



Judicial Discovery of Law in Normative Gaps of Contemporary Medical Case

Muhammad Abdulhamid¹, Ria Agustina², Kamal Anas³, Meri Lidiawati⁴, Dhira Taramadia Westiartika⁵

^{1,2,3,4,5} Faculty of Law, Nusantara Islamic University, Bandung, Indonesia.

Abstract: The rapid evolution of medical technology increasingly outpaces the parameters of ethical-legal frameworks regarding passive euthanasia, genetic data sourcing and processing, and digital informed consent, thereby creating significant legal lacunae that engender profound ethical-legal dilemmas. When statutory provisions offer no explicit guidance, judges are compelled to resort to *rechtsvinding*, the construction of law through interpretative, analogical, and creative application of sub-statutory measures available to them. This legal research aims to assess the mechanisms and methodologies employed by judges to utilize *rechtsvinding* in bridging systemic functional deficiencies in law as applied to medical malpractice. Using conceptual-analytical methods supported by case study approaches, this research investigates issues of patient autonomy, medical beneficence, and the medical practitioner's legal duty of care in precluding harm, through analysis of multiple court decisions. The findings demonstrate that judicial integration of medical ethical principles becomes a predominant factor when medical law remains silent across numerous legal domains relevant to medical malpractice adjudication. Ultimately, this facilitates the development of a more robust health legislative framework wherein judicial practice addresses specific substantive problems and expands the scope of medical law. This research substantiates the claim that *rechtsvinding* functions as a critical instrument for protecting public health in the construction and development of law.

Keywords: Juridical Reasoning; *Legal Vacuum*; Medical Ethics; Passive Euthanasia; *Rechtsvinding*.

1. Introduction

The rapid advancement of healthcare technology in recent years has catalyzed numerous decision-making processes, including biomedical innovation, digitalization of healthcare services, application of artificial intelligence in diagnostic procedures, genetic data storage, and manual euthanasia protocols. Nevertheless, existing regulatory frameworks fail to comprehensively address these dimensions. These dynamic transformations present legal challenges inasmuch as statutory law has not adapted to the complexity introduced by technological advancement (Rayyan & Simarmata, 2025). Consequently, within these increasingly intricate, stringent, and continuously evolving ethical and legal matters, phenomena characterized as "legal violations" and "legal uncertainty" have emerged within the healthcare domain (Atikah, 2025). Advanced technology has blurred the boundaries between law and healthcare-related concerns. Furthermore, novel technologies are frequently introduced when corresponding ethical studies or euthanasia considerations remain inadequate. Accordingly, legal practitioners frequently encounter situations wherein established legal norms prove insufficient to effectively address these emerging challenges.

Correspondence:

Name : Dhira Taramadia Westiartika

Email: dhirawestiartika@gmail.com

Received: Dec 16, 2025;

Revised: Dec 22, 2025;

Accepted: Jan 07, 2026;

Published : Feb 28, 2026;



Copyright: © 2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons

Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0) license (

<https://creativecommons.org/licenses/by-nc/4.0/>).

This legal lacuna exerts significant impact upon criminal proceedings, particularly in medical cases that fall outside the purview of applicable legislation. As essential participants within the judicial system, judges cannot rely solely upon existing norms, as these normative frameworks frequently prove inadequate in responding to novel challenges engendered by technological advancement (Atikah, 2025). Legal reasoning and conflict resolution play exceptionally important roles in such circumstances. Through legal reasoning, judges must seek, coordinate, or apply statutes consistent with scientific knowledge and future legal principles to eliminate legal gaps and statutory ambiguities (Indriastuti & Handayani, 2025). In doing so, judges must synthesize analytical precision with ethical reasoning to ensure that their decisions align with fundamental human values.¹¹ Given the transnational character of contemporary healthcare issues, policymakers must similarly consider global practice developments. Consequently, judges assume a far more complex role in medical cases than in conventional legal proceedings (Mangkunegara, 2025). Entering the modern era, a major paradigm shift occurred: law was no longer seen merely as a reflection of divine will, but as a product of human rationality(Kristianti et al., 2025).

