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Legal Responsibility of Health Professionals in Protecting Patient Data

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Abstract

Protection of patient health data confidentiality is a fundamental aspect of the healthcare system, which aims to maintain the individual's right to privacy. However, medical data breaches still occur frequently, posing social, psychological, and legal risks to patients. Law Number 17 of 2023 concerning Health and the Code of Ethics for Health Professionals have outlined the obligations of health workers in maintaining patient medical information. This study examines the legal responsibilities of health workers and the obstacles and legal efforts in enforcing these provisions. This study uses a normative legal method by studying laws, legal concepts, and cases. Data were collected through a literature search examining laws, legal books, and court decisions related to violations of medical confidentiality. This study found that regulations have clearly defined the obligations of health professionals in maintaining the confidentiality of patient medical data. However, implementation in the field still faces various obstacles, such as a lack of understanding among health professionals regarding regulations, a weak supervision system, and challenges in law enforcement for violators. Existing regulations have set severe sanctions for violations of medical confidentiality, but their effectiveness still needs to be strengthened through increased education for health professionals, improved data security infrastructure, and more consistent monitoring and enforcement.

Keyword

Health Law, Medical Confidentiality, Patient Data Protection, Professional Liability.

1. Introduction

Confidentiality of patient health data is essential for quality medical care, as patient trust in healthcare providers is based on this belief (Riyanto & Ratnawati, 2024). Leakage or misuse of health data can have negative impacts, such as social stigma, discrimination, and psychological harm. The leak of COVID-19 patient data in Indonesia in 2020 showed the vulnerability of health information systems to security threats (Sugiarto et al., 2024). Another case in early 2022 involved the alleged leak of around six million COVID-19 patient medical records (Kustiasih, 2022; Risambessy, 2023). In the context of medical ethics, maintaining the confidentiality of patient data is a moral obligation that must be adhered to by every health worker. The Indonesian Code of Medical Ethics emphasizes that doctors must maintain patient confidentiality, even after the patient dies. Violation of this principle not only damages the professional relationship between doctor and patient but can also reduce public trust in the medical profession (Desai & Kapadia, 2022; Zhang & Zhang, 2023).

From a legal perspective, the confidentiality of patient health data is protected by various regulations in Indonesia. Regulation of the Minister of Health of the Republic of Indonesia Number 24 of 2022 concerning Medical Records stipulates that personal data, including health data, must be protected from unauthorized access and disclosure. In addition, Law Number 36 of 2009 concerning Health also emphasizes that patients have the right to receive protection of privacy and confidentiality regarding their health. However, even though regulations have been established, their implementation still faces various challenges (Petersson et al., 2022; Budiman et al., 2025). The main problem is the lack of awareness among health workers about the confidentiality of patient data, especially among nursing students (Yusuf, 2024). Sharing patient information without the patient's knowledge is a common violation of professional ethics and can lead to lawsuits. The development of information technology in the health sector presents new challenges, including cybersecurity threats such as hacking and data leaks. Article 32 of Law Number 44 of 2009 emphasizes that patients have the right to the confidentiality of their medical conditions (Riandita et al., 2022; Simamora, 2022; Melani & Hidayat., 2023). In addition, the development of information technology in the health sector brings new challenges in maintaining the confidentiality of patient data. The implementation of Electronic Medical Records (EMR) increases the efficiency of health services but also opens opportunities for cybersecurity threats such as hacking and data leaks. The hacking case of the Electronic Health Alert Card (e-HAC) application in 2021, which resulted in the leak of 1.3 million user data, highlighted the vulnerability of digital systems in protecting health information (Sugiarto et al., 2024).

The Ministry of Communication and Information highlighted security gaps in the digital data storage system of health facilities, increasing the risk of data leaks (Indra et al., 2024). Despite existing regulations, breaches still occur, necessitating evaluation and improvement in health data protection (Rani et al., 2024). The new Health Law clarifies health workers' obligations to maintain patient confidentiality, emphasizing ethical and legal aspects (Kesuma, 2024). Trust is fundamental in the health worker-patient relationship (Sutherland et al., 2022; Yusuf, 2024; Fukami, 2024). Violations often arise from negligence or ignorance, leading to legal consequences under the 2023 Health Law (Pozgar, 2023; Indrawan et al., 2024).

