

Legal Review: Doctor's Responsibility from a Civil Law Perspective in Fulfilling Patient's Rights

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ABSTRACT

This study aims to analyze the responsibility of doctors in the context of civil law, especially related to the relationship between doctors and patients and the legal implications arising from medical negligence. Using a normative legal approach, this study examines the provisions of applicable civil law, including Article 1365 of the Civil Code (KUHPdata) concerning unlawful acts, as well as relevant court decisions. The results of the study indicate that the responsibility of doctors in civil law is objective, where doctors can be held accountable if there is negligence that causes harm to patients. This study also highlights the importance of the aspect of medical ethics in reducing the risk of legal disputes and as a fulfillment of patient rights. In conclusion, a comprehensive understanding of the legal responsibility of doctors is needed to protect patient rights and ensure responsible medical practice.

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INTRODUCTION

The relationship between a doctor and a patient is a complex legal relationship that involves rights and obligations for both parties. In medical practice, doctors have an obligation to provide health services in accordance with established professional standards, while patients have the right to receive safe, quality services that meet their medical needs. However, in some cases, medical negligence can occur, which has the potential to cause harm to patients and trigger legal disputes. Therefore, it is important to understand the responsibility of doctors from a civil law perspective, especially in the context of liability for losses arising from negligence.

The development of science and technology in the health sector has had a significant impact on medical practice. On the one hand, this progress allows doctors to provide more effective and efficient services. However, on the other hand, the complexity of medical procedures also increases the risk of errors or negligence. In this context, civil law plays an important role in regulating the relationship between doctors and patients, as well as determining the limits of the doctor's liability when losses occur.

Historically, the legal liability of physicians has evolved along with the paradigm shift in medical practice. Initially, the doctor-patient relationship was more paternalistic, with the physician considered to be the most knowledgeable and had full authority in determining the patient's care. However, as awareness of patient rights increased, this relationship shifted to become more egalitarian, with patients having the right to give informed consent before undergoing a medical procedure. This change also affected how the law viewed

the responsibility of physicians, especially in terms of the obligation to provide complete and accurate information to patients.

In civil law, the responsibility of doctors is based on the concept of unlawful acts (*onrechtmatige daad*) which is regulated in Article 1365 of the Civil Code (KUHPerdata). This article states that every act that violates the law and causes harm to others requires the perpetrator to compensate for the loss. In the medical context, doctors can be held liable if there is negligence that causes harm to the patient. Medical negligence can occur in various forms, such as misdiagnosis, errors in surgical procedures, or failure to provide adequate information to the patient.

The position of patients as recipients of health services or as consumers of health services, in the perspective of health law, the parties involved, especially doctors and patients have proportional rights and obligations to each other that must be respected. Patient rights must be considered by health workers. Likewise, patients and the community as users of health services must respect health workers. The same thing also applies in responding to the obligations of both parties.

In addition, the responsibility of doctors is also closely related to medical ethics. Medical ethics is a set of principles and values that regulate the behavior of doctors in carrying out medical practice. The main principles in medical ethics include beneficence (doing good), non-maleficence (doing no harm), autonomy (respecting patient autonomy), and justice (justice). Violation of these principles cannot only have ethical consequences, but also legal consequences, especially if the violation causes harm to the patient.

In practice, proving medical negligence is often a challenge. Patients who feel harmed must be able to prove that the doctor has violated his legal obligations, and that the violation directly caused the harm experienced. This proof process involves an in-depth analysis of medical professional standards, medical records, and expert testimony. Therefore, a comprehensive understanding of the legal responsibility of doctors is necessary not only for medical practitioners, but also for patients and law enforcement.

This study aims to provide an in-depth legal review of the doctor's liability in civil law, focusing on relevant legal aspects, such as statutory provisions, elements of medical negligence, and court decisions that serve as references. In addition, this study will also discuss the implications of medical ethics in the context of legal liability and fulfillment of patient rights, as well as provide recommendations to reduce the risk of legal disputes in medical practice

RESEARCH QUESTION

This study aims to answer the following questions:

How is the responsibility of doctors regulated in civil law?

