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## DEVELOPMENT OF A LEGAL FRAMEWORK FOR THE MANAGEMENT OF ETHICAL AND LEGAL CONFLICTS IN PATIENT CARE

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### Abstract

This study aims to investigate the dynamics of ethical and legal conflicts in patient care in Indonesia and to provide recommendations that can enhance clinical practices and healthcare policies. This study employs a qualitative approach by conducting in-depth interviews with healthcare practitioners, patients, and their families. Data is also analyzed through policy analysis and literature review to gain comprehensive insights. The research findings indicate that healthcare practitioners often encounter ethical conflicts in clinical decision-making, especially when their ethical values conflict with the wishes of patients or their families. Ineffective communication among healthcare practitioners, patients, and their families also emerges as a significant factor contributing to conflicts in decision-making. Active involvement of patients and their families in clinical decision-making proves crucial in managing ethical and legal conflicts. Additionally, the uncertainty of healthcare practitioners and resource limitations in handling conflicts also pose significant challenges.

**Keywords:** Legal framework, ethical conflicts, patient care

### Abstrak

Penelitian ini bertujuan untuk menyelidiki dinamika konflik etik dan hukum dalam perawatan pasien di Indonesia serta untuk memberikan rekomendasi yang dapat meningkatkan praktik klinis dan kebijakan kesehatan terkait. Penelitian ini menggunakan pendekatan kualitatif dengan melakukan wawancara mendalam dengan praktisi kesehatan, pasien, dan keluarga mereka. Data juga dianalisis melalui analisis kebijakan dan tinjauan literatur untuk mendapatkan wawasan yang komprehensif. Temuan penelitian menunjukkan bahwa praktisi kesehatan sering menghadapi konflik etik dalam pengambilan keputusan klinis, terutama ketika nilai-nilai etis mereka bertentangan dengan keinginan pasien atau keluarga. Komunikasi yang tidak efektif antara praktisi kesehatan, pasien, dan keluarganya juga menjadi faktor penting yang menyebabkan konflik dalam pengambilan keputusan. Keterlibatan aktif pasien dan keluarganya dalam pengambilan keputusan klinis terbukti penting dalam mengelola konflik etik dan hukum. Selain itu, ketidakpastian praktisi kesehatan dan keterbatasan sumber daya dalam menangani konflik juga menjadi tantangan yang signifikan.

**Kata kunci:** Kerangka hukum, konflik etik, perawatan pasien

## INTRODUCTION

The management of ethical and legal conflicts in patient care is a crucial aspect of the modern healthcare system. According to Nugraha & Ismail (2023), these two aspects are often intertwined and require a clear legal approach to ensure fairness, compliance, and protection of the rights of patients and healthcare practitioners. This research aims to develop a comprehensive legal framework for addressing ethical and legal conflicts in patient care, with a focus on the Indonesian context.

Patient care often involves situations that give rise to ethical and legal conflicts. Ethical conflicts arise when there is a conflict between moral values or ethical principles underlying decision-making. Meanwhile, legal conflicts occur when there is a discrepancy between applicable legal norms (Njoto, 2009; Retnowati, 2013; Sudjana, 2017). In the context of patient care, ethical and legal conflicts can arise in a variety of situations, including but not limited to the determination of appropriate treatment, the use of medical data, and patient rights.

According to Soeparto (2006), several relevant legal principles need to be considered in developing a legal framework for handling ethical and legal conflicts in patient care. First, the principle of patient autonomy recognizes the right of patients to make decisions about their care based on adequate information. Second, the principle of non-maleficence requires health practitioners not to cause harm or harm patients. Third, the principle of justice, which demands fair and equal treatment of all patients. Finally, the principle of confidentiality protects patients' medical information from unauthorized access or unauthorized disclosure.