Violations of patient data confidentiality can result in administrative, civil, or criminal sanctions. The Personal Data Protection Act allows for prosecution for privacy violations, but the effectiveness of law enforcement must be improved to ensure compliance and prevent further violations (Indra et al., 2024; Khan et al., 2025). Cases of health workers leaking patient information to third parties without permission have had a negative impact on patients socially and psychologically. Such cases raise concerns about the legal responsibility of health workers to maintain

confidentiality and the extent of legal sanctions that apply to those who violate their obligations (Sholikhah, 2024).

Based on this, this study aims to analyze the phenomenon of violations of patient health data confidentiality, explore related ethical and legal issues, and provide empirical data on cases that have occurred. It is hoped that this research can provide comprehensive insight into the importance of maintaining patient data confidentiality and its implications for health care practices in Indonesia.

2. Literature Review

Many studies have examined the legal responsibilities of health workers regarding patient confidentiality. Hartini (2022) and Simamora (2022) examined the legal protection of the identity of Covid-19 patients, highlighting that the public's initial perception of the virus was unimportant despite government appeals. They emphasized the importance of maintaining the privacy of medical status, as hospitals are legally obliged to protect patients' medical records, facing civil, administrative, and criminal liability for violations. Informed consent is also important in maintaining patient rights during medical procedures. In addition Demirsoy et al. (2021) and Sholikhah, (2024) focused on the responsibilities of nurses regarding patient health confidentiality, stating that all health-related information must remain confidential, even after death. The existing obstacles include negligence and lack of understanding by nurses about the importance of confidentiality, which has the potential to result in sanctions for those who violate this obligation.

In addition, Almaghrabi and Bugis (2022) and Putra et al. (2024) conducted a study on studying how patients' rights to privacy and confidentiality of health information are fulfilled in hospitals from a civil law perspective. In this study, it is discussed that protecting patients' rights to their health information is an important part of civil law that must be implemented by hospitals and medical personnel. Through the literature review method, this study explores basic concepts related to patient privacy rights and hospitals' obligations to maintain the confidentiality of medical information. Analysis of various legal regulations, medical ethics, and court decisions shows the complexity in maintaining a balance between patient rights and health workers' obligations. The results of this study provide insight into the challenges and policy recommendations that can improve legal protection for patients in the hospital environment. Finally, research conducted by Utomo (2021) and Hutabarat et al. (2022) highlights the urgency of law in protecting patient personal information in health services that use technology in Indonesia. In today's digital era, the risk of misuse of personal data is increasing, especially in health services that use electronic systems. This study emphasizes that although information and communication technology provide benefits in increasing access and efficiency of health services, there are threats to the security of patient personal data. Therefore, stricter regulations are needed to ensure that patient medical data is not misused.

Various previous studies have shown that legal protection of patient health secrets is a crucial aspect in the medical world that involves various forms of legal responsibility, both for doctors, nurses, and hospitals. Existing regulations have provided a legal basis for protecting patient rights, but there are still challenges in their implementation, especially related to negligence of health workers, lack of understanding of patient rights, and the risk of data misuse in the digital era. Therefore, further studies are needed to ensure that legal protection of patient health secrets can be optimally implemented in the health care system in Indonesia.

3. Methods

This study uses a normative legal method to examine the provisions governing the obligations of health workers in maintaining patient medical confidentiality, specifically Law Number 17 of 2023 concerning Health. The normative legal approach focuses on the analysis of the applicable legal framework and its implications for the responsibilities of health workers in maintaining the confidentiality of patient information.

Information retrieval for this study was conducted through various methods, including literature studies, case studies, and qualitative analysis. The literature study involved a review of relevant literature, including academic articles, legal texts, and previous research, to gather insights into the status of health data protection laws and their enforcement. Case studies provide real-world examples of how these regulations are implemented in practice, highlighting successful compliance and examples of confidentiality breaches. Qualitative analysis allows for a deeper understanding of the perspectives of health workers, patients, and legal practitioners regarding the effectiveness of existing regulations.

