



## Juridical Analysis Of The Delegation Of Authority Of Doctors To Nurses In Health Services At Health Centers

### Analisis Yuridis Pelimpahan Kewenangan Dokter Kepada Perawat Dalam Pelayanan Kesehatan Di Puskesmas

Maya Santika <sup>1)</sup>; Rokhmat <sup>2)</sup>; Efrila <sup>3)</sup>; Sutrisno <sup>4)</sup>

<sup>1,2,3,4)</sup> Program Pascasarjana Sekolah Tinggi Hukum Militer

Email: <sup>1)</sup> [drmayasantika@icloud.com](mailto:drmayasantika@icloud.com) ; <sup>2)</sup> [hamzahrokhmat@gmail.com](mailto:hamzahrokhmat@gmail.com) ; <sup>3)</sup> [sthm.efrila@gmail.com](mailto:sthm.efrila@gmail.com) ; <sup>4)</sup> [sutrisnowahyu39@gmail.com](mailto:sutrisnowahyu39@gmail.com)

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#### ABSTRAK

Penelitian ini bertujuan untuk menganalisis aspek yuridis pelimpahan wewenang dari dokter kepada perawat dalam pelayanan kesehatan di Puskesmas. Pelimpahan wewenang merupakan proses penting dalam penyelenggaraan layanan kesehatan, terutama di Puskesmas, yang sering menghadapi keterbatasan sumber daya manusia. Penelitian ini menggunakan pendekatan normatif dengan menganalisis peraturan perundang-undangan yang berlaku, termasuk Undang-Undang Praktik Kedokteran, Undang-Undang Keperawatan, dan peraturan terkait lainnya. Hasil penelitian menunjukkan bahwa pelimpahan wewenang dari dokter kepada perawat harus didasarkan pada ketentuan hukum yang jelas dan spesifik untuk menjamin legalitas dan keselamatan pasien. Dokumentasi yang lengkap dan akurat dalam rekam medis pasien sangat penting untuk menjaga transparansi dan akuntabilitas proses pelimpahan wewenang. Selain itu, pelimpahan wewenang harus dilakukan dengan mempertimbangkan kompetensi dan kualifikasi perawat, serta disertai pengawasan yang memadai dari dokter yang memberikan wewenang tersebut. Penelitian ini menyimpulkan bahwa meskipun pelimpahan wewenang merupakan praktik yang umum dan diperlukan dalam pelayanan kesehatan di Puskesmas, implementasinya harus diatur dan diawasi secara ketat untuk memastikan bahwa layanan kesehatan yang diberikan tetap sesuai dengan standar profesional dan hukum yang berlaku.

#### ABSTRACT

This study aims to analyze the juridical aspect of the delegation of authority from doctors to nurses in health services in health centers. Delegation of authority is an important process in the implementation of health services, especially in health centers, which often face limited human resources. This study uses a normative approach by analyzing applicable laws and regulations, including the Medical Practice Law, the Nursing Law, and other related regulations. The results of the study show that the delegation of authority from doctors to nurses must be based on clear and specific legal provisions to ensure the legality and safety of patients. Complete and accurate documentation of the patient's medical record is essential to maintain transparency and accountability in the delegation of authority process. In addition, the delegation of authority must be carried out by considering the competence and qualifications of nurses, and accompanied by adequate supervision from the doctor who provides the authority. This study concludes that although delegation of authority is a common and necessary practice in health services in Puskesmas, its implementation must be strictly regulated and supervised to ensure that the health services provided remain in accordance with professional standards and applicable laws.

## INTRODUCTION

In this era of galvanization, health is one of the most important elements for the progress of a country. Every country seeks to pay major attention to health services, ranging from the provision of professional health workers to modern health facilities. Health implementation efforts must be comprehensive, characteristic, planned, integrated, sustainable, affordable, tiered, professional, and quality.

As mentioned in the National Health System, the health sub-system consists of two main elements, namely individual health efforts and public health efforts. Public health efforts are mainly organized by the government with the active participation of the community and the private sector, while individual health efforts can be organized by the community, the private sector and the government. This is due to the limited number of human resources both in terms of quantity and quality.

In addition to the Puskesmas which is an important unit in health service efforts, there are also hospitals, both private hospitals and government hospitals. Hospitals must be able to provide quality and quality services in accordance with the set standards and be able to reach all levels of society as mentioned in Law Number 17 of 2023 concerning Health.

The doctor's main task is to cure, which includes the diagnosis and therapy of the disease. Meanwhile, nurses complete doctors' activities with care (to care). This is what makes a difference in medical ethics and nursing ethics. These two professions complement each other significantly. Nurses

have the authority to carry out nursing care practices according to the standards of the nursing profession.

