



Literature Review : Legal Protection for Midwifery Students in Midwifery Clinical Practice in Hospital

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Abstract. In the clinical practice learning process, midwifery students cannot be separated from legal consequences because during clinical practice there is interaction between students and patients so that it does not rule out the possibility of midwifery risks occurring which could be detrimental to the patient. This research aims to determine the limits of authority and legal protection given to midwifery clinical practice students when there is a risk of midwifery procedures being carried out in the hospital. This research method uses a literature review method, starting with determining the topic and then the keywords to search for. Searching using the Google School database, the keywords used are Legal Protection, Midwifery, and Clinical Practice. The research results show that no law protects students in carrying out clinical practice. Students have the authority to carry out all basic health care actions under normal conditions but remain under the supervision of the clinical supervising midwife. Midwifery clinical practice students have legal protection if they carry out basic health care actions by their authority, by Standard Operating Procedures (SOP), and by theories that have been accepted at the institution of midwifery education. However, if students carry out social and religious affairs actions outside their authority, not by the SOP and accepted theories, then the students are to blame.

Keywords: Legal Protection, Midwifery, Clinical Practice.

1. Introduction

A midwife is a woman who has graduated from registered midwife education by statutory provisions.[1]Clinical practice learning for midwifery students aims to integrate, complement, and strengthen mastery of all competencies that students must acquire during their education as well as to provide professional experience as midwives.[2]Students as prospective midwives need to understand the ethics of the midwifery profession from an early age and are also required to be able to behave professionally.[3]. The more types of cases encountered in the clinic, the more experience students will gain to apply knowledge and practice skills that are the basis for improving their professional abilities.[4]

Hospitals as a corporation employ doctors and health workers to provide health services to the community.[5] The hospital used as a practice site. A clinic is called a teaching hospital, where the teaching hospital guarantees the provision of health services that can be used for education and research in the fields of medicine, dentistry, and other health fields by prioritizing the interests and safety of patients.[6]

When carrying out midwifery clinical practice at a hospital, students must always be accompanied and supervised by a hospital clinical supervising midwife. Hospital clinical supervising midwives are health workers with a midwife educational background who work as hospital employees. Regarding hospital clinical supervising midwives, it is regulated in Article 5 Letter a of the Republic of Indonesia Government Regulation Number 93 of 2015 concerning Teaching Hospitals which states that educational hospitals are tasked with "Providing lecturers who provide guidance and supervision of students in providing clinical services by the provisions of regulations Legislation.[7]The role of the clinical supervisor is the main factor in supporting students in applying their experience in the clinic.[8]

Legal protection is the right to obtain justice, order, provisions, usefulness, and comfort for individual or group rights in the eyes of the law.[9]Legal protection is essentially an effort by the authorities to provide guarantees and conveniences in such a way that every citizen can actualize their rights and obligations optimally in a calm and orderly manner. In this case, it means that the government provides guarantees and convenience to midwives in providing midwifery services, marked by the issuance of Law Number 4 of 2009 concerning Midwifery, which more specifically regulates the rights of midwives.[10]

To achieve a quality level of service, midwives must not only pay attention to their rights and obligations but must also pay attention to the rights and obligations of patients.[11] Midwives have the authority to provide midwifery, family planning, and public health services. Midwives can practice independently. In carrying out their practice, midwives are regulated by several legal provisions.[12] Midwives who will carry out their professional practice must be competent as proven by a competency certificate or professional certificate.[13]

For example, a case that occurred at the Krian Husada Hospital, Sidoarjo Regency, East Java, which was reported by Detik news, where a 3.5-year-old toddler had a bloated stomach and was unable to pass gas. The clinical supervisor ordered students who were practicing to inject potassium as instructed by the doctor. Before giving the injection, the student asked the clinical supervisor how to inject the drug because he did not understand, but the clinical supervisor did not explain it to the student. The student then injected potassium into the IV tube which was supposed to be inserted into the IV fluid. As a result, the toddler became unconscious and died.[14]

Looking at the case above, midwifery students need to be given legal protection when carrying out midwifery clinical practice in hospitals. The Hospital Law was created to provide more certainty in the provision of health services [15] because in the learning process for midwifery clinical practice students cannot be separated from legal consequences.

2. Methods

This research is a literature review that aims to determine the limits of authority and legal protection given to midwifery clinical practice students when there is a risk of midwifery procedures being carried out in the hospital. The review process begins by identifying 5 journal articles from 2016-2022 that are relevant to the research topic. The articles that will be reviewed are obtained through searches in electronic databases such as Google Scholar. The keywords used are Legal Protection, Midwifery, and Clinical Practice.

3. Results and Discussion

Searching for articles via electronic databases resulted in 5 articles selected for review in this research which were the results of research by the authors [16] [17] [18] [19] [20]. Three of the articles use normative juridical research, and two of them use sociological juridical research.