The main objective of this study is to provide a comprehensive understanding of the effectiveness of regulations in ensuring that health workers comply with their obligations to maintain the confidentiality of patient medical data. By analyzing the legal framework established by Law Number 17 of 2023, this study seeks to identify potential gaps in the law and areas that need improvement. This study also aims to assess the impact of this regulation on the behavior of health workers and the protection of patient rights overall.

Ultimately, this study contributes to the ongoing discourse on health data protection in Indonesia, emphasizing the importance of a strong legal framework and effective enforcement mechanisms. By ensuring that health workers are held accountable for maintaining patient confidentiality, this study aims to increase trust in the health care system and protect patients' rights to privacy and confidentiality.

4. Results and Discussion

4.1. Protection of Patient Health Data Confidentiality

The implementation of patient health data confidentiality protection in Indonesia has been clearly regulated in this law. Health data protection is a fundamental part of medical care that aims to maintain patient privacy and prevent misuse of medical information by irresponsible parties. This law states that every health worker is required to maintain the confidentiality of patient medical records except in certain circumstances in accordance with the law. This provision is the basis for all health institutions in implementing strict patient data protection policies. In practice, the implementation of patient health data protection faces various challenges, one of which is the awareness of health workers in maintaining patient medical information (Sugiarto et al., 2024). Several cases of patient health data leaks show that there are still weaknesses in the data security system in health care facilities (Kustiasih, 2022). One example is the case of the leak of COVID-19 patient medical record data in 2020 which involved millions of patient data in Indonesia, which shows the need to strengthen regulations in the practice of protecting medical information.

In addition to the provisions in the Health Law, the Code of Ethics for the Medical Profession also explains the obligations of health workers to maintain the condition of patients. The Indonesian Code of Medical Ethics emphasizes that doctors must not disclose patient health information to others without the patient's permission, except in emergency situations related to the law (Indrawan et al., 2024). This is in line with the principles of medical ethics that emphasize the importance of trust between doctors and patients in health services. In the digital health service

sector, the implementation of health data protection is a more complex challenge. The large number of digital platforms used for recording medical records increases the risk of data leakage if not accompanied by an adequate security system (Setiawan, 2024). Regulations in the Health Law and the Regulation of the Minister of Health Number 24 of 2022 require that every health service can implement digital security standards in storing and managing patient medical records to prevent illegal access (Azalia et al., 2024).

Another challenge in implementing patient health data protection is the low level of legal understanding among medical personnel regarding the legal consequences of data confidentiality violations (Budiman et al., 2025). Many medical personnel do not fully understand the legal implications of these violations, so that data leaks often occur due to negligence or ignorance of the correct procedures for maintaining patient information. Therefore, education and training related to health data protection regulations are very important for all medical personnel (Budiman et al., 2025). In terms of law enforcement, Law Number 17 of 2023 has stipulated strict sanctions for violations of patient health data confidentiality. Article 320 of the Health Law states that anyone who intentionally leaks patient medical data will be subject to sanctions. However, in practice, law enforcement still faces various obstacles, including the difficulty of proving data leaks and the weak supervision system for health care facilities.

Health workers often face an ethical dilemma between maintaining patient confidentiality and legal demands for data disclosure (Indrawan et al., 2024). For example, when asked to provide medical information for a legal case, they must ensure compliance with legal procedures, including obtaining an official warrant. In addition, the protection of patient health data must be aligned with international standards (Riyanto & Ratnawati, 2024). Although there are strict national regulations, harmonization with global standards is essential for a comprehensive protection system. To increase effectiveness, synergy between the government, health workers, and medical education institutions is essential in raising awareness of confidentiality and improving the monitoring and regulatory system for the use of health data.