In his daily practice, with the number of patients that must be dealt with is too large, so doctors cannot fully carry out medical actions, especially with the lack of health facilities and doctors. If at any time the doctor has to leave the health facility, all actions must be carried out by the nurses. In this condition, delegation is required.

The delegation of authority of doctors to nurses in health services in Puskesmas has become an issue that has attracted attention in recent years. In the context of health services, delegation of authority means giving the power to nurses to perform some medical procedures without having to wait for doctor's approval. This is done to increase the efficiency and effectiveness of health services, as well as to improve the quality of services provided to the community. In recent years, the Health Center has experienced an increase in the number of patients who come to get health services.

The increase in the number of patients is due to increasing public awareness of the importance of health and increasing the accessibility of health services. However, this increase in the number of patients also poses a challenge for the Health Center in improving the quality of health services provided. In an effort to improve the quality of health services, the Health Center has made various efforts, including the delegation of doctors' authority to nurses. This delegation of authority is carried out to increase the efficiency and effectiveness of health services, as well as to improve the quality of services provided to the community.

However, the delegation of doctors' authority to nurses also poses several challenges. One of the most significant challenges is how nurses can perform some appropriate and effective medical procedures without having to wait for doctor's approval. This is due to the limited ability of nurses to carry out some appropriate and effective medical measures.

In practice, nurses often carry out doctor's orders in the form of medical procedures. The duties of doctors without clear boundaries with the duties of nurses as nursing care providers, will ultimately have an impact on patient satisfaction in the services of health workers at the health center. Such conditions will be very risky for nurses and doctors to get into legal trouble. Treatment actions by nurses have become a common sight in almost all health centers, especially those in remote areas, are carried out without any delegation of authority and fixed procedures in writing.

## LITERATUR REVIEW

### **Nursing Ethics**

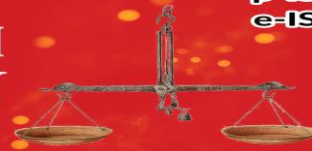
Ethics is a terminology with various meanings. Ethics relates to how a person should act and how (Soekanto, 2012). a person relates to others. Ethics comes from the Greek word ethos which means morals, customs, character, feelings, good attitudes that are appropriate (Triwibowo, 2010). Ethics is a human effort in using reason and thinking power to solve life problems or for an effort to be good. ethics are very much needed in the field of health services related to the epidemiological transition where infectious diseases have not been overcome properly, degenerative diseases appear (Indar, 2010). Ethics is a systematic consideration of right or wrong behavior, virtue or evil related to behavior. According to the big Indonesian dictionary, ethics is: a. The science of what is good, what is bad and about moral rights and obligations. b. A collection or set of principles or values related to morals. c. The right and wrong values adopted by a group or society In professional work, professional ethics are highly prioritized in providing services to the public. Professional ethics are a set of behaviors of members of the profession in their relationships with others. According to Priharjo (1995) Professional ethics are the behavior expected of every member of the profession to act in their professional capacity. d. Helping the community understand professional nursing behavior (Notoadmodjo, 2010).

### **Nurses' Rights And Obligations**

Optimal health services are a means of realizing the health status of the community. To achieve national health development goals, adequate resources are needed to drive planned programs. One factor that greatly influences the success of a health program is the availability of human health resources, both quantitatively and qualitatively, which are evenly distributed throughout the region.

### **Role And Function Of Nurses**

The role of nurses in the past was to provide care and comfort because nurses carried out specific nursing functions. Today, nurses are required to have more comprehensive knowledge and skills, this is because the function of nurses has become broader, such as nurses as implementers, nurses as educators, nurses as managers, nurses as researchers (Ta'adi, 2010).



Based on the 1983 National Nursing Workshop, the roles of nurses that have been determined are as follows:

1. Implementers of nursing services, Nurses are responsible for providing nursing services from the simplest to the most complex to individuals, families, groups and communities
2. Managers in the field of nursing services and nursing education institutions Nurses are responsible for nursing administration both in the community and within institutions in managing nursing services for individuals, families, groups and communities. Nurses can also act as managers of a school or nursing education program
3. Educators in Nursing Science Nurses are responsible for the education and teaching of nursing science for nursing staff and other health workers.
4. Researchers and Developers of Nursing Science Nurses conduct nursing research to develop nursing science and improve the practice of the nursing profession, especially nursing services, nursing education and administration. Nurses also support the development of various health fields by participating in health research activities (Praptianingsih, 2008).

## METHODS RESEARCH

The research to be carried out is a type of normative legal research. Normative legal research is legal research conducted by researching literature or researching legal materials, such as research on legal principles, positive law, legal rules, and legal rules. The legal materials obtained in this study are processed in a structured and systematic way on the existing materials. Furthermore, it is analyzed using teleological and functional legal interpretation which is then concluded using the deductive method.