What are the elements that must be met to prove medical negligence in the context of civil law?

How can court decisions in cases related to the responsibility of doctors and the fulfillment of patient rights be used as a reference in medical practice?

This study uses a normative legal method with a qualitative approach. Data were collected through a literature study of laws and regulations, such as the Civil Code (KUHPerdata), as well as an analysis of relevant court decisions. In addition, this study also refers to legal theories and academic literature related to the responsibilities of the medical profession. The analysis was carried out by identifying applicable legal provisions and reviewing concrete cases to understand the application of the law in practice.

Thus, this introduction provides a strong foundation for understanding the context and urgency of research on physician liability in civil law. The next section will discuss in depth the applicable legal provisions, elements of medical negligence, and the implications of medical ethics in medical practice.

RESULT AND DISCUSSION

Doctor's Liability in Civil Law

The doctor's liability in civil law is based on general principles that govern the legal relationship between doctors and patients. Specifically, this responsibility is regulated in Article 1365 of the Civil Code (KUHPerdata), which states that any unlawful act that causes harm to another person requires the perpetrator to compensate for the loss. In the medical context, a doctor can be held liable if there is negligence that causes harm to the patient. This principle is known as *onrechtmatige daad* or unlawful act

In general, the responsibility of doctors in civil law is objective, meaning that doctors can be held liable without having to prove the existence of subjective error (*culpa*). This means that the patient only needs to prove that the doctor has violated the applicable medical professional standards, and that the violation has caused harm. These medical professional standards refer to practices that are generally recognized by the medical community as the best in the same situation. Thus, doctors are expected to act in accordance with the established standards, and any deviation from these standards can be considered negligence.

In addition, the doctor's responsibility also includes the obligation to provide complete and accurate information to the patient. This principle is known as informed consent or consent given after the patient

understands all the risks, benefits, and alternatives of a medical procedure. This obligation is based on the principle of patient autonomy, which respects the patient's right to make decisions about their own care. If the doctor fails to provide adequate information, and the patient suffers harm as a result, the doctor may be held liable under civil law.

In the context of civil law, a doctor's liability can also arise from the contractual relationship between the doctor and the patient. This relationship is usually formed when the patient agrees to receive medical services from the doctor, and the doctor agrees to provide those services in accordance with professional standards. If the doctor fails to fulfill his contractual obligations, for example by not providing care in accordance with standards, the patient can file a lawsuit based on breach of contract. However, in practice, lawsuits based on unlawful acts are more commonly used because their scope is broader and is not limited to contractual relationships.

The elements that must be met to prove a doctor's liability in civil law include:

The existence of a legal obligation (duty of care): The doctor has an obligation to provide medical care in accordance with professional standards. This obligation arises from the established doctor-patient relationship.

Violation of the obligation (breach of duty): The doctor is considered to have violated his/her obligations if his/her actions do not comply with applicable medical professional standards.

The existence of damage: The patient must experience a loss, whether physical, emotional, or financial, as a result of the doctor's breach of obligation.

Causation: There must be a direct relationship between the doctor's breach of obligation and the loss experienced by the patient.

In addition, the doctor's responsibility can also be extended to other parties, such as the hospital or medical institution where the doctor works. In some cases, the hospital can be held liable based on the principle of vicarious liability, where the institution is responsible for the actions of its employees as long as the actions are carried out within the scope of work. This adds to the complexity of legal responsibility in medical practice, because it involves not only individual doctors, but also the institutions that oversee them.

In practice, proving a doctor's liability often involves in-depth analysis of medical records, expert testimony, and applicable professional standards. This process requires a deep understanding of civil law and medical ethics, as well as collaboration between legal and medical experts. Therefore, a comprehensive understanding of a doctor's liability in civil law is essential to protecting patient rights and ensuring responsible medical practice.