In terms of technology, encryption and double authentication systems can improve the security of patient health data (Simamora, 2022). Blockchain technology is also considered a safer alternative to maintain patient confidentiality. In Indonesia, health data protection is related to the work culture in health facilities (Suwani et al., 2022). The implementation of appropriate SOPs for managing medical records, including mechanisms for reporting violations and sanctions for violations, is very important. Although Law Number 17 of 2023 and the Code of Ethics provide a legal basis for data protection, challenges such as low awareness and weak monitoring systems still exist. Strategic collaboration is needed to improve the protection of patient health data.

4.2 Obstacles and Legal Protection Efforts Related

Legal protection of patient data confidentiality is essential in Indonesia, as mandated by Law Number 17 of 2023, which requires health workers to safeguard patient medical information as a human right. However, challenges remain, especially in the digitalization of health services. Many facilities lack adequate data security infrastructure, increasing the risk of data leakage (Suwani et al., 2022). In addition, low understanding of regulations among health workers contributes to unintentional violations, such as disclosing patient information to insurance companies without consent. The Code of Ethics emphasizes confidentiality, but many health workers are still unaware of the limits of disclosure (Setiawan, 2024).

A significant obstacle in protecting patient data confidentiality is the unclear monitoring mechanism and sanctions for violations. While the Health Law outlines

administrative and criminal sanctions for illegal leaks, implementation faces challenges due to weak monitoring systems and low patient awareness in reporting violations (Law Number 17 of 2023). This has led to many health data leaks without adequate legal follow-up, allowing perpetrators to evade accountability. Additionally, the digitization of medical records poses challenges, as many facilities lack proper encryption and data protection systems, increasing the risk of cyber-attacks and unauthorized access, which can have serious consequences for patients and health workers (Suwani et al., 2022; Setiawan, 2024).

To overcome these various obstacles, several efforts have been made. The main step is to increase awareness of health workers regarding the obligation to maintain the confidentiality of patient data through more intensive training and socialization of regulations. This training aims to ensure that health workers understand the legal limitations in managing medical information and are aware of the legal consequences of violations (Budiman et al., 2025). With a better understanding, health workers are expected to be more careful in maintaining patient information and avoiding procedural errors that can have legal consequences. In addition to increasing awareness of medical personnel, the government is also trying to strengthen regulations regarding electronic medical security. One concrete step that has been taken is strengthening regulations related to stricter health information system security standards through the Regulation of the Indonesian Minister of Health (Suwani et al., 2022). Health care facilities are required to use data storage systems that are equipped with protection mechanisms, such as encryption and limited access for authorized parties.

The implementation of this technology aims to reduce the risk of data leakage and increase protection of patient privacy in digital-based medical services. Another effort is to strengthen the monitoring and law enforcement mechanisms against violations of patient data confidentiality. In the Health Law, the government is mandated to establish an independent supervisory institution tasked with overseeing health facilities' compliance with patient data protection regulations Number 17 of 2023 concerning Health, 2023). This institution is expected to play a role in receiving reports of violations, conducting investigations, and imposing sanctions. From the patient's perspective, it is important to increase public understanding of their rights regarding health data protection. Article 4 Paragraph (1) letter i of the Health Law states that every individual has the right to maintain the confidentiality of their personal health information. However, in practice, many patients are still unaware of this right and therefore do not report when a violation occurs. Therefore, it is necessary to conduct a broader educational campaign about patient rights in health services and how to report if there is a violation (Rani et al., 2024).

In addition, the role of professional organizations in maintaining ethical standards for medical personnel is also very important in increasing compliance with patient data protection. The Code of Ethics for Health Professions has provided guidelines for medical personnel to prioritize patient confidentiality in every medical procedure carried out (Setiawan, 2024). With supervision from professional health worker organizations, medical personnel compliance with ethical standards is expected to be further improved (Indrawan et al., 2024). With various obstacles and challenges, the implementation of legal protection for patient health data requires synergy between the government, medical personnel, health institutions, and the community. Strengthening regulations, increasing awareness, and implementing better security systems are important steps in ensuring that the confidentiality of patient health information can be maintained properly. Success in maintaining the confidentiality of health data will increase public trust in the health service system and provide stronger legal guarantees for patients and medical personnel.