## RESULT AND DISCUSSION

Doctors in practicing in the world of medicine often collaborate with other health workers. Health workers who have two authorities are nurses, namely the authority to carry out nursing actions and medical actions. Nurses who receive delegation of authority from a doctor as medical personnel can perform medical procedures, this is stated in Article 290 of Law Number 17 of 2023 concerning Health, Permenkes Number 26 of 2019 concerning the Implementation of Law of the Republic of Indonesia Number 38 of 2014 concerning Nursing, Permenkes number 2052/MENKES/PER/X/2011 concerning Practice Permits and Implementation of Medical Practice, If it meets the provisions of laws and regulations, nurses are given the opportunity to perform medical actions.

Article 1 number 7 of Law Number 17 of 2023 concerning Health states that, "A health worker is every person who devotes himself to the health sector and has a professional attitude, knowledge, and skills through higher education which for certain types requires the authority to carry out health efforts". The government admits factually that a series of medical actions cannot be fully handled by doctors, but must involve other health workers, in this case nurses.

In detail, the delegation of authority for medical actions from doctors to nurses can only be carried out in writing in accordance with Article 290 of Law Number 17 of 2023 concerning Health. In addition, the type of action delegated must be clear, so that what is delegated is casuistic, not general. On the other hand, doctors in delegating authority for medical procedures must be adjusted to the condition of the nurse and must be prioritized to be delegated to senior nurses who have a lot of experience. Thus, when there is a delegation of authority for medical actions from doctors, it can run well and unwanted things can be minimized.

The delegation of authority for medical actions from doctors must be differentiated between which actions are delegated delegatively and by mandate. Delegation can only be delegated to nurses who have the necessary competencies and delegation by mandate is given to nurses under supervision. Thus, if the delegation of authority for medical actions from doctors to nurses is carried out in accordance with the applicable laws and regulations, doctors and nurses will both be protected by the law and the community will get maximum service.

Authority has two properties, namely attributive authority and non-attributive authority.

1. Attributive authority is an inherent authority that is directly given based on the law. The attributive authority inherent in doctors is to practice. Meanwhile, the attributive authority inherent in nurses is to carry out nursing care practices as mentioned in Law Number 17 of 2023 concerning Health Article 286 paragraph 1B, namely nurses or midwives who provide medical and/or pharmaceutical services within a certain limit.
2. Non-attributive authority is the authority given by a person who has higher authority or competence to

someone who has lower authority or competence. This authority is only temporary. Non-attributive authority is divided into 2 types based on accountability, namely:

- a. A mandate is an authority granted by a doctor to a nurse without removing the doctor's legal responsibility.
- b. Delegation is the authority given by doctors to nurses accompanied by the delegation of doctors' legal responsibilities. Non-attributive authority can also be given by professional nurses to vocational nurses according to their trained abilities.

In several conditions that require a doctor to delegate authority, including:

1. Handling a large number of patients while the number of doctors is limited.
2. Doctors leave health facilities for a certain period of time. Delegation under these conditions must be contained in the standard operating procedures (SOP) at health facilities. Furthermore, a letter of delegation signed by the delegating physician and the nurse receiving the delegation must be issued.

The delegation of authority from doctors to nurses in health centers has great potential to improve accessibility, efficiency, and quality of health services in Indonesia. With nurses taking over certain medical tasks, health services can reach remote areas where there is a shortage of doctors, reduce the workload of doctors, and improve the competence of nurses. This research is needed to ensure that policies and practices on delegation of authority are implemented safely, effectively, and sustainably.

In Article 273 paragraph (1) letter a of Law Number 17 of 2023 concerning Health, it is stated that, "Medical personnel and health workers in carrying out their practice have the right to legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, operational procedure standards, and professional ethics, as well as the health needs of patients".

Nurses can be held criminally liable if they carry out medical procedures and treatment that are not in accordance with the standards, which can cause damage/pain/loss caused by such actions. Because basically medical action is the competence and authority of medical personnel (doctors), not the authority of nurses as nursing personnel. Medical actions carried out by nurses based on delegation/delegation from doctors can be mandated and delegative. Delegation of authority delegatively responsibility lies with nurses, while delegation of authority mandates responsibility on doctors. In practice, there is only the delegation of authority of doctors to nurses in medical actions by mandate, not delegative.

