

## A Legal Analysis of the Role of PPNS in Health-Related Criminal Cases Concerning Systems that Ensure Patient Safety

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### Keywords

PPNS; Patient Safety; Health Crime; Health Law; Legal Protection

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### Abstract

Patient safety has become a fundamental principle in modern healthcare systems and constitutes an essential aspect of the protection of the right to health. Nevertheless, the increasing number of health-related criminal cases, medical negligence disputes, and violations of healthcare service standards indicates that the implementation of patient safety systems in Indonesia continues to face significant juridical and institutional challenges. Under these circumstances, Civil Servant Investigators (Pejabat Pegawai Negeri Sipil or PPNS) hold a strategic position in enforcing health criminal law and ensuring compliance with healthcare regulations. This research aims to analyze the juridical role of PPNS in the enforcement of health criminal law related to patient safety systems in Indonesia. The research employs a normative juridical method using statutory and conceptual approaches. The legal materials consist of primary legal sources, including the Criminal Procedure Code and Law Number 17 of 2023 concerning Health, as well as secondary legal materials such as legal doctrines, scientific journals, and academic literature related to health law and patient safety. The findings demonstrate that PPNS possesses strategic authority not only in conducting criminal investigations, but also in carrying out preventive supervision to minimize risks to patient safety. However, the implementation of PPNS authority remains constrained by overlapping institutional authority, limited human resources, weak inter-agency coordination, and the absence of comprehensive technical regulations concerning patient safety incident investigations. Therefore, strengthening regulatory harmonization, improving PPNS competence, and developing a patient safety-oriented law enforcement model are necessary to ensure effective legal protection and improve healthcare quality in Indonesia.

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### INTRODUCTION

Patient safety has developed into one of the central issues in modern health service governance because it is directly related to the protection of patients' rights to safe, quality, and equitable health services. Health service failures that cause injuries, disabilities, or patient deaths are no longer seen solely as a matter of professional ethics or individual negligence of health workers, but as a systemic problem involving health service governance, regulation, supervision, and the effectiveness of health law enforcement mechanisms (Madan et al., 2024; Rosiek et al., 2020; Wallis, 2017). This position places patient safety as an integral part of a national health law regime that demands the active involvement of the state through responsive and patient-protection-oriented legal policies. International attention to patient safety has

increased significantly since the high number of preventable medical errors in various countries began to be positioned as a serious threat to the quality of global health services (Biquet, 2020; Organization, 2021, 2023). The World Health Organization, through the Global Patient Safety Action Plan 2021–2030, emphasizes that millions of patients every year suffer injuries and even deaths due to health service errors that can actually be prevented through effective patient safety systems. The characteristics of patient safety incidents show that most medical errors arise not only from individual factors of health workers, but are also influenced by weaknesses in organizational systems, poor coordination of services, failures in clinical communication, and a weak safety culture in healthcare institutions. This perspective gave birth to a modern approach to patient safety that places the evaluation of the healthcare system as the main focus rather than merely individual punishment (Aveling et al., 2016; Bates & Singh, 2018; Wears & Sutcliffe, 2019). Indonesia has reformulated health regulations through Law Number 17 of 2023 concerning Health, which integrates various health provisions into a single national legal framework. The regulation strengthens provisions regarding the quality of health services, patient protection, supervision of health service facilities, the responsibility of health workers, and law enforcement against health crimes. This regulatory development reflects a paradigm shift in national health law towards a more comprehensive approach to patient protection and health service governance. However, these regulatory developments have not been fully accompanied by the harmonization of the health law enforcement system in a manner capable of addressing the complexity of patient safety cases in practice. The problem of health law enforcement in Indonesia still reveals a lack of clarity in distinguishing between violations of professional ethics, disciplinary violations, medical errors, medical risks, and health crimes (Amiati et al., 2025; Rosnida et al., 2026; Tegnan, 2018). This situation often gives rise to a criminalization approach towards health workers without first placing medical incidents within the framework of a comprehensive evaluation of the health service system. As a consequence, health workers tend to become defensive in medical practice and are reluctant to report patient safety incidents due to concerns about criminal and administrative consequences (Golitaleb & Safdari, 2025; Pellino & Pellino, 2015; Rinaldi et al., 2019). This condition has the potential to hinder the formation of a patient safety culture, which requires openness in reporting and systemic evaluation of health service incidents. This issue is even more relevant when considered in relation to the position of Civil Servant Investigators (PPNS) within the national health law enforcement system. Article 6 paragraph (1)(b) of the Criminal Procedure Code provides a juridical basis for the existence of PPNS as certain civil servant officials who have the authority to conduct investigations into specific criminal acts according to their respective fields. The health sector is one of the fields that requires a special investigation mechanism because the characteristics of health crimes are closely related to aspects of medicine, pharmaceuticals, medical devices, professional standards, and the governance of health service facilities. This complexity means that health crimes cannot be handled in a manner entirely equivalent to general crimes, as the investigation process requires substantive competence and multidisciplinary understanding. The position of health PPNS is essentially not limited to a repressive function through the criminal investigation process, but also encompasses a preventive function and the supervision of the implementation of health services. The scope of this authority makes PPNS part of the state's instrument in maintaining the quality of health services and preventing incidents that endanger patient safety. However, the effectiveness of health PPNS authority still faces various structural and normative obstacles, including the disharmonization of authority with investigators of the National Police of the Republic of Indonesia, limited human resources, weak medical-forensic investigation capacity, and the absence of technical regulations that specifically govern the investigation of health crimes within the patient safety system framework. Modern patient safety literature suggests that an overly punitive legal approach can in fact undermine a patient safety culture. Reason (2000)