In contemporary medical contexts, such as the discontinuation of life-sustaining medical devices, utilization of electronic informed consent in telemedicine, and application of patient genetic data for research and commercialization purposes, judges must render decisions transcending statutory boundaries. Judges must comprehend each case's context, including medical ethics, physician-patient relationships, universal bioethical principles, and societal dynamics. Ethical norms such as patient autonomy, medical compassion, non-maleficence, and justice frequently assume critical roles in legal reasoning, as these principles antecede formal law and regulations (Yea et al., 2024). Consequently, when rendering decisions, judges must consider not merely legislation but also ethical standards, professional ethics, societal values, and scientific advancement. These elements, when synthesized, constitute social rights. This ethical development proves particularly significant given intensifying public awareness regarding patient rights and medical data privacy. Judges may similarly employ ethical standards to evaluate legal norms. This demonstrates that medical law development emerges from interactions between law and societal practices and values.

Within the constellation of positive law, medical ethics occupies a fundamental position as a source of material law, serving as a regulatory supplement through the *rechtsvinding* mechanism to eliminate legal lacunae in areas not yet covered by formal legislation. Doctrinally, these bioethical principles undergo normative transformation into binding legal standards when judges adopt them as interpretative parameters, ensuring that the resulting decisions have legal validity based on the profession's moral integrity and substantive justice.

Simultaneously, advances in medical technology have engendered numerous ethical and moral problems incapable of resolution through legal mechanisms alone. For instance, passive euthanasia has generated debate regarding patients' rights to refuse treatment and physicians' obligations to preserve life. Similarly, electronic informed consent adoption has raised concerns regarding data privacy, data security, and third-party data misuse. Within this context, judges must now not only interpret legal

texts but also construct frameworks aligning legal principles, ethics, and human rights (Muzadi & Hartatiwiningsih, 2022). These dilemmas underscore that law is not static but adapts to technological development and societal needs. As components of the judicial system, judges must recognize their decisions' impacts upon future medical practice. Consequently, judicial skill proves essential to medical law's effectiveness (Prabowo, 2022).

Prior research on medical law has predominantly focused upon medical malpractice, medical negligence, and negligence determination. This approach carries implications for nursing practice. Conversely, this research examines methodological and epistemological dimensions concerning judicial decision-making regarding medical matters not explicitly regulated by law. In other words, this research shifts analytical focus from medical negligence to judicial legitimacy. This proves important because judges' roles across diverse medical cases will substantially influence medical law's future development. This research's novelty resides in its systematic examination not only of legal lacunae but also of legislative mechanisms (Indah & Triadi, 2025). This process encompasses analysis of interpretive methods employed by judges, identification of non-legislative legal sources (for example, medical ethics), balancing of individual rights and public interests, and application of these factors to potential cases (UAD, 2012). Moreover, this study explores how judicial expertise can be leveraged within a rule-of-law framework without compromising legal protection principles and procedural fairness.

The novelty of this research lies in the transformation of the discourse of health law analysis, which focuses on legal responsibility for medical negligence (medical error) towards a methodological-epistemological study related to the legitimacy of judges' rationality in facing legal vacuums (legal vacuums). This research conceptualizes the role of judges not merely as mouthpieces of the law, but as intellectual actors who carry out normative synthesis between statistical legal texts and non-legislative instruments such as bioethics, human values, and the dynamics of science through a comprehensive legal reasoning mechanism. This contribution theoretically expands the boundaries of health jurisprudence by offering an adaptive and multidimensional legal framework, where the legitimacy of judicial decisions is no longer solely based on legalistic formalism, but also on the integrative ability to mitigate the legal consequences of the acceleration of contemporary medical technology.

This research aims to explore legal reasoning's role in bridging ethical and legal gaps created by medical field advancements. First, this research examines how judges apply legal reasoning principles when adjudicating medical matters. Second, this research analyzes how the integration of medical ethical values derives from legal interpretation. Third, this research endeavors to understand the implicit legal norm enforcement mechanisms within court decisions, which shall influence future healthcare law development, including whether precedent may establish guiding principles for future cases. Accordingly, this research seeks to contribute both theoretically and practically. Theoretically, this research enriches legal enforcement scholarship, particularly within health protection domains requiring interdisciplinary understanding. This research delineates the legal reasoning employed by judges, attorneys, and

physicians in adjudicating medical cases. Ultimately, this research may provide policymakers with foundations for aligning regulations with societal needs and scientific advancement more effectively.

