

THE ROLE OF COMMUNICATION IN THE LEGAL PROTECTION OF PATIENTS IN HEALTH SERVICES IN INDONESIA: A LITERATURE REVIEW

Gunawan Widjaja

Senior Lecturer Faculty of Law Universitas 17 Agustus 1945 Jakarta, Indonesia
widjaja_gunawan@yahoo.com

Dyah Ersita Yustanti

Senior Lecturer Faculty of Law Universitas 17 Agustus 1945 Jakarta, Indonesia
dyustanti@yahoo.com

Hotmaria Hertawaty Sijabat

Doctoral Student Faculty of Law Universitas 17 Agustus 1945 Jakarta, Indonesia
sijabathotmaria@gmail.com

Handojo Dhanudibroto

Doctoral Student, Faculty of Law Universitas 17 Agustus 1945 Jakarta, Indonesia
nonowango603@gmail.com

Abstract

Communication plays a central role in the legal protection of patients in health services in Indonesia. Through effective communication, patients' rights such as the right to medical information, informed consent, and confidentiality of health data can be fulfilled optimally. Clear and transparent communication not only strengthens the patient's legal position, but also minimises potential disputes between patients and health workers. However, the implementation of ideal communication still faces various obstacles, such as time constraints, low health literacy, and the challenge of adapting digital technology in health services. This literature review confirms the importance of strengthening the communication capacity of health workers, educating patients, and updating regulations so that patient legal protection through communication can be realised effectively and evenly throughout Indonesia.

Keywords: communication, patient legal protection, health services, informed consent, patient rights.

Abstrak

Komunikasi memegang peranan sentral dalam perlindungan hukum pasien pada pelayanan kesehatan di Indonesia. Melalui komunikasi yang efektif, hak-hak pasien seperti hak atas informasi medis, persetujuan tindakan medis (informed consent), dan kerahasiaan data kesehatan dapat terpenuhi secara optimal. Komunikasi yang jelas dan transparan tidak hanya memperkuat posisi hukum pasien, tetapi juga meminimalisir potensi sengketa antara pasien dan tenaga kesehatan. Namun, implementasi komunikasi yang ideal masih menghadapi berbagai kendala, seperti keterbatasan waktu, rendahnya literasi kesehatan, dan tantangan adaptasi teknologi digital dalam

layanan kesehatan. Tinjauan pustaka ini menegaskan pentingnya penguatan kapasitas komunikasi tenaga kesehatan, edukasi pasien, serta pembaruan regulasi agar perlindungan hukum pasien melalui komunikasi dapat terwujud secara efektif dan merata di seluruh Indonesia.

Kata kunci: komunikasi, perlindungan hukum pasien, pelayanan kesehatan, informed consent, hak pasien.

Introduction

Health is a human right guaranteed by various national and international legal instruments. In Article 28H paragraph (1) of the 1945 Constitution and Article 25 of the Universal Declaration of Human Rights, it is affirmed that everyone has the right to obtain proper health services for the welfare of himself and his family. This right to health includes the right to obtain safe, quality, fair, and non-discriminatory services, as stipulated in Article 5 paragraph (2) of Law Number 36 of 2009 concerning Health (Christianto, 2022).

In practice, the fulfilment of patients' rights is not only limited to aspects of medical services, but also includes legal protection that guarantees patients' rights while receiving health services. This legal protection is very important to ensure that patients get their full rights, including the right to information, consent to medical treatment, and confidentiality of medical data. These rights are expressly regulated in various regulations, such as Law Number 44 of 2009 concerning Hospitals and Law Number 17 of 2023 concerning Health (Kartika et al., 2023).

One of the crucial aspects in the legal protection of patients is the communication between health workers and patients. Effective communication is the main bridge in fulfilling patients' rights, especially in terms of providing clear, accurate, and easy-to-understand information. Through good communication, patients can understand their health condition, diagnosis, medical procedures to be undergone, as well as the risks and benefits of each proposed medical action (Rahman, 2025).

Ineffective communication is often a source of patient dissatisfaction and can even lead to legal disputes between patients and healthcare providers. Vagueness of information or failure of health workers to convey complete information can cause harm to patients, both physically and psychologically. Therefore, good communication not only impacts the quality of service, but also becomes an important instrument in the legal protection of patients (Santoso et al., 2024).

The principle of informed consent is one of the real forms of patient legal protection that relies heavily on effective communication. Informed consent requires health workers to provide a comprehensive explanation of the diagnosis, procedure, risks, benefits, and alternatives to medical action to the patient before the patient gives his/her consent (Gunawan et al., 2022). Without adequate communication, this principle cannot be optimised. In addition, the patient's right to privacy and confidentiality of

medical data is also closely related to communication. Health workers are obliged to maintain the confidentiality of the patient's medical information and can only disclose it in accordance with applicable legal provisions or with the patient's consent. Violation of this right can have legal implications for health workers and health service institutions (Pratama, 2023).

