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Legal Responsibility of Orthopedic Physicians Towards the Authority to Assess Disability and Assess Return to Work in Workers with Extremity Disabilities Due to Work Accidents

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Abstract: This study analyzes the legal responsibility of orthopedic doctors in assessing disability and return to work fitness for workers with limb disabilities due to work accidents. The focus of this study includes aspects of legal regulation, medical ethics standards, and the legal implications of negligence in assessment practices. The analysis was conducted based on Article 46 of Law No. 44 of 2009 concerning Hospitals and the principle of vicarious liability, which highlights the importance of hospital responsibility for the actions of doctors operating under their supervision. This aims to protect patients and minimize the risk of litigation. The method used in this study is normative juridical with a descriptive-analytical approach. This study emphasizes the importance of clear communication and comprehensive documentation in medical practice as part of efforts to prevent negligence. The results of the study indicate that the application of strict professional standards and ongoing training can strengthen legal protection for orthopedic doctors. In addition, this also has the potential to increase patient trust in medical practice. Thus, this study contributes to the understanding of legal and ethical responsibility in the context of treating patients with disabilities due to work accidents.

Keyword: Orthopedic Physician, Disability Assessment, Work.

INTRODUCTION

Workplace accidents in the industrial sector and other employment fields often result in serious injuries that significantly impact the workers' quality of life, including loss of limb function and long-term disability (Hoerun Nisa et al., 2024). In such situations, the role of orthopedic doctors becomes crucial, not only in providing medical treatment and care but also in offering a comprehensive assessment of the degree of disability and the worker's suitability to return to work (Ones Mambrasar et al., 2024). This assessment plays a vital role in ensuring that workers receive fair compensation, determining future career prospects, and restoring their socio-economic functions. However, this process requires meticulousness, accuracy, and a deep understanding of the relevant regulations to avoid legal complications for both the doctor and the hospital (Hatta & Setyawan, 2019).

The orthopedic doctor's responsibility in assessing worker disability following a workplace accident is governed by civil, criminal, and administrative legal regulations. Article 46 of Law No. 44 of 2009 on Hospitals states that hospitals are legally responsible for any losses arising from the negligence of doctors working under their auspices (Budiman et al., 2023). The principle of vicarious liability means that if a doctor practicing at a hospital is negligent and causes harm to a patient, the hospital can be held accountable. In practice, orthopedic doctors must demonstrate a high level of professional skill and adhere to medical standards and ethical practices to avoid legal consequences that could lead to malpractice lawsuits (Nurhandayani & Noor, 2024).

The disability assessment process involves a complex procedure, starting with anamnesis, physical examination, and determining the level of disability (Arifin, 2019). The decisions made by orthopedic doctors are not merely based on medical diagnoses but must also take into account the long-term impact on the worker's life. Errors at this stage, whether in the form of inaccurate evaluations or the neglect of relevant legal aspects, can lead to potential legal disputes (Primavita et al., 2020). These often result in civil or criminal lawsuits against the doctor involved or even the hospital where they work. Malpractice cases commonly involve negligence that leads to physical harm, such as the loss of function in a body part, or even serious consequences like amputation and permanent complications. In cases where the doctor's medical actions are deemed negligent, the patient or their family has the right to seek compensation under Article 1365 of the Civil Code (Darwis & Amir, 2022).

This legal responsibility is further reinforced by the doctor's obligation to adhere to the Medical Ethics Code and practice standards set by professional organizations such as the Indonesian Orthopaedic and Traumatology Association. The enforcement of medical ethics and professional discipline aims to maintain the quality of medical services and protect patients from harmful medical practices (Dahlia et al., 2019). At the same time, orthopedic doctors face the challenge of balancing professional duties with personal legal protection. It is crucial for orthopedic doctors to document every medical action and assessment meticulously and ensure effective communication with the patient and their family. This procedure serves not only as a preventive measure against potential legal disputes but also strengthens the doctor's legal position in future claims (Iksan et al., 2023).

Moreover, assessing a worker's suitability to return to work after a workplace accident is not merely a medical evaluation but requires a multifactorial analysis that takes into account the worker's physical, psychological, and adaptive capabilities. In this process, orthopedic doctors must collaborate with a multidisciplinary team, including physiotherapists and psychologists, to ensure that the recommendations given align with the patient's needs and abilities (Khalid, 2023). This is essential to ensure that the assessment results are accepted by all parties, including the company and social security agencies, while minimizing the risk of conflicts that could escalate into legal disputes (Kusuma et al., 2024).