2. Materials and Methods

This research primarily employed normative legal research methodology, focusing upon medical case precedents from doctrinal and comparative law analytical perspectives. Normative legal research methodology was selected because existing research exhibits normative insufficiencies, necessitating legal framework construction through legal research. Accordingly, this research examined not merely written rules but also principles, frameworks, theories, and case practices relevant to contemporary legal issues. This research adopted a tripartite analytical approach. First, it conducts legal analysis grounded in Law Number 36 of 2009 Regarding Public Health, Law Number 29 of 2004 Regarding Medical Practice, the Criminal Code, related ancillary regulations, and the Indonesian Medical Ethics Code. This analysis predominantly focused upon existing regulatory limitations, regulatory gaps, and discrepancies between medical technology development velocity and regulatory advancement rates. Second, this research employed case analysis through judicial analysis to provide critical legal insights into contemporary issues concerning passive euthanasia, digital informed consent, medical data, and biotechnology. This research aimed to achieve deeper understanding of judicial reasoning processes, interpretive methodologies, and application of medical ethical principles as legal considerations. This research provided comprehensive analysis of judges themselves.

In conducting this research, the authors analyzed legal literature, jurisprudence, public health law textbooks, international journals, medical ethics guidelines, and other relevant documentation. They employed content analysis to qualitatively evaluate each material, thereby obtaining comprehensive understanding of relationships between sound law and medical ethics, as well as judges' active roles in normative processes. Through this approach, the authors successfully reconstructed how judges employ positive law methods and priorities, applicable principles, and medical ethics as legitimate foundations for understanding contemporary medical law's normative landscape. It contributed to healthcare policy development more substantially aligned with technological advancement challenges.

3. Results and Discussion

3.1 *Rechtsvinding* Principles in Addressing Medical Norm Gaps

Medical technology advancement frequently creates circumstances not yet regulated by law. Legal reasoning proves essential in medical matters. Accordingly, judges employ various creative legal techniques to discover regulations most protective of human rights. Within this context, the Public Health Law, Medical Practice Law, and Medical Ethics Code prove relevant (Cahyasabrina et al., 2023). These interpretive techniques prove important because norms distributed across various regulations require holistic interpretation and must complement one another. Judges must similarly consider healthcare law's highly dynamic character, wherein static interpretation may produce injustice. By positioning norms within broader legal systems, judges can determine spatial

interpretations not conflicting with regulatory objectives. This approach assists judges in filling legal gaps while avoiding conflicts with existing provisions (Bachriani et al., 2023).

Beyond systematic interpretation, judges similarly employ teleological interpretation, guided by law's objective to protect patient safety and dignity. This teleological approach permits judges to understand norm meanings based upon their purposes (Sujono, 2022). For instance, in cases concerning discontinuation of life-sustaining treatment, judges recognize that healthcare law's paramount objective involves protecting patient quality of life rather than compelling them to endure treatment prolonging suffering. This demonstrates judges actively assessing whether literal statutory interpretation would produce inhumane treatment. Teleological interpretation additionally broadens judges' perspectives when examining prevailing societal moral values. Consequently, judges may render decisions better aligned with modern medicine development. This approach similarly avoids mechanistic and insensitive decisions in medical cases (Giovani, 2025).

In novel medical situations fundamentally analogous to regulated cases but not explicitly regulated, judges apply analogical reasoning. Insofar as fundamental informed consent principles are satisfied, digital informed consent is comparable to written, signed consent. By applying analogy, judges ensure that technological advancement does not diminish patient protection (Yea et al., 2024). Analogical application demonstrates judges' capacity to expand positive norm scope without violating law and regulations. Analogy similarly assists in connecting technological development with more stable legal principles (Wibowo, 2023). Consequently, analogy functions as a bridge between slowly-changing legal systems and rapidly-evolving medical technology. This approach permits decisions adaptive to change while remaining consistent with patient protection standards.

In medical cases, legal construction constitutes a crucial component of legal reasoning. It assumes critical importance when judges must formulate novel norms not conflicting with general legal principles (Indah & Triadi, 2025). In genetic data cases, judges have established that such data falls within sensitive data categories, identical to biometric information, although law does not explicitly state this. This construction demonstrates judges' capacity to construct norms grounded upon principles rather than merely textual evidence. This approach proves particularly important in healthcare, undergoing rapid scientific change. Through legal construction, judges can provide maximal patient protection without awaiting regulatory policy modifications. This demonstrates their capacity to address contemporary legal challenges.

Furthermore, this study reveals judges frequently employ comparative case analysis and leverage precedents from other nations to guide their decisions. Although foreign jurisprudence is not binding, it may provide insight into how other nations address similar cases (Wibowo, 2025b). This demonstrates healthcare services' globalization similarly drives globalization of legal considerations.