Hospitals as health care institutions have the responsibility to guarantee the legal rights of patients from the time they enter until they leave the health facility. One of the efforts that can be made is to provide written information regarding patient rights and place it in a location that is easily accessible to patients. In addition, hospitals must also build a communication system that supports openness and transparency between health workers and patients (Dewi, 2021).

Patient satisfaction is strongly influenced by their knowledge and understanding of their rights, which is mostly obtained through communication with health workers. Research shows that the level of patient satisfaction increases as the quality of communication by health workers improves, especially in terms of providing information and explanations about medical procedures. However, there are still many challenges faced in implementing effective communication in health services in Indonesia (Hidayat, 2022). Some of the obstacles that often arise include limited consultation time, high workload of health workers, and low health literacy in the community. These factors can hinder the communication process and potentially lead to legal issues in the future (Putra, 2020).

In addition to regulatory and ethical aspects, the development of information technology also brings its own challenges in patient legal protection. Digitalisation of medical records, for example, requires new communication standards to ensure the security and confidentiality of patient data is maintained. This requires strengthening an integrated communication documentation system with adequate legal protection (Maulana, 2023).

In the context of legal protection, effective communication also acts as evidence in medical dispute resolution. Good communication documentation, such as medical records and informed consent records, can be used as evidence in court in case of disputes between patients and health workers (Wulandari, 2022). Therefore, it is important for health workers to always document every communication process with patients completely and accurately.

Thus, the role of communication in the legal protection of patients in health services in Indonesia is vital. Effective communication not only ensures the fulfilment of patients' rights, but also provides legal protection for both parties, namely patients and health workers. This research will examine in depth how communication plays a role in the legal protection of patients, the challenges faced, and solutions that can be implemented to improve the quality of health services in Indonesia.

Research Methods

This research uses a normative juridical method with a literature review approach, which focuses on analysing laws and regulations, legal principles, and scientific literature related to the role of communication in the legal protection of patients in health services in Indonesia. The secondary data used includes primary legal materials (laws, government regulations), secondary legal materials (books, journals, scientific articles), and tertiary legal materials (legal dictionaries, legal encyclopedias), which are qualitatively analysed to identify the relationship between the effectiveness of communication and the protection of patient rights in the practice of health services (Evanirosa & et al., 2022) . The analysis was conducted descriptively-analytically to examine how communication between health workers and patients can strengthen legal protection, prevent medical disputes, and provide recommendations for improving regulations and communication practices in health facilities (Zed, 2008) .

Results and Discussion

The Role of Communication in Patient Legal Protection

The role of communication in the legal protection of patients in health services can be understood through a number of theories and basic principles of health law and communication. First, communication is the process of exchanging information between health workers and patients that allows for a shared understanding of health conditions, diagnosis, and medical action plans. In the legal context, this communication becomes the main foundation in building a legal relationship between doctors and patients through therapeutic agreements, as regulated in the Civil Code and Health regulations (D. Sari, 2025b) .

Effective communication is a key prerequisite for the fulfilment of patient rights, especially the right to information. Patients have the right to obtain clear, complete, and easy-to-understand explanations about their health conditions, medical procedures, risks, benefits, and available alternatives. This right to information is guaranteed in various regulations such as Law No. 44/2009 on Hospitals and Law No. 36/2009 on Health. Thus, transparent and accountable communication is the foundation of patient legal protection (Yuliani, 2021) .

One tangible form of the role of communication is in the informed consent process. Informed consent is the patient's consent to medical treatment after obtaining adequate information. This process is not only administrative, but also a two-way communication process that requires dialogue, clarification, and mutual understanding between the doctor and the patient. If the communication in informed consent does not go well, then the validity of the consent can be legally questioned (Pramudito , 2023)

The theory of legal protection according to Satjipto Rahardjo emphasises the importance of giving power to individuals to act in their own interests, including in the

case of patients who have the right to determine their health fate after obtaining sufficient information. In this case, communication is a tool that allows patients to optimally exercise their right to self-determination, as well as a mechanism for monitoring the actions of health workers (Putri, 2021) . In addition to the right to information, communication also plays a role in protecting the right to medical confidentiality. Doctors and health workers have a legal obligation to maintain the confidentiality of patient medical data, except for the patient's consent or legal provisions that require disclosure. Good communication will build trust and ensure that sensitive information is not misused, so that the patient's legal protection is maintained (Rofiq , 2024)