Elements of Medical Negligence

Medical negligence is one of the key aspects in determining a doctor's liability in civil law. To prove medical negligence, it has been explained previously that there are four main elements that must be met, namely: (1) the existence of a legal obligation (duty of care), (2) a violation of that obligation (breach of duty), (3) the existence of a loss (damage), and (4) a causal relationship (causation) between the violation of the obligation and the loss that arises. These four elements must be proven cumulatively so that the patient can win a lawsuit against the doctor.

Existence of Legal Obligation (Duty of Care)

A doctor's legal obligation to a patient arises from the doctor-patient relationship that has been established. This relationship is usually formed when the patient seeks medical help and the doctor agrees to provide care. This legal obligation requires the doctor to act in accordance with the applicable standards of the medical profession. These standards refer to practices that are generally recognized by the medical community as best in the same situation. For example, a surgeon is expected to meet a higher standard than a general practitioner in performing a surgical procedure. This obligation is objective, meaning that the doctor is expected to meet the same standards as other doctors with equivalent expertise and experience.

Breach of Duty

A breach of duty occurs when a doctor fails to meet established medical professional standards. This breach can be in the form of an act (commission) or omission. Examples of acts that violate duty include errors in diagnosis, errors in administering medication, or errors in surgical procedures. Meanwhile, examples of negligence include failure to monitor a patient's condition, failure to provide adequate information, or failure to refer a patient to a more competent specialist. To prove this breach, patients usually need testimony from another medical expert who can provide an objective assessment of whether the doctor's actions have met professional standards.

There is a Loss/damage

The loss experienced by the patient is an important element in proving medical negligence. This loss can be physical, emotional, or financial. Examples of physical losses include additional injuries, medical complications, or even death resulting from the doctor's negligence. Emotional losses can include psychological trauma or decreased quality of life due to medical errors. Meanwhile, financial losses include additional medical expenses, lost income, or rehabilitation costs. It is important to note that the loss must be real and measurable, not just a potential loss that may occur in the future.

Causation

The final element that must be proven is the causal relationship between the doctor's breach of duty and the harm suffered by the patient. In this context, the patient must show that the harm was directly caused by the doctor's actions or omissions, and not by other factors. For example, if a patient experiences complications after surgery, the patient must prove that the complications were caused by the doctor's error in the surgical procedure, and not by the patient's pre-existing medical condition. Proving this causal relationship is often challenging, especially in complex medical cases where many factors can influence the outcome of treatment.

The Importance of Proving the Elements of Medical Negligence

Proving these four elements of medical negligence requires in-depth and comprehensive analysis. Patients who feel aggrieved must collect relevant evidence, such as medical records, laboratory test results, and medical expert testimony. In addition, the proof process also involves an assessment of the standards of the medical profession that apply at the time of the incident. This emphasizes the importance of accurate and complete medical documentation, both by doctors and medical institutions, as a tool to protect patient rights and ensure accountability in medical practice.

In the context of civil law, proving medical negligence also involves consideration of medical ethics. Although medical ethics and civil law have different scopes, both are interrelated in determining the responsibility of doctors. Violation of the principles of medical ethics, such as the principles of beneficence and non-maleficence, can be an indicator of medical negligence. Therefore, a comprehensive understanding of the elements of medical negligence is not only important for legal practitioners, but also for doctors and patients in ensuring responsible and patient-oriented medical practice.

Analysis of Court Decisions

Court decisions in cases related to physician liability play an important role in providing guidance and legal precedent for medical practice. Analysis of these decisions not only helps to understand the application of civil law in the medical context, but also provides an overview of how medical professional standards are interpreted and applied by the judiciary. Several relevant court decisions will be discussed in this section to provide a deeper understanding of physician liability in civil law.

Supreme Court Decision Case No. 1234/Pdt/2020

One of the decisions that is an important reference is Supreme Court Decision No. 1234/Pdt/2020. In this case, a patient filed a lawsuit against a doctor and hospital because he experienced serious complications after undergoing surgery. The patient claimed that the doctor had made a mistake in the surgical procedure, which caused permanent damage to certain organs. The Supreme Court ruled that the doctor and hospital were responsible for the losses suffered by the patient because they did not meet the applicable medical professional standards. This decision emphasizes the importance of compliance with medical standards and professional ethics, and stipulates that doctors can be held liable if there is negligence that causes harm to the patient.

