

Rejection of Medical Treatment By Patients In The Perspective of Legal Responsibility

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KEYWORDS

health law,
medical action
denial, legal
liability, medical
personnel

ABSTRACT

This study examines the legal implications of patients refusing medical treatment in Indonesia, specifically addressing the responsibilities of medical personnel when such refusals result in harm or death. The research utilizes a normative juridical method with a statute approach, conceptual analysis, and case studies to explore the legal consequences under the Health Law No. 17 of 2023. The findings reveal that while patients have the right to refuse medical treatment, this decision carries legal risks, especially when it leads to adverse outcomes. Medical personnel are protected from liability as long as they provide complete information about the risks and document the refusal, but the legal responsibility shifts to the patient or their family once informed consent is obtained. The study underscores the importance of written documentation to safeguard both patients' rights and healthcare providers' legal protections. It also highlights the complexities in cases of medical malpractice and the potential for legal disputes when patients' refusals result in death or injury. This research contributes to the understanding of how Indonesian health law navigates the tension between patient autonomy and medical responsibility, providing valuable insights for both legal professionals and healthcare providers. The study advocates for better public education on patients' rights and the importance of informed decision-making in medical settings.

INTRODUCTION

Health is a fundamental human right and is one of the pillars in realizing welfare as mandated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This right to health is realized through various regulations, one of which is Law Number 17 of 2023 concerning Health (hereinafter abbreviated as the health law), which integrates 11 (eleven) laws related to health to strengthen the health service system in Indonesia (Ni Nyoman Ayu Ratih Pradnyani, 2020).

Health services include various medical actions provided by medical personnel to patients, with the aim of improving the health status of individuals and society. These medical measures are not only curative, but also promotive, preventive, rehabilitative, and palliative (vide Article 1 number 3). However, in practice, there are cases where patients refuse medical procedures that can have a fatal impact, including causing death. This phenomenon raises questions about the aspect of legal responsibility of medical personnel when there is a loss or even death due to the refusal (Novriansyah et al., 2021).

Refusal to medical treatment by patients can occur for various reasons, both personal, social, and religious. Some patients may refuse due to a lack of understanding of the importance of medical procedures, distrust of medical personnel, financial reasons, or personal beliefs

related to cultural and religious values (Aprilyansyah, 2020). In the legal context, this is complicated because on the one hand patients have the right to determine the treatment they receive, but on the other hand medical personnel have the obligation to provide care that is in accordance with medical standards (Ujiyanto & Wijaya, 2020).

In the positive legal framework in Indonesia, the principle of patient autonomy is recognized as part of human rights. The patient has the right to give consent or refuse the medical treatment to be performed against him. This is affirmed in Law Number 17 of 2023 concerning Health, which regulates the rights of patients in detail, including the right to receive clear information about their health condition and the right to make decisions regarding the medical care received (Irawati, 2024; Naibaho et al., 2024; Prabowo, 2023).

However, refusal to seek medical treatment can have legal implications, especially if the decision leads to loss or even death of the patient. The case of alleged malpractice at Bhayangkara Hospital Makassar in 2024 is a clear example of how refusal of medical treatment can lead to complex legal consequences (Saraswati, 2021). In this case, a patient with the initials NF refused to continue postoperative medical control, which then led to a critical condition and eventually death. The patient's family then sued the hospital and medical personnel, alleging negligence in medical treatment (Ardiansyah & Ardiana, 2023).

In October 2024, an AB patient who has indications of uterine cancer visits an obstetrician and after diagnosis and prognosis must have a hysterectomy and after that the patient does not control the patient's health at the doctor who treated him for more than 6 months. The patient then checked up on his surgery in Malaysia and the doctor in Malaysia gave an opinion that an action had been taken that should not have been taken. Based on the opinion of a doctor in Malaysia, the patient then reported the doctor in Indonesia who performed the surgery to the Indonesian Police (Realita et al., 2016).

Cases like this raise an important question: What is the legal liability when a patient refuses a doctor's medical treatment that subsequently causes his or her loss or death? What if one of the family members sues the patient's loss or death at the doctor and hospital?

In addition, this phenomenon also highlights the importance of educating the public about their rights and obligations in health services (Rondonuwu, 2018). A lack of understanding of the importance of medical action and the legal consequences of refusal can exacerbate the situation, both for patients and medical personnel. Therefore, there needs to be a joint effort from the government, medical personnel, and educational institutions to improve legal and health literacy in the community (SP, 2023).

