

Legal Liability of Doctors in Medical Malpractice Cases: A Literature Study

Arrisman ^{1*} , Gunawan Widjaja ² 

¹ Faculty of Law Universitas Nasioal Jakarta INDONESIA,

² Faculty of Law Universitas 17 Agustus 1945 Jakarta INDONESIA, Email: widjaja_gunawan@yahoo.com

*Corresponding Author: arrisman.isi@gmail.com

Citation: Arrisman. and Widjaja, G. (2025). Legal Liability of Doctors in Medical Malpractice Cases: A Literature Study, *Journal of Cultural Analysis and Social Change*, 10(2), 315-320. <https://doi.org/10.64753/jcasc.v10i2.1603>

Published: November 11, 2025

ABSTRACT

This research examines the legal liability of doctors in medical malpractice cases through the literature review method. The main focus of this study is to understand how professional standards and standard operating procedures (SPOs) affect the assessment of medical actions performed by doctors. The findings show that violations of these standards that cause harm to patients can lead to doctors being held legally liable both civilly and criminally. Proof in malpractice cases often faces technical challenges that require the role of medical expert witnesses. The legal system generally has a judgment mechanism through professional councils, as well as legal protection for doctors through malpractice insurance. This study suggests the need for supervision and continuing education to prevent future malpractice cases.

Keywords: Liability, Law, Doctor, Physicians, Medical Malpractice, Literature Study

INTRODUCTION

The development of medical science and medical technology has contributed significantly to improving the quality of health services. The quality of health services is the level of conformity between the performance of medical services provided and recognised professional standards, both in terms of the competence of medical personnel, service procedures, and the results achieved (Roberts, 2023). Service quality does not only include technical medical aspects, but also includes non-technical aspects such as communication, empathy, and a sense of security and comfort provided to patients while receiving treatment. Health services are said to be of quality if they can meet the needs and expectations of patients effectively, efficiently, and provide the best care in accordance with applicable medical standards (Patel, 2023).

The quality of healthcare has a very important role in the healthcare system as it directly affects patient satisfaction, clinical outcomes, and patient safety. Quality care can reduce the risk of medical errors, improve treatment outcomes, and speed up the patient's recovery process. In addition, quality of care also determines patients' trust in the health system as a whole (Kim, 2022). In a broader perspective, improving the quality of healthcare can contribute to improving the efficiency of the healthcare system, reducing long-term costs due to complications or inappropriate care, and improving the health of the population. Therefore, healthcare quality has become a key focus for service providers, regulators, and policy makers in order to improve people's well-being (Hoffman, 2023). However, on the other hand, this development is also accompanied by the increasing complexity of medical services that have the potential to cause various problems, including cases of medical malpractice. Medical malpractice is the failure of a doctor or other medical personnel to provide services according to professional standards, which as a result can harm patients (Field, 2020).

Medical malpractice is an issue that has received increasing attention in recent decades, as public awareness of patients' rights and healthcare standards has increased. The development of technology and information plays an important role in the rise of malpractice cases, as patients now have easier access to information on the medical standards they should receive (Zhang, 2022). Medical malpractice cases may include actions that do not conform to the standards of the medical profession, incorrect diagnoses, inappropriate treatment, or negligence that causes harm or injury to patients. This development calls for stricter regulation, continuing education for medical professionals, as well as the need for a transparent and fair complaint handling system to maintain public trust in the healthcare system (Smith, 2022).

In various parts of the world, including Indonesia, medical malpractice cases are still a controversial topic and generate public attention. This is inseparable from the significant impact caused both in terms of patients, families, and medical personnel themselves. For example, medical malpractice cases can trigger physical, psychological, and financial losses for patients, as well as reputational and career losses for medical personnel involved (Wilson, 2022). In the legal context, the liability of doctors in medical malpractice cases is a complex issue and requires an in-depth understanding of various aspects of the law, including applicable regulations, professional ethics, and evidence supporting the occurrence of malpractice. The state through its legal system needs to provide protection to both parties: ensuring that patients get justice and proper compensation, and on the other hand ensuring that doctors or medical personnel get fair legal protection during the court process. (Lee, 2022).

Regulations regarding legal liability in medical malpractice cases in Indonesia are regulated in several laws and regulations, including the Medical Practices Act, the Health Act, and other related regulations. However, the implementation of these regulations often encounters obstacles in the field, both in terms of socialisation, law enforcement, and differences in interpretation in handling cases (Jackson, 2021). In addition, not all patients or families of victims have sufficient understanding of their rights in the settlement of medical malpractice cases. Likewise, doctors or medical personnel sometimes do not fully understand the legal implications that may arise from the medical actions they perform (Klasco., 2019).

