



Legal Consequences for Health Workers who Exceed Authority in Medical Services

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ABSTRACT

This article examines the legal implications that healthcare professionals may encounter when they overstep their authorized scope in delivering medical services. Such occurrences are relatively common in Indonesia's healthcare system, where doctors, nurses, and other medical personnel often act beyond their prescribed authority. Various factors, including lack of awareness, insufficient training, and the pressure to complete tasks quickly, may contribute to these actions. The purpose of this paper is to analyze the legal repercussions for healthcare professionals who exceed their authority and to provide a deeper understanding of the regulations governing the professional authority of healthcare providers in Indonesia. It is hoped that this article will offer valuable insights and enhance healthcare professionals' understanding of the importance of adhering to legal guidelines in medical practice.

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INTRODUCTION

Healthcare professionals in Indonesia encompass a wide range of medical roles essential to maintaining and improving public health. These roles include doctors, nurses, midwives, pharmacists, physiotherapists, nutritionists, and other healthcare providers, each with unique skills and responsibilities. The diversity within these professions underscores the significance of interprofessional cooperation in delivering comprehensive and high-quality care. Each healthcare profession is governed by specific legal frameworks and professional codes of ethics, designed to ensure patient safety and effective care while also safeguarding patient rights and ensuring services meet medical needs (Buchan et al., 2019).

The authority of healthcare professionals is largely defined by their expertise and competence, which are regulated by various laws and relevant regulations. For instance, doctors are authorized to diagnose and treat patients based on their medical knowledge, while nurses are authorized to provide patient care according to clear medical instructions within their scope of practice. These regulations aim to prevent medical errors or malpractice that could harm patients and erode public trust in the healthcare system. Understanding each profession's authority is crucial to ensuring that medical actions are performed by qualified professionals in accordance with the law.

Beyond technical authority, healthcare professionals also bear ethical and moral responsibilities when making medical decisions. All medical actions should be performed thoughtfully, guided by legal, ethical, and medical standards. Exceeding one's authority in medical practice can lead to significant risks, both for

patient safety and for the healthcare professional, who may face legal consequences. Violating authority not only jeopardizes patient well-being but can also undermine the integrity of the medical profession as a whole (Okunade, 2018).

While regulations governing healthcare professionals' authority are clear, situations arise in which professionals exceed their authority, whether intentionally or unintentionally. Factors influencing such behavior vary widely, including lack of awareness about the boundaries of authority, pressure to provide quick and efficient care, or external requests from patients or third parties to perform actions outside the professional's legal scope. In some cases, healthcare professionals may feel compelled to act beyond their authority, particularly in emergencies or when they believe it is necessary to save a patient's life. Although these actions may stem from a desire to help, they can still violate legal regulations and lead to serious consequences (Thomas et al., 2023).

Exceeding professional authority can result in a range of legal consequences for healthcare professionals and harm patients who fall victim to actions beyond the professional's scope. These consequences may include criminal charges, civil lawsuits, or administrative sanctions. When actions are taken outside the bounds of authorized practice, patients may suffer physical or psychological harm, and healthcare professionals risk facing legal repercussions. For example, if a medical action causes injury, the healthcare professional may face criminal charges or a civil suit from the injured patient. Additionally, breaches of authority can lead to a decline in medical service quality and a loss of public trust in healthcare professionals and institutions.

It is also important to recognize that the effects of exceeding authority extend beyond the individual healthcare professional. Medical institutions, such as hospitals or clinics, can suffer significant consequences if a healthcare professional's actions cause harm to a patient. A case of authority violation may lead to diminished public trust in the institution, resulting in fewer patients seeking care, reduced revenue, and a damaged reputation. Consequently, medical institutions must ensure their staff understands and adheres to the legal boundaries of their authority, ensuring they fulfill their responsibilities professionally.

Healthcare professionals' authority in Indonesia is clearly outlined by several laws and regulations. For instance, Law No. 29 of 2004 on Medical Practice defines the authority of doctors, while Law No. 38 of 2014 on Nursing regulates the authority of nurses. Other medical professions, such as pharmacists, midwives, and physiotherapists, have their authority defined by relevant regulations for their specific fields. These rules are designed to protect patients and ensure that medical actions remain within the professional capabilities of the healthcare provider. It is essential for healthcare professionals to have a thorough understanding of their authority limits to act in accordance with these regulations (Adams & Markowitz, 2018).

