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## Patient Privacy Protection in the Use of Social Media as a Tool for Doctor Consultation from a Legal Perspective

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**Abstract:** In this digital age, interactions between patients and doctors are increasingly moving to social media platforms, which can have a significant impact on the accessibility and affordability of healthcare services. However, it is important to note that when medical consultations take place online, new legal challenges arise in terms of information confidentiality, professional responsibility, and patient protection. This journal addresses the issue of legal protection for patients who communicate with doctors via social media. This study examines the legal framework governing online medical consultations, including patient privacy rights, doctors' professional ethics, and legal accountability. The emphasis is on identifying potential legal gaps and developing solutions to improve legal protection for patients in this context. This journal's approach aims to contribute to the development of appropriate and convincing regulations to address legal issues that arise as communication technology advances.

**Keyword:** Legal Protection, Online Medical Consultation, Social Media, Patient Privacy

### INTRODUCTION

In today's ever-changing digital age, social media has emerged as the primary platform for people to interact, share information, and seek help, including in health-related matters. Consulting with doctors via social media has become an increasingly common practice, allowing patients to easily access medical information without having to visit the doctor's office in person (Saputri et al., 2024a). Although it has advantages in terms of cost and convenience, legal protection for patients has become an increasingly pressing issue that requires attention. In this context, the purpose of this study is to look into the legal protections available to patients who seek medical consultations through social media platforms. We will look at how the legal landscape has changed in relation to digital health practices, as well as how the law can provide certainty and security to patients who engage in medical interactions through these platforms (Indarta, 2019).

With the rise of social media, an increasing number of patients seek medical advice or health information via platforms such as Twitter, Facebook, and Instagram. Doctors and medical personnel are increasingly using this media to provide responses and medical information. However, the question remains: to what extent are patient safety and privacy guaranteed in this context? Are doctors who provide medical information on social media legally liable for the advice they give? One of the primary benefits of medical consultations via social media is the ease of access it provides to patients, particularly those living in remote or difficult-to-reach areas for traditional healthcare services. However, this ease of access raises concerns about data security, the ethics of medical practices, and the risk of inaccurate information (Hutomo & Wira Pria Suhartana, 2020). A review of existing regulations and laws governing digital health practices is a critical step toward determining the level of legal protection for patients.

When considering legal protection for patients who communicate with doctors via social media, the challenges and risks associated with digital health must not be overlooked. The spread of incorrect or unverified medical information on social media platforms has the potential to confuse the public. As a result, it is necessary to examine the extent to which the law accommodates situations in which patients may receive incorrect information and how this affects their health decisions (Utomo & Afriana, n.d.). As technology advances, cyberattacks and data security threats become more complex. Medical consultations via social media necessitate the exchange of sensitive medical data online, which raises the risk of data breaches or misuse. Thus, clear legal protection for the security of medical data becomes critical in this context. Another challenge is the ethical use of technology in digital health practices. How can doctors ensure that the information they provide online meets medical ethical standards? Is there a legal framework in place to guide doctors when providing medical advice via social media while keeping these ethical considerations in mind? (Rimbun et al., 2024)

The issue of reliance on technology is also a risk. Patients who rely on social media for medical information may become overly reliant on online sources, overlooking the value of direct consultation with healthcare providers. This raises concerns about legal responsibility in developing regulations that promote the use of technology as a supplement, rather than a replacement, for direct interaction between patients and doctors. Given the various challenges and risks, this study seeks to develop a comprehensive understanding of how the law can adapt and provide effective protection in the ever-changing era of digital health. The success of legal protection for patients in consultations with doctors via social media depends on the level of education and legal awareness of both the patients and the doctors involved (Soliha, 2015).

As a result, it is necessary to investigate how health education programs can improve legal awareness among patients and doctors. In addition, increased legal awareness can contribute to a safer and more trustworthy digital health environment. Educational institutions, health agencies, and other stakeholders are working together to improve legal knowledge. As a result, a more law-aware society can emerge, capable of protecting itself and ensuring that digital health practices are carried out with high integrity and ethics (Fadhilah et al., n.d.). To ensure maximum legal protection for patients in social media consultations with doctors, it is critical to develop relevant policies that are responsive to digital health dynamics. First, there must be legal clarification regarding doctors' responsibilities in providing medical information via social media, including provisions relating to ethics and patient privacy. Second, policymakers should consider strict data security measures to protect patients' medical information from potential leakage or misuse. Recommendations may include data security standards that digital health service providers must follow in order to protect patient medical information (Njoto, 2023).