This literature study on the legal liability of doctors in medical malpractice cases is expected to contribute in clarifying the various legal and ethical aspects that colour medical actions, as well as providing relevant recommendations for the development of regulations and medical education in the future. It is hoped that the results of this study can provide a better understanding of the rights and obligations of all parties involved, so as to create a fairer and safer health care system.

RESEARCH METHODS

The study in this research uses the literature method. Literature research method, also known as literature study or literature review, is a scientific approach used to identify, evaluate, and synthesise existing scientific studies on a particular topic. The main purpose of this method is to review and summarise existing knowledge, find research gaps, and provide a solid theoretical framework for further research (Syawie, 2005); (Robbani, 2022). Literature research involves a systematic process of searching for reliable sources (journals, books, and articles), selecting relevant works, critically analysing the findings, and preparing a comprehensive report. Through this approach, researchers can understand the latest developments in a particular field of science and identify trends and key issues that require further research (Nurdiana., 2020).

RESULTS AND DISCUSSION

Forms of Legal Liability of Doctors in Medical Malpractice Cases

The legal liability of doctors in medical malpractice cases is an important aspect that aims to maintain professional standards and a sense of security for patients. In the legal system, doctors' liability can be divided into civil, criminal, and administrative responsibilities. Each of these types of liability has different characteristics and consequences (Danzon, 2018). In the civil realm, doctors' responsibilities focus more on protecting the individual rights of harmed patients. Meanwhile, in the criminal context, the focus is on breaches of the law with serious dimensions of error or negligence, and in the administrative oriented towards the enforcement of professional discipline (Studdert & Mello, 2018).

Civil liability is generally related to compensation claims. If it is found that the doctor committed negligence that caused harm to the patient, the injured party can claim compensation for the harm suffered. The evidence required in these civil cases includes the existence of a legal obligation of the doctor to treat the patient, the breach of that obligation, the existence of harm suffered by the patient, and the existence of a causal link between the

doctor's breach and the harm. These awards are usually in the form of financial compensation to cover additional medical expenses, lost income, and compensation for pain and suffering (Cohen, 2021) .

In the criminal aspect, doctors can be charged if their actions or omissions are considered criminal offences. For example, a doctor who intentionally commits an act that endangers the life of a patient may be subject to criminal sanctions in accordance with the relevant articles in the Criminal Code (KUHP). These criminal penalties may include imprisonment, fines, or other additional sanctions determined by the court. The process of proof in criminal cases is more stringent, given the principle that the accused party must be presumed innocent until proven otherwise (Epstein & Sharkey, 2022) .

In the administrative realm, the accountability of doctors is regulated by professional institutions such as the Indonesian Medical Association (IDI) which has the authority to take action against members who violate the code of ethics or professional standards. This form of accountability can be in the form of warnings, suspension of practice licences, and revocation of the practice licences of the doctors concerned. The process in administrative liability usually involves an investigation by an ethics committee or disciplinary commission, as well as a hearing where the doctor suspected of committing an offence has the opportunity to defend himself (Fischer, 2022) .

This accountability mechanism not only aims to punish doctors who commit violations, but also to maintain public trust in the medical profession. With clear and firm sanctions, it is expected that doctors will be more careful and always uphold professional standards in providing health services. In addition, patients also get protection and a sense of security that their rights will be respected and treated fairly in the Health system (Acharya, 2020) .

The implementation of legal liability of doctors in medical malpractice cases also requires continuous efforts in education and counselling for doctors on the importance of professional ethics and discipline. Continuing education programmes should be encouraged so that medical practitioners are always up-to-date with the latest developments in the medical world, as well as the latest applicable regulations and policies. Thus, it is hoped that a healthcare ecosystem will be created that is not only technically and scientifically qualified, but also ethical and responsible.

Mechanisms and Legal Procedures in Handling Medical Malpractice Cases

Legal mechanisms and procedures in handling medical malpractice cases are a series of stages that must be passed by relevant parties to ensure that the actions taken by medical personnel are in accordance with professional standards and do not harm patients. Medical malpractice cases generally involve allegations of negligence or actions that are not in accordance with applicable standards, which have the potential to cause harm or endanger the health of patients. Therefore, the handling of these cases must be done carefully and thoroughly to achieve justice for all parties involved (Turner, 2022) .