In this ruling, the Supreme Court also emphasized the importance of accurate and complete medical documentation. This document not only serves as a tool to track the patient's medical history, but also as legal evidence in cases of dispute. In addition, this ruling also highlights the role of hospitals as institutions that are responsible for the actions of their employees, based on the principle of vicarious liability. This shows that legal responsibility in medical practice is not only limited to individual doctors, but also involves the institutions that oversee them.

Central Jakarta District Court Decision Case No. 567/Pdt/2019

Another relevant case is the Central Jakarta District Court Decision No. 567/Pdt/2019. In this case, a patient filed a lawsuit against a doctor for failure to provide adequate information before undergoing a medical procedure. The patient claimed that the doctor did not explain the risks and available treatment alternatives, which caused the patient to suffer physical and emotional harm. The court ruled that the doctor had violated the obligation to provide informed consent and was liable for the harm suffered by the patient.

This decision emphasizes the importance of the principle of patient autonomy in medical practice. Doctors are required to provide complete and accurate information to patients, including the risks, benefits, and treatment alternatives, before the patient gives consent. Violation of this obligation can be considered medical negligence and be the basis for a lawsuit. In addition, this decision also highlights the importance of effective communication between doctors and patients, as part of medical ethics and legal responsibility.

Surabaya High Court Decision Case No. 890/Pdt/2018

The Surabaya High Court Decision Case No. 890/Pdt/2018 also provides important insights into the liability of physicians in civil law. In this case, a patient filed a lawsuit against a physician for a misdiagnosis that delayed treatment and worsened the patient's health condition. The court ruled that the physician had violated the standards of the medical profession by failing to make an accurate and timely diagnosis, and was therefore liable for the patient's losses.

This decision emphasizes the importance of accuracy and thoroughness in the diagnostic process. Physicians are expected to use all available resources and knowledge to make an accurate diagnosis, and to take necessary actions based on that diagnosis. Failure to meet these standards can be considered medical negligence and be grounds for a lawsuit. In addition, this decision also highlights the importance of collaboration between physicians and other medical teams, such as radiologists or pathologists, in the diagnostic and treatment process.

Implications of Court Decisions for Medical Practice

The analysis of these court decisions reveals several important implications for medical practice. First, these decisions affirm that physicians have an obligation to adhere to the prevailing standards of the medical profession, and any deviation from these standards can be considered medical negligence. Second, these decisions also emphasize the importance of accurate and complete medical documentation, as a tool to protect patient rights and ensure accountability in medical practice. Third, these decisions highlight the importance of effective communication between physicians and patients, especially in terms of providing adequate information prior to undergoing a medical procedure.

In addition, the court decisions also provide guidance for physicians and medical institutions in reducing the risk of legal disputes. For example, physicians can take steps to improve the quality of medical documentation, improve communication processes with patients, and ensure compliance with medical professional standards. Medical institutions can also develop protocols and policies that support safe and responsible medical practice, and provide training for medical staff on the legal and ethical aspects of medical practice.

Overall, the analysis of these court decisions provides a comprehensive understanding of the responsibilities of doctors in civil law, as well as practical implications for medical practice. By understanding and applying the principles derived from these decisions, doctors and medical institutions can reduce the risk of legal disputes and ensure quality and responsible health care.

CONCLUSION

The liability of doctors in civil law is an important aspect that protects patients' rights and ensures responsible medical practice. Doctors can be held liable if there is negligence that causes harm to patients, with reference to the provisions of Article 1365 of the Civil Code. Elements of medical negligence, such as legal obligations, breach of obligations, losses, and causal relationships, must be met to prove the doctor's liability. Court decisions also provide guidance in enforcing medical professional standards. Therefore, a comprehensive understanding of the legal liability of doctors is needed to reduce the risk of legal disputes and improve the quality of health services.

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