5. Discussion

The implementation of patient health data confidentiality protection in Indonesia shows a gap between existing regulations and practices in the field. Although Law Number 17 of 2023 provides a strong legal basis, the challenges in its implementation are still significant. Low awareness of health workers regarding the importance of maintaining data confidentiality is one of the main factors causing information leaks. The case of the COVID-19 patient data leak in 2020 highlighted weaknesses in the data security system in health facilities. In addition, the low legal understanding among medical personnel regarding the consequences of data confidentiality violations also contributes to this problem. Therefore, better education and training regarding health data protection regulations is essential to increase awareness and understanding of health workers.

The ethical dilemmas faced by health workers when asked to disclose patient information in a legal context also show the need for clear guidelines. In this regard, harmonization of national regulations with international standards is essential to create a more comprehensive data protection system. In addition, the application of advanced technologies such as encryption and blockchain can be a solution to improve the security of patient health data. Synergy between the government, health workers, and medical education institutions is also very important to build awareness of the importance of maintaining the confidentiality of medical information. With strategic steps involving various parties, it is hoped that the effectiveness of patient health data protection in Indonesia can increase significantly.

The implementation of patient health data confidentiality protection in Indonesia faces various complex challenges. Although Law Number 17 of 2023 provides a strong legal basis, the challenges in its implementation are still significant. One of the main problems is inadequate data security infrastructure in many health facilities, which increases the risk of information leakage. Research by Suwani et al. (2022) shows that many hospitals and independent clinics do not yet have a secure data storage system, potentially leading to patient data leakage.

The low understanding of medical personnel regarding the limitations in disclosing patient data also contributes to unintentional violations, such as disclosing information to insurance companies without patient permission. In line with research conducted by Shahid et al. (2022) that many health workers do not understand the regulations governing data confidentiality, they often violate them without realizing it. Unclear monitoring mechanisms and weak law enforcement are obstacles to protecting the confidentiality of health data. Although there are sanctions in the law, many cases of violations are not followed legally, providing loopholes for violators to avoid responsibility.

The digitization of medical records adds complexity to maintaining the confidentiality of health information, with many health facilities not yet implementing adequate encryption systems. Setiawan (2024) highlighted that the use of digital platforms without adequate protection has led to an increase in cases of data leaks through cyber-attacks. To overcome this challenge, intensive efforts are needed to increase awareness of health workers through training and socialization of regulations (Budiman et al., 2025). In addition, it is important to increase public understanding of their rights related to health data protection so that they are more proactive in reporting violations (Rani et al., 2024). Synergy between the government, health workers, and the community is very important to improve the protection of patient health data confidentiality.

6. Conclusion

This study highlights the importance of protecting the confidentiality of patient health data as stipulated in various regulations and codes of ethics for health workers. However, there are still various challenges, including weak data security infrastructure, lack of legal understanding, and inadequate supervision and law enforcement against violations. To improve patient data protection, strategic steps are needed in terms of regulation, education, and information security technology. Health workers must be educated about regulations, comply with standard operating procedures, undergo medical ethics training, ensure data security systems are in accordance with the Regulation of the Minister of Health of the Republic of Indonesia, implement data security technology, form an internal ethics committee, and form an independent supervisory body. Tightening sanctions for violations and increasing public education about patient rights can increase trust in health services and ensure health workers' compliance with regulations.

This study is limited to the Indonesian context and does not consider differences in data protection practices in other countries. In addition, the data used may not cover all stakeholder perspectives, such as patients and law enforcement agencies. The findings of this study can provide insights for policy makers and health institutions in formulating more effective regulations and education programs to raise awareness about health data protection. It can also help in the development of better information security technology. Further research could explore the effectiveness of implementing existing security regulations and technologies, as well as conducting comparative studies with other countries to understand best practices in protecting the confidentiality of patient health data. In addition, research could focus on developing more effective training models for healthcare workers in understanding and complying with data protection regulations.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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