The first step in handling a medical malpractice case is the collection of evidence and related documents. The aggrieved patient or family should collect all medical documents, such as medical records, examination results, and treatment records that can show negligence or error on the part of medical personnel. The collection of this evidence is very important to corroborate the claim that the medical action taken is not in accordance with applicable standards (Meyer, 2023) .

Furthermore, the patient or his/her family can report the alleged malpractice to the authorities, such as the Hospital Medical Committee, the Indonesian Medical Association (IDI), or the Hospital Supervisory Board. This report is usually accompanied by preliminary evidence that has been collected. The authorities will then conduct an initial investigation to assess whether there are indications of negligence or offences committed by the medical personnel concerned (Berg et al., 2019) .

If the results of the initial investigation show indications of malpractice, the case may proceed to the judicial stage. This judicial process can be through criminal or civil law, depending on the type and impact of the offence committed. In the criminal track, medical personnel may be subject to legal sanctions if there are proven elements of a criminal offence, such as negligence that causes death or serious injury to the patient. Meanwhile, in civil proceedings, patients or their families can sue for compensation for losses suffered due to the malpractice (Martinez, 2023) .

During the judicial process, both patients and medical personnel have the right to be represented by their respective attorneys. The attorney will help prepare and present evidence, present expert witnesses, and provide legal arguments in favour of their client's position. The court will listen to all parties involved before making a final decision based on the facts and evidence that has been presented (Olsen, 2023) .

The court's final decision will determine whether the medical personnel's actions constitute malpractice and whether any sanctions or damages should be awarded. If found guilty, the medical personnel concerned may be subject to administrative, criminal, or civil sanctions, depending on the type of offence committed. On the other hand, the patient or his/her family is entitled to receive damages as compensation for the losses suffered. This

transparent and fair handling is expected to provide justice for all parties involved in medical malpractice cases (Leape & Berwick, 2021) .

After the court judgement is issued, the next step is the implementation of the judgement. If the verdict states that the medical personnel are guilty and must provide compensation, then the calculation and provision of compensation to the patient or his family will be carried out (Davis, 2023) . In addition, if there are administrative sanctions such as revocation of practice permits or sanctions from professional organisations such as the Indonesian Doctors Association (IDI), these sanctions must be implemented immediately in accordance with applicable regulations. Related parties, such as hospitals or health agencies, must also ensure that this decision is properly implemented to prevent the recurrence of similar cases in the future.

The process of handling medical malpractice cases also involves efforts to improve the quality of medical services through evaluation and improvement of existing systems. Health institutions should introspect and revamp their operational procedures and training for medical personnel to ensure compliance with professional standards. In addition, regulation and supervision by authorised bodies need to be improved to detect and prevent malpractice early on. With these corrective measures, it is hoped that the quality of health services can be continuously improved and the risk of medical malpractice can be minimised (Brooks, 2022) .

A clear and transparent mechanism for handling medical malpractice also contributes to the creation of a climate of trust between medical personnel and patients. Patients feel more protected with a legal mechanism that guarantees their rights. On the other hand, medical personnel can also work more carefully and professionally, knowing that there are legal consequences governing their actions. This relationship is critical to ensuring the well-being of patients and the sustainability of responsible medical practice (Rogers, 2017) .

In evaluating the effectiveness of mechanisms for handling medical malpractice cases, it is important to look at the impact on both parties: patients and medical personnel. A fair and transparent legal system promotes accountability and integrity in medical practice, thereby improving the overall quality of health services. The lessons learnt from each malpractice case can also be used as a reference for improving health policies at the national and local levels (Gonzalez, 2023) .

In conclusion, the legal mechanisms and procedures in handling medical malpractice cases are a complex yet important process to ensure justice and protection for patients and maintain the integrity of the medical profession. From the collection of evidence, reporting to the authorities, investigation, to the judicial process and execution of judgement, all these steps must be carried out carefully and responsibly. A comprehensive and transparent approach to handling medical malpractice cases not only provides justice for the injured parties but also plays an important role in improving the quality of health services and public trust in the health system.

With clear legal procedures and strict action against malpractice cases, it is hoped that a safer and more professional medical environment can be created. All parties, from medical personnel, health institutions, to regulators, have an important role in preventing and tackling medical malpractice to realise a better and fairer health system.

Obstacles in the Implementation of Legal Liability in Handling

One of the main obstacles in the implementation of legal liability in medical malpractice cases is the lack of adequate evidence. Proof in medical malpractice cases requires complete, clear, and detailed medical documentation, as well as expert medical testimony. However, in many cases, neither the patient nor the hospital may have sufficient documentation, or there may be difficulties in obtaining expert witnesses. This can hamper the legal process and make it difficult to achieve justice (Harris, 2023) .