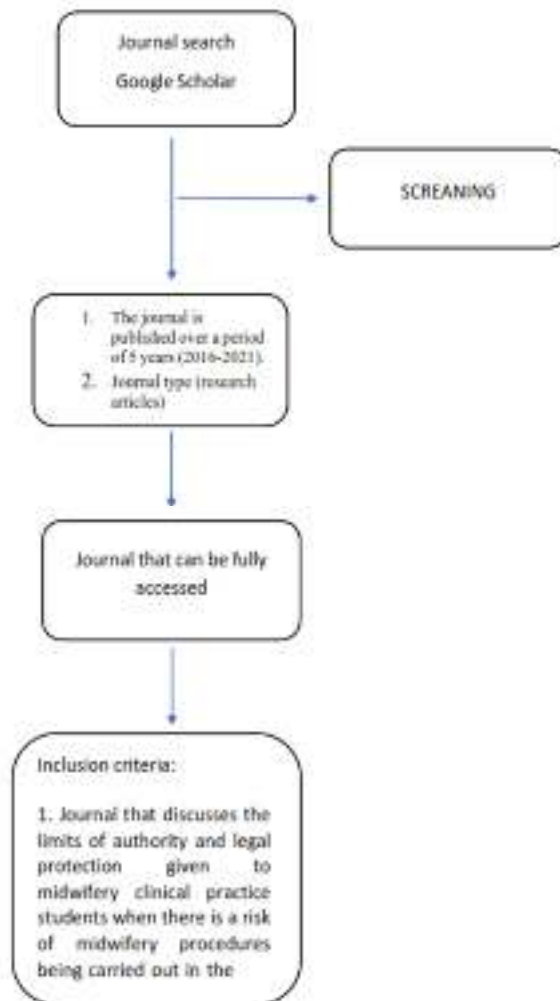


Fig 1. PRISMA Flow Diagram

Table 1. Summary of Articles Reviewed

Researcher	Title	Method	Results
Elmiati Nurdin, 2022[16]	Legal Protection for Midwifery Students in Midwifery Clinical Practice at Guru Belopa Hospital	Sociological juridical approach, normative approach, primary legal empirical approach	PKK students have legal protection if they carry out social studies actions by their authority by the SOP and theory that has been accepted at the institution, but if students carry out social safety actions outside their authority, not by the theory and SOP, then the students should be blamed.
Theresia Eriyani, 2018 [17]	Legal protection for DI nursing students in Carrying out practice	Normative juridical approach	Legal protection for DIII nursing students is unclear. Collaboration between educational institutions and health institutions does not provide legal protection for DIII nursing students in carrying out clinical practice.
Yanti Barrang, 2019 [18]	Legal Protection for Midwifery Students Who Play a Role in the Practice of Childbirth Assistance Services at the Taraka Regional General Hospital	Sociological Juridical, Analytical Descriptive With Primary and Secondary Data Types	RSUD is not responsible if there is negligence in invasive actions by D III Midwifery Students on the target of childbirth assistance and other actions. In terms of the cooperation agreement made, the hospital should also take responsibility as a supervisor in the practice area.
Moh Syamsul Arifin, 2020 [19]	Legal Protection of Nursing Students in Implementing Clinical Practices at the Hospital	Normative juridical	Nursing education has not received legal protection in carrying out clinical practice because there are no clear regulations regarding the rights and obligations of nursing students in carrying out clinical practice
Masta Haro, 2016[20]	Legal protection for nursing education students in health institutions	Normative juridical, qualitative	No law protects nursing education students in carrying out clinical practice because there are no clear laws and regulations regarding the rights and obligations of students in the nursing profession program.

The article that can be shows in some research no law protects midwifery clinical practice students because there are no clear laws and regulations regarding the rights and obligations of clinical practice students, but one of the journals explains that clinical practice students have legal protection if they carry out appropriate health care actions. with their authority by the SOPs and theories that have been accepted at the institution, but if students carry out social studies actions outside their authority that are not by the theories and SOPs then the students should be blamed. In midwifery education, the general rules used refer to Article 28C and Article 31 of the 1945 Constitution (UUD 1945) as a reference in the cooperation agreement, namely referring to Law Number 20 of 2003 concerning the National Education System, Law Number 36 of 2009 concerning Health, Law Number 44 of 2009 concerning Hospitals, Law Number 12 of 2012 concerning Higher Education, and Law Number 4 of 2019 concerning Midwifery. Regarding the midwifery law above, it is still not related enough in terms of protecting midwifery students who act as health service providers in hospitals.

4. Conclusion

From this journal, the author concludes that students who practice midwifery clinics have legal protection if they carry out medical care actions by their authority, by Standard Operating Procedures (SOP), and by theories that have been accepted in midwifery educational institutions. However, if students carry out social and religious affairs actions outside their authority, not by the SOP and accepted theories, then the students are to blame.