This study aims to examine the legal responsibility of medical personnel in the context of refusal of medical treatment by patients that cause loss or death, and explore the legal implications if the patient or the patient's family sues the medical personnel or the relevant hospital. By analyzing laws and regulations, legal doctrines, and case studies, this research is expected to contribute to the development of health law in Indonesia, especially related to legal protection for medical personnel and patient rights.

Previous studies have discussed the intersection of legal responsibility and medical treatment refusal. For instance, Novriansyah et al. (2021) highlighted the legal implications of medical malpractice when a patient refuses treatment, underscoring the complexity of establishing medical negligence in such cases. Additionally, Irawati (2024) explored the legal protections for patients in urgent medical situations, analyzing how health law balances patient autonomy with medical duty. These studies have established foundational principles, but this research seeks to expand the understanding of legal liability in situations where refusal of medical treatment leads to harm or death.

The issue of patients refusing medical treatment is increasingly prevalent, especially as patients become more informed about their rights and the autonomy they have over their health decisions. In Indonesia, with the introduction of the Health Law No. 17 of 2023, the legal

framework around patient autonomy has evolved, recognizing patients' rights to refuse medical treatment. However, this right becomes complicated when refusal leads to harm or death. The urgency of this research lies in clarifying the legal responsibilities of medical professionals in these cases, which will help prevent legal disputes and ensure that patients' rights are respected while protecting healthcare providers from unwarranted legal consequences.

While previous research has addressed the legal aspects of medical treatment refusal, few studies have specifically examined the implications of such refusals when they lead to serious consequences, such as patient death. Moreover, there is a gap in understanding how the refusal of medical treatment intersects with issues of medical malpractice and hospital liability. Existing literature primarily focuses on patient rights or the general concept of informed consent but lacks a detailed exploration of the legal responsibilities of medical personnel in cases where the patient's refusal results in a legal dispute, injury, or death. This study aims to fill that gap by analyzing real-life case studies and relevant legal provisions.

The novelty of this study lies in its focused examination of the legal liability of medical personnel in the case of patient refusal of medical treatment, especially when such refusals lead to adverse outcomes like death. This research combines legal analysis with case studies to offer a detailed exploration of the legal consequences for medical professionals, hospitals, and patients. It also introduces an in-depth examination of the written documentation requirement for refusal, highlighting its critical role in protecting both patients' and healthcare providers' legal interests. The study's unique contribution is its application to contemporary legal dilemmas in Indonesia's evolving healthcare law.

The purpose of this research is to analyze the legal responsibilities of medical personnel when a patient refuses treatment that results in harm, focusing on the rights of patients and the duties of medical professionals. This study aims to offer clarity on how the legal framework addresses these situations and provide guidance to healthcare practitioners on how to mitigate legal risks. The benefits of this research include enhancing legal literacy among healthcare providers, improving patient care protocols, and offering a basis for legal reforms in health law. Ultimately, the study seeks to balance patient autonomy with the professional obligations of medical practitioners, ensuring both legal protection and ethical medical practice.

RESEARCH METHOD

This study uses a normative juridical method with a statute approach, conceptual approach, and case approach. The Statute Approach is carried out by analyzing relevant laws and regulations, such as the 1945 Constitution of the Republic of Indonesia, Law Number 17 of 2023 concerning Health, and other regulations that regulate the rights and obligations of patients and medical personnel.

The Conceptual Approach is used to understand legal concepts related to the legal responsibility of medical personnel, the right to health, and the principles of medical ethics in the context of refusal of medical treatment.

The Case Approach was carried out by analyzing relevant cases, including a case study of alleged malpractice at Bhayangkara Makassar Hospital in 2024, to understand how the law is applied in real situations.

The data used in this study are secondary data obtained from literature studies, legal documents, court decisions, and relevant journal articles. Data analysis is carried out qualitatively to produce an in-depth description of the problem being studied.

RESULTS AND DISCUSSION

Refusal of Medical Procedures

Refusal of medical treatment, also known as informed refusal, is an inherent right of the patient after obtaining adequate information from medical personnel. This concept emphasizes that patients have the right to refuse a medical procedure after receiving an explanation of the benefits, risks, and alternatives to the procedure. According to J. Guwandi, informed refusal is the patient's refusal to take medical action that has been previously explained by the doctor (Guwandi, 2006). This right is part of human rights in the health sector and has been regulated in various laws and regulations in Indonesia.