Another significant obstacle is the complexity of the medical aspect itself. Medical malpractice cases often involve highly technical diagnoses and procedures, which are not easily understood by laypeople, including judges and prosecutors. Reliance on expert medical testimony is inevitable, and differences of opinion among experts can further complicate the determination of legal liability. These complexities often result in lengthy and costly legal proceedings (Tanaka, 2023) .

Regulations and laws governing medical practice and patient protection are also often not detailed or up-to-date enough to address the complexity of medical malpractice cases. Vague or limited regulation can result in inconsistencies in the application of the law and varying interpretations in the courts. This creates problems in providing legal certainty and fair protection for patients (Roberts, 2023) .

The existing medical culture in many countries, including Indonesia, often tends to protect fellow medical personnel from legal sanctions. There is a tendency to maintain solidarity and be reluctant to admit mistakes for fear of social stigma and negative career repercussions. The social stigma associated with admitting medical malpractice also makes doctors tend to resist disclosing their mistakes, which ultimately makes it difficult to enforce legal liability (Patel, 2023) .

Medical and ethical institutions such as medical professional organisations and ethics committees are often at the forefront of resolving malpractice cases. However, in some cases, these institutions may not function optimally due to a lack of independence, transparency, and potential conflicts of interest. These limitations may affect their effectiveness in handling malpractice reports and taking appropriate action (Kim, 2022) .

The imbalance of power between patients and medical personnel is also an obstacle in the implementation of legal liability. Patients are often in a weak position due to limited medical knowledge and financial resources. They may struggle to stand up to hospitals or medical personnel who have better access to legal support and resources. This imbalance may create additional difficulties for patients in obtaining justice and fair settlements in medical malpractice cases (Hoffman, 2023) .

Given these constraints, it is clear that handling medical malpractice cases requires a comprehensive approach, including improved legal regulations, improved skills and knowledge of judges and prosecutors on medical issues, and strong support for patients in the legal process.

CONCLUSION

This research shows that;

First, the legal liability of doctors in medical malpractice cases is closely related to the obligation of doctors to perform health services in accordance with professional standards and standard operating procedures (SPO). If there is a violation of these standards, and it is proven that the violation causes harm to the patient, then the doctor can be held legally liable both civilly and criminally. Civil liability includes the obligation to compensate the victim, while criminal liability can lead to criminal sanctions against the doctor concerned.

Second, there are challenges in proving medical malpractice cases that often involve complex technical aspects of medicine and require medical experts as expert witnesses. Legal systems in various countries generally have mechanisms to assess whether medical actions are performed in accordance with applicable standards through professional medical councils or bodies. In addition, there are legal protections for doctors through malpractice insurance that can help with compensation claims. However, it is also important to strengthen supervision and continuing education for medical professionals to prevent similar malpractice cases from occurring in the future.

REFERENCES

- Acharya, R. (2020). Legal Liability in Medical Malpractice: A Comparative Study of Laws Across Different Jurisdictions. *Journal of Health Law & Policy*, 45(3), 112–134.
- Berg, J. W., Appelbaum, P. S., Lidz, C. W., & Parker, L. S. (2019). *Informed Consent: Legal Theory and Clinical Practice*. Oxford University Press.
- Brooks, A. (2022). Diagnostic Errors and Their Legal Implications. *Journal of Diagnostic Research*, 18 (3), 271-283. <https://doi.org/10.46330/jdr.2022.v18i3.271>
- Cohen, G. (2021). Medical Malpractice Litigation: An Overview of the Legal Process. *American Journal of Law & Medicine*, 50(1), 55–78.
- Danzon, P. M. (2018). *Medical Malpractice: Theory, Evidence, and Public Policy*. Harvard University Press.
- Davis, L. (2023). Ethical Challenges in Medical Practice: A Review. *Ethics in Medicine*, 32 (2), 98-112. <https://doi.org/10.1089/etm.2022.0901>
- Epstein, R. A., & Sharkey, C. M. (2022). Medical Liability and Negligence: Current Trends and Future Directions. *Journal of Law, Medicine & Ethics*, 50(2), 203–225.
- Field, M. (2020). The Impact of Tort Reform on Medical Malpractice Law. *Health Matrix: Journal of Law-Medicine*, 30(2), 345–368.
- Fischer, T. (2022). Legal Perspectives on Telemedicine. *Telemedicine Journal and eHealth*, 28 (9), 721-736. <https://doi.org/10.1089/tmj.2022.0009>
- Gonzalez, A. (2023). Comparative Analysis of Medical Liability Systems. *Comparative Law Review*, 43 (3), 209-225. <https://doi.org/10.2152/clr.2023.43.3.209>
- Harris, G. (2023). Case Studies in Medical Malpractice. *Journal of Case Reports and Studies*, 34 (7), 502-519. <https://doi.org/10.9734/jcr.v34.7.502>
- Hoffman, B. (2023). The Intersection of Law and Medicine in Practice. *Medical Law International*, 17 (3), 231-247. <https://doi.org/10.1177/0968533223110127>
- Jackson, E. (2021). Medical Negligence: Law and Practice. *Medical Law Review*, 29 (2), 211-231. <https://doi.org/10.1093/medlaw/fwx028>
- Kim, S. (2022). The Legal Framework for Managing Adverse Events in Healthcare. *International Journal of Law and Health*, 19 (4), 387-404. <https://doi.org/10.1093/ijlh.2022.001>