The principle of delegation of authority based on article 23 of the Minister of Health number 2052/MENKES/PER/X/2011, the delegation of actions as carried out with the following provisions:

1. The delegated actions are included in the abilities and skills that have been possessed by the recipient of the delegation;
2. The implementation of delegated actions remains under the supervision of the delegator;
3. The delegate remains responsible for the delegated actions throughout the implementation of the actions in accordance with the delegation;
4. The delegated action does not include taking clinical decisions as the basis for the implementation of the action; and
5. The delegated actions are not continuous.

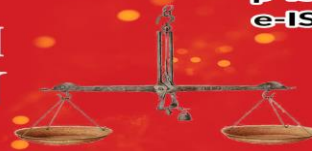
Article 23 of the Regulation of the Minister of Health (Permenkes) Number 2052/MENKES/PER/X/2011 concerning Practice Permits and Implementation of Medical Practice emphasizes the main principles that must be followed in delegating authority from doctors to other health workers, such as nurses. The principles cover several important aspects designed to ensure that the delegation of authority is carried out lawfully, safely, and responsibly.

1. Delegation of authority must be done in writing

This means that any act of delegation carried out by a doctor to a nurse or other health worker must be clearly and completely documented in the patient's medical record. This documentation is important to maintain transparency and accountability in the delegation of authority process. In addition, these written records also serve as evidence that can be used in medical evaluations and audits to ensure that all medical measures are carried out in accordance with the established standards.

2. Health workers who receive delegation of authority must have appropriate competencies

Nurses or other health workers authorized by doctors must have adequate knowledge and skills to carry out the duties delegated to them. This competency must be supported by relevant training and certification, as stipulated in the applicable laws and regulations. By ensuring that the recipient of the



referral has the necessary competencies, the risk of medical errors can be minimized, and the quality of health services can be maintained.

3. Delegation of authority should be carried out in situations that allow supervision by a physician  
This means that even though authority is delegated, the doctor who performs the delegation still has the responsibility to supervise and monitor the actions taken by the nurse or other health workers. This supervision is important to ensure that medical procedures are carried out in accordance with standard operational procedures and do not pose a risk to patients. In this case, the doctor must remain involved and be ready to provide help or intervention if needed.
4. Delegation of authority must not reduce the quality of health services  
This principle emphasizes that the main purpose of delegation of authority is to improve the efficiency of health services without sacrificing the quality and safety of patients. Therefore, every act of delegation must be carefully evaluated to ensure that there is no decrease in the standard of health services provided to patients.
5. The delegation of authority must be carried out by considering professional ethics and applicable laws  
This means that doctors and other healthcare workers must always act in accordance with the professional code of ethics and legal regulations governing the practice of medicine and nursing. Compliance with professional ethics and applicable laws is important to maintain the integrity of the health profession and prevent violations that can harm patients or health workers themselves.

Thus, the principles of delegation of authority regulated in Article 23 of the Minister of Health Regulation Number 2052/MENKES/PER/X/2011 provide a clear and comprehensive framework to ensure that the delegation of authority is carried out in a safe, responsible, and in accordance with professional standards and applicable laws. These principles not only protect patient safety, but also provide legal and ethical protection for doctors and nurses involved in the delegation of authority process.

## CONCLUSION AND SUGGESTION

### Conclusion

The delegation of authority from doctors to nurses is regulated by Law Number 36 of 2014 concerning Health Workers, which states that health workers must have authority in accordance with their education and competence. In addition, the Minister of Health Regulation Number 2052/MENKES/PER/X/2011 concerning Practice Permits and Implementation of Medical Practice stipulates that the delegation of medical duties can only be carried out if nurses have the appropriate competence.

Nurses who receive delegation of authority must carry out their duties in accordance with the established standard operating procedures (SPO), and this delegation process must be accompanied by adequate documentation and written approval from the authorized doctor. This delegation of authority also has legal implications, both for doctors and nurses, where mistakes or negligence in the implementation of delegated duties can result in legal liability. Although this delegation of authority aims to improve the efficiency of health services in health centers, the main challenges faced are supervision, nurse competence, and compliance with existing regulations.

### Suggestion

Puskesmas need to increase training and education for nurses to ensure they have the necessary competencies in accordance with the provisions of the Permenkes. Supervision and evaluation of the implementation of delegation of authority must be strengthened to ensure compliance with regulations. In addition, the government needs to update and improve regulations related to the delegation of authority to avoid legal ambiguity and provide better protection for health workers.

Socialization regarding the regulation of delegation of authority must be carried out thoroughly to all health workers at the Puskesmas so that understanding and compliance with these regulations can increase. Finally, coordination between doctors, nurses, and all health team members at the Health Center needs to be improved so that the implementation of the delegation of authority runs smoothly and health services to patients remain optimal. By following these suggestions, the delegation of doctors' authority to nurses at the Health Center can be carried out in accordance with the applicable legal provisions and provide maximum benefits in improving health services.

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