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## Legal Protection for Patients in Telemedic Services in Indonesia

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**Abstract:** The development of information and communication technology had a significant impact on various sectors, including the health sector. One of the main innovations is telemedicine, namely a long-distance health service that utilizes technology for medical consultations between patients and medical personnel. This service is increasingly important, especially in Indonesia, which has a large and diverse geographical area. The COVID-19 pandemic has also accelerated the adoption of telemedicine. However, various legal challenges arise related to protecting patient rights, such as data privacy, obligations of medical personnel, and regulatory oversight. This research aims to analyze legal protection for patients in telemedicine services in Indonesia, with a focus on the importance of clear and comprehensive regulations. The method used is normative legal research, which analyzes legal regulations, laws and guidelines governing telemedicine services, as well as relevant legal principles. The research results show that the legal aspect of patient protection includes important aspects such as confidentiality of medical data, quality of service, informed consent, professional responsibility of medical personnel, and the right to access medical records. Doctors who carry out telemedicine must be registered and have a valid practice license, as well as maintain confidentiality and provide services according to standards. Although telemedicine provides many benefits, strict oversight and regulatory compliance are essential to ensure patient safety and protection.

**Keyword:** Legal Protection, Telemedicine, Patients.

### INTRODUCTION

The development of information and communication technology (ICT) in the last few decades has brought major changes in various sectors of life, including the health sector. One important innovation that has emerged is telemedicine services. Telemedicine is a form of health service that utilizes information and communication technology to provide medical consultations or exchange medical information remotely between patients and medical personnel, such as doctors, pharmacists, or other health professionals. This service can be done via various platforms, such as video calls, text messages, health applications, or telephone. With telemedicine, patients do not need to come directly to a health facility to get a diagnosis or

medical advice, thereby facilitating access to health services, especially for those who live in remote areas or have limited mobility.

Telemedicine is an important solution in facing the challenge of health service accessibility, especially in a country with a geographically large and diverse area like Indonesia. In addition, telemedicine services also grew rapidly during the COVID-19 pandemic, when social restrictions required people to reduce direct visits to hospitals and clinics. Telemedicine allows patients to receive medical consultations remotely, reduces the risk of spreading disease, and makes it easier for patients to obtain medical care more quickly and efficiently. However, although it offers many benefits, telemedicine services also pose a number of challenges, both from a technical and legal perspective. One of the main challenges that must be faced is legal protection for patients who use these services. This protection covers many aspects, including the privacy and security of patient medical data, the obligations of doctors in providing appropriate medical services, as well as the supervisory and regulatory mechanisms that govern the implementation of telemedicine services themselves.

Legal protection for patients in the context of telemedicine is very important, because it relates to patients' basic rights, such as the right to obtain clear and accurate information, the right to confidentiality of personal data, and the right to receive quality and safe medical care. In telemedicine, the patient and doctor are not in the same room, making it difficult to perform a complete physical examination. This can pose a risk for patients, especially if the medical information provided is not accurate enough or if errors occur in the diagnosis due to limited communication via electronic media. Therefore, it is important for the parties involved, both doctors, service providers and the government, to ensure that patient rights remain well protected even though services are provided remotely.

Apart from that, the lack of comprehensive regulations regarding telemedicine services in Indonesia is also a major obstacle. Even though the Ministry of Health has issued several guidelines, existing regulations are not yet able to accommodate all aspects related to the provision of telemedicine services, such as the obligation of doctors to maintain service quality, the responsibilities of health service providers, and effective monitoring mechanisms. Therefore, special regulations governing the implementation of telemedicine are very necessary so that this service can be carried out safely, professionally and in accordance with applicable legal principles.

This article aims to analyze aspects of legal protection for patients in telemedicine services that occur in Indonesia, where in this case it also discusses the importance of developing clearer and more detailed regulations regarding telemedicine in Indonesia, as well as how these regulations can help ensure that patient rights are well protected in long-distance health services.

## **METHOD**

This research uses normative legal research methods, namely research that focuses on studying applicable legal norms, as well as how legal rules regulate and protect patient rights in telemedicine services. This research aims to analyze various laws and regulations, policies and legal principles that regulate telemedicine services in Indonesia, especially those related to legal protection for patients. This method relies on the study of abstract legal theories and norms, as well as their application in the context of digital health services.