Despite the existence of clear regulations, violations of authority still occur in some medical settings. The pressure to deliver fast, efficient care, staff shortages, and limited resources often push healthcare professionals to exceed their authority. In areas with a lack of specialist personnel, for example, a general practitioner may feel compelled to perform a procedure typically reserved for a specialist. Psychological and social factors, such as a strong desire to help patients or respond to an emergency situation, may also influence a healthcare professional's decision to act beyond their authority.

Healthcare professionals must recognize that while their intentions to help patients are valuable, they must operate within the boundaries of their legal and ethical authority. Taking medical actions beyond their scope can harm patients, the healthcare professional, and the medical institution. Thus, a solid understanding of professional authority and medical ethics is essential to avoiding mistakes that could lead to serious legal consequences.

In conclusion, it is increasingly clear that understanding and respecting the authority of healthcare professionals is crucial in medical practice. Ongoing education, strict supervision, and a focus on legal and ethical awareness among healthcare workers must continue to be emphasized. Such measures can reduce the risk of authority violations and ensure medical services are provided within the legal and professional framework. Additionally, medical institutions play a key role in ensuring their staff complies with applicable regulations. Through preventive efforts and heightened awareness, the quality of healthcare in Indonesia can improve, and public trust in the healthcare system can be preserved.

RESEARCH METHODOLOGY

This study employs a descriptive qualitative approach aimed at exploring the legal consequences for healthcare professionals who overstep their authority in providing medical services. A qualitative approach was selected because it allows for an in-depth exploration of legal issues by understanding the perspectives, experiences, and perceptions of various stakeholders, including healthcare professionals, legal experts, and administrators of medical institutions. The research focuses on analyzing the legal repercussions of authority violations and the factors influencing healthcare professionals to exceed their authority limits. Through this methodology, the researcher intends to offer a comprehensive overview of the various viewpoints within medical practice in Indonesia.

The research methods include a literature review and in-depth interviews. The literature review involves examining books, academic articles, journals, and relevant regulations, such as Law No. 29 of 2004 on Medical Practice and Law No. 38 of 2014 on Nursing, to understand the authority of healthcare professionals and the types of authority violations in medical practice. In-depth interviews are conducted with healthcare professionals (e.g., doctors, nurses, pharmacists), legal practitioners specializing in medical law, and hospital administrators or medical institution managers. These interviews aim to gather insights on authority violations, the legal consequences of such actions, and the challenges faced by healthcare professionals in adhering to their authority limits.

Informants are selected through purposive sampling, which involves choosing individuals based on specific criteria related to the research topic. These criteria include healthcare professionals with direct experience in medical service provision, legal experts involved in medical cases, and administrators responsible for policies overseeing healthcare professionals' authority. The sample size is expected to range from 10 to 15 informants, considering the variety of professions and experiences involved.

The data analysis method used is thematic analysis. After the interview data is collected, the researcher will transcribe the interviews and code the data to identify relevant themes. These themes will cover factors leading to authority violations, types of violations, and the legal consequences associated with such actions. Once the primary themes are identified, the researcher will interpret the data by comparing the interview findings with the literature review to draw broader conclusions. This process aims to develop a deeper understanding of the legal impacts of healthcare professionals' authority violations and the preventive measures that can be implemented.

To ensure the validity and reliability of the data, triangulation will be used, which involves gathering data from multiple sources to verify consistency. Additionally, the findings will be cross-checked with the informants to ensure the researcher's interpretation aligns with their views. Documentation of the entire research process (audit trail) will also be maintained to ensure transparency and reduce potential bias in data analysis.

There are several limitations to this study. First, because the research focuses on medical practices in Indonesia, the results may not be applicable to countries with different legal frameworks. Second, the limited number of informants may not fully represent the views of all healthcare professionals and legal practitioners in Indonesia. Despite these limitations, this study is expected to provide a more detailed understanding of the legal consequences faced by healthcare professionals who exceed their authority and offer recommendations for preventing such violations in medical practice.

RESULT AND DISCUSSION

This section delves into the legal consequences healthcare professionals face when they exceed their authority in medical practice. The discussion is structured around four key interconnected aspects: (1) the boundaries of healthcare professionals' authority, (2) common types of authority violations, (3) the legal repercussions of authority violations, and (4) preventive measures to mitigate the risk of authority violations. This analysis aims to provide a broader understanding of the importance of respecting the limits of authority in medical practice and the legal ramifications of violating those boundaries.

