

**THE ROLE OF NURSES AS WITNESSES IN MEDICAL MALPRACTICE CASES INVOLVING DOCTORS**

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**ABSTRACT;** Nurses play a vital role in healthcare facilities, yet there are no clear regulations regarding their obligations and legal protection in malpractice cases involving doctors. This legal uncertainty creates professional dilemmas, particularly when providing objective testimony. This study explores the role of nurses as witnesses in such cases using a qualitative approach based on literature analysis. Nurses contribute to justice by offering testimony from direct observations and medical documentation. Their statements clarify medical actions, patient conditions, and potential procedural violations. Beyond legal obligations, nurses have a moral duty to disclose the truth without external pressure. Their testimony is crucial in ensuring ethical and professional healthcare services. To uphold this role effectively, nurses must understand their rights, obligations, and legal protections, allowing them to act with professionalism and integrity.

**Keywords:** Nurses' Role; Testimony in Malpractice; Legal Protection.

## **INTRODUCTION**

Nurses play a crucial role in the healthcare system, not only in providing nursing care but also in ensuring patient safety. As healthcare professionals who interact directly with patients, nurses often serve as key witnesses in various medical procedures performed by doctors. In some cases, nurses can be key witnesses in suspected medical malpractice involving doctors, both in procedural and ethical aspects. However, to this day, the role of nurses as witnesses in doctor malpractice cases has rarely been discussed in depth, either from a legal perspective or from the standpoint of nursing professionalism.

In various malpractice cases, nurses' testimonies often hold significant value in legal proceedings. Nurses working in operating rooms, emergency units, or intensive care units have direct access to various medical actions performed by doctors. Their testimonies can provide an objective view of the standard medical procedures followed, the extent to which doctors' actions adhere to protocols, and whether there is an element of negligence that could be classified as malpractice. Nevertheless, there are still no explicit regulations governing the obligations and legal protections for nurses who serve as witnesses in such cases.

Normatively, healthcare law in Indonesia focuses more on the doctor's responsibility in malpractice cases, while nurses are often positioned only as supporters or passive witnesses. Law Number 17 of 2023 concerning Health does regulate the role of nurses as healthcare professionals, but it has not specifically addressed their position in the judicial system when medical disputes arise. This indicates a regulatory gap that can lead to legal uncertainty for nurses summoned as witnesses in malpractice cases.

Apart from regulatory aspects, nurses often find themselves in a dilemma when serving as witnesses in malpractice cases involving doctors. The hierarchical working relationship between nurses and doctors can create psychological and professional pressure on nurses in

providing objective testimony. Nurses may fear repercussions on their careers if they provide testimony that implicates doctors. On the other hand, ethical and legal obligations require them to present facts truthfully in the interest of justice for harmed patients. This condition highlights the need for further study on legal protection mechanisms for nurses involved in malpractice litigation.

Previous studies have primarily examined the legal aspects of doctor malpractice cases from the perspectives of medical law and patient rights. Research on the role of nurses in malpractice cases remains limited, both in legal literature and in nursing research. Existing studies tend to focus more on the role of nurses in ensuring patient safety but do not specifically explore how their testimonies impact legal proceedings. Therefore, there is a research gap that needs to be addressed through a more in-depth examination of the position and role of nurses in the judicial system for doctor malpractice cases.

The uniqueness of this research lies in its focus on examining the role of nurses as witnesses in doctor malpractice cases from both legal and nursing perspectives. Unlike previous studies that mainly emphasized legal aspects related to doctors and patients, this research offers a new perspective that highlights professional dilemmas, psychological pressure, and regulatory aspects faced by nurses. Thus, this study can significantly contribute to enriching the understanding of the legal and nursing dynamics in malpractice cases.

The urgency of this research is increasing in line with the development of the healthcare system and the growing awareness of patients about their rights. Medical malpractice cases in Indonesia continue to attract public attention, especially concerning patient safety. In many cases, legal decisions heavily depend on evidence and testimonies from healthcare professionals involved. If nurses have a clear understanding of their role and legal protection as witnesses, legal proceedings can be conducted more fairly and transparently.

Furthermore, this study can also provide recommendations for policymakers in formulating more comprehensive regulations regarding the role of nurses in the medical judicial system. With clearer guidelines, nurses are expected to provide testimony professionally without fear of pressure or consequences they might face. Clear regulations can also enhance nurses' confidence in carrying out their duties, both in delivering patient care and in dealing with legal aspects related to their profession.

This research also has implications for nursing education institutions. Currently, nursing education curricula focus more on clinical and managerial aspects, while legal and ethical aspects of malpractice cases have not received adequate attention. With this study, it is hoped that educational institutions will incorporate legal aspects of malpractice cases into the curriculum, so nursing graduates are better prepared to face legal challenges in the workplace. Overall, this research aims to fill the gap in literature regarding the role of nurses in doctor malpractice cases and offer a new perspective that can serve as a foundation for better policy formulation. By understanding the challenges faced by nurses as witnesses in malpractice cases, a fairer healthcare legal system can be established to protect all involved parties, including doctors, nurses, and patients.