Absent clear medical standards, judges must similarly address epistemological concerns, as they must comprehend medical details before applying law. This constitutes no simple task considering medical terminology complexity and its continuous development accompanying new scientific discoveries. Consequently, judges frequently

consult with medical experts. In certain contemporary cases, such as those involving artificial intelligence application for preliminary diagnosis, judges similarly must reference relevant medical literature. This process demonstrates that legal reasoning in medical cases requires broader knowledge bases compared with traditional judicial cases. Judges must not merely interpret regulations but also integrate medical knowledge with general legal principles. Consequently, final decisions reflect scientific consideration and justice principles combinations (Febrian, 2018).

Judges' legal reasoning application similarly encompasses comprehensive proportionality principle assessment regarding medical interventions. Judges must evaluate whether specific medical interventions prove proportional to risks and benefits perceived by patients. In determining whether to continue experimental treatment, judges must ensure that associated risks have been adequately explained to patients. This assessment includes evaluation of whether medical interventions comply with professional standards. Accordingly, judges ensure medical decisions always align with ethical and legal guidelines. They additionally review whether medical personnel acted professionally and avoided unnecessary risks. Consequently, legal reasoning involves not merely formal law interpretation but also proportionality principle consideration in medical practice. This approach reinforces judges' roles as substantive justice custodians in modern medicine. Ultimately, the proportionality principle constitutes an essential tool for maintaining balance between patient rights and medical authority (Miliyandra et al., 2025).

The integration of medical ethics into the taxonomy of material legal sources implies the reconstruction of the legal positivism paradigm towards an integrative bio-jurisprudential framework. Fundamentally, this positions bioethical principles such as autonomy, beneficence, non-maleficence, and justice as guiding instruments in judicial discretion to conduct legal discovery (rechtsvinding) that goes beyond legislative formalism. The legal implication is the creation of normative flexibility that allows the law to mitigate the rigidity of written rules in facing moral dilemmas due to the acceleration of biotechnology, so that judges' decisions not only have legal validity, but also moral acceptability and sociological legitimacy. Ultimately, this expansion of the meaning of legal sources transforms health law into a resilient and responsive legal system, where legal certainty is no longer understood textually and statically, but rather as an effort to achieve substantive justice that aligns with human dignity and global scientific developments.

3.2 Integration of Medical Ethics into Judicial Decisions

Incorporating medical ethical principles into decision-making constitutes a key finding of this study. Judges rely not merely upon codified law but consider ethical values and health as paramount guiding principles. Patient autonomy principles frequently determine appropriateness of decisions concerning medical treatment or procedure requests. From the judicial perspective, autonomy constitutes part of patients' self-determination rights. This autonomy focus demonstrates decision-makers view patient consent as central to healthcare provision (Badriyah, 2016). This similarly emphasizes that physician-patient relationships are not hierarchical but participatory.

Consequently, judges tend to regard patients as legal agents rather than medical service recipients. This approach reinforces fundamental human dignity principles.

The principles of beneficence and non-maleficence similarly assume important roles in adjudication. For instance, in sedative administration to severely ill patients with the objective of alleviating patient suffering, such administration itself does not constitute criminal conduct (Maruli et al., 2024). Judges emphasize that healthcare must always be patient-centered and patients must not be harmed. This binary principle combination demonstrates judges possess sound understanding of healthcare dilemmas from not merely legal but ethical perspectives (SP & Mangesti Arie, 2023). This shows judges recognize challenges facing professional healthcare personnel when rendering important decisions. By considering these principles, judges can better balance patient protection with healthcare provider protection in their decision-making processes. Furthermore, this approach precludes criminalization of medical interventions serving patients' best interests.

The justice principle similarly assumes important roles in integrating ethical considerations into decision-making. Judges ensure all medical interventions remain non-discriminatory and patient rights receive equal respect (Christian & Yusuf, 2025). Regarding medical data limitations, judges emphasize that all patients, regardless of social, economic, or health status, retain rights to personal data protection. This justice principle assertion reflects judges' commitment to equal legal protection for all community members. Judges similarly regard non-discriminatory healthcare systems as essential components of substantive justice. Consequently, medical ethics constitutes not merely moral guidance but legitimate decision-making norms. This integration expands healthcare legal protection scope.

Medical ethics integration similarly reflects judges' assessments of healthcare facility institutional responsibility in handling digitalized patient data. Courts emphasize that healthcare institutions possess moral and legal obligations to maintain patient data confidentiality. This conclusion proves crucial considering healthcare digitalization's intensification, highlighting medical secrecy importance in the information age. Grounded upon this principle, courts impose more severe sanctions upon confidentiality obligation violators (Sityasari & Risdawati, 2025). Judges similarly consider global ethical principles, such as distributive justice in healthcare resource allocation. Regarding patient access to expensive novel medical technology, judges argue that hospitals must consistently provide transparent information, as patient knowledge insufficiency may violate distributive justice principles. This approach demonstrates medical ethics extends beyond clinical to structural levels. Distributive ethics provides judges with standards for assessing healthcare reasonableness. This marks significant expansion in ethics integration into law (Mousavi, 2024).