Article 4 paragraph (1) letter h of Law Number 17 of 2023 concerning Health states that everyone has the right to accept or refuse part or all of the medical treatment after fully understanding the information provided, and states that the patient has the right to approve or refuse medical treatment, except in the case of prevention of infectious diseases and the management of Extraordinary Events (KLB) or outbreaks.

In addition, the obligation of hospitals to respect and protect the rights of patients is also affirmed in Article 833 letter m PP No. 28 of 2024. The right to refuse medical treatment is part of the right to health care and the right of self-determination. Jusuf Hanafiah and Amri Amir, *Medical Ethics and Health Law*, 3rd ed. (Jakarta: EGC Medical Book Publisher, 1999), p. 72. Thus, patients have the right to determine for themselves the medical treatment they will receive, including refusing medical treatment after receiving sufficient information from health professionals.

Although patients have the right to refuse medical treatment, there are exceptions in certain conditions. Patients suffering from infectious diseases cannot use this right, because medical measures in such cases are part of efforts to prevent the spread of the disease to the wider community. In addition, for patients who are unconscious or have severe mental disorders, the right to refuse medical treatment can be transferred to the patient's family or guardian, as stated by Amri Amir.

In the Indonesian legal system, there is no specific provision regarding the age limit for patients who can independently refuse medical treatment. Najab Khan stated that the age limit can refer to the general provisions regarding maturity regulated in other laws and regulations. (Herisasono & Herawati, 2023) Therefore, in practice, patients who are minors or are not considered legally competent can be accompanied by parents or guardians in giving consent or refusing medical treatment.

According to Guwandi, informed refusal must be stated in writing and cannot be implied refusal. This aims to ensure that there is valid evidence in the event of a legal dispute in the future. The procedures that must be passed in the refusal of medical measures are as follows:

1. Doctors are required to provide complete information to patients or families regarding the medical action to be performed.
2. After obtaining this information, the patient can express his or her refusal.
3. The doctor must explain the consequences and risks that the patient will bear if he refuses medical treatment.
4. If the patient still refuses, the doctor may ask the patient to sign a statement of refusal of medical treatment.
5. If the patient refuses to sign the letter, the doctor can record the refusal in the patient's medical record.

This procedure is in line with Article 737 paragraph (5) of Government Regulation No. 28 of 2024 concerning Regulations for the Implementation of Law No. 17 of 2023 concerning Health, which stipulates that refusal of medical treatment must be carried out after the patient receives complete information and is recorded in the medical record.

From a legal point of view, documentation of medical refusal is essential to avoid possible lawsuits later on. According to Najab Khan, the form of refusal must be stated in writing to provide legal protection for medical personnel and hospitals. However, in certain cases, patients may also express rejection through body gestures, such as shaking their heads, provided there are witnesses who can corroborate the statement.

Overall, refusal of medical treatment is a fundamental right that must be respected, but it must also be carried out with strict procedures so as not to cause negative impacts on patients, medical personnel, and health care institutions. Therefore, a deep understanding of the regulations governing informed refusal is very important in medical practice in Indonesia.

Legal Liability for Medical Procedure Refusal

Refusal to medical treatment is a patient's right that has been recognized in the health law system in Indonesia. However, this decision has legal consequences, both for patients and medical personnel as well as hospitals as health service providers. Therefore, it is important to understand the legal aspects that govern liability in cases of refusal of medical procedures.

Patients or their families who refuse medical treatment are required to sign a statement of refusal. This document serves as evidence that the patient or his family does not agree with the recommendations of medical personnel or health workers. Refusal of medical treatment causes a shift in responsibility from medical personnel to patients or their families. Thus, medical personnel cannot be held accountable for the medical consequences that occur after the refusal is made.

Article 741 letter c of Government Regulation Number 28 of 2024 states that in health services, patients have an obligation to accept all consequences for their decision to refuse the therapy plan recommended by medical personnel. Thus, patients who have obtained comprehensive medical information and still refuse medical treatment, lose the legal right to sue medical personnel for the consequences of the decision.