Furthermore, it is recommended that institutions and related professions collaborate to develop a joint guideline for regulating digital health practices. This can help to establish a

consistent legal foundation and reduce ambiguity when handling digital health cases. It is also critical to encourage stakeholders, such as health professional organizations, governments, and civil society, to actively participate in policymaking. By involving multiple stakeholders, the resulting policies can reflect the needs and goals of all parties involved in the digital health ecosystem.

### METHOD

This research chooses a qualitative approach because the data collected is qualitative, unmanipulated, more detailed, and current. The focus of the research is to describe in detail, thoroughly, and accurately the legal protection for patients during consultations with doctors through social media. Descriptive data will be obtained from the speech, writing, and behavior of the subjects or informants (Nasir & Sukmawati, 2023). The data collection method employs questionnaires. Data analysis occurs both during and after field activities, such as classification, processing, and the creation of interim reports. The interactive analysis model is used in three stages: data reduction, data presentation, and drawing conclusions from the questionnaires. While in the field, the researchers not only collected data but also used this model to gain a better understanding of how to optimize legal protection for patients during consultations with doctors via social media.



Figure 1. Methods in qualitative research

### RESULTS AND DISCUSSION

The results of our research can be seen through the responses of the participants via the questionnaire that we previously distributed.

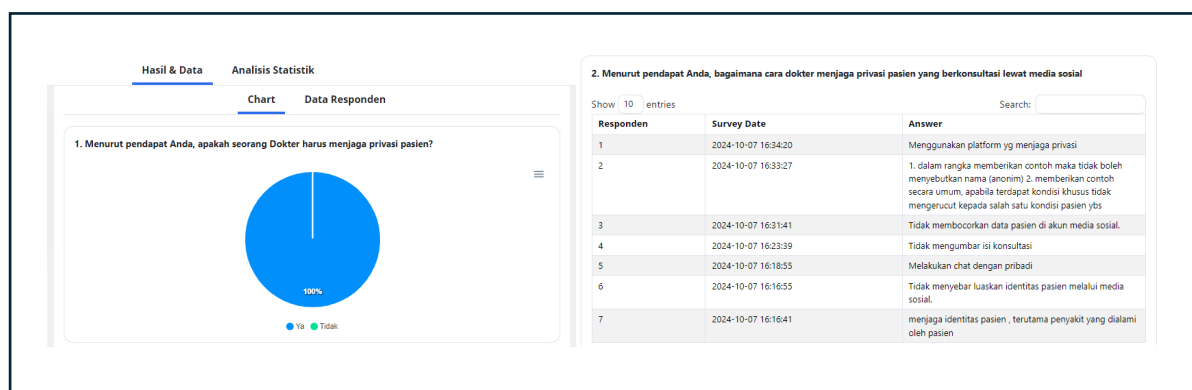


Figure 2. Results of the questionnaire

## **Patient Privacy during Social Media Consultations**

Patient privacy is a fundamental right that must be respected and protected in all forms of healthcare, including consultations with doctors via social media. The use of social media in the delivery of healthcare services raises a number of complex privacy concerns that require extensive legal attention (Hutomo & Wira Pria Suhartana, n.d.). This section will go over the privacy issues that patients face during social media consultations, as well as the applicable laws. Medical consultations via social media create a platform on which patients' personal health information can easily be distributed and accessed by unauthorized parties. Messages, diagnoses, and medical records shared online can be vulnerable to privacy violations if not handled properly. Patients frequently don't realize this potential risk (Ratih Larassati, 2024).

Several laws and regulations are in place to protect patient privacy and health-data security. One of the most important laws is Indonesian Health Law Number 36 of 2009, which establishes the legal framework for the protection of health information. Article 42 of this law expressly prohibits anyone involved in healthcare services from disclosing information about a person's health status without the individual's written consent. In addition, Law No. 11 of 2008 on Information and Electronic Transactions (ITE) is relevant (Kemenkes RI, 2009). Article 26 of the ITE prohibits anyone from intentionally and unlawfully disseminating personal electronic information. This includes health information shared via social media. In terms of personal data protection, the Minister of Communication and Information Regulation Number 20 of 2016 concerning the Protection of Personal Data in Electronic Systems also specifies how personal data, including health information, should be managed and protected online.