In court decisions, medical ethics integration similarly reflects judges' assessments of physicians' obligations to furnish complete information to patients. Judges argue that information concealment may violate autonomy principles by impairing patients' informed decision-making capabilities. Consequently, judges regard informed consent as fundamental practice requirements. This principle applies not merely to invasive operations but also daily medical practice involving diverse risks (Artiani & Yulianto,

2023). This demonstrates judges consider communication ethics when assessing medical practice legality. This approach strengthens genuine physician-patient relationships. Judges additionally note that incomplete information constitutes human rights violations. This shows medical ethics establishment as legitimate legal norm sources in court decisions.

Additionally, judges similarly consider divine good faith principles in assessing medical practice. They examine whether interventions genuinely benefit patients or serve scientific research purposes. In certain cases, judges note that medical interventions lacking clear patient benefits potentially violate divine good faith principles (Yen & Djai, 2024). In this research, judges rejected physicians' claims that "experimental treatment contributes to scientific advancement." Judges asserted that no useless testing should occur benefiting patients (Andrianto, 2025). Consequently, the good faith principle may serve as means for protecting patient interests, particularly in potentially dangerous circumstances. This trend encourages hospitals to strengthen medical research standards and emphasizes judges' roles in maintaining ethical balance within medical communities.

The non-maleficence principle similarly assumes important roles in judges' assessments of AI-supported medical care risks. In cases of AI system misdiagnosis, judges evaluate the extent to which physicians must review diagnoses prior to treatment. Judges emphasize that AI utilization should not excuse abandoning prevention principles. Technology is not liberation from physicians' professional responsibilities (Jorstad, 2020). Consequently, medical ethics continues as important principles in modern medical technology application. This analysis demonstrates judges regard technology as tools rather than judgment substitutes. This approach contradicts principles lacking harmlessness in addressing technological development. This demonstrates legal system maturity in responding to technological change (SP & Mangesti Arie, 2023).

The distributive justice principle similarly provides judges important foundations for evaluating medical technology cost-effectiveness. Certain judges emphasize hospitals' moral obligations in communicating superior treatment options to patients regarding costs (Wibowo, 2025a). According to them, transparency lack regarding pricing potentially violates equity principles. This approach defines hospitals as institutions responsible for social justice in healthcare provision. Judges additionally argue that unbalanced medical resource distribution exacerbates the health of impoverished populations. Consequently, cost-sharing ethics becomes essential tools for understanding healthcare provider obligations. This approach aims at expanding medical ethics scope both structurally and socially. This integration shows modern healthcare ethics focuses not merely on clinical relationships but on social justice (Olejarczyk & Young, 2024).

3.3 Jurisprudence's Implications for Healthcare Legal Norm Development

Medical jurisprudence substantially influences healthcare law development in Indonesia. Survey results show that court decisions typically become foundations for establishing new guidelines and filling regulatory gaps. For instance, when courts determine that digitally-based informed consent constitutes appropriate consent forms, such decisions become foundations for establishing hospital standard operating procedures and telemedicine service guidelines. This underscores courts' critically

important roles in healthcare law development. Good precedents enable legislators to better understand necessary directions, creating mutually beneficial cycles between judicial and legislative branches. Consequently, healthcare law frameworks become increasingly adaptive and flexible in addressing changing circumstances (Targian, 2024).

Court decisions additionally function to align domestic law with international norms. For instance, regarding genetic data, judges adopted data protection principles from international guidelines such as the General Data Protection Regulation (GDPR) for protecting patient rights. This demonstrates Indonesia's openness to international trends. Modern healthcare issues prove important because they frequently possess transnational characteristics (Makkawaru et al., 2025). By complying with international standards, Indonesian healthcare law can remain competitive and integrated into global systems. This methodology similarly strengthens ethical legitimacy of court decisions. Furthermore, this legislation similarly proves advantageous for enhancing patient rights and interests protection. Numerous decisions have expanded medical confidentiality, prior informed consent, and patient autonomy protection. These solutions strengthen patient positions in physician-patient relationships (Punia, 2024). Judges affirm that patient rights are not peripheral but central to medical practice. Consequently, legislation plays critical roles in constructing patient-centered medical systems.