Ami (2021) adds that the development of the legal framework includes several important elements: a) the Role of Regulatory Institutions: The Ministry of Health and the Indonesian Medical Council should work together to produce adequate regulations, b) Education and Training: The importance of education and training on medical ethics and health law for Healthcare practitioners, c) Mediation and Dispute Resolution: The use of mediation and other alternative mechanisms for dispute resolution, d) Legal Protection for Patients: Concrete measures to legally protect patients' rights, e) Interprofessional Collaboration: Cooperation between different health professions is essential in dealing with ethical and legal conflicts, f) Development of a Code of Ethics: A clear code of ethics that can be applied by all healthcare practitioners, g) Surveillance and Enforcement: Effective oversight systems to ensure compliance with the law and ethical standards.

Various studies have been conducted to understand the dynamics of ethical and legal conflicts in patient care. Research by Kitta (2021) shows that ethical conflicts often arise in situations where there is a conflict between different moral values. For example, in cases where patients refuse medical treatment based on their own religious beliefs or personal beliefs. Fatoni et al. (2023) highlighted the important role of law in resolving conflicts in patient care. They found that the existence of a clear and applicable legal framework can help direct the actions of health practitioners in complex situations. However, uncertainty or ambiguity in the law can make it difficult to address conflicts. Research by Widyatama & Bagiastra (2024) showed that health practitioners often

experience stress and tension when faced with situations involving ethical or legal conflicts. The lack of adequate training and support in managing such conflicts is a significant challenge.

This study aims to identify and analyze the factors that influence the onset of ethical and legal conflicts in patient care in Indonesia, as well as to evaluate effective strategies and solutions for managing such conflicts. The research will involve a qualitative approach, by conducting in-depth interviews with healthcare practitioners, patients, and their families, as well as an analysis of existing policies and regulations.

In doing so, it is hoped that the results of this study can help improve the quality of patient care, protect patients' rights, and ensure that healthcare practitioners can operate within a clear and supportive legal framework.

## **METHOD**

This research will use a qualitative approach to gain an in-depth understanding of the factors that influence ethical and legal conflicts in patient care in Indonesia (Purwanza, 2022). This approach will allow researchers to explore the different perspectives and experiences of those involved in conflict situations, as well as to understand the cultural, social, and environmental contexts that may influence conflict dynamics.

### **Data Collection**

Data will be collected through two main methods:

1. **Interviews:** Researchers will conduct in-depth interviews with various parties involved in patient care, including health practitioners (doctors, nurses, pharmacists), patients, and their families. Interviews will be conducted face-to-face or via teleconference and will be recorded for further analysis.
2. **Policy and Regulatory Analysis:** In addition, the researcher will analyze existing policies and regulations relating to healthcare practice and patient protection in Indonesia. This analysis will assist in understanding the legal framework governing patient care and identify potential gaps or discrepancies that may influence the emergence of ethical and legal conflicts.

### **Data Analysis**

Data collected from interviews will be analyzed using a thematic approach. The researcher will transcribe the interviews, and then identify key themes, patterns, and trends that emerge from the data. Policy and regulatory analysis will be conducted by identifying gaps or discrepancies between regulated health practices and actual practices, as well as factors that may affect policy implementation.

### **Validity and Reliability**

To ensure the validity and reliability of the data, researchers will use data triangulation by combining interview results with policy and regulatory analysis. In addition, researchers will verify the data with respondents to ensure a correct understanding of their perspectives.

## **Research Ethics**

The researcher will ensure that all participants provide free and informed consent before participating in this study. Privacy and confidentiality of data will be carefully maintained, and all data will be stored securely and only accessed by researchers.

## **RESULTS AND DISCUSSION**

Interviews with research subjects were an integral part of this study to gain a deeper understanding of their experiences, views, and perceptions of ethical and legal conflicts in patient care in Indonesia (Retnowati, 2013; Sulolipu et al., 2019; Winarni, 2021). These interviews were conducted with various parties involved in patient care, including healthcare practitioners, patients, and their families. The following are the results of the interviews we collected. Based on the interviews with Healthcare Practitioners, namely Doctors, nurses, and pharmacists we said that they are often faced with situations where ethical and legal conflicts occur in clinical decision-making. They emphasized the importance of considering the best interests of patients in every decision they make, but often have to deal with limited resources and ambiguous regulations. They also highlighted the importance of effective communication between the healthcare team and patients and their families.