This research was conducted by analyzing various relevant legal sources, including laws, government regulations, court decisions, as well as academic literature discussing the topic of telemedicine and legal protection of patients. One of the main sources analyzed is Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), which is an important basis for regulating the use of technology in long-distance health services. Apart from that, Law Number 17 of 2023 concerning Health is also the main basis for understanding the legal obligations of medical

personnel in providing health services remotely. This research will also explore various regulations that have been issued by the Ministry of Health related to the implementation of telemedicine, as well as other regulations that can provide an understanding of the protection of patient rights in this service. In this normative legal research, the author will analyze in depth the legal strength of each existing regulation and whether the current regulations are adequate to protect patients in telemedicine practice.

Apart from that, this research also identifies legal gaps that need to be filled with clearer and more comprehensive regulations. The author will discuss legal issues that arise in telemedicine practice, such as the protection of patients' personal data, the mechanism for granting practice permits to medical personnel in the context of telemedicine, as well as the role of supervisory institutions in ensuring that the telemedicine services provided meet medical quality standards set by the state. It is hoped that this research can provide a clear picture of the legal protection required for telemedicine services and contribute to the preparation of better regulations in the future.

## **RESULTS AND DISCUSSION**

Telemedicine services is a health service carried out using information and communication technology to provide long-distance medical access. The development of digital technology has encouraged the rapid application of telemedicine as an alternative health service, which makes it easy for patients to consult with medical personnel without having to meet them in person. However, the implementation of telemedicine raises several legal issues, especially in terms of protecting patient rights. The following is an in-depth discussion of aspects of legal protection for patients in telemedicine services.

### **1. Legal Basis for Telemedicine in Indonesia**

In Indonesia, telemedicine services are still in a regulatory gray area. Although there are no specific laws governing telemedicine services, there are several regulations relating to patient protection in general. These regulations include:

- a. Law Number 17 of 2023 concerning Health, which is the legal basis for all forms of health services in Indonesia, including telemedicine services.
- b. Regulation of the Minister of Health of the Republic of Indonesia (Permenkes) No. 20 of 2019 concerning Health Services through Telemedicine, which regulates procedures for providing telemedicine services in Indonesia.
- c. Law Number 1 of 2024 concerning the Second Amendment to Law no. 11 of 2008 concerning Information and Electronic Transactions (ITE), which regulates the use of information technology in various fields, including health.

Based on these regulations, even though there are no rules that explicitly regulate telemedicine, health services provided via digital technology must still comply with basic principles of patient protection, including fairness, transparency and confidentiality of patient medical information.

### **2. Aspects of Legal Protection for Patients in Telemedicine**

#### **a. Confidentiality of Patient Data**

Confidentiality of medical information is one of the most important rights of patients. In telemedicine services, where patient information is sent via electronic platforms, the protection of patient data becomes a very sensitive issue. Law Number 17 of 2023 concerning Health and Minister of Health Regulation no. 269/Menkes/Per/III/2008 concerning Medical Records regulates that any information regarding a patient's medical condition is confidential and can only be disclosed with the patient's permission or based on applicable legal provisions. In the context of telemedicine, patient data such as medical examination results, diagnoses and medical history must be protected with an adequate security system so that it does not fall into

the hands of unauthorized parties. Encryption technology, the use of strong passwords, and a secure telemedicine platform are part of efforts to protect patient data in telemedicine practices.

b. Security and Quality of Service

One of the big challenges in telemedicine services is ensuring that the quality of service is maintained even though it is carried out remotely. Patients have the right to receive quality medical services, which include accurate diagnosis and appropriate treatment. Telemedicine service providers must ensure that the systems and networks used are secure from hacking or data leaks. For example, the platform used must have certification and security standards that meet legal requirements. Medical personnel who provide telemedicine consultations must have qualifications in accordance with applicable legal provisions. They must be registered in the medical professional organization system and comply with the professional guidelines set by the medical association. Patients have the right to know the credentials and competence of medical personnel providing services via telemedicine, including whether they are licensed to practice in the area where the patient lives.