Communication is also a means for patients to submit complaints or objections to the health services received. Hospitals are obliged to provide a clear and easily accessible complaint mechanism, so that patients can channel their aspirations directly without having to take the litigation route first. This is in line with the principles of preventive and repressive legal protection. In the perspective of legal relations, communication forms the basis of the therapeutic agreement between doctors and patients (Hatta, 2024) . Any medical action performed without adequate communication has the potential to lead to legal disputes, as it is considered not to fulfil the elements of a valid agreement under civil law. Therefore, good communication should be an operational standard in every health service (Dwight Nusawakan , 2024)

Health communication theory emphasises the importance of using language that is simple, empathetic, and appropriate to the patient's background. Effective communication not only conveys information, but also builds emotional relationships, fosters trust, and improves patient compliance with treatment (Nuraini, 2024) . Thus, communication becomes a strategic instrument in preventing legal disputes due to misunderstanding or patient dissatisfaction.

Legal protection for patients also relates to the right to refuse medical treatment (informed refusal). Open communication allows the patient to understand the consequences of the refusal, so that the decision taken is truly based on careful consideration and legal awareness. Health workers are obliged to respect the patient's decision as long as it does not conflict with the law and professional ethics (Lestari, 2021) . In the context of modern health care, communication does not only occur directly, but also through digital and electronic media. This requires new communication standards that still ensure the legal protection of patients, both in terms of data security and clarity of information conveyed. The use of technology must be balanced with an understanding of the laws and ethics of medical communication (Ramadhani, 2020) .

The educational aspect is also an important part of the theory of legal protection through communication. Health workers need to be given continuous communication training in order to be able to convey information effectively and understand the needs

of patients holistically. This education should also be provided to patients so that they know their rights and obligations in the health care system (Suryani, 2023).

Effective communication can also minimise the legal risks faced by health workers. With good communication documentation, such as medical records and records of the informed consent process, health workers have strong evidence in the event of a legal dispute in the future. This documentation becomes an instrument of legal protection for both patients and health workers (Risdawati, 2024).

From an ethical perspective, good communication reflects respect for patients' dignity and human rights. Every patient is entitled to fair, non-discriminatory treatment, and in accordance with bioethical principles such as autonomy, beneficence, non-maleficence, and justice. Unethical communication can lead to violations of the law and administrative and criminal sanctions (Kusuma, 2024).

Legal protection theory also emphasises the importance of harmonisation between patients' rights and health workers' obligations. Effective communication becomes a bridge to achieve this balance, thus creating a healthy and respectful professional relationship. Thus, legal protection is not only formal, but also substantive through good communication practices (Wulandari, 2022).

Finally, the role of communication in the legal protection of patients must be supported by health institution policies such as hospital by law and standard operating procedures. These policies regulate communication patterns, complaint mechanisms, and sanctions for violations of patient rights, thus providing legal certainty for all parties involved in health services.

Thus, the role of communication in the legal protection of patients in health services in Indonesia, it can be concluded that effective communication is the main foundation in ensuring the fulfilment of patients' legal rights. Clear, transparent, and empathetic communication is not only a means of fulfilling the right to information and informed consent, but also plays an important role in maintaining the confidentiality of medical data, preventing disputes, and strengthening the legal relationship between health workers and patients. Through good communication, patients can understand their condition and treatment options, while health workers can protect themselves from legal risks through accurate documentation and standardised communication processes. Thus, communication is not only a technical aspect in health services, but also a strategic instrument in patient legal protection that must be supported by regulations, institutional policies, and capacity building of human resources in the health sector.

Gaps in the implementation of patient communication rights despite the Health Law and the Hospital Law

The gap in the implementation of patient communication rights in Indonesia remains a serious problem despite the explicit provisions of the Health Law and the

Hospital Law. Normatively, these regulations emphasise the patient's right to clear medical information, the right to informed consent, and the right to confidentiality of health data. However, the reality on the ground shows that the implementation of these rights is still far from expectations (Wulan, 2024).

One of the main roots of this gap is the lack of education and counselling to the public as well as medical personnel. Many patients do not understand their rights, especially regarding the right to obtain complete information and the right to give or refuse consent to medical treatment. The lack of socialisation of health regulations causes patients to be passive and powerless in the medical decision-making process (Prasetyo et al., 2023).

On the other hand, limited medical personnel and health facilities, especially in remote areas, also worsen the implementation of patient communication rights. With a limited number of medical personnel, high workload, and short consultation time, communication between doctors and patients is often not optimal. This has an impact on the low quality of information received by patients and an increased risk of misunderstanding (Irawati, 2024).