## **Problem**

The problem formulation in this research is how the role of nurses as witnesses in malpractice cases committed by doctors.

## **Research Methods**

This study employs a qualitative approach with a conceptual method to analyze the role of nurses as witnesses in medical malpractice cases from legal and nursing perspectives. The data used are derived from secondary sources. Data collection techniques involve library research by reviewing scientific journals, academic books, and legal and healthcare databases. The data are analyzed using a juridical-qualitative method, involving legal interpretation, concept systematization, critical argumentation, and conclusion drawing to identify regulatory gaps and legal protections for nurses in judicial proceedings. Data validity is ensured through source triangulation, comparing various legal documents and academic literature to strengthen arguments. The expected outcomes of this study include a conceptual mapping of the legal position of nurses as witnesses, identification of regulatory gaps related to legal protection, and policy recommendations to enhance transparency and fairness in resolving medical malpractice disputes.

## **Discussion**

Nurses play a crucial role in the healthcare system, not only as caregivers but also as observers and recorders of various medical procedures performed by doctors. In some cases, nurses may serve as key witnesses in allegations of medical malpractice involving doctors. However, this role places them in a complex position, requiring them to fulfill their professional duties while also facing ethical and legal dilemmas. To understand the role of nurses as witnesses in malpractice cases, a theoretical study is needed, covering aspects of role theory, ethics, law, as well as the psychological and professional impacts on nurses.

### **1. Role Theory in the Nursing Profession**

Role Theory, developed by Biddle and Thomas (1966), explains that individuals within a profession have roles shaped by social and professional expectations. In the context of medical malpractice, nurses do not only serve as caregivers but also as observers responsible for documenting doctors' medical actions.

As witnesses in malpractice cases, nurses function as whistleblowers, individuals who report suspected medical violations. However, this role is often met with pressure from healthcare institutions or the doctors involved. From the perspective of role theory, conflicts between professional responsibilities and external pressures can influence a nurse's objectivity in providing testimony. Therefore, it is crucial to ensure that nurses receive clear legal protection so they can fulfill their role professionally without fear or external influence.

### **2. Professional Ethics Theory in Nursing**

When faced with malpractice cases, nurses often experience ethical dilemmas between their duty to provide honest testimony and their loyalty to colleagues and the institutions they work for. Deontological Ethics Theory, developed by Immanuel Kant, asserts that nurses have a moral obligation to speak truthfully and disclose the facts they know in malpractice cases.

On the other hand, Utilitarianism Theory suggests that a nurse's actions should be based on the greatest benefit for patients and justice within the legal healthcare system. If nurses choose to conceal information to maintain professional relationships with doctors or healthcare institutions, it could harm patients and weaken the legal system. Therefore, a strong understanding of professional ethics is essential for nurses to carry out their role with professionalism and integrity.

### **3. Health Law Theory and Legal Protection for Nurses**

Within the legal system, the position of nurses as witnesses in malpractice cases remains unclear in terms of protection. Justice Theory, developed by John Rawls, emphasizes that

every individual, including nurses, deserves fair legal protection when providing testimony in malpractice cases.

Currently, regulations governing legal protection for nurses as witnesses in malpractice cases are still insufficient. Legal Protection Theory, introduced by Philip Selznick, highlights that regulations should ensure that nurses can testify without fear of intimidation, discrimination, or professional consequences. Therefore, research on the role of nurses in malpractice cases should provide policy recommendations that ensure better legal protection for nurses within the medical judicial system.

#### 4. Job Stress Theory and Professional Psychology in Nursing

Being a witness in a malpractice case can cause high psychological stress for nurses. Job Stress Theory, developed by Karasek, explains that nurses often experience stress due to high job demands and low control over the situations they face. In malpractice cases, nurses may feel pressured because their testimony could impact their careers or relationships with colleagues.

Additionally, Role Conflict Theory by Kahn et al. states that individuals with dual roles in a social system may experience conflicts between professional responsibilities and social expectations. In malpractice cases, nurses face a conflict between loyalty to doctors and healthcare institutions and their ethical and legal duty to provide truthful testimony. Therefore, both legal and psychological support for nurses is essential to help them fulfill their role effectively in medical malpractice trials.

### **Conclusion**

Nurses play a crucial role in the healthcare system and can be key witnesses in malpractice cases involving doctors. By applying role theory, professional ethics, health law, and job stress theory, it becomes clear that nurses face various challenges and dilemmas in carrying out their duties as witnesses. To enable nurses to provide objective and professional testimony, clear regulations regarding their legal protection must be established. Additionally, psychological support should be considered to ensure that nurses involved in judicial processes do not experience undue pressure that could compromise their objectivity. With this theoretical study, it is hoped that solutions can be found to improve transparency and justice in the healthcare legal system, ensuring that nurses can perform their role safely and professionally in medical malpractice cases.

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