However, if the refusal is only conveyed orally, legal protection for medical personnel will be weakened. Oral refusal only has legal force if it is witnessed by health workers or the patient's family. Therefore, the documentation mechanism in written form is an important aspect in ensuring legal certainty.

In providing health services, medical personnel are obliged to act in accordance with professional standards, medical service standards, operational procedures, and professional ethics. If medical personnel have fulfilled these conditions, they are exempt from legal liability for refusal of medical treatment by patients.

Therefore, if a patient exercises his or her right to refuse medical treatment, both medical personnel and hospitals are exempt from legal liability for the consequences that arise. Responsibility fully shifts to the patient or his or her family, including in the case of a minor patient, where the parent or guardian is responsible for his or her medical decisions.

Refusal of medical treatment is a patient's right recognized in Indonesian health law, but this decision has legal consequences that must be understood by all parties involved. Medical personnel and hospitals cannot be held legally responsible for the impact of refusal of medical treatment that has been clearly informed to patients. Therefore, written documentation in the form of a statement of rejection is an essential legal instrument to protect all parties from potential legal disputes in the future. The following section will explain the legal consequences in both criminal and civil law, if information is not provided to the patient due to the refusal of medical treatment by the doctor to the patient and the absence of documentation for the refusal.

Arguments for Objections Useful for Medical Personnel

In health care practice, patients have the right to refuse medical procedures recommended by medical personnel. However, the consequences of such refusal can cause legal problems, especially if the patient is injured or even dies after refusing medical treatment. In such

situations, often the patient's family files a lawsuit against medical personnel and hospitals with allegations of medical malpractice.

Medical malpractice refers to medical actions that are carried out with negligence or error by medical personnel so as to cause harm to patients, both physically and psychologically. According to Leenen, to determine whether an action falls into the category of medical malpractice, it is necessary to consider five standards of the medical profession, namely: (1) prudence in medical procedures, (2) conformity with medical science, (3) expertise comparable to professional standards, (4) relevant conditions and situations, and (5) reasonable or proportionate consideration in the implementation of medical measures.

In the legal aspect, lawsuits against medical personnel and hospitals can be filed both criminally and civilly. However, medical personnel and hospitals have a legal basis to refute the allegations by referring to the provisions of the applicable legislation that affirm that patients have an obligation to comply with the advice of medical personnel and are responsible for the medical decisions they refuse. Therefore, if the patient has refused medical treatment after receiving adequate information from medical personnel, then the legal responsibility for the consequences arising falls on the patient himself.

In their defense, medical personnel and hospitals can use evidence in the form of a medical action rejection sheet that has been signed by the patient or his family. If the denial is done verbally or through body language, then the testimony of witnesses present at the time of the denial can be used as evidence. From the perspective of civil law, the relationship between patients and medical personnel is verbinding inspanning, which is an agreement that focuses on the best efforts of medical personnel in providing treatment, without a guarantee of recovery for the patient.

Furthermore, medical personnel can prove that the actions they take are in accordance with professional standards, medical service standards, operational procedure standards, and professional codes of ethics as regulated by health law. If medical personnel have fulfilled these obligations, then they are free from lawsuits that may arise as a result of the patient's decision to refuse the recommended medical procedure.

In addition, Article 193 stipulates that hospitals are liable for losses suffered by patients due to the negligence of the health human resources they employ. However, Article 192 paragraph (1) of the Health Act provides an exemption for hospitals from legal liability if the patient or his family has refused medical treatment after obtaining complete information from medical personnel.

Thus, it can be concluded that in the legal context, if the patient or his family has consciously refused medical treatment after obtaining sufficient information from medical personnel or health workers in the hospital, then all consequences of the refusal are the responsibility of the patient or his or her own family. Therefore, neither medical personnel nor hospitals can be held accountable for alleged medical malpractice filed by patients or their families.

CONCLUSION

Based on the results of the study, it can be concluded that refusal to medical treatment is a patient's right guaranteed by laws and regulations in Indonesia. This right provides flexibility for patients to refuse or accept medical treatment after obtaining sufficient information. However, the patient's decision to refuse medical treatment that results in the patient's losses, has complex legal consequences. Normatively, medical personnel and hospitals cannot be held legally responsible for patient losses if they have fulfilled standard procedures, including providing clear information and documenting patient rejection in writing. Thus, the burden of legal responsibility shifts to the patient or his or her family who makes the decision to refuse medical treatment.

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