Supervision and enforcement of the implementation of patient communication rights are also weak. Despite the existence of regulations, violations such as providing inadequate information or ignoring medical consent still occur frequently. The lack of supervision means that these violations are not dealt with firmly, thus not providing a deterrent effect for the perpetrators (Author Team, 2023).

Lack of clarity or communication between doctors and patients can lead to misunderstandings that can lead to legal disputes. There are many cases where patients feel that their right to information has been violated, leading to distrust of medical personnel and healthcare institutions. This highlights the importance of honest, open and responsible communication in medical practice. Another challenge arises in emergency situations, where medical decisions must be made quickly. Under these conditions, effective communication is often hampered, making it difficult to fulfil the patient's right to be informed and give consent. Time constraints and the pressure of the situation make the communication process not run according to the expected standards (Susanti, 2022).

In addition, the low level of public health literacy is a factor inhibiting the implementation of patient communication rights. Many patients do not understand medical terms or are unable to interpret the information provided, so that decisions made are not fully based on a complete understanding (Ontran Sumantri Riyanto, 2024).

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The development of technology and digitisation of health services also brings new challenges. Regulations related to telemedicine and electronic health data protection are still general and have not regulated in detail the communication rights of patients in the digital context. This has the potential to cause violations of patient rights,

especially related to privacy and security of health data (E. Sari, 2022) . On the medical staff side, there are still administrative and internal communication barriers that can hinder the provision of adequate information to patients. Complicated bureaucratic processes and lack of communication training for health workers increase the risk of miscommunication (D. Sari, 2025a) .

Gaps are also seen in terms of medical communication documentation. Not all health institutions have good documentation standards, so the communication process between doctors and patients is often not clearly recorded. This makes it difficult to prove in the event of a legal dispute in the future.

Improvement efforts have been made, such as increasing legal education, strengthening supervision, and improving regulations. However, implementation in the field still faces structural and cultural barriers, such as resistance from medical personnel, budget limitations, and a paternalistic culture in doctor-patient relationships. The government and health institutions need to increase cooperation in strengthening the monitoring system and law enforcement, as well as ensuring equitable distribution of facilities and medical personnel throughout Indonesia (Nugroho, 2024) . Continuous education for patients and medical personnel is essential to increase understanding and awareness of their respective rights and obligations. In addition, there is a need for innovation in the delivery of information to patients, such as the use of visual media, simple language, and user-friendly digital technology. This can help overcome literacy barriers and ensure patients fully understand their rights before making medical decisions (Christianto, 2022) .

Finally, a culture of open and equal communication between doctors and patients must continue to be built. A participatory and dialogical relationship will increase trust, reduce the risk of disputes, and realise more optimal patient legal protection in Indonesia (Kartika et al., 2023) .

Thus, the gap in the implementation of patient communication rights, despite being regulated in the Health Law and Hospital Law, can be concluded that there are still significant differences between existing regulations and practices in the field. The main barriers include the lack of public health education and literacy, limited time and resources of medical personnel, weak supervision and law enforcement, and the suboptimal medical communication documentation system. In addition, new challenges such as technological developments and the lack of regulatory adaptation to digital services also increase the potential for violations of patient communication rights. To overcome this gap, collaborative efforts between the government, health institutions, and the community are needed through strengthening education, communication innovation, increasing the capacity of health workers, and stronger and more consistent law enforcement. Thus, legal protection of patients through communication rights can be realised in a real and equitable manner throughout Indonesia.

Conclusion

The role of communication in the legal protection of patients in health services in Indonesia is fundamental because it is the main bridge between the rights of patients and the obligations of health workers. Through transparent and clear communication, patients gain the right to medical information, the right to consent or refuse medical treatment, and the right to privacy and confidentiality of their health data. Effective communication also helps minimise the risk of misunderstandings that could lead to legal disputes, and strengthens trust between patients and doctors in the medical decision-making process.

On the other hand, legal protection for patients depends not only on existing regulations, but also on consistent and ethical implementation of communication in the field. Health workers are obliged to convey information accurately, easily understood, and respect the emotional condition and background of the patient. In addition, patients also have an obligation to provide honest and complete information to health workers to support proper diagnosis and medical decision-making. This balance of rights and obligations is an important basis for creating a safe and fair healthcare environment.

With the development of technology and digitisation of health services, the challenges of patient legal protection are increasingly complex, especially regarding data security and online medical consultations. Therefore, efforts to strengthen legal and digital literacy for patients and health workers, as well as the preparation of adaptive regulations and effective complaint mechanisms, are needed to ensure that communication remains the main instrument in the legal protection of patients in the era of modern health services.

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