and responsibilities must be in accordance with medical procedures, and perform certain medical actions in accordance with the competence and authority given.

In carrying out their duties, nurses must also adhere to high professional ethics and standards ((Fowler, 2015; Sorrell, 2017). Patient safety and health is a top priority for a nurse, and they work hard to ensure patients get the best and guaranteed care in the hospital (Tampil et al., 2023). However, in practice, nurses often face legal risks as a result of the medical actions they perform. Therefore, legal protection for nurses is an important issue to be studied further.

Nurses often face legal issues in nursing practice. In nursing practice, nurses must understand the legal restrictions that govern their duties and responsibilities. Legal implications related to nursing practice can be an ethical dilemma and often a legal issue. Nurses must also understand the rules and regulations that apply to nursing practice, such as licensing and organizing nurse practice. In addition, nurses may also face legal risks, such as malpractice claims or disputes related to nursing practice. Therefore, adequate legal protection for nurses is important to protect their rights and ensure safe and professional nursing practice (Huston, 2016).

Adequate legal protection for nurses is essential as they have a great responsibility in providing health care to patients. In carrying out their duties and responsibilities, nurses may face legal risks, such as malpractice claims or disputes related to nursing practice. With strong legal protection in place, nurses will feel safer and more protected when carrying out their duties (Westrick, 2016). In addition, good legal protection can also provide certainty and clarity regarding the limits and authority of nurses in performing medical actions in hospitals.

Legal cases involving nurses often arise as a result of misunderstandings regarding the limits of nurses' authority and competence, as well as a lack of public understanding of the role of nurses in health services. In addition, changes in health regulations and policies can also affect the legal status of nurses. This condition requires clarity and adequate legal protection for nurses to carry out their duties calmly and professionally. Thus, further study of legal protection for nurses can provide understanding and recommendations that can improve fairness and safety in nursing practice in hospitals.

This study has a clear objective, which is to identify regulations and rules governing the authority and responsibilities of nurses in performing medical actions in hospitals. In addition, this study also aims to analyze the legal protection provided to nurses in carrying out their duties and responsibilities. From the results of the analysis, recommendations will be made that aim to improve legal protection for nurses in performing medical actions in hospitals. This study is very important in helping to improve the understanding and legal protection for nurses, so that they can better and safely carry out their duties and responsibilities in hospitals.

RESEARCH METHODS

This study uses literature study and juridical analysis methods. The literature study was conducted by collecting and reviewing various sources such as laws, government regulations, books, journals, and articles relevant to the study topic. The juridical analysis was conducted by interpreting and analyzing the applicable legal provisions to identify existing legal protections and propose necessary recommendations. In the context of medical practice in hospitals, this juridical analysis is crucial to ensure that nurses have adequate legal protection in carrying out their duties. By conducting a comprehensive juridical analysis, the government and hospitals can identify existing legal protections and propose necessary recommendations to ensure that nurses have adequate legal guarantees in carrying out medical practices in hospitals.

RESULTS AND DISCUSSIONS

Regulations and Rules on the Authority and Responsibility of Nurses

Regulations and regulations regarding the authority and responsibilities of nurses are regulated in various laws and regulations. Based on Permenpan RB Number 35 of 2019, the functional position of nurse has the scope of duties, responsibilities, and authority to carry out nursing service activities in accordance with statutory regulations. Nurses, both civil servants and non-civil servants, are given full duties, responsibilities, authority, and rights by authorized officials to carry out nursing services.

The legal system supports nurses through various aspects. First, nurses are protected by laws that regulate nursing practice and provide guidelines on their duties, responsibilities, and authority. These laws also protect nurses from unwarranted or unfair lawsuits related to their nursing practice. In addition, nurses also receive legal protection regarding their rights as workers (Ball et al., 2017). They are protected by labor laws that govern wages, working hours, leave, and protection against discrimination or harassment in the workplace.

