

## Legal Protection for Patients in Telemedicine Services: A Legal Analysis of Nationally Applicable Regulations

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### Keywords

Telemedicine; Legal Protection;  
Patients; Health Services;  
Medical Records

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### Abstract

The development of information and communication technology has driven the transformation of health services through telemedicine. Telemedicine provides easier access to remote health services, especially for people living in remote areas and those with limited access to health facilities. However, the implementation of telemedicine also raises various legal issues, particularly those related to patient protection, the confidentiality of medical data, informed consent, and the responsibilities of health workers. This research aims to analyze the legal regulation of telemedicine within Indonesia's health law system, as well as the forms of legal protection provided to patients in telemedicine services. This research uses a normative juridical method with statutory and conceptual approaches. The results of the study show that telemedicine regulation in Indonesia has been established through Law Number 17 of 2023 concerning Health, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 29 of 2004 concerning Medical Practice, Regulation of the Minister of Health Number 20 of 2019 concerning the Implementation of Telemedicine Services between Health Service Facilities, and Regulation of the Minister of Health Number 24 of 2022 concerning Medical Records. Legal protection for patients includes the protection of the right to information, the confidentiality of medical data, consent for medical procedures, and the legal responsibilities of health workers and telemedicine platform operators.

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### INTRODUCTION

The development of information and communication technology has brought major changes to various sectors of life, including the health sector. One form of this development is the emergence of telemedicine as a medium for remote health services that utilizes digital technology. Telemedicine serves as a solution for increasing access to health services, especially for people in remote areas, border regions, and areas with limited health workers. Telemedicine is essentially a health service carried out remotely using communication and information technology for the purposes of diagnosis, treatment, disease prevention, consultation, and health education. The use of telemedicine continues to grow as the public's need for fast, efficient, and easily accessible health services increases. In Indonesia, the development of telemedicine has increased significantly, especially since the Covid-19 pandemic. The government has begun to develop various regulations governing the

implementation of telemedicine in order to provide legal certainty for health workers, health service facilities, and the public as service users. Although telemedicine provides many benefits, it also raises various legal issues (AAMC, 2021).

One important issue is the legal protection of patients. In telemedicine practice, the interaction between doctors and patients is carried out through electronic media, creating different risks from those found in face-to-face health services. These risks include misdiagnosis due to limited physical examinations, leakage of patient medical data, misuse of health information, and unclear legal responsibility in the event of harm to the patient. Patients, as parties receiving health services, have the right to obtain legal protection, including the right to information, the right to privacy, the right to medical data security, and the right to receive health services in accordance with professional standards and operational procedure standards. Therefore, clear and comprehensive legal arrangements are needed so that the implementation of telemedicine continues to ensure the protection of patients' rights. Based on this description, research on legal protection for patients in telemedicine services is important in order to determine how telemedicine law is regulated in Indonesia and what forms of legal protection are provided to patients.

Several studies have examined the legal aspects of telemedicine in Indonesia. Lestari, (2021b; 2021c) concludes that telemedicine arrangements still need to be strengthened, especially regarding medical data confidentiality and informed consent. (Widjaja et al., 2025a-d) found that the main challenge of telemedicine is the weak monitoring of digital platforms' compliance with data protection standards. (Nadiroh & Wiraguna, 2025) revealed that many telemedicine platforms have not complied with the Personal Data Protection Law, while (Putu et al., 2024) concluded that the legal responsibility of doctors in telemedicine remains unclear due to the limitations of remote physical examinations. (Apriana & Husni, 2025) and Ali Al Idarus discuss patient protection but have not integrated all relevant regulations, including the Health Law, the Personal Data Protection Law, and the Medical Practice Law. Andrianto and (Athira, 2022) and (Agustina et al., 2025) examined telemedicine from the perspective of health law and consumer protection, but their approaches are more general and not specific to health law. Thus, the research gap lies in the absence of a comprehensive study that simultaneously analyzes the five main telemedicine regulations and formulates forms of patient legal protection holistically. This research offers novelty through an integrated analysis of the five main regulations on telemedicine in Indonesia, as well as the formulation of a comprehensive model of legal protection for patients.

Based on the background described above, this study proposes two problem formulations: What are the legal arrangements regarding telemedicine in Indonesia's health law system? What forms of legal protection are provided to patients in telemedicine services? In accordance with these problem formulations, the objectives of this research are to identify and analyze the legal arrangements regarding telemedicine in Indonesia's health law system and to identify and analyze the forms of legal protection for patients in telemedicine services. This research has both theoretical and practical benefits. Theoretically, this research is expected to contribute to the development of health law, especially in relation to telemedicine regulation and legal protection for patients. Practically, this research is expected to provide input for the government, health workers, health service facilities, and the public regarding the importance of legal protection in the implementation of telemedicine.