c. Informed Consent

In telemedicine services, informed consent is one of the most important elements for protecting patient rights. This consent is proof that the patient understands the procedure to be carried out, the risks, and potential side effects that may arise, whether due to telemedicine itself or the treatment being given. Before starting a consultation session via telemedicine, patients must be given sufficient information about the telemedicine process, including its goals, benefits and risks. This allows patients to make conscious decisions based on clear understanding. This consent process must also be carried out in an appropriate manner, including obtaining a signature or electronic consent from the patient before the consultation begins.

d. Professional Responsibilities of Health Workers

The responsibilities of medical personnel in providing telemedicine services must be in accordance with professional standards. Even though services are provided remotely, doctors and other health workers are still responsible for the quality and results of the services provided. If an error occurs in diagnosis or treatment, the patient has the right to file a claim against the medical personnel through legal channels. The Regulations on Medical Ethics stipulate that even though it is done online, a doctor is still responsible for every step taken in medical services, which must always be oriented towards the interests of the patient.

e. Patient's Right to Access Medical Records

Patients have the right to access their medical records, including information provided during telemedicine consultations. This is important so that patients can evaluate or seek a second opinion from other medical personnel if necessary. In the context of telemedicine, patients must be given easy and secure access to view their health history and examination results recorded in the system. Telemedicine systems must allow patients to request a copy of their medical records or make corrections if any information is inaccurate or incomplete.

f. Aspects of Telemedicine Service Provider Obligations

Telemedicine service providers have an obligation to ensure the safety, quality and accessibility of services to patients. Some of these obligations include providing a secure platform where telemedicine services must provide a platform or application that can guarantee the security of patients' personal and medical data. Medical service providers must also provide adequate access where patients must be able to access services easily, both from a technical perspective (for example, a user-friendly application or website) and in terms of the services provided (availability of competent medical personnel). Telemedicine service providers must also ensure that the costs charged to patients do not exceed the costs of services provided conventionally, unless there are special reasons.

Health services by using telemedicine in terms of consultations and other forms of health services between patients and doctors, there are limitations, one of which is presenting

information on the patient's clinical condition in its entirety, because this is feared to be risky for doctors in making decisions. Apart from this, it is related to medical secrets or information provided from the consultation service, because other parties can find out about information that should be confidential, without the doctor and patient's knowledge, for example internet service providers, intermediary server service providers, service staff, the hackers, even people who have access to the instruments (computers, laptops, or cell phones) that patients use for services telemedicine. Risks of providing health services through telemedicine has a greater risk compared to face-to-face or direct health services, for example in the case of a doctor's diagnosis which will be better and more precise if it is done directly between the doctor and the patient. Misdiagnosis by a doctor can have an impact on the patient's health, therefore patients must receive legal protection when using it telemedicine.

Legal protection for patient users telemedicine one of them is listed in "Article 3 paragraph (2) of Medical Council Regulation Number 47 of 2020 concerning Clinical Authority and Medical Practice Through Telemedicine During the Corona Virus Disease 2019 (Covid-19) Pandemic in Indonesia," the regulation explains that "Medical practice carried out through applications or electronic systems in the form of telemedicine is a form of health consultation or teleconsultation service provided by doctors and dentists to patients by observing the principle of confidentiality of patient data and personal information.". This article was then strengthened by "Article 3 paragraph (4) of Medical Council Regulation Number 47 of 2020", which explains that "Doctors who practice medicine via telemedicine are required to have a registration certificate and practice permit at a health facility in accordance with applicable laws and regulations.". Based on the provisions of "Article 3 paragraph (2) and paragraph (4) of Medical Council Regulation Number 47 of 2020", it can be seen that "patient data and personal information are confidential, so that no other party is allowed to know the patient's information except the doctor and patient concerned".

A Registration Certificate and Practicing Permit are an obligation for every doctor in Indonesia to have a Registration Certificate and Practicing Permit to serve as proof and legality that the doctor has permission to practice medical examinations on patients and also has an obligation to safeguard the patient's personal data and information. The Registration Certificate is officially made and issued by the Indonesian Medical Council which has been registered, so that no other party is able to deceive or act as if they were a doctor and carry out illegal medical procedures which of course harm the patient. By having a Registration Certificate, a doctor has a valid permit and legal power in the eyes of the law. Apart from being required to be registered and have a Registration Certificate, a doctor must also have a Practice License issued by an authorized health official in the district/city where the medical practice is carried out or established. A practice permit is written proof for each doctor to be able to legally carry out health practices and provide health services provided by the government. With a Practice License, a doctor can be trusted by the public as a medical professional who is able to diagnose patients, maintain data confidentiality and provide treatment to patients legally.