Furthermore, the legal system also provides protection for nurses in terms of confidentiality of patient information (Pozgar, 2019). Nurses have an obligation to maintain the confidentiality of patient medical information in accordance with health data privacy and security laws (Subiakso et al., 2023). In addition, in the event of disputes or legal issues related to nursing practice, nurses can seek assistance from nursing professional organizations and legal institutions that can provide legal advice and assistance. In Indonesia, the roles and responsibilities of nurses are regulated in various regulations and rules, including:

1. Law No. 38/2014 on Nursing: This law regulates nursing practice, authority, responsibility, and legal protection for nurses. Article 29 regulates the rights and obligations of nurses, including the right to legal protection in carrying out their duties.
2. Regulation of the Minister of Health of the Republic of Indonesia Number 1796/MENKES/PER/VIII/2011 on the Registration of Health Workers: This regulation regulates the registration and licensing of health workers, including nurses, as well as their authority in performing medical actions.
3. Government Regulation No. 47/2016 on Health Care Facilities: Regulates health service facilities, including hospitals, and the responsibilities of health workers in providing safe and quality medical services.

Nurses are also subject to professional regulations that govern their duties, responsibilities, and authority in nursing practice. These regulations may include standards of practice, codes of ethics, and education and certification requirements (Jonsen et al., 2015; Naegle, 2015).

In practice, nurses are assessed based on various aspects that include the provision of nursing care, ethical principles, standards of nursing care, roles in the hospital, health education, caring behavior, and accountability. The main role of nurses is as perpetrators of nursing care, which includes assessment, nursing diagnosis, planning of nursing interventions, implementation of nursing actions, and evaluation based on client responses to nursing actions that have been carried out (Milstead & Short, 2019).

The ethical principles that a nurse must possess include autonomy, accountability, and norms of behavior adopted in interacting with patients, families, and other health personnel. Nursing care standards are used to measure the quality of nursing performance and the effectiveness of organizational management. Nurses work according to existing standards, designing the need and number of personnel based on work volume, equity and distribution of patients in specialized

units, as well as educational standards for professional nurses as a requirement in order to enter and practice in professional nursing service settings (Matthews, 2012).

Nurses also have a role in caring for open wounds, administering direct medication, providing guidance to patients and their families, administering drugs according to prescriptions, educating patients about drug use, and providing health education to patients and their families.

In practice, nurses go through a process approach that includes assessment, nursing diagnosis, planning nursing interventions, implementing nursing actions, and evaluation based on the client's response to nursing actions that have been carried out. Nurses also have a role in providing nursing services, coordinating care for all aspects of the patient's health, assisting the communication and information process for patients and families, and providing health education to patients and their families.

Nurses also teach family members how to provide care, motivate families to take the lead and responsibility for making decisions about their health, and provide guidance for parents regarding parenting practices and preventing potential problems. Nurses' caring behaviors include a caring attitude, recognizing the patient's name, greeting the patient, monitoring the patient's feelings, paying attention to and assisting the patient's spiritual needs, and caring for the patient's personal hygiene.

Accountability is a definitive standard by which a professional's actions can be judged in situations that are unclear or without exception. Nurses need to be accountable for every action they take towards patients in a professional manner. Thus, the assessment of nurse performance covers various aspects including the provision of nursing care, ethical principles, nursing care standards, roles in the hospital, health education, caring behavior, and accountability.

Legal Protection for Nurses

Legal protection for nurses in Indonesia includes several aspects, namely:

1. Protection in Carrying Out Duties: Law No. 38/2014 guarantees legal protection for nurses in carrying out their duties and responsibilities. Nurses are entitled to protection from physical, psychological, and legal threats while practicing nursing in accordance with professional standards.
2. Protection from Lawsuits: In the event of disputes or lawsuits related to medical actions performed by nurses, they are entitled to legal assistance from professional organizations or agencies where they work.
3. Malpractice Insurance: Some hospitals provide malpractice insurance for nurses as a form of financial protection in case of malpractice cases.