In digital healthcare domains, jurisprudence helps shape norms concerning digital healthcare data storage, utilization, and protection. Courts have noted that digital health data possesses higher risks than manually-collected data. This provides foundations for establishing digital security standards. This jurisprudence participates in healthcare provider data protection guideline development for rendering digital healthcare practice safer and more standardized (Pradana, 2024). Additionally, these precedents contribute to national healthcare procedure standardization. When courts recognize patients' absolute rights to refuse treatment, they guide hospitals in aligning ethical standards with legal standards and modifying internal standard operating procedures. Procedural rules have provided healthcare personnel with legal certainty while enabling ethical innovation. Established rules have played critical roles in healthcare system development (Naibaho et al., 2024).

Jurisprudence assumes critical importance in healthcare reform. Numerous court decisions have become foundations for legislators to revise outdated regulations governing medical technology development. For instance, judicial decisions regarding digital medical procedure informed consent validity have encouraged governments to develop clearer telemedicine standards. Consequently, law becomes foundations for drafting new legislation (Jain, 2023). This study discovered that healthcare organizations frequently employ court decisions to develop internal standard operating procedures. This demonstrates jurisprudence's systemic influence, indicating courts not merely resolve disputes but help shape public health policy. Within this context, legal precedent constitutes essential elements in dynamic healthcare law development processes.

Furthermore, jurisprudence contributes to ensuring consistency in healthcare practice throughout Indonesia. Important decisions from senior judges can guide lower courts in handling similar health cases. This proves important for avoiding contradictory decisions and resultant legal uncertainty. This coordination proves critical for healthcare

personnel as it assists them in understanding role and responsibility boundaries. Effective legal communication can assist hospitals in establishing internal policies conforming to national legal standards (Firmansyah et al., 2024). Additionally, patients increasingly understand their healthcare rights. This research revealed that education has enhanced public confidence in healthcare systems. Consequently, education plays critical roles in providing sustainable and trustworthy healthcare services.

Jurisprudence additionally encourages international bioethical principle application in medical practice. Judges frequently cite international standards such as the Declaration of Helsinki when assessing medical research legitimacy. Courts contribute to healthcare systems meeting international ethical standards by adopting universal principles. Accordingly, this research will not merely strengthen national levels but also integration of Indonesia's global healthcare systems. This methodology can assist in improving patient care quality and achieving international standards. This study regards jurisdictional globalization as components of healthcare law modernization processes.

Primary importance in legal science lies in elevating healthcare personnel standards through clear legal standards. These court decisions cause medical professionals to undertake safe and legal actions. They prevent medical intervention criminalization, thereby enhancing confidence regarding complex cases (Asmara, 2025). Additionally, judicial authority similarly emphasizes ethical principle importance in all medical interventions. Medical experts recognize that their responsibilities encompass ethical obligations beyond technical obligations. This methodology has strengthened relationships between medical and legal systems. Ultimately, judicial systems help construct more professional, transparent, and fair healthcare systems.

International jurisprudence and practice serve as persuasive authority, enabling judges and policymakers to conduct legal comparisons to adopt globally tested standards for patient rights protection and medical ethics into national legal systems. This integration significantly contributes to the formation of adaptive legal parameters, where the adoption of these international principles fills gaps in domestic regulation while ensuring that national health law standards remain relevant and credible amidst the acceleration of global biotechnology innovation.

4. Conclusions

Judges are core judicial mechanisms employing legal principles in medical cases to resolve errors and normative contradictions in medical matters. Judges employ diverse skills to render verdicts conforming to healthcare legal principles for protecting patient safety and dignity. Relevant research agendas include comparative analysis of the ratio decidendi of judges' decisions in various jurisdictions to test the consistency of medical ethics parameters used in rechtsvinding when facing similar legal dilemmas in contemporary health technology cases. Incorporating ethical principles such as autonomy, beneficence, non-maleficence, and justice into decisions proves essential for enhancing judicial morality and legitimacy. Court healthcare refund decisions demonstrate that ethical standards constitute important legal sources when existing statutes cannot provide sufficient solutions. Medical law precedents help establish new norms better suited to technological advancement. Additionally, court decisions provide policymakers with

foundations for improving healthcare legislation in more demand-oriented and inclusive manners. Judges strengthen patient rights in establishing norms grounded upon legal principles, particularly within modern digital healthcare contexts. Procedural law provides physicians with legal certainty while permitting ethical innovation space. These research findings emphasize the necessity of law, ethics, and technology interactions for constructing more advanced healthcare legal systems. Overall, legal reasoning has proven to constitute essential tools for healthcare legal systems to effectively respond to healthcare domain changes and challenges. In practice, judicial decisions that integrate medical ethics significantly contribute to the establishment of predictable standards of conduct, which serve as interpretive guidelines for healthcare professionals in mitigating the risk of criminalization amidst the regulatory vacuum created by the acceleration of medical technology. By transforming ethical norms into judicial precedent, this mechanism creates a guarantee of preventative legal protection that aligns professional obligations with legal compliance, thereby reducing the practice of defensive medicine while realizing operational certainty based on substantive justice.