Although the regulations exist, their application in the context of online medical consultations is frequently complex. For example, can a patient's sharing of health information with a doctor via private messages on social media platforms be considered a violation of privacy? It is critical to understand how the regulations can be applied effectively in specific situations that may arise during online medical consultations. Strengthening doctors' and patients' understanding of their privacy rights and obligations can be a key component of the solution. Aside from legal issues, ethical considerations are critical in protecting patient privacy. The Indonesian Medical Code of Ethics, for example, emphasizes medical confidentiality as a fundamental right for patients. Even in a digital environment, a doctor's ethical responsibility includes maintaining the confidentiality of patient health information (Wijaya et al., 2020).

However, when discussing online medical consultations, it is important to remember that ethics includes moral and professional aspects, whereas law is normative and has strict penalties. To provide comprehensive privacy protection, an ethical and legal balance must be achieved. Case studies of patient privacy violations in online medical consultations can provide a solid foundation for understanding the legal implications. The analysis of these cases allows us to see how existing laws are applied and whether there are any flaws or ambiguities that should be addressed in the regulations. A thorough understanding of the relevant legal framework is required when dealing with patient privacy issues during consultations with doctors via social media (Bachri, 2021). By incorporating legal and ethical considerations and analyzing their implementation in real-world scenarios, we can lay a solid foundation for effectively protecting patient privacy in this digital age.

## **The creation of special regulations for online medical consultations**

The development of specific regulations for online medical consultations is a critical step toward addressing the rapidly changing dynamics of healthcare services delivered via social media and online platforms. This section will go over the need for more specific regulations, as well as the challenges and opportunities that will arise as a result of the legal

framework's implementation. Online medical consultations present a number of unique challenges that traditional health regulations may not be able to address. First, existing laws may not adequately address the unique situations that arise during medical consultations via social media. Second, the applicable regulations may fail to adequately account for technological characteristics and the rapid development of online platforms. As a result, the creation of regulations specifically for online medical consultations has become an urgent need (Sibro Mulisi, n.d.).

The first step in developing regulations is to clearly define the scope and limitations of the legal framework that will be created. This includes determining what constitutes a "online medical consultation," how the consultation process is identified, and what is excluded from regulation. For example, it is necessary to determine whether general information consultations or emergency medical actions are treated differently. Specific regulations must provide clear guidance on doctors' and patients' rights and obligations during online medical consultations. This includes the procedures for the online authentication of doctors and patients, the obligation of doctors to provide accurate and clear information, as well as the rights of patients to privacy and the security of their health information. It is important to detail the steps that must be taken to protect patient privacy and data security. This includes the need for data encryption during transmission, secure data storage, and security protocols to prevent unauthorized access. Regulations must include clear provisions for the implementation of technology security in online medical consultation platforms. The certification and licensing process for doctors conducting online medical consultations is a critical component of this regulation. This mechanism ensures that participating doctors meet specific competency standards and can be trusted to provide healthcare services.

Regulations should also include the periodic renewal of licenses and certifications to reflect advances in medical science and technology. Special regulations must also address the responsibilities of social media platforms that facilitate online medical consultations. As a service provider, the platform must adhere to the privacy, security, and ethical guidelines established by regulations. Sanctions and legal consequences must be clearly defined in order to promote compliance. Regulations must address concerns about how to handle emergency situations in online medical consultations. This includes determining the procedures and responsibilities that must be followed when a doctor recognizes an emergency situation requiring immediate medical attention. Furthermore, the regulations must include provisions for notifying patients and appropriate authorities in the event of a data security breach. Regulations must set out a clear framework for the roles of supervisory authorities. The authority may be in charge of ensuring compliance with regulations, handling complaints, and imposing sanctions if violations are discovered. The types of sanctions should range from Warnings can lead to license revocation or financial penalties, depending on the severity of the offense.

Regulations must be developed in close collaboration and consultation with a wide range of stakeholders, including doctors, patients, social media platforms, and privacy advocacy groups. The involvement of all parties can ensure that the regulations produced reflect the needs and realities of everyday practice. Education and outreach programs are just as important as regulatory development. This can help doctors and patients better understand the implications of regulations, rights, and responsibilities. Education can also encompass ethical aspects and best practices in online medical consultations. Regulations must be dynamic and adaptable to changes in technology and the demands of medical practice. Periodic revision and adjustment mechanisms must be built into the regulations to ensure their alignment with current developments. In the development of specific regulations, it can be beneficial to include case studies that illustrate the successes or failures of implementing similar regulations in other

countries. Learning from practical experience can guide the formation of regulations that are more effective and responsive to the needs of society.