Therefore, this study aims to provide an in-depth analysis of the legal responsibilities of orthopedic doctors in assessing disability and work readiness post-accident, as well as offer recommendations for best practices that can be implemented to protect patient rights and minimize legal risks for doctors and healthcare institutions.

METHOD

This study uses a qualitative approach with a literature review design and normative legal analysis to explore the legal responsibilities of orthopedic doctors in assessing disability and evaluating the readiness of workers with disabilities to return to work following a workplace accident. Data is collected through legal literature, regulations, and scholarly journals, and is analyzed in depth to understand the doctor's authority within the applicable legal context. This normative approach aims to interpret existing regulations, supplemented by expert interviews

when necessary, to ensure the accuracy of the data and generate relevant recommendations for medical and legal practices in Indonesia.

RESULTS AND DISCUSSION

Legal Responsibilities of Orthopedic Doctors.

The legal responsibilities of orthopedic doctors in providing disability assessments include the obligation to maintain accuracy and objectivity at every stage of the evaluation. This responsibility encompasses not only medical ethics but also civil and criminal liability if negligence occurs that results in harm to the worker. The Indonesian Medical Ethics Code requires doctors to always act professionally and adhere to applicable standards. In cases of errors caused by incompetence or negligence, doctors may face disciplinary sanctions or criminal charges if the mistake leads to serious consequences for the patient.

Role of Hospitals in Legal Responsibility.

Under Article 46 of Law No. 44 of 2009 on Hospitals, hospitals are legally responsible for the negligence of medical personnel working under their authority, including orthopedic doctors. Hospitals are required to ensure that the doctors on duty have adequate competence and that the medical actions performed align with the established standard operating procedures (SOPs). In cases of malpractice, hospitals may be held legally accountable if it is proven that a doctor's negligence resulted in harm to a patient. In the context of assessing worker disability, hospitals must closely supervise the assessment process conducted by doctors to ensure the accuracy and reliability of the results.

Authority of Orthopedic Doctors in Disability Assessment and Work Readiness Evaluation.

Orthopedic doctors have specialized authority in determining the level of disability in workers who experience disability due to workplace accidents. The results of these assessments are often used by insurance companies, employers, and government agencies to determine compensation rights and policies related to employment. Mistakes in these assessments can have significant consequences for the worker and other involved parties. Therefore, orthopedic doctors must base their evaluations on complete clinical data and adhere to standards to ensure that the assessment results serve as a valid basis for determining the work readiness of disabled workers.

Malpractice Cases in Medical Assessment.

Negligence in providing medical assessments can lead to serious legal consequences for both the doctor and the hospital. For example, a case in which a doctor fails to provide an accurate assessment of disability or work readiness may lead the patient or their family to file civil or criminal lawsuits. Negligence or errors in assessment often involve violations of SOPs and medical standards. A hospital that fails to closely supervise the implementation of medical actions may be held legally responsible for the damage caused by the doctor's negligence.

The legal responsibility of orthopedic doctors in providing disability assessments and evaluating the fitness to return to work for workers with disabilities due to workplace accidents is a crucial aspect in ensuring patient rights and adhering to strict medical professional standards. The complexity of this responsibility not only involves a deep understanding of orthopedic science but also requires careful attention to meeting the applicable legal and ethical professional requirements (et al., 2022). In Indonesia, orthopedic doctors carrying out these duties have legal and ethical responsibilities governed by various laws and regulations, including Article 46 of Law No. 44 of 2009 on Hospitals, which mandates that hospitals are responsible for the negligence of medical personnel under their supervision (Efendi, 2023).

Legal Regulations and Medical Professional Standards

As medical professionals playing a crucial role in the post-accident health assessment of workers, orthopedic doctors must understand the legal regulations governing their practice, including principles of legal responsibility encompassing criminal, civil, and administrative law. Article 46 of Law No. 44 of 2009 stipulates that hospitals are responsible for any harm caused by the negligence of medical personnel under their supervision, which includes orthopedic doctors in their practice. In this regard, professional standards established by the Indonesian Medical Ethics Code and the Indonesian Orthopaedic and Traumatology Association (POTI) serve as the primary guidelines for maintaining professionalism and ensuring the quality of orthopedic services (Andrianto et al., 2021). Orthopedic doctors must adopt strict medical practice standards when performing disability assessments for workers injured in workplace accidents. This involves stages such as anamnesis, physical examination, and comprehensive further evaluation. Precision is crucial, as inaccurate assessments or hasty decisions can have fatal consequences for patients and open the door to legal claims. Several cases in Indonesia have shown that negligence in patient assessments can result in civil lawsuits under Article 1365 of the Civil Code, which states that any unlawful act causing harm to others obligates the perpetrator to compensate the damage (Triana et al., 2023).