Boundaries of Healthcare Professionals' Authority in Medical Practice

The authority of healthcare professionals in Indonesia is carefully regulated through various laws and professional ethical codes. Each medical role, including doctors, nurses, midwives, pharmacists, and other healthcare workers, is assigned specific authority based on their education, training, and certification. This authority is designed to ensure that each medical action is carried out by a qualified individual within their field of expertise, preventing potential harm or malpractice.

For instance, a doctor's authority to perform medical procedures such as diagnosing, treating, and conducting certain medical procedures is governed by Law No. 29 of 2004 on Medical Practice. Conversely, nurses, who primarily focus on patient care and monitoring, operate under a different set of regulations outlined in Law No. 38 of 2014 on Nursing. It is critical for healthcare professionals to understand that their authority is defined by law and professional standards, and performing medical actions outside of these limits can lead to significant legal consequences (Parmet & Khalik, 2023).

Furthermore, external factors, such as the policies of medical institutions, can also influence healthcare professionals' authority. Hospitals and clinics often have specific protocols or procedures that require professionals to work in multidisciplinary teams, where responsibilities are clearly defined. Therefore, a clear understanding of their professional authority enables healthcare workers to function effectively without overstepping legal or ethical boundaries.

Common Types of Authority Violations in Medical Practice

Healthcare professionals may violate their authority in various ways, either intentionally or unintentionally. One common form of violation occurs when a healthcare provider performs medical actions that should only be carried out by a more qualified or certified professional. For example, if a nurse performs a procedure that is exclusively within a doctor's domain, such as prescribing medication or conducting a minor surgery, this is a violation of authority. Although these actions may be motivated by a desire to save a patient's life in an emergency, they still exceed the nurse's scope of practice and can lead to serious legal repercussions (ŞİMŞEK et al., 2020).

Authority violations also occur when healthcare professionals provide medical services outside their area of specialization. For instance, a general practitioner may treat a condition that is typically managed by a specialist. This is especially common in remote areas where there is a lack of specialized medical personnel, but it still constitutes a violation of the regulations governing professional authority.

Another form of authority violation is failing to obtain informed consent from the patient before proceeding with medical actions. Although healthcare professionals have the authority to perform certain procedures, they must ensure that patients fully understand the procedure, its risks, and any alternatives before consenting to treatment. Failure to obtain proper consent is considered a violation of both the patient's rights and the healthcare provider's professional authority.

Legal Consequences of Authority Violations

Exceeding authority can lead to various legal consequences, including criminal, civil, and administrative penalties, all of which can have serious implications for the patient, the healthcare professional, and the medical institution involved (D et al., 2024).

Criminal Charges: In cases where authority violations result in significant harm to a patient, healthcare professionals may face criminal charges. For example, if a medical action that exceeds a healthcare professional's authority leads to physical injury or death, the professional may face criminal charges related to malpractice or negligence. Depending on the severity of the violation, it could even be classified as criminal negligence or assault.

Civil Lawsuits: Beyond criminal charges, patients or their families may file civil lawsuits if they believe their rights were violated or if they suffered harm as a result of unauthorized actions. For instance, if a nurse performs a medical procedure without the proper authority, the patient can seek compensation for any harm caused by the unauthorized action.

Administrative Sanctions: Violations of professional authority can also lead to administrative actions by the healthcare professional's regulatory body or the medical institution they work for. These sanctions may include suspension or revocation of the healthcare professional's license, termination of employment, or formal warnings. Professional organizations, such as the Indonesian Medical Association (IDI) or the Indonesian National Nurses Association (PPNI), have the authority to enforce sanctions against their members for breaches of professional ethics and regulations.

Preventive Measures to Reduce the Risk of Authority Violations

To minimize the risk of authority violations, several preventive measures can be implemented to ensure medical services are provided within established guidelines and avoid legal repercussions (Chikhaoui et al., 2022).

Ongoing Education and Training: Continuous education and training are essential for healthcare professionals to understand their authority limits. Training should cover not only medical and technical skills but also the legal and ethical boundaries of their profession. With proper training, healthcare professionals will be more mindful of their responsibilities and the potential consequences of exceeding their authority.

Strict Supervision: Medical institutions should implement robust systems of supervision to ensure that medical practices align with established guidelines. This supervision helps ensure that only qualified professionals carry out specific medical actions, preventing unauthorized procedures and minimizing the risk of violations.

