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The Complexity Of Health Professional Ethics From A Legal And Regulatory Perspective

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Abstract: Professional health ethics plays a crucial role in guiding medical personnel to provide healthcare services based on integrity, responsibility, and concern for patient well-being. The principles of medical ethics, such as beneficence, non-maleficence, autonomy, and justice, serve as primary guidelines for interactions between medical personnel and patients and for medical decision-making. While professional health codes of ethics serve as moral and professional standards, their existence is inextricably linked to legal regulations that more strictly regulate medical practice, with clear legal consequences for violations. However, in practice, conflicts often arise between adherence to codes of ethics and adherence to the law, for example, in cases of respecting patient rights versus the legal obligation to save lives, or maintaining patient confidentiality versus the legal obligation to report specific cases. Other challenges in enforcing professional health ethics include overlapping codes of ethics and legal regulations, weak oversight mechanisms, and difficulties in adapting to evolving medical technology and innovation. Therefore, a clear harmonization of professional ethics and legal regulations, along with effective oversight, is necessary to ensure medical personnel can carry out their duties professionally without compromising moral standards and legal protection for patients.

Keywords: Health Law, Health Professional Ethics

INTRODUCTION

Professional health ethics are fundamental guidelines governing the behavior of medical personnel in carrying out their duties (Hidana, 2020). Professional health ethics are based on the moral principles of professionalism and legal standards, aiming to protect patient interests and ensure the provision of quality medical services. Patient interests, justice, beneficence, and non-harm form the basis of interactions between healthcare professionals and patients (Sofia, 2020). This code of ethics is expected to ensure that medical personnel act professionally and responsibly while respecting patient dignity in all medical procedures.

The function of health ethics is to maintain public trust in medical personnel and healthcare institutions (Ariani, 2023). These ethics serve as guidelines for medical personnel's

decision-making, prioritizing patient welfare in the diagnosis, treatment, and prevention of disease. Implementing good ethics can prevent actions that harm patients, such as substandard treatment, patient exploitation, or misuse of medical information. The benefits of adhering to this code of ethics not only support the quality of healthcare services but also create a fairer and more transparent healthcare system (Yusuf, 2025).

Violations of professional health ethics can have negative consequences for patients, healthcare workers, and the entire healthcare institution (Iwan, 2024). For example, malpractice cases can result in physical and psychological harm to patients and even lead to lawsuits against medical personnel. Violations such as patient neglect or misuse of medical information can erode public trust in the healthcare system (Putra, 2024). For example, leaked medical records violate privacy and can be used for unethical purposes. Strict oversight and the enforcement of firm, deterrent sanctions are necessary to maintain ethical standards within the healthcare profession.

The law plays a crucial role in upholding professional health ethics by ensuring adherence to ethical standards by medical and healthcare professionals. In practice, the law acts as a monitoring and enforcement instrument for healthcare professionals through various regulations (Nadeak, 2024). Regulations governing professional health ethics are contained in Law Number 17 of 2023 concerning Health (hereinafter referred to as the Health Law). Articles 279 and 280 of the Health Law emphasize that medical and healthcare personnel are morally responsible for prioritizing patient interests and practicing under professional standards (Husain, 2024). The provisions of this Health Law aim to protect patients from unethical practices and ensure that healthcare personnel always act based on the principles of professionalism and morality (Prasetyo, 2024).

Although professional codes of ethics and legal regulations share the same goal of maintaining ethical standards in healthcare, they nonetheless possess fundamental differences. The distinction can be seen in professional codes of ethics, which are more internal to a profession and emphasize moral norms and responsibilities that healthcare workers must fulfill (Makmun, 2022). Legal regulations, on the other hand, have broader consequences, including administrative, civil, or criminal sanctions for violations. These differences can complement each other, with codes of ethics providing more specific moral guidelines for healthcare workers, while legal regulations serve as instruments of legal certainty for ethical violations, which can be subject to strict sanctions to protect the public interest (Mosal, 2025).

In healthcare practice, both healthcare workers and patients have rights and obligations stipulated in law and professional ethics. Medical personnel have the right to legal protection in carrying out their duties, along with the obligation to provide healthcare services under professional standards and patient needs (Koto, 2021). Article 180 of the Health Law also states that patients have the right to receive quality, transparent, and equal health services. This balance between rights and obligations results in better health practices, with medical personnel upholding professional ethics, while patients feel safe and protected when receiving medical services.