Then referring to "Article 7 of Medical Council Regulation Number 47 of 2020", it is explained that doctors who practice medicine in telemedicine has an obligation to create patient medical records, where based on paragraph (1) it is stated that "Medical records made by doctors can be made in the form of manual medical records, namely written form, or electronic medical records in the form of transcripts for each patient. These medical records must be stored at the Health Facilities in accordance with the provisions of applicable laws and regulations". In telemedicine, medical records are useful for providing ongoing patient care and treatment which is analyzed from the patient's medical history. Apart from that, medical records are also used as evidence in the legal field, for research and as basic reference material used in determining health service budgets and so on. These medical records are very important for patients, doctors, hospitals, and parties involved in the practice of medical procedures and patient treatment because through these medical records doctors can determine what solutions

or types of treatment are needed by the patient or which should be given to the patient, for example in emergency conditions. Apart from that, in order to protect patients in health services through telemedicine, then "Article 9 of the Medical Council Regulation Number 47 of 2020" also regulates the prohibition on doctors from practicing health services through telemedicine that is:

- a. Teleconsultations are carried out directly without health facility intermediaries
- b. Doctors provide dishonest and inadequate explanations and clarity of information or diagnoses to patients and their families
- c. Assigning a diagnosis to a patient is beyond their competence and qualifications
- d. Asking patients to participate in unnecessary and irrelevant investigations
- e. Carrying out disgraceful acts, acts of intimidation or acts of violence against patients while carrying out medical practices in order to provide health services to patients
- f. Carrying out invasive actions on teleconsultation media carried out during telemedicine with the patient in progress
- g. Setting consultation or treatment fees that are too high or abnormal and outside the rates set by the Health Facilities
- h. Providing a health certificate without conducting a direct examination of the patient (falsifying the patient's health information).

The provisions for actions that are prohibited from being carried out by doctors are strengthened and emphasized by "Article 2 of the Minister of Health Regulation Number 20 of 2019 concerning the Implementation of Services Telemedicine Between Health Service Facilities", which explains that "The implementation of telemedicine services is organized and carried out by health workers who already have a practice permit at the health facility that provides the health service". Therefore, health services are: telemedicine can only be done by doctors who have collaborated with Health Facilities, so that patient safety is the main thing that is paid attention to by both doctors and related Health Facilities, this is the main value of advantages and priorities telemedicine.

Health services provided to patients through telemedicine continues to pay attention to operational procedure standards, practice standards and service competency standards to ensure the quality of health services provided by doctors to patients. Regarding legal protection for internal patients telemedicine there are several patient rights and obligations contained in statutory regulations, which are expressly stated in "Article 18 paragraph (1) of Minister of Health Regulation Number 20 of 2019" namely:

- a. Fasyankes is responsible as a consultation intermediary in providing health services telemedicine and have the right to obtain consultation answers in accordance with established health service standards and receive information that is clear and can be honestly accounted for regarding the results of the consultation obtained.
- b. In providing services telemedicine, medical institutions use electronic transmission to send and convey medical information in the form of images, pictures, text, biological signals, video, and sound, in accordance with quality standards for requesting consultations. Demands expertise, maintains confidentiality of patient data, and provides patients with information that provides clarity and truth.

## CONCLUSION

Health services via telemedicine in Indonesia facilitate long-distance medical access, but pose challenges in protecting patient rights. Although there is no specific law governing telemedicine, regulations such as the Health Law, Minister of Health Regulations, and ITE Law provide a legal basis for this practice. The legal aspect of patient protection includes important aspects such as confidentiality of medical data, quality of service, informed consent, professional responsibility of medical personnel, and the right to access medical records. Doctors who carry out telemedicine must be registered and have a valid practice license, as well

as maintain confidentiality and provide services according to standards. Although telemedicine provides many benefits, strict oversight and regulatory compliance are essential to ensure patient safety and protection..

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