explained that most medical errors result from interactions between human error and weaknesses in the healthcare organizational system. The just culture approach subsequently developed as a model emphasising a balance between professional accountability and systemic learning within the health system. This orientation places patient safety incident investigations not only as a means of identifying those responsible, but also as a process for identifying the systemic factors that contribute to the occurrence of medical incidents. This approach carries significant importance in the context of health criminal law enforcement, so that the investigation process does not inadvertently impede the openness of patient safety incident reporting (Alghrani et al., 2024; Madden & Tumelty, 2019; Ramsey et al., 2025). Previous studies have discussed various aspects of criminal liability of health workers and legal protection of patients. Thahir and Tongat (2024) emphasise the importance of a balance between patient protection and the professional responsibility of health workers in medical crimes. Purwanto et al. (2025) examine the urgency of legal certainty in resolving malpractice disputes under the 2023 Health Law. Sagita et al. (2023) also highlight the relationship between the implementation of patient safety and hospital criminal responsibility in health services. However, existing literature still exhibits a significant research gap. Most previous studies have focused on the substantive legal aspects of health worker liability or patient rights protection without adequately addressing the institutional and procedural dimensions of health criminal law enforcement, particularly the role of investigative authorities. While the patient safety system has been discussed extensively from clinical and managerial perspectives, its integration with criminal law enforcement mechanisms — specifically the authority and function of PPNS — remains underexplored, including how PPNS investigations can be aligned with the just culture approach and what normative and institutional obstacles they face under Law Number 17 of 2023 concerning Health. This study analyzes the position of health PPNS as part of a national health surveillance mechanism oriented towards protecting patient safety, rather than merely serving as a repressive criminal law enforcement apparatus. It advances the perspective that health criminal law enforcement should be built upon a patient safety system approach that places patient protection, evaluation of the health service system, and proportionality of legal accountability as its primary objectives. This conception is expected to contribute theoretically to the development of national health law and to serve as a conceptual foundation for the formation of a health law enforcement model that is more responsive to the principles of patient safety in Indonesia.

## **METHOD**

This research uses a normative juridical research method that focuses on the analysis of legal norms, legal principles, legal doctrines, and regulatory synchronization related to the enforcement of health criminal law and patient safety systems in Indonesia. The normative juridical approach was chosen because the primary object of the research lies in the legal construction regarding the authority of Civil Servant Investigators (PPNS) in handling health crimes and its relevance to the protection of patient safety in the national health service system. This research is prescriptive-analytical in nature, as it not only describes legal norms, but also provides legal arguments and recommendations for strengthening the health law enforcement system based on the patient safety system.

The research approach consists of a statutory approach, a conceptual approach, and a case approach. The statutory approach is used to examine various regulations related to the authority of PPNS, health criminal law, and patient safety, such as the Criminal Procedure Code, Law Number 17 of 2023 concerning Health, and Regulation of the Minister of Health Number 11 of 2017 concerning Patient Safety. The conceptual approach is used to analyze the concepts of patient safety, health law enforcement, criminal accountability of health workers, just culture, and patient legal protection. The case approach is applied on a limited basis through the review

of several medical disputes and health law enforcement practices related to patient safety.