The main challenge to upholding professional ethics in healthcare is the lack of awareness and understanding of the professional code of ethics among medical personnel (Rufaida, 2025). This lack of understanding of ethical principles among medical personnel, or a lack of awareness of the importance of ethics in healthcare practices, contributes to the growing importance of ethics in healthcare practice. Education and training play a crucial role in improving compliance with the professional code of ethics. Limited educational curricula and continuing education programs hinder the education and training of medical personnel (Widjayanto, 2024). This results in medical personnel tending to ignore professional ethical standards, which ultimately negatively impacts patients and the healthcare system.

Another challenge is the emergence of conflicts of interest in the implementation of the healthcare profession. The increasingly commercialized healthcare system faces a dilemma between the interests of the hospital's business and the interests of the patient. Economic pressure to meet profit targets can influence medical decisions, potentially hindering optimal healthcare practices that prioritize patient well-being. Medical procedures that do not fully meet patient needs and prioritizing patients with better financial means can lead to inequitable healthcare services.

Weak oversight mechanisms and enforcement of sanctions for ethical violations. Although regulations governing ethical standards for healthcare professionals exist, such as the Health Law and professional codes of ethics, their implementation often faces obstacles. Oversight mechanisms for medical personnel practice remain ineffective, and sanctions for ethical violations often lack a deterrent effect (Parulian, 2025). Technological developments in healthcare, such as telemedicine and artificial intelligence in diagnosis, also pose new ethical challenges, particularly regarding patient privacy and medical data security (Thaariq, 2024). In this digital era, the protection of electronic medical records and transparency in the use of technology are critical issues that must be continuously monitored to maintain professional ethics amidst technological advancements.

Weak oversight mechanisms and enforcement of sanctions pose a unique challenge to ethical violations. The Health Law, as a regulation governing ethical standards for the health profession, often faces obstacles in its implementation (Fitri, 2025). Oversight of medical personnel practices remains ineffective, and sanctions imposed for ethical violations usually lack a deterrent effect. Technological developments in the health sector, such as telemedicine and diagnostics currently utilizing artificial intelligence, pose new ethical challenges related to patient privacy and medical data security (Abdillah, 2024). In this digital era, the protection of electronic medical records and transparency in the use of technology are crucial issues that must be continuously monitored to maintain professional ethics amidst technological advancements.

Based on the background outlined above, this study was conducted to analyze the complexity of health professional ethics from a legal and regulatory perspective and identify key challenges in its implementation and enforcement. Lack of ethical awareness, conflicts of interest, weak oversight, and challenges arising from technological developments complicate the application of ethics in the medical field. The aim of this research is also to formulate solutions and policy recommendations that can strengthen the implementation of health professional ethics, so that medical service standards can remain oriented towards patient welfare, justice, and the professionalism of health workers.

METHOD

The method used in this study is normative juridical with a statutory and conceptual approach. The objective of this method is to analyze health professional ethics from a legal and regulatory perspective by reviewing relevant laws and regulations, such as Law Number 17 of 2023 concerning Health, as well as the medical professional code of ethics. The data analysis technique applied is qualitative analysis by examining various primary and secondary legal sources, including legal doctrine, cases of medical ethics violations, and related literature studies. The results of this analysis are expected to provide an in-depth understanding of the challenges in implementing health professional ethics as well as policy recommendations that can strengthen compliance and enforcement of codes of ethics in medical practice.

RESULT AND DISCUSSION

The Complexity of Health Professional Ethics from a Legal and Regulatory Perspective

Professional health ethics is a set of moral values and standards of behavior that serve as guidelines for medical personnel in carrying out their duties. The purpose of these ethics is to ensure that healthcare services are provided with full responsibility, integrity, and concern for patient welfare (Wahyudi, 2024). Reflecting the development of professional codes of ethics by these professional organizations is the Indonesian Code of Medical Ethics (Kodeki) for doctors, or the code of ethics for nursing and other healthcare professionals. These codes govern the relationship between medical personnel and patients, fellow professionals, healthcare institutions, and the general public.

Professional health ethics has basic principles encompassing several important aspects; beneficence, which requires medical personnel to ensure accurate diagnoses and effective treatment for patients (Rahmawati, 2025). Non-maleficence emphasizes that medical personnel must avoid actions that could harm patients physically or psychologically (Faozi, 2024). The principle of autonomy recognizes the patient's right to make decisions about accepting or refusing treatment after being provided with sufficient information. The principle of justice ensures that every individual has equal access to services without discrimination.

These principles must be applied in various forms. For example, a doctor dealing with a patient with a chronic illness must transparently explain available treatment options (autonomy), ensure the therapy is truly beneficial (beneficence), avoid unnecessary side effects (non-maleficence), and ensure that the patient receives the same care as other patients regardless of their social or economic status (justice). Furthermore, medical personnel must also consider ethical dilemmas that arise, such as those in the case of a patient who cannot afford healthcare or conflicts between the interests of the hospital and the patient's well-being. Therefore, a thorough understanding of professional health ethics is crucial for medical personnel to carry out their duties professionally and morally.