Nurses are protected by professional regulations that govern their duties, responsibilities, and authority in nursing practice. These regulations provide clear guidelines for nurses in carrying out their duties. Nurses have an obligation to maintain the confidentiality of patients' medical information (Kholis et al., 2023). Health data privacy and security laws provide protection against misuse or unauthorized disclosure of patient information.

Nurses are also protected by labor laws in Law Number 13 Year 2003 on Manpower which regulates their rights as workers, including wages, working hours, leave, and protection against discrimination or harassment in the workplace. These protections are provided to ensure that nurses have the same rights as other workers and are protected from abuse or unfair treatment in the workplace.

Labor laws provide a clear framework for nurses' rights. For example, the law provides for fair and equal pay according to nurses' qualifications and experience. This provides protection so that nurses are not discriminated against in terms of the wages they receive.

In addition, the labor law also regulates reasonable working hours and the maximum limit of working hours for nurses. This aims to protect nurses from fatigue and ensure they have adequate rest periods to maintain the quality of nursing services.

In addition, the law also provides protection against discrimination or harassment in the workplace. Nurses have the right to work in a safe environment, free from discrimination based on gender, religion, race or other factors. They are also protected from harassment and have the right to report cases of such harassment.

Nurses have the right to work in a safe and healthy environment. Occupational health and safety laws provide protection for nurses in relation to the risks and hazards they may face in nursing practice (Guido, 2014).

These protections are important to create a fair, safe, and supportive work environment for nurses. By regulating nurses' rights in labor laws, the government seeks to ensure that nurses can work with dedication and provide quality nursing services without having to worry about violations of their rights (Octavianto et al., 2023).

Nurses are protected from unwarranted or unfair lawsuits related to their nursing practice. The regulations and rules governing nursing practice provide a strong legal basis to protect nurses from unwarranted claims. These protections aim to ensure that nurses can carry out their duties without fear of unwarranted lawsuits, so that their focus remains on quality healthcare for patients. Legislation governing nurses' rights and obligations in relation to the profession is intended to provide legal protection for the public and nurses. It also ensures that nurses are able to carry out their duties in accordance with their given authority, without any errors in the performance of their duties. Nurses need to understand the law to protect their clients' rights and themselves from problems. They should not be afraid of the law, but instead,

understand that the law is the basis for understanding the public's expectations of professional nursing service delivery. In nursing practice, an understanding of the legal implications can support nurses' critical thinking. Nurses need to understand the law to protect their clients' rights and themselves from problems (Mason et al., 2016). This legal protection also helps prevent unnecessary disputes and lawsuits between nurses and clients/patients. Thus, nurses can focus on quality nursing care without being burdened by unwarranted lawsuits.

Nurses are also protected from violence and harassment in the workplace. Laws and regulations governing protection against violence and harassment provide a legal basis to protect nurses from unsafe or inappropriate situations. These protections aim to ensure a safe work environment that is free from violence and harassment that could harm nurses physically, emotionally or psychologically. The laws and regulations contain provisions prohibiting violence and harassment in the workplace, including discriminatory actions, sexual harassment, intimidation, threats, or actions that make nurses feel threatened or uncomfortable. These regulations also provide strict orders and sanctions against perpetrators of violence or harassment. In addition, the regulation also encourages hospitals or health institutions to implement policies and procedures that support the protection of nurses. This includes training for nurses on how to deal with and report cases of violence or harassment, as well as a safe and confidential complaint mechanism.

With these laws and regulations in place, nurses have the right to work in a safe environment and avoid violence and harassment. If nurses experience violence or harassment in the workplace, they can report the case to the authorities and seek protection and justice in accordance with applicable laws. This is an important effort in ensuring the welfare and rights of nurses as dedicated health workers in providing services to the community.