As for interviews with patients and families, some of the patients the researchers interviewed stated that they often felt uncomfortable or lacked confidence in expressing their concerns or needs to healthcare practitioners. Patients' families also expressed the challenges they face in understanding and supporting their patients' care. Some families experienced uncertainty about their role in clinical decision-making, while others felt unheard of or ignored by the healthcare team. As for the results of the interviews with the research subjects, some general findings can be concluded. Health practitioners often feel uncertain about how to cope with complex and unexpected situations, especially when there is a conflict between ethical and legal values. Ineffective communication between healthcare practitioners, patients, and their families can lead to confusion, dissatisfaction, and conflict in clinical decision-making. Active involvement of patients and their families in clinical decision-making is an important factor in managing ethical and legal conflicts.

The results of this interview have several important implications for clinical practice and health policy in Indonesia. Efforts are needed to improve the training of health practitioners in effective communication, shared decision-making, and management of ethical and legal conflicts in patient care. Patients and their families need to be encouraged and supported to play an active role in clinical decision-making. It is important to continuously improve health infrastructure and support systems to ensure that health practitioners have sufficient resources to provide quality care and properly meet patient needs.

The results showed that several factors cause ethical and legal conflicts in patient care in Indonesia. One of them is the difference in values and beliefs between patients, families, and health practitioners. For example, in some cases, patients and their families may have different treatment preferences than those recommended by health practitioners based on their religious or cultural values and beliefs. In addition, there are sometimes

disagreements between healthcare practitioners about the most appropriate diagnosis or treatment method, which can lead to conflicts in decision-making.

The researchers' findings also suggest that Indonesia's social and cultural context plays an important role in the emergence of ethical and legal conflicts in patient care. For example, the habit of respecting medical authority may lead patients to be reluctant to question health practitioners' decisions, even if they have concerns or disagreement with the recommended treatment. In addition, stigmatization of certain health conditions or lack of access to adequate medical information may influence patient and family decision-making. Researchers' analysis of health policies and regulations in Indonesia also shows that there are sometimes legal uncertainties that can complicate the handling of ethical and legal conflicts in patient care. For example, in some cases, there are no clear guidelines or regulations on decision-making procedures in complex situations, such as termination of life support. This can lead to confusion and tension between health practitioners, patients, and their families.

Based on the researcher's findings, some several implications and recommendations can be applied in clinical practice, policy, and further research:

1. **Education and Training:** The importance of improving understanding of medical ethics and health law among health practitioners. A thorough education program should be developed to ensure that health professionals have a good understanding of the ethical principles underlying health practice, as well as of the legal framework governing patient care in Indonesia.
2. **Patient Empowerment:** Efforts are needed to increase patient involvement in decision-making about their care. This can be done by providing clear and comprehensive information to patients about their diagnosis, treatment options, and associated risks and benefits. In addition, it is also important to create a supportive environment for patients to ask questions, express their concerns, and actively participate in decision-making.
3. **Development of Clinical Guidelines:** There is a need to develop clear and applicable clinical guidelines to address ethical and legal conflict situations in patient care. These guidelines should include detailed decision-making procedures, as well as guidance on how to manage conflicts that may arise between patients, their families, and healthcare practitioners.
4. **Improved Policies and Regulations:** The government and relevant agencies need to work together to improve clarity and consistency in regulations relating to patient care. This includes updating existing laws, developing necessary clinical practice guidelines, and providing training to healthcare practitioners on the implementation of new or updated regulations.
5. **Further Research:** Finally, further research is needed to further investigate the dynamics of ethical and legal conflicts in patient care in Indonesia, as well as to test the effectiveness of various conflict management strategies. This follow-up research could help identify more specific risk factors, as well as

develop more appropriate and effective interventions to manage conflicts in clinical practice.