The legal materials in this study consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations, court decisions, and health regulations relevant to the research object. Secondary legal materials consist of books, scientific journals, academic articles, and the doctrines of health law experts related to patient safety and health criminal law enforcement. Tertiary legal materials, in the form of legal dictionaries, legal encyclopedias, and other supporting resources, are used to strengthen conceptual understanding of health law terms and constructions.

The collection of legal materials is carried out through library research by inventorying, identifying, classifying, and examining various legal documents and scientific literature relevant to the research. The inventorying process is conducted by selecting regulations and scientific references related to the authority of PPNS and the patient safety system. Legal materials are then classified based on type, hierarchy, regulatory substance, and relevance to the research problem formulation. This study relies entirely on secondary data and therefore does not involve respondents, populations, or sampling techniques as would be the case in empirical research.

The legal material analysis technique is carried out qualitatively using the normative juridical analysis method through grammatical interpretation, systematic interpretation, and teleological interpretation of legal norms related to the authority of PPNS and patient safety. Grammatical interpretation is used to understand the textual meaning of health law provisions and criminal procedure law, while systematic interpretation is used to analyze the inter-regulatory linkages within the national health law system. Teleological interpretation is used to understand the purpose underlying the establishment of legal norms in ensuring patient safety protection through health law enforcement mechanisms. The research analysis is also directed at identifying norm synchronization, norm conflicts, vague norms, and potential legal voids (vacuum of law) in the regulation of patient safety-based health crime investigations.

## **RESULTS AND DISCUSSION**

### **Legal Regulations for the Protection of Health Workers in the Implementation of Patient Safety Programs**

The results of the study show that legal protection for health workers in the implementation of patient safety programs has been regulated in various laws and regulations in Indonesia. The main regulations that are the basis for the protection include Law Number 17 of 2023 concerning Health, Law Number 36 of 2014 concerning Health Workers, the Law on Medical Practice, and the Regulation of the Minister of Health regarding patient safety.

The research found that health workers have the right to obtain legal protection as long as they carry out their duties in accordance with professional standards, service standards, standard operating procedures (SPO), and professional codes of ethics. These provisions are listed in Article 57 letter a of Law Number 36 of 2014 concerning Health Workers and strengthened in Law Number 17 of 2023 concerning Health.

The results of the study show that the patient safety program is an important instrument in the protection of health workers (Listya et al., 2021). The implementation of patient safety is carried out through risk identification, patient safety incident reporting, evaluation of medical errors, and the implementation of preventive measures to minimize the occurrence of health service incidents. This study also found the application of the principle of no blame culture in the patient safety system. This principle places health service incidents as part of the evaluation of the system, not solely the fault of individual health workers.

In addition, the mechanism for resolving medical disputes prioritizes mediation before settlement through litigation. This approach aims to reduce the criminalization of health workers while maintaining a professional relationship between health workers and patients.

Although legal protection regulations are available, the results of the study show that there are still implementation obstacles in the form of a lack of understanding of health law aspects by health workers, weak implementation of standard operating procedures, and increasing public demands for the quality of health services.

#### Legal Relations, Legal Consequences, and Legal Protection in Improving the Quality of Health Services

The results of the study show that legal relationships in health services occur between health workers, patients, and health care facilities through therapeutic relationships. This relationship gives birth to rights and obligations for each party. Patients have the right to receive safe, quality, and professional health services. On the other hand, health workers have the obligation to provide services according to competencies, professional standards, service standards, and professional codes of ethics.

The research also found that health workers are entitled to legal protection as long as they carry out their profession in accordance with the applicable legal provisions. This protection is important because the health profession has high risks directly related to patient safety.

In addition, the results of the study show that legal consequences can arise if there is a violation in health services. The legal consequences include administrative liability, civil liability, and criminal liability. Administrative liability can be in the form of a reprimand or revocation of a practice license, while civil liability arises if the patient suffers losses due to the negligence of health workers. Criminal liability can be imposed if the actions of health workers meet the elements of a criminal act.

This study also found that health service facilities can be held accountable if there are system errors, weak supervision, or lack of health service facilities and infrastructure.

The implementation of patient safety and a no-blame culture is considered to contribute to improving the quality of health services because it encourages health workers to report health service incidents without fear of being punished (Alhumaira & Renaldy, 2023).