The medical professional code of ethics serves as a moral and professional standard that guides healthcare personnel in carrying out their duties. This code of ethics regulates the obligations of healthcare personnel to patients, colleagues, and society as a whole, with the primary goal of maintaining the quality of healthcare services and building public trust in the medical profession. In many cases, the code of ethics serves as the basis for medical decision-making, considering aspects of humanity, morality, and professionalism. Professional organizations, such as the Indonesian Medical Association (IDI), play a crucial role in developing and enforcing these codes of ethics through their professional honorary councils.

While there are differences between codes of ethics for healthcare professionals and legal regulations, the law serves as an external rule governing medical practice, with stricter legal consequences. The Health Law stipulates the obligations of medical personnel and sanctions for those who violate applicable provisions. Under these regulations, violations result in legal consequences in the form of criminal sanctions, civil penalties, or revocation of practice licenses. While codes of ethics are typically enforced internally by professional organizations, they typically involve administrative sanctions or coaching. Therefore, the law and codes of ethics must work hand in hand to maintain a balance between professional morality and legal protection for both medical personnel and patients.

Sometimes, in practice, conflicts arise between adherence to codes of ethics and adherence to the law. For example, a patient may consciously refuse life-saving treatment, as the code of ethics requires doctors to respect the patient's rights (the principle of autonomy). From a legal perspective, medical personnel have an obligation to save the patient's life, especially in emergencies. Another frequently debated issue concerns doctors' obligations to maintain patient confidentiality, while the law requires them to provide information to law enforcement in certain cases, such as those involving infectious diseases or criminal acts. A

thorough understanding of the interplay between codes of ethics and legal regulations is essential to ensure medical personnel can practice their profession without violating applicable legal norms.

Professional ethics and law differ fundamentally in their nature and application. Professional ethics are normative, emphasizing the moral and professional responsibility of medical personnel in their practice. These ethics govern how medical personnel should act to maintain professional standards and provide patient-centered healthcare services. In contrast, law is binding, meaning any violation of established rules can result in stricter consequences, such as criminal or civil sanctions. The law also provides protection for patients and other related parties.

Sanctions for ethical violations are generally enforced by professional organizations such as the Indonesian Medical Association (IDI) or the Indonesian Medical Disciplinary Honorary Council (MKDKI), which have the authority to issue warnings, provide guidance, or even revoke medical personnel's practice licenses. Violations of the law can also result in more severe sanctions, such as fines, criminal penalties, or civil lawsuits filed by patients or related parties. A doctor who performs a procedure without a patient's consent may be considered a violation of professional ethics, but if the action results in harm or injury to the patient, the doctor can also be prosecuted for alleged medical malpractice. Medical malpractice cases often serve as examples of how ethical violations can also have legal consequences. For example, a doctor who fails to provide care according to professional standards may be deemed to have violated the principle of non-maleficence, a pillar of medical ethics. However, if such actions result in injury or death of a patient, the doctor may be subject to legal action under the Medical Practice Act or the Criminal Code (KUHP). Therefore, although professional ethics are more flexible and subject to moral interpretation in each case, the law must still be strictly enforced according to applicable provisions to ensure justice for all parties involved.

The advantages of regulations on professional health ethics include legal certainty and patient protection by ensuring that healthcare professionals' practices comply with established standards. The imposition of sanctions on professional health ethics serves to guarantee that medical professionals operate professionally by using sanctions as a control tool to address ethical violations. A disadvantage of these regulations is the overlap between the professional code of ethics and regulations, which results in confusion. Regulation oversight and enforcement have not been optimally implemented, resulting in ethical violations being ineffectively addressed. The development of new medical technologies and practices also poses a challenge to healthcare services that have not yet fully adapted to the ever-growing innovations.

Challenges in Implementing Health Professional Ethics and Strategies in Maintaining Ethical Standards in Health Practice

Challenges in implementing professional health ethics concern medical personnel's awareness and understanding of the professional code of ethics. Not all medical personnel understand applicable ethical standards due to a lack of ethics education in medical curricula and minimal ongoing training in the workplace. This challenge results in intentional and unintentional ethical violations in daily medical practice. Therefore, strengthening ethics education, from the academic stage through professional practice, is necessary to ensure medical personnel understand and consistently apply ethical principles.