Although there are regulations governing legal protection for nurses, there are several challenges that are still faced, including:

1. **Lack of Socialization and Understanding:** Many nurses do not fully understand their legal rights and protections. This is due to the lack of socialization and legal education for nurses.
2. **Weak Law Enforcement:** Legal cases involving nurses are often not handled properly by the authorities, so the expected legal protection is not optimally implemented.
3. **Differences in Regulatory Interpretation:** There are different interpretations of regulations governing the authority and responsibility of nurses, both at the hospital level and in court, which can lead to legal uncertainty.

To improve legal protection for nurses, several recommendations can be made, such as the need for legal education and training programs for nurses to improve their understanding of their rights and legal protection. The government and professional organizations need to conduct intensive socialization of regulations governing the authority and responsibilities of nurses, as well as the available legal protection.

There needs to be a commitment from the authorities to enforce the law fairly and transparently in handling cases involving nurses. This commitment is important so that law enforcement on cases involving nurses is carried out objectively and follows clear procedures. Authorities, such as the police, courts, and other law enforcement agencies, must have a commitment to treat all parties fairly and transparently in handling cases involving nurses. They must carry out their duties with integrity and professionalism, and prioritize justice and truth in every step of law enforcement.

In addition, it is also important to ensure that cases involving nurses are handled transparently. The legal process should be open to the public and involve active participation from all parties involved. This will provide confidence to the public that law enforcement on cases involving nurses is carried out with honesty and there is no abuse of power.

Commitment from the authorities also involves improving their capacity to understand issues related to nursing practice. With a good understanding of nursing and its context, authorities will be able to make appropriate and fair decisions in handling cases involving nurses. In protecting the rights and interests of nurses, authorities also need to provide support and protection to nurses involved in legal cases. They should ensure that nurses have access to adequate legal aid and can provide accompaniment throughout the legal process. With a commitment from the authorities to enforce the law in a fair and transparent manner, nurses will feel supported and protected in carrying out their duties. This will also strengthen the integrity and trust of the legal system in handling cases involving nurses.

The government and hospitals need to ensure that all nurses have malpractice insurance as a form of financial protection. Malpractice insurance is an important protection for nurses as it can protect them from financial risks arising from lawsuits related to nursing practice.

In carrying out their duties, nurses can face complex and sometimes unexpected situations (Taylor et al., 2019). Although nurses strive to provide the best nursing care possible, sometimes mistakes or unfortunate events may occur. In this case, malpractice insurance will provide financial protection for nurses, replacing legal fees and potential financial losses that could be incurred due to malpractice claims.

Governments and hospitals play an important role in ensuring that malpractice insurance is available and affordable for all nurses. They can work with insurance agencies or professional organizations to provide insurance programs that suit the needs of nurses (Tamaka et al., 2023). In addition, the government and hospitals can also provide the necessary information and resources to nurses to understand the benefits and importance of having malpractice insurance.

The existence of malpractice insurance not only provides financial protection for nurses, but also provides assurance to patients that there is a mechanism that can handle malpractice claims and provide fair compensation in the event of a failure in the provision of nursing care. This increases public confidence in the nursing profession and the healthcare system as a whole.

In order to ensure financial protection for nurses, the government and hospitals need to work together in advocating the importance of malpractice insurance, providing affordable programs, and ensuring easy accessibility for all nurses to obtain this coverage.

CONCLUSIONS

Legal protection for nurses who perform medical actions in hospitals is an important and complex issue. Although there are various regulations governing the authority and responsibilities of nurses, challenges in law enforcement and lack of understanding of nurses' rights are still obstacles in providing optimal protection. Therefore, efforts to improve legal education, socialize regulations, and strengthen law enforcement need to be carried out to ensure adequate legal protection for nurses.

Suggestions that can be submitted are that the government needs to increase socialization and legal education for nurses and ensure fair and transparent law enforcement. Professional nursing organizations need to be active in providing legal assistance and advocacy for their members who face legal problems. Hospitals need to provide malpractice insurance and legal training programs for nurses to improve legal protection.

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