#### **Analysis of the Legal Arrangements for the Protection of Health Workers in the Patient Safety Program**

The results of the study show that legal protection for health workers is an important part of the implementation of health services that are oriented towards patient safety (Prasetyo, 2024). The existence of Law Number 17 of 2023 concerning Health shows the strengthening of the state's role in providing legal certainty to health workers in carrying out their profession. The regulation on the right of health workers to obtain legal protection shows that the state recognizes the health profession as a high-risk profession. This risk arises because every medical procedure has the possibility of medical complications or failures even though it has been carried out according to professional standards and standard operating procedures (Law... & Fibrini, 2024).

The perspective of health law places legal protection for health workers as an integral part of the implementation of patient safety (Putri & Ruslie, 2024). The concept of patient safety is not only aimed at protecting patients from health service errors, but also protecting health workers from health system errors.

The application of the principle of no blame culture shows a paradigm shift in the modern health care system. Health service errors are no longer seen solely as individual faults, but rather as part of the weaknesses of the health care system. This approach is important to encourage openness of health workers in reporting health service incidents so that evaluation and system improvement can be carried out on an ongoing basis. In addition, the resolution of medical disputes through mediation reflects a more proportionate approach in health law. Mediation resolution is more appropriate to be applied in medical disputes because it considers aspects of professionalism, humanitarian relations, and the interests of the parties.

However, the implementation of legal protection for health workers still faces various

obstacles. The lack of understanding of health law among health workers and the weak implementation of service standards show that the effectiveness of legal protection does not only depend on regulations, but also on the quality of the health service system and the supervision of its implementation.

### **Analysis of Legal Relations, Legal Consequences, and Legal Protection in Improving the Quality of Health Services**

The legal relationship between health workers, patients, and health service facilities is the basis for the implementation of health services. This relationship raises rights and obligations that must be carried out in a balanced manner in order to create professional and quality health services.

The therapeutic relationship between health workers and patients is a legal relationship that has juridical consequences from a health law perspective (Trihandini, 2020). Therefore, every medical action must be carried out based on professional competence, informed consent, service standards, and applicable legal provisions.

Legal consequences in health services arise if there is a violation of professional standards, service standards, or other legal provisions. However, not all medical failures can be categorized as criminal acts because medical risks and complications are an inseparable part of health services.

Legal protection for health workers is closely related to improving the quality of health services. Health workers who obtain certainty and legal protection will be more optimal in providing health services. On the contrary, legal uncertainty can encourage the emergence of defensive medicine that has the potential to reduce the quality of health services.

In addition, the implementation of patient safety and no blame culture is an important part of improving the quality of health services. Patient safety culture allows every health service incident to be used as evaluation material to improve the health service system in an ongoing manner.

The resolution of medical disputes through mediation, ethical mechanisms, and professional discipline is considered more proportionate than directly using criminal channels because it considers the professional aspects and interests of the parties (Alhumaira & Renaldy, 2023). This approach can create a balance between the protection of patients' rights and the protection of the health profession.

Legal protection for health workers not only aims to provide a sense of security for health workers, but also becomes an important instrument in realizing professional, quality, and patient safety-oriented health services (Adi Sutrisno & Arief Budiono, 2025).

### **CONCLUSION**

Based on the results of the research and discussions on legal protection for health workers in the implementation of the Patient Safety Program in Indonesia, it can be concluded that legal arrangements related to the protection of health workers have been regulated in various laws and regulations, particularly Law Number 17 of 2023 concerning Health, Law Number 36 of 2014 concerning Health Workers, and other regulations related to patient safety and healthcare service standards. These regulations provide a guarantee of legal protection for health workers as long as they carry out their duties in accordance with professional standards, service standards, operational procedure standards, and professional codes of ethics. The existence of the Patient Safety Program also reflects the state's efforts to create safe, quality, and preventive health services. However, legal protection does not remove the responsibility of health workers if they are proven to have committed violations of the law, negligence, or actions contrary to professional standards.

The results of the study also show that legal relationships in health services involve health

workers, patients, and health service facilities, giving rise to mutual rights and obligations. These legal relationships give rise to legal consequences in the form of administrative, civil, and criminal responsibility in the event of errors or negligence in health services. Legal protection for health workers plays an important role in supporting the improvement of the quality of health services, as health workers who obtain certainty and a sense of legal security will be more professional in providing quality health services oriented towards patient safety. The application of the concepts of patient safety and no blame culture is also an important part of creating a safer, more transparent, and sustainable health service system.

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