

## The Accountability of Nurses for Neglecting Their Responsibilities in Diagnosis and Medication Administration to Patients in Health Centers as Stipulated by Law Number 38 of 2014 Regarding Nursing

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### ABSTRACT

Health is one of the most important supporting factors of human life in order to live a prosperous and happy life. The research method used in this writing uses a qualitative method designed to collect, analyze and understand descriptive qualitative data aimed at understanding a phenomenon in depth that describes the characteristics, nature, quality and certain attributes of an object, phenomenon or subject being studied and obtained through observation methods, document studies or group discussions which include: Approach Method, Research Specifications, Types of Research, Data Collection Techniques, Data Analysis, Research Locations. Analysis of the burden of nurse responsibility aims to find out a nurse in carrying out their duties, this workload can certainly affect the performance and welfare of nurses.

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## **INTRODUCTION**

Health is one of the supporting factors of human life that is very important in order to live a prosperous and happy life. Health is also one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in the Pancasila and the Opening of the 1945 Constitution of the Republic of Indonesia as stated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that everyone has the right to obtain health services. Then in Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the state is responsible for providing adequate public service facilities. Health services are efforts that are carried out individually and together in an organization to maintain and improve health, prevent and cure diseases and restore health for individuals, families, groups or communities.

Initiatives aimed at enhancing the quality of human life within the healthcare sector are crucial, encompassing a wide range of comprehensive strategies. These initiatives focus on advancing public health in both physical and mental aspects. This is in accordance with Article 1 Paragraph (1) of Law No. 17 of 2023 concerning Health, which states that health is a healthy state of a person both physically, mentally and socially and not just being free from disease to enable him to live productively. In principle, planning, procurement, utilization, coaching, and supervision of the quality of health workers are aimed at all health workers in carrying out health efforts for the life of the community. The law on health is *Lex Specialist*, meaning that the law contains exceptional norms to protect the interests of all parties, both doctors and nurses and the community. Basically, health includes four important aspects of life, namely physical, mental, social and economic.

Health initiatives encompass a range of activities conducted in a cohesive and ongoing manner, executed with a profound sense of responsibility to sustain and enhance community health. These initiatives focus on promoting public health through education, outreach, and the encouragement of healthy lifestyle practices. Preventive forms are forms of efforts to prevent the occurrence of diseases or health problems by taking actions such as immunization and regular health checks. Curative forms are forms of efforts to cure diseases or control symptoms of diseases. Rehabilitative forms are forms of efforts to restore body function and the abilities of individuals who have experienced a disease or injury. Palliative forms are forms of efforts to reduce suffering and improve the quality of life of patients who experience chronic or end-stage diseases, including pain treatment, psychosocial support and care to improve patient welfare. Health services are designed to provide treatment and disease prevention, which encompasses medical services based on the individual interactions between patients and the nurses responsible for their care. These medical services refer to the assistance received by individuals for the prevention, diagnosis, and treatment of specific health issues.

## **LITERATURE REVIEW**

### ***Review of Legal Responsibilities for Nurses in Carrying Out Their Duties***

According to Hans Kelsen in his theory of legal responsibility, it states that a person is legally responsible for certain actions or that he bears legal responsibility. Subject means that he is responsible for a sanction in the event of a conflicting action. Furthermore, Hans Kelsen stated that failure to exercise the care that must be carried out by law is called negligence and negligence is usually viewed as another type of error (culpa) without malicious intent, although it is not an intentional error (dolus). According to Amir & Hanafiah, the responsibility of nurses in health services is one of the determining factors for improving the health of the community which is part of the welfare element that must be realized in the national health system. The success of the implementation of health services cannot be separated from the role of nurses who are the benchmark for community assessment of health services.

### ***Role, Function and Duties of Nurses***

According to Muhammad Hatta in nursing care, a nurse with a minimum education level of Diploma III has a role as an implementer, educator, manager and researcher. Nurses play a crucial role in delivering nursing care to individual patients, families, and the community, both directly and indirectly. Nurses as educators provide counseling to the community or patients under their responsibility. Effective counseling will enhance the outcomes of nursing care. Nurses in managerial roles are those who occupy structured positions within healthcare facilities. It is essential for nurses to oversee and guarantee the quality of nursing services while also organizing and managing the nursing service system. Nurses engaging in research contribute significantly to the advancement of nursing knowledge; therefore, it is essential for them to possess the skills necessary to conduct research within their specialties. By acquiring research capabilities, nurses can pinpoint nursing-related issues, implement suitable principles and methodologies, and the outcomes of their investigations can enhance both the quality of nursing care and nursing education.

### ***Health Service Review***

Service is an activity or benefit provided by one party to another party. Service is also an activity that occurs in direct interaction between a person and another party that will result in satisfaction. Health services are individual services provided by medical personnel or health care workers in the form of examinations, consultation services and action services. Health services in the fields of medicine and physiology are services received by a person in relation to the prevention, diagnosis and treatment of certain health disorders.

The right to health is the right of every individual or the right of a patient to maintain health care that is based on the basic relationship between a doctor or nurse and a patient. The right to determine one's fate or rights to self-determination *zellselbstbestimmungsrecht*. Then the right to self-determination is a personal right concerning life, health, personal freedom and honor. Humans have the right to determine their fate related to their position as individuals who have the right to determine their future. Therefore, this right can only be implemented in terms of freedom independently and responsibly in deciding their life goals.

### ***Legal Certainty and Protection for Nurses in Implementing Health Services***

Legal certainty refers to a state or condition that is unequivocal concerning legal provisions or regulations. The law should be enforced with both certainty and fairness, serving as a guideline for conduct that promotes a reasonable order. Fairness must be implemented with certainty with the hope that the law can run according to its function. Legal certainty is a question that can only be answered normatively, not sociologically.