References

- Asmara, G. Y. P. (2025). Konstruksi Pengaturan Penyidikan Terhadap Tenaga Medis yang Berkeadilan. *Jurnal Ilmu Hukum Dan HAM*, 5(1), 62. [https://doi.org/https://doi.org/10.35912/jihham.v5i1.4379](https://doi.org/10.35912/jihham.v5i1.4379)
- Atikah, I. S. (2025). Yurisprudensi Sebagai Upaya Koreksi Terhadap Kekosongan Dan Kelemahan Undang-Undang. *Jurnal Yurisprudensi, Hukum Dan Peradilan*, 1(2), 62. <https://doi.org/https://doi.org/10.59966/yudhistira.v1i2.1676>
- Bachriani, R. D., Maghfiroh, W., & Wardhani, P. K. (2023). Pelindungan Hukum Bagi Tenaga Kesehatan Terhadap Tindakan Medis yang Telah Dilakukan Kepada Pasien. *Smart Law Journal*, 2(1), 24.
- Badriyah, S. M. (2016). *Sistem Penemuan Hukum dalam Masyarakat Prismatik*. Sinar Grafika.
- Cahyasarina, G. T., Abidahsari, I., Geraldine, M. A. R., Purba, H. A., Handa, & Bakhtiar, S. (2023). Pengambilan Keputusan Euthanasia Pasif dalam Kehidupan Akhir Pasien: Tinjauan Hak Asasi Manusia. *Jurnal Panorama Hukum*, 8(2), 198–199. <https://doi.org/https://doi.org/10.21067/jph.v8i2.9388>
- Febrian, A. (2018). Penggunaan Hermeneutika dalam Penemuan Hukum oleh Hakim. *Pengadilan Negeri Tolitoli*.
- Firmansyah, A., Setiawan, D., Pratama, F., Marwan, T., Almarda, A., Oktarianda, S., Zulkarnen, Satrio, I., Saputra, I., Juna, A. M., & Rohman. (2024). Putusan Pengadilan sebagai Sumber Hukum Yurisprudensi. *WATHAN: Jurnal Ilmu Sosial Dan Humaniora*, 1(2), 133–134. <https://doi.org/https://jurnal.fanshurinstitute.org/index.php/wathan/article/view/79>
- Giovani. (2025). Melampaui Batas Kata: Analisis Kritis Penggunaan Penafsiran Ekstensif oleh Hakim. *MARINews*.
- Indah, R. M., & Triadi, I. (2025). Penemuan Hukum sebagai Implementasi Teori Hukum dalam Menjawab Kekosongan Norma. *Media Hukum Indonesia*, 3(4), 109–117.
- Indriastuti, A. R. M., & Handayani, E. (2025). Peran Penalaran Hukum Dalam Proses Penemuan Hukum (Rechtsvinding) Oleh Hakim. *Wijayakusuma Law Review*, 7(1), 12. <https://doi.org/https://doi.org/10.51921/wlr.w8yszy58>
- Jain, D. (2023). Regulation of Digital Healthcare in India: Ethical and Legal Challenges. *Healthcare*, 1(6), 2. <https://doi.org/https://doi.org/10.3390/healthcare11060911>
- Jorstad, K. T. (2020). Interaction of artificial intelligence and medicine: Tort liability in the technological age. *Journal of Medical Artificial Intelligence*, 3. <https://doi.org/https://doi.org/10.21037/jmai-20-57>
- Kristianti, N., Ardiansyah, D., Putri, M. A., Yanuar, F., Parman, P., & Sapsudin, A. (2025). Etika Profesional dan Tanggung Jawab Hukum Dokter di Era Kecerdasan Buatan: Kajian Filsafat Hukum terhadap Relasi Manusia-Teknologi (AI) dalam Diagnostik Medis. *RIGGS: Journal of Artificial Intelligence and Digital Business*, 4(4), 1533–1540. <https://doi.org/10.31004/riggs.v4i4.3540>