References

1. R.Nuryuniarti, G. Justisi, U. Badrudin, and E. Nurmahmudah, "DESIGN AND DEVELOPMENT OF ANDROID-BASED MIDWIFERY LAW APPLICATIONS IN INDEPENDENT MIDWIFE PRACTICE," 2021.
2. Harwin Holilah Desyanti, *Midwifery Clinical Practice Guidebook II*.
3. I. Yulianti, "THE IMPORTANT ROLE OF THE MIDWIFERY PROFESSIONAL ETHICS COURSE ON THE ETHICAL BEHAVIOR OF MIDWIFERY STUDENTS AT THE UNIVERSITY OF BORNEO TARAKAN, "Indonesian Midwifery Journal, vol. 13, no. 2, June. 2022, doi: 10.36419/jki.v13i2.631.
4. Yanti, O. Emilia, and M. Claramita, "PERCEPTIONS OF STUDENTS, LECTURERS AND MIDWIFE SUPERVISORS REGARDING THE IDEAL MIDWIFERY CLINIC LEARNING MODEL," 2014.
5. A. Anwar, "ResponsibilityRisks in Health Legal Aspects," vol. 23, no. 2, pp. 149–160, 2018.

6. S. E. Rikomah, *Hospital Pharmacy*. 2017.
7. Republic of Indonesia, "Government Regulation Number 93 of 2015 concerning Teaching Hospitals."
8. I. Ashariand S. Ratna Ningsih, "LITERATURE REVIEW OVERVIEW OF THE IMPLEMENTATION OF THE PRECEPTORSHIP METHOD IN THE PROCESS OF GUIDANCE OF CLINICAL PRACTICE STUDENTS IN PUBLICATION MANUFACTURES," 2020.
9. A. Ali Awaludinand A. Lungguh Perceka, "ALP_Proteksi_Law_Patients_In_Health_S ervices," *Journal of Medika Cendikia*, vol. 6, no. 2, pp. 97–105, 2019.
10. F. N., Damayanti, K., Wardiono, and S. Rejeki, "NEW LEGAL PROTECTION OF THE MIDWIFE PROFESSION (1)," repository.unimus.ac.id, 2020.
11. F. N. Damayanti, L. Mulyanti, and P. DIII midwifery studies, Faculty of Nursing and Health Sciences, "OVERVIEW OF THE IMPLEMENTATION OF INFORMED CONSENT INDEPENDENT PRACTICE MIDWIFE (BPM) IN MIDWIFERY SERVICES IN THE CITY OF SEMARANG," 2017.
12. F. N. Damayanti, COMPARISON BETWEEN THE OWNERSHIP OF A MIDWIFE'S COMPETENCIES AND THE EXERCISE OF MIDWIFE'S AUTHORITY IN MIDWIFERY SERVICES IN INDEPENDENT PRACTICE MIDWIVES ACCORDING TO KEPMENKES NO. 900/MENKES/SK/VII/2002, PERMENKES NO. HK.02.02/MENKES/149/2010 AND PERMENKES NO. 1464/MENKES/PER/X/2010 IN SEMARANG CITY, vol. 1. 2012.
13. K. Lastiniand E. Sutrisno, "LEGAL PROTECTION OF THE MIDWIFE PROFESSION IN THE DELIVERY OF AUTHORITY FOR MEDICAL ACTION," *Mimbar Justice*, vol. 13, no. 2, pp. 131–140, Jun. 2020, doi: 10.15408/jch.v6i1.8274.
14. A. Saputra, Patient Dies Due to Malpractice Doctor Wida Jailed for 10 Months. 2020.
15. I. Kotoand E. Asmadi, "Legal Liability for Malpractice Actions by Medical Personnel in Hospitals," *Volkgeist: Journal of Legal and Constitutional Studies*, vol. 4, no. 2, pp. 153–165, Nov. 2021, doi: 10.24090/volkgeist.v4i2.5738.
16. E. Nurdinand A. Rais Asmar, "LEGAL PROTECTION FOR MIDWIFERY STUDENTS IN MIDWIFERY CLINICAL PRACTICE AT BATARA GURU BELOPA HOSPITAL," 2022. [Online]. Available: <https://news.detik.com/berita/d-2201025/patient-meninggal-because-malpolitik-dokter-wida-dibui-10-bulan>
17. Q.Eriyani, "Legal Protection of DIII Nursing Students in Carrying Out Practice," *BSI Nursing Journal*, vol. VI, no. 1, 2018, [Online]. Available: <http://ejournal.bsi.ac.id/ejurnal/index.php/jk>
18. Yanti Barrang, "LEGAL PROTECTION OF MIDWIFERY STUDENTS WHO TAKE A ROLE IN THE PRACTICE OF DELIVERY AID SERVICES AT THE

- TARAKAN REGIONAL PUBLIC HOSPITAL, "UNIKA SOEGIJAPRANATA SEMARANG, 2019.
19. M. Syamsul Arifin and L. Yustitiani, "Legal Protection of Nursing Students in Implementing Clinical Practices at the Hospital," 2020. [Online]. Available: <http://journal.unnes.ac.id/sju/index.php/ijcls>
 20. M. Haro, "LEGAL PROTECTION OF NURSING EDUCATION STUDENTS AT HEALTH INSTITUTIONS LEGAL PROTECTION FOR PROFESSIONAL NURSING STUDENTS AT HEALTH INSTITUTIONS," 2016

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