According to Hans Kelsen, law is a system of norms, namely statements that emphasize the aspect of "should" (*sollen*) by including several regulations about what should be done. Norms are products and actions of deliberative humans. Laws that contain general rules will be guidelines for every individual in community life, both in relationships with other individuals and in relationships with society. These rules become limitations for society in taking action, with the existence of these rules and their implementation giving rise to legal certainty.

Legal certainty in normative terms is when a regulation is made and enacted with certainty to regulate clearly and logically, clearly in the sense that it does not cause doubt (multiple interpretations) and becomes a system of norms with other norms so that it does not clash and cause norm conflicts. Legal certainty refers to the implementation of laws that are very clear, permanent and consistent and consequential which in their implementation cannot be influenced by subjective circumstances. Legal certainty and justice are not just moral demands, but in fact become characteristics of the upholding of law.

### **METHODOLOGY**

The research method used in this writing uses a qualitative method designed to collect, analyze and understand descriptive qualitative data aimed at understanding a phenomenon in depth that describes the characteristics, nature, quality and certain attributes of an object, phenomenon or subject being studied and obtained through observation methods, document studies or group discussions which include: Approach Method, Research Specifications, Type of Research, Data Collection Techniques, Data Analysis, Research Location.

## RESEARCH RESULT AND DISCUSSION

### *The Burden of Responsibility of Nurses Who Fail to Carry Out Diagnosis and Drug Administration Tasks for Patients at Health Centers*

The legal responsibility for nurses in carrying out nursing care must be based on applicable legal grounds. The legal responsibility for nurses in nursing care at health centers needs to pay attention to several important aspects that must be considered based on legal grounds. Legally, Law Number 17 of 2023 concerning Health is the main legal basis that regulates all aspects of health, including patient interests and safety. That patient safety is an obligation that must be fulfilled by all parties involved in health services including Hospitals, Health Centre's and Health Workers. Patient safety is an integral part of efforts to improve the quality of health services, both internally and externally.

The analysis of the burden of responsibility of nurses aims to find out a nurse in carrying out their duties, this workload can certainly affect the performance and welfare of nurses. In providing health services to the community, a nurse is required to provide quality nursing care and minimize risks to patients. The workload of nurses is influenced by various factors that can cause errors or negligence by nurses in carrying out their duties. These factors include, among others, the number of patients being too many to handle due to a lack of health workers in health centers, the type of work done by nurses and also work environment factors.

### *Forms of Legal Responsibility for Nurses in Public Health Services at Health Centers*

The form of legal responsibility for nurses can be seen from several aspects of the legal field itself. When viewed based on State Administrative Law, the burden of legal responsibility for nurses stems from the issue of authority held by the nurse herself. When viewed based on Civil Law, the related elements can be seen from the presence or absence of an unlawful act or default, and when viewed based on Criminal Law, the elements are the presence or absence of negligence or error in actions that should or should not be carried out based on the law.

The legal responsibility for nurses depends on the form of authority they have. This burden of responsibility is carried out using the principle of *zaakwarneming* based on Article 1354 of the Civil Code (BW), in this case the concept of responsibility occurs immediately for a nurse who is in a certain condition who must provide emergency assistance when there is no one else competent to provide assistance. Legal protection in the act of *zaakwarneming* carried out by nurses is stated in Article 20 of the Decree of the Minister of Health (Kemenkes) Number 1239/MENKES/SK/XI/2001 Concerning Registration and Practice of Nurses. In this case, it is stated that nurses will actually be held legally accountable if they do not provide emergency assistance to someone who needs it. The primary objective of health services is to endeavor to treat the patient's illness, the service actions carried out must also be in accordance with applicable procedures and of course must be accountable. Health services can be carried out after obtaining approval from the recipient of the action in this case the patient concerned, and are carried out by providing information on the actions needed

and closed with the signing of an informed consent form. However, if the recipient of the service is in a condition that does not allow it, then approval from the family is needed.

## **CONCLUSIONS AND RECOMMENDATIONS**

The conclusions and suggestions that can be given by the author include the following:

1. The burden of work responsibility that is too high causes nurses to feel physically, mentally and emotionally exhausted due to excessive work activity demands. This has an impact on the quality of health services for patients who come to the health center. The tasks given to nurses determine the performance of a nurse to be able to carry out nursing care properly. However, in reality, there are still many health workers who have a workload that exceeds their capacity. This raises the risk of errors in carrying out work on health services and causes misdiagnosis and errors in administering drugs to patients.
2. The legal accountability of nurses in the provision of healthcare services within the health sector center must be carried out in accordance with nursing service standards, operational standards and in accordance with applicable legal provisions, namely Law Number 38 of 2014 concerning Nursing. Nursing services that are not in accordance with legal procedures will pose a risk to patients. This form of legal responsibility in health services will help nurses in carrying out safe, quality nursing care tasks, and in accordance with nursing professional standards and applicable laws and regulations.
3. There needs to be an effort from the government to improve nurses' understanding of legal responsibilities for the tasks carried out by nurses in health services at health centers. This can be done through ongoing education and training programs, as well as intensive socialization of nurses in carrying out health service tasks for the community.
4. Conducting an evaluation of the nurse performance assessment system by making rules, supervising nurses as agreed by nurses, head of the room and nursing management regarding the optimization of the application of ethical principles in providing nursing care and accompanied by the provision of rewards and punishments.

## **ADVANCED RESEARCH**

There needs to be an in-depth and comprehensive study from the perspective of the nurse's legal responsibility, not only seen from one aspect of negligence or error, but must be studied comprehensively from various other aspects including the workload that exceeds the nurse's performance capacity.

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