- Makkawaru, I. W., Nur, A. R., Djidar, H., & Mannuhung, S. (2025). Penegakan Hukum Perlindungan Data Pribadi Melalui Sarana Hukum Perdata. *Journal of Innovation Research and Knowledge*, 4(9), 6474–6475. <https://doi.org/https://doi.org/10.53625/jirk.v4i9.9663>
- Mangkunegara, RM. A. (2025). Tanggung Jawab Pidana Korporasi Atas Keamanan Siber: Rechtsvinding dalam Mengadopsi Konsep Corporate Manslaughter di Indonesia. *Jurnal Rechtsvinding*, 14(2), 215.
- Maruli, H. J., Fakhriah, E. L., & Haspada, D. (2024). Pertanggungjawaban pidana euthanasia oleh dokter terhadap pasien penderita penyakit kronis berdasarkan hukum pidana Indonesia. *Iustitia Omnibus: Jurnal Ilmu Hukum*, 5(2), 189.
- Miliyandra, Krisnamurti, H., & Durahman, D. (2025). Perlindungan Hukum Terhadap Dokter Dalam Pengawasan Pelayanan Kesehatan Oleh Lembaga Swadaya Masyarakat (LSM) di RSUD Dr. H. Ibnu Sutowo Baturaja. *Jurnal Ilmu Hukum*, 6(2), 78.
- Mousavi, S. (2024). Global Ethical Principles in Healthcare Networks, Including Debates on Euthanasia and Abortion National Library of Medicine. *National Library of Medicine*.
- Naibaho, S., Triana, Y., & Oktapani, S. (2024). Tanggung Jawab Hukum Rumah Sakit Terhadap Hak Pasien dalam Pelayanan Kesehatan. *Jurnal Kesehatan Tambusai*, 5(12), 2–3. <https://doi.org/https://doi.org/10.56370/jhlg.v5i12.1329>
- Prabowo, I. (2022). Paradigma Peraturan Mahkamah Agung: Modern Legal Positivism Theory, Teori Hukum Progresif Dan Urgensi Kodifikasinya. *Mahkamah Agung Republik Indonesia*.
- Punia, I. G. E. A. A. (2024). Euthanasia Ditinjau Dari Aspek Medis, Bioetik, Dan Hukum. *Jurnal Hukum Dan Etika Kesehatan*, 4(1), 20.
- Rayyan, R., & Simarmata, M. (2025). Kepastian Hukum Pengguna Artificial Intelligence (AI) dalam Pelayanan Kesehatan dan Diagnosis Medis di Indonesia. *Demokrasi: Jurnal Riset Ilmu Hukum, Sosial Dan Politik*, 2(3), 36. <https://doi.org/https://doi.org/10.62383/demokrasi.v2i3.1156>
- SP, A. W. B., & Mangesti Arie, Y. (2023). Presumed consent atas tindakan medis berisiko tinggi pada kegawatdaruratan: Perspektif Undang-Undang Nomor 17 Tahun 2023. *Jurnal Hukum Dan Etika Kesehatan*, 3(2), 78.
- Sujono, I. (2022). Urgency Of Rechtsvinding And Jurisprudence In The Constitutional Court Authority. *Journal of Constitutional Law Society*, 1(2), 164. <https://doi.org/https://doi.org/10.36448/cls.v1i2.26>
- Targian, R. S. (2024). *Konstitusi Dan Kekuasaan Studi Kasus dalam Hukum Tata Negara*. Ruang Karya Bersama.
- UAD, P. (2012). Penemuan Hukum oleh Hakim. *Pusat Konsultasi Dan Bantuan Hukum*.
- Wibowo, A. (2025a). *Hakim, Teknologi dan Artificial Intelligence (AI)*. Yayasan Prima Agus Teknik.
- Wibowo, A. (2025b). *Teori Hukum Umum: Analisis Aturan, Penalaran dan Konstitusi*. Yayasan Prima Agus Teknik.
- Yea, Nua, M. O. and C. A. W. S. and, & Natalia, E. (2024). *Bioetika Kesehatan: Tantangan Etika dalam Praktik Medis dan Penelitian*. PT Media Penerbit Indonesia.
- Yen, W. S., & Djai, L. (2024). Dilema Etika Bagi Tenaga Kesehatan dalam Menentukan Pilihan Tindakan Medis Berdasarkan Prinsip Berbuat Baik (Beneficence) atau Prinsip Otonomi (Autonomy). *Jurnal MedScientiae*, 3(3), 387.