Increasing Legal Awareness: Healthcare professionals must be educated on the legal aspects of medical practice, particularly the regulations governing their authority and professional ethics. A clear understanding of the legal consequences of authority violations will help professionals remain cautious in their practice.

Effective Communication: Open and transparent communication is key to preventing authority violations. Healthcare professionals should communicate clearly with both patients and colleagues, ensuring that every medical action is consented to by the patient and is within the authorized scope of practice. Effective communication also promotes collaboration within multidisciplinary teams to avoid role confusion and boundary violations.

By implementing these measures, healthcare institutions can reduce the likelihood of authority violations and ensure that medical services are provided in a manner that upholds legal and ethical standards, ultimately benefiting both patients and healthcare professionals.

CONCLUSION

Exceeding authority by healthcare professionals can lead to severe legal and professional repercussions. Each healthcare professional, including doctors, nurses, midwives, and others, operates within defined boundaries of authority set by laws and professional codes of ethics. Violating these boundaries, whether intentionally or unintentionally, can result in legal consequences that negatively impact both the professional and the patient. Thus, understanding the scope of one's authority is crucial to prevent such violations.

Authority violations can take many forms, from healthcare professionals performing tasks outside their expertise to failing to adhere to required patient care procedures. The legal consequences of such violations may include criminal charges, civil lawsuits, and administrative sanctions imposed by medical institutions or regulatory bodies. In addition to harming the patient, these violations can damage the healthcare professional's reputation and undermine the quality of healthcare services. Consequently, it is essential for healthcare professionals to consistently operate within the limits of their authority and fully comprehend their rights and responsibilities.

To reduce the likelihood of authority violations, several preventive strategies should be put in place. These include ongoing education regarding professional authority, enhanced supervision within healthcare institutions, and raising legal awareness among healthcare providers. Effective communication between healthcare professionals and patients is also critical to ensure informed consent for all medical actions taken in compliance with the law. By implementing these measures, it is hoped that authority violations can be minimized, ensuring the delivery of safe, effective, and legally compliant medical services.

REFERENCES

- Adams, E. K., & Markowitz, S. (2018). Improving Efficiency in the Health-Care System: Removing Anticompetitive Barriers for Advanced Practice Registered Nurses and Physician Assistants. The Hamilton Project, June. https://www.brookings.edu/wp-content/uploads/2018/06/ES_THP_20180611_AdamsandMarkowitz.pdf
- Buchan, J., Campbell, J., Dhillon, I., & Charlesworth, A. (2019). Labour market change and the international mobility of health workers. Health Foundation Working Paper, 5.
- Chikhaoui, E., Alajmi, A., & Larabi-Marie-sainte, S. (2022). Artificial Intelligence Applications in Healthcare Sector: Ethical and Legal Challenges. *Emerging Science Journal*, 6(4), 717–738. <https://doi.org/10.28991/ESJ-2022-06-04-05>
- D, E. A. P., D, H. I. P., & D, I. U. P. (2024). Leveraging the Capacity Building of Healthcare Workforce and National Health Leveraging the Capacity Building of Healthcare Workforce and National Health Insurance Authority : Pathways to the Achievement of Universal Health Coverage in Nigeria. November.
- Okunade, K. (2018). Profiles of Sugar Fermenting Bacteria of the Oral Cavity among Children with Dental Caries Attending Stomatology Services at Ruhengeri Referral Hospital in Musanze District, Northern Rwanda. January, 19–26. <https://doi.org/10.4103/npmj.npmj>
- Parinet, W. E., & Khalik, F. (2023). Judicial Review of Public Health Powers Since the Start of the COVID-19 Pandemic: Trends and Implications. *American Journal of Public Health*, 113(3), 280–287. <https://doi.org/10.2105/AJPH.2022.307181>
- ŞİMŞEK, P., ÇAKIR, G., ERTÜRK YAVUZ, M., SERPİCİ, A., BULUT, E., & GÜRSOY, A. (2020). Which Procedures Do Emergency Nurses Do Except for Their Duties and Authority and Why? *Ordu Üniversitesi Hemşirelik Çalışmaları Dergisi*, 3(2), 72–82. <https://doi.org/10.38108/ouhcd.763053>
- Thomas, R., Pesut, B., Puurveen, G., Thorne, S., Tishelman, C., & Leimbiger, B. (2023). Medical Assistance in Dying: A Review of Canadian Health Authority Policy Documents. *Global Qualitative Nursing Research*, 10. <https://doi.org/10.1177/23333936231167309>