Application of Vicarious Liability in Hospital Responsibility

In the Indonesian legal context, hospitals, as healthcare institutions, are responsible for the actions or negligence of doctors working under their supervision through the principle of vicarious liability. This principle explains that even if a doctor individually causes harm, the hospital can still be held accountable (DM Yusuf et al., 2022). The principle aims to ensure that hospitals have a robust oversight system for the practices carried out by doctors, thus providing legal protection to patients or workers who become victims of negligence. Therefore, hospitals are expected to implement strict supervision and adopt protocols for high-risk medical procedures, including disability assessments performed by orthopedic doctors (Angela et al., 2023). In addition to oversight, hospitals are also responsible for providing adequate training and professional development opportunities for their medical staff, ensuring they can perform their duties in accordance with current medical standards. In some cases, hospitals may be held criminally liable if it is found that they failed to fulfill their supervisory responsibilities or neglected their duty to facilitate the necessary professional training for doctors.

Legal Implications of Medical Assessment Negligence

Negligence in the medical assessment of workers who have sustained workplace injuries can lead to significant legal consequences, particularly if the error results in further injury or permanent disability for the worker. For example, an inaccurate medical assessment may result in a worker returning to work in an inadequate condition, potentially worsening their injuries (Suparman, 2020). In such cases, the worker's family or the employer may file a civil lawsuit against the doctor and hospital based on a breach of duty. According to Article 1365 of the Civil Code, unlawful actions causing harm must be compensated by the perpetrator. Furthermore, there is potential for criminal charges against the orthopedic doctor if serious negligence or intentional misconduct is proven. In criminal law, actions by a doctor that cause significant harm can be categorized as criminal negligence, also known as criminal malpractice. The requirements for such actions include an unlawful act, a deliberate or negligent error, and harm to the patient (Mannas, 2018). If found guilty, the doctor may face criminal penalties according to applicable laws.

Significance of Transparent Communication and Documentation

Clear communication and comprehensive documentation are essential elements in preventing misunderstandings and legal disputes. Informed consent, or consent for medical actions, must be obtained from the patient or the patient's family, particularly in cases where high risks are involved in the medical procedures being performed. This consent must be clearly documented, covering the diagnosis, procedures to be performed, associated risks and benefits, and possible alternatives (Iqbal & Kamaludin, 2021). Accurate documentation not only serves as proof that the patient has been informed of the risks but also protects the doctor from accusations of failing to disclose potential risks. Proper documentation also serves as a foundation for doctors to defend the medical decisions they have made (Cahyani et al., 2024). In the case of a lawsuit, comprehensive and transparent documentation becomes crucial evidence to demonstrate that the doctor performed their duties in accordance with professional standards. For example, medical records that outline the reasons for assessing a worker as fit or unfit to return to work can protect the doctor from malpractice allegations (Asilah et al., 2020).

Best Practices to Prevent Legal Disputes

To ensure that orthopedic doctors can perform their roles with minimal legal risks, several best practices should be adopted. First, hospitals should provide continuous training programs to update orthopedic doctors on applicable legal regulations and the latest medical standards. Second, regular medical audits should be conducted to ensure that orthopedic doctors' practices align with applicable regulations (Sholikhin, 2024). Third, it is important for doctors to maintain effective communication and ongoing collaboration with multidisciplinary teams, such as physiotherapists and psychologists, to provide a more comprehensive and accurate assessment of the patient's condition.

The implementation of strict procedures in documentation and communication, supported by continuous training and regular audits, will strengthen the legal protection for doctors and hospitals. This will not only help safeguard patient rights but also enhance the quality of medical services provided to workers in need of post-accident care.

CONCLUSION

The legal responsibility of orthopedic doctors in assessing disability and fitness to work post-accident involves adherence to both medical and legal standards. According to Article 46 of Law No. 44 of 2009, hospitals are liable for the negligence of doctors under their supervision through the principle of vicarious liability. Orthopedic doctors must exercise caution and document their actions thoroughly to avoid civil and criminal penalties due to negligence. The implementation of clear communication procedures and proper documentation, supported by ongoing training and regular audits, will help orthopedic doctors perform their duties safely and ethically, protect patient rights, and minimize legal risks. This approach strengthens trust in the healthcare system and protects the reputation of both doctors and hospitals.

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