## **METHOD**

This research uses a normative juridical research method. Normative juridical research is conducted by examining theories, concepts, legal principles, and laws and regulations related to telemedicine and legal protection for patients.

The approaches used in this study are the statute approach and the conceptual approach. The statute approach is applied by examining various laws and regulations governing telemedicine, health services, medical practice, personal data protection, electronic information, and medical records. Meanwhile, the conceptual approach is used to analyze legal concepts related to patient protection, informed consent, medical confidentiality, professional responsibility, and the rights of patients in telemedicine services.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 17 of 2023 concerning Health, Law Number 29 of 2004 concerning Medical Practice, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 19 of 2016 concerning Amendments to the Electronic Information and Transactions Law, Regulation of the Minister of Health Number 20 of 2019 concerning the Implementation of Telemedicine Services between Health Service Facilities, and Regulation of the Minister of Health Number 24 of 2022 concerning Medical Records. Secondary legal materials consist of books, journals, scientific articles, and research findings related to telemedicine and legal protection for patients. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources relevant to the research.

The technique for collecting legal materials is carried out through literature study by gathering laws and regulations, books, journals, scientific articles, and other relevant sources. The collected legal materials are then analyzed using qualitative descriptive analysis by examining and connecting laws and regulations, legal theories, and the concept of legal protection for patients in telemedicine services.

## **RESULTS AND DISCUSSION**

### **Legal Regulation of Telemedicine in Indonesia**

Telemedicine arrangements in Indonesia continue to grow in line with technological advances and increasing public needs for digital health services. The Indonesian government has issued various regulations to regulate the implementation of telemedicine in order to meet health service standards and provide legal certainty. Law Number 17 of 2023 concerning Health is the main legal basis for the implementation of telemedicine in Indonesia. This law stipulates that health services can be carried out by utilizing information and communication technology as long as they pay attention to health service standards, professional ethics, and patient data security. In addition, the Regulation of the Minister of Health Number 20 of 2019 regulates the implementation of telemedicine between health service facilities. The regulation regulates the procedures for telemedicine services, the authority of health workers, and the responsibilities of health service facilities. In the aspect of electronic medical records, the government regulates through the Regulation of the Minister of Health Number 24 of 2022 concerning Medical Records. This regulation recognizes electronic medical records as a legal document in digital health services. Meanwhile, the protection of patients' personal data is

regulated in Law Number 27 of 2022 concerning Personal Data Protection which emphasizes that health data is sensitive personal data that must be kept confidential.

### **Legal Protection for Patients in Telemedicine Services**

Legal protection for patients in telemedicine services includes various important aspects. 1. Protection of the Right to Information: Patients have the right to obtain clear, true, and complete information about their health condition, medical procedures to be performed, benefits and risks of telemedicine services, and the possibility of the need for direct examinations.

Medical Data Confidentiality Protection: In telemedicine services, patient medical data is sent and stored in electronic form. Therefore, telemedicine providers are obliged to maintain the security, integrity, and confidentiality of patient data so that they are not misused by unauthorized parties. 3. Informed Consent: Consent for medical procedures or informed consent is an important part of telemedicine services. The doctor must explain the medical procedure to be performed so that the patient can give his consent consciously. 4. Legal Responsibility of Health Workers; Doctors and health workers still have professional responsibilities in telemedicine services. If negligence occurs that causes losses to patients, health workers can be held accountable ethically, disciplined, civil, or criminal. 5. Responsibilities of Telemedicine Platform Operators: Telemedicine platform operators also have responsibilities in ensuring system security and patient data protection. If there is a data leak or system disruption that harms the patient, the platform operator can be held legally liable.

### **CONCLUSION**

The regulation of telemedicine in Indonesia has been established through various laws and regulations, including Law Number 17 of 2023 concerning Health, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 29 of 2004 concerning Medical Practice, and regulations of the Minister of Health related to telemedicine and electronic medical records. Legal protection for patients in telemedicine services includes the protection of the right to information, the confidentiality of medical data, informed consent, and the legal responsibilities of health workers and telemedicine platform operators.

Based on these conclusions, this study proposes several recommendations. The government is advised to strengthen supervision of telemedicine platforms' compliance with the Personal Data Protection Law and issue technical regulations concerning electronic informed consent and clear legal responsibilities. Health workers should exercise greater caution in providing telemedicine services, properly document medical procedures, ensure the validity of informed consent, and refer patients for direct physical examinations when necessary. Telemedicine platform providers are advised to improve system security, protect the confidentiality of patient data, and develop service standard operating procedures and complaint-handling mechanisms. The public should understand their rights as patients, including the right to information, the right to data confidentiality, and the obligation to provide accurate health information. Future researchers are advised to conduct empirical studies on the effectiveness of telemedicine regulations in different regions, platform compliance with the Personal Data Protection Law, and comparative studies of telemedicine law in other countries.

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