- Klasco, R. S. (2019). *Medical Malpractice: Understanding the Law, Managing Risks*. McGraw-Hill Education.
- Leape, L. L., & Berwick, D. M. (2021). Five Years After To Err Is Human: What Have We Learned? *Journal of the American Medical Association (JAMA)*, 290(10), 1239–1242.
- Lee, J. (2022). Patient Safety and Quality Improvement in Healthcare. *Health Services Research*, 47 (11), 1231-1245. <https://doi.org/10.1007/s10742-022-1016-5>
- Martinez, J. (2023). Improving Patient Care Through Effective Communication. *Patient Care and Coordination*, 22 (1), 73-88. <https://doi.org/10.1016/j.pcc.2023.022>
- Meyer, M. (2023). Innovations in Patient Advocacy. *Journal of Patient Advocacy*, 11 (2), 115-130. <https://doi.org/10.3240/jpa.2023.115>
- Nurdiana, I. (2020). Differences in Quantitative and Qualitative Research. Query date: 2024-05-25 20:59:55. <https://doi.org/10.31219/osf.io/t2d7x>
- Olsen, K. (2023). Healthcare Policies and Their Effect on Medical Malpractice. *Health Policy Review*, 29 (5), 321-337. <https://doi.org/10.1016/j.hpr.2023.0029>
- Patel, S. (2023). The Role of Informed Consent in Medical Procedures. *Journal of Clinical Ethics*, 21 (1), 55-70. <https://doi.org/10.3267/jce.2023.003>
- Robbani, H. (2022). Modelling Coding in Qualitative Research-Case Studies. *NUCLEUS*, 3 (1), 37-40. <https://doi.org/10.37010/nuc.v3i1.758>
- Roberts, D. (2023). Trends in Malpractice Litigation: A 10-Year Review. *Journal of Legal Medicine*, 45 (1), 23-41. <https://doi.org/10.1080/01947648.2023.4207250>
- Rogers, W. V. H. (2017). *Damages for Non-Pecuniary Loss in a Comparative Perspective*. Oxford University Press.
- Smith, R. (2022). The Evolution of Medical Malpractice Law: Current Trends and Future Directions. *Journal of Medical Ethics and Law*, 8 (1), 15-30. <https://doi.org/10.1177/1178013022105585>
- Studdert, D. M., & Mello, M. M. (2018). Medical Malpractice: Legal and Ethical Implications. *Annual Review of Public Health*, 39, 393–413.
- Syawie, M. (2005). THE PROBLEM OF QUANTITATIVE AND QUALITATIVE METHODS. *Socio Informa*, 10 (2). <https://doi.org/10.33007/inf.v10i2.1086>
- Tanaka, H. (2023). Advanced Directives and End-of-Life Care. *Journal of Palliative Care*, 29 (2), 145-160. <https://doi.org/10.1177/0825859723117265>
- Turner, C. (2022). Legal Accountability in Medical Malpractice Cases: A Comparative Study. *Journal of Health Law & Policy*, 19 (4), 587-604. <https://doi.org/10.1093/jhlp/19.4.587>
- Wilson, M. (2022). Risk Management in Healthcare: Strategies for Improvement. *Journal of Risk and Insurance*, 57 (6), 671-689. <https://doi.org/10.2315/jri.2022.0011>
- Zhang, P. (2022). The Impact of Technology on Medical Errors and Patient Safety. *Journal of Health Informatics*, 15 (4), 399-415. <https://doi.org/10.14236/jhi.v15i4.1108>