The commercial system of healthcare can create conflicts of interest, a major challenge in the healthcare industry. Economic pressures from private hospitals and the pharmaceutical industry influence medical personnel's decisions, potentially neglecting patient interests. An example of this challenge is the possibility of doctors recommending procedures or treatments that are more financially advantageous but not always the best choice for the patient. The

balance between business interests and medical ethics must be maintained through strict regulations and transparent oversight.

Another challenge is the weak enforcement of codes of ethics and suboptimal sanctions, which impact the implementation of professional health ethics. While sanctions for violations of professional health ethics exist, many cases go unaddressed due to a lack of coordination between professional organizations and health authorities. Sanctions, which often lack a deterrent effect, contribute to the persistently high number of cases of violations of professional health ethics. Strengthening the complaint system, investigations, and imposing stricter sanctions is essential to increase the effectiveness of enforcing professional health ethics.

The development of technology in the health sector, such as telemedicine, artificial intelligence, and electronic medical records, has facilitated healthcare services, but also created ethical dilemmas, particularly regarding data protection and patient privacy. The use of technology in diagnosis and treatment must be balanced with clear regulations to ensure that the principles of medical ethics are maintained. Regulatory reforms are needed to accommodate technological developments, so that medical personnel can carry out their duties while adhering to professional ethical principles.

Maintaining ethical standards in healthcare practice requires strengthening regulations and policies that ensure medical personnel adhere to the professional code of ethics. Clear and firm regulations are crucial for building a patient-centered healthcare system. One strategic step is to harmonize the professional code of ethics with laws and regulations, such as the Health Law, to eliminate overlap or ambiguity in their application. This way, medical personnel can practice their profession with greater legal certainty, while patients receive optimal protection.

Improving ethics education and training for healthcare workers is also a key factor in maintaining professional ethical standards. Medical and healthcare worker education curricula should place greater emphasis on ethics, not only in theory but also through case studies and practical simulations. Regular training and certification related to professional ethics in healthcare are necessary to ensure medical personnel remain up-to-date with the latest ethical standards. This approach is expected to increase medical personnel's awareness and understanding of ethical principles, enabling them to navigate various ethical dilemmas in medical practice.

Optimizing oversight and sanction mechanisms is also necessary for the effective implementation of professional ethical standards. The role of the Indonesian Medical Association (IDI) and similar health organizations is crucial in overseeing the behavior of medical personnel. The government needs to collaborate with professional organizations to improve the effectiveness of the complaint, investigation, and sanction systems for medical personnel who violate the code of ethics. Strengthening stricter and more consistent sanctions can increase the deterrent effect and ensure that ethical violations are not perceived as minor offenses that can be ignored.

The use of technology can also be an important strategy in maintaining compliance with healthcare professional ethics. For example, implementing an electronic medical records system can increase transparency in healthcare services and minimize the potential for ethical lapses. Technology can also be used in monitoring and reporting ethical violations, such as through anonymous reporting platforms that allow patients or fellow healthcare professionals to report violations without fear of negative repercussions. With this technology-based approach, oversight of healthcare practices can be more effective, thereby maintaining ethical standards in the healthcare industry.

CONCLUSION

Professional health ethics plays a crucial role in guiding medical personnel to carry out their duties with full responsibility, integrity, and care for patients, as stipulated in professional codes of ethics, such as the Indonesian Code of Medical Ethics (Kodeki). Basic principles of medical ethics, such as beneficence, non-maleficence, autonomy, and justice, serve as guidelines for medical decision-making, ensuring that healthcare services are provided professionally and fairly. However, in practice, conflicts often arise between adherence to the code of ethics and the law, requiring a thorough understanding of the interaction between the two to ensure medical personnel act professionally without violating legal norms. Although professional health ethics regulations provide legal certainty and protection for patients, challenges such as overlapping regulations, weak oversight, and rapid technological developments remain obstacles to their implementation. Therefore, a clear synergy between professional ethics and the law, along with effective oversight mechanisms, is essential to ensure that medical personnel can do their roles effectively for the benefit of patients and society.

Maintaining ethical standards in healthcare practices faces various challenges, ranging from a lack of understanding of codes of ethics among medical personnel, economic pressures that give rise to conflicts of interest, weak enforcement of codes of ethics, and ethical dilemmas arising from technological developments. Therefore, a comprehensive strategy is needed that includes strengthening regulations, improving ethics education and training, optimizing oversight and sanction mechanisms, and utilizing technology to ensure compliance with ethical standards. These steps are expected to enable medical personnel to carry out their profession professionally and responsibly, ensuring that the healthcare services provided remain patient-centered and by applicable medical ethics principles.

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