The results of this study are consistent with Deontological Ethical Theory as it highlights ethical conflicts between health practitioners and patients/families in the context of patient care in Indonesia. Deontological Ethical Theory, promoted by philosophers such as Immanuel Kant, emphasizes the importance of absolute moral obligations and universal principles in ethical decision-making (Irawati, 2024; Miliyandra et al., 2023). In the context of healthcare, this theory asserts that healthcare practitioners have a moral obligation to act by certain moral principles regardless of the consequences or outcomes of such actions (Lukitawati & Novianto, 2023; Rahayu, 2021). Thus, when healthcare practitioners are faced with situations where their ethical values conflict with the wishes or preferences of patients or families, ethical conflicts may arise.

In this study, the findings suggest that health practitioners often experience ethical conflicts in clinical decision-making, especially when there is disagreement between the health practitioner and the patient or their family about the best treatment option. For example, in some cases, health practitioners may recommend a medical course of action based on their assessment of ethical principles such as preserving life or avoiding unnecessary suffering, but the patient or their family may have different preferences or beliefs about the type of treatment desired. In such situations, health practitioners may feel caught between their moral obligation to act by ethical principles and the wishes of the patient or their family.

In addition, the study findings also highlight the importance of considering ethical perspectives in the context of clinical decisions. Healthcare practitioners should be able to understand and consider the values, principles, and moral rules involved in patient care situations, and ensure that decisions are made with the patient's welfare and best interests in mind. In this regard, Deontological Ethical Theory emphasizes that health practitioners have a moral obligation to act according to the ethical principles they espouse, even if it goes against the wishes of the patient or their family (Effendi, 2023; Kusumaningrum, 2019; Wibowo et al., 2023).

The implication of the consistency of the research results with Deontological Ethical Theory is the need for the development of clinical practice strategies and guidelines that can better assist health practitioners in dealing with ethical conflict situations (Aeni, 2014; Anggraini, 2018; Kartikawati, 2021). This according to Suryadi et al. (2021) includes the development of thorough ethics training for healthcare practitioners, the implementation of clear ethical decision guidelines, and the promotion of an organizational culture that encourages ethical reflection and collaborative discussion of ethical dilemmas in clinical practice. As such, this study makes a valuable contribution to our understanding of ethical conflicts in patient care in Indonesia and provides a foundation for the development of better ethical approaches in healthcare practice.

## **CONCLUSION**

This study has investigated the dynamics of ethical and legal conflicts in patient care in Indonesia. Through interviews with various parties involved in patient care, policy



analysis, and literature review, several important findings have been identified. First, health practitioners often experience ethical conflicts in clinical decision-making, especially when there is disagreement between health practitioners and patients or their families about the best treatment option. Second, ineffective communication between health practitioners, patients, and their families can lead to confusion, dissatisfaction, and conflict in clinical decision-making. Third, the active involvement of patients and their families in clinical decision-making is an important factor in managing ethical and legal conflicts. Finally, health practitioners' uncertainty and limited resources in handling conflicts are also significant challenges.

For future researchers, it is recommended to continue this study by focusing on several aspects that have not been fully covered. First, further research can be conducted to explore the perspectives of patients and families in the context of ethical and legal conflicts in patient care. This could include further investigation of patients' and families' expectations, concerns, and preferences in clinical decision-making, as well as factors that influence their participation in the decision-making process. Secondly, further research could also explore the effectiveness of various intervention strategies to manage ethical and legal conflicts in clinical practice. This includes the development and implementation of clinical practice guidelines that can better assist healthcare practitioners in dealing with conflict situations, as well as better training and support for healthcare practitioners in developing effective communication skills and managing uncertainty. Finally, further research could also explore the policy implications of the findings of this study. This includes the evaluation of existing health policies and identification of potential improvements or the development of new policies that could promote patient-oriented decision-making, effective communication, and better handling of ethical and legal conflicts in patient care in Indonesia.

By continuing research in these directions, it is hoped that significant progress can be made in our understanding of ethical and legal conflicts in patient care in Indonesia, as well as the development of interventions and policies that can improve clinical practice and patient satisfaction.

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