### **Legal Gaps That May Arise in Consultations via Social Media**

Social media consultation has grown in popularity over the last few years. Although it provides numerous benefits, several legal gaps may arise in this context, jeopardizing patients' legal protection. In this article, we will discuss some of the legal issues that may arise during consultations via social media. One potential legal gap is the lack of clear regulations governing the qualifications and licenses of healthcare professionals who offer consultations via social media. In some cases, individuals without adequate qualifications may offer inaccurate or unsafe medical advice. This can jeopardize the health and safety of patients. To address this gap, there needs to be stricter regulations and a more rigorous verification process for healthcare professionals who wish to provide consultations through social media. This could involve the establishment of a dedicated regulatory body responsible for ensuring that only qualified professionals are permitted to offer consultations via social media (Hutomo & Wira Pria Suhartana, n.d.).

Another legal gap concerns the privacy and security of patient data during social media consultations. Patients frequently share personal and medical information with healthcare professionals during social media consultations. However, there is a risk that this information will be misused or accessed by unauthorized individuals. To close this gap, strong patient data protection is required, including strict privacy laws and clear privacy policies from social media platforms. Furthermore, it is critical to educate patients on the importance of protecting their privacy and data security when using social media for medical consultations.

Another legal gap is the responsibility and accountability of healthcare professionals who provide consultations via social media. Healthcare professionals may sometimes give inappropriate or unethical advice. This can have a negative impact on patients and undermine public trust in social media consultations. To bridge this gap, healthcare professionals who provide consultations via social media must adhere to a clear code of ethics and strict practice standards. This could involve the establishment of a professional body or organization responsible for overseeing and enforcing appropriate ethical standards and practices in social media consultations (Saputri et al., 2024b). The legal gap that may arise is the issue of the validity and reliability of the information provided in consultations via social media. In an open environment like social media, there is a risk that the information provided by health professionals may be unverified or inaccurate. This can lead patients to make incorrect or inappropriate decisions regarding their health. To address this gap, it is important to enhance patients' digital literacy and provide reliable resources to verify medical information shared during consultations via social media. In conclusion, consultations through social media offer many benefits for patients, but they can also create legal gaps that need to be addressed to strengthen patient legal protection. By developing stricter regulations, enhancing patient data protection, increasing the responsibility and accountability of healthcare professionals, and improving patient digital literacy, we can ensure that consultations through social media remain a safe and reliable source for patients seeking medical information and advice (Saputri et al., 2024b).

### **The development of legal protection solutions for patients in consultations via social media**

In social media consultations, it is critical to develop solutions that will strengthen patients' legal protection. Here are some implementable solutions:

1. **Strict regulations.** Clear and strict regulations are required to govern the qualifications and licenses of healthcare professionals who offer consultations via social media. These

regulations must ensure that only qualified professionals can provide medical consultations. A specialized regulatory body can be formed to monitor and enforce appropriate qualification standards.

2. **Identity and Credential Verification.** To ensure patient safety, social media platforms must improve the identity verification process and credentials of healthcare professionals. This may include verifying official documents like medical licenses and educational certificates. In this way, patients can be confident that they are dealing with qualified professionals.
3. **Protecting your privacy and data security.** It is critical to improve patient privacy and data security when conducting consultations via social media. To protect patient data, social media platforms should implement clear and transparent privacy policies, as well as strong encryption technology. Furthermore, patients should have complete control over their personal data and be able to delete it at any time.
4. **Code of Ethics and Professional Standards.** Healthcare professionals who offer consultations via social media must follow a clear code of ethics and strict standards of practice. Professional bodies or organizations can create a code of ethics that governs professionals' behavior and responsibilities when offering consultations via social media. Violations of this code of ethics must be firmly addressed.
5. **Patient education.** It is critical to educate patients about the risks and benefits of consultations via social media. Patients must be taught how to use social media responsibly, verify the information provided, and maintain the privacy and security of their data. Educational campaigns and easily accessible resources can help to raise digital literacy and patient awareness.
6. **Collaboration between Social Media Platforms and Healthcare Organizations.** Social media platforms can work with health organizations to create useful guidelines and resources. This collaboration could include providing verified medical information, developing algorithms to detect inaccurate medical content, and gaining a better understanding of the risks and benefits of social media consultations.
7. **Complaint and Dispute Resolution Mechanism.** If patients have issues or are dissatisfied with their social media consultations, they should have access to effective complaint and dispute resolution mechanisms. Social media platforms can provide clear and transparent communication channels for patient complaints, ensuring that these issues are resolved quickly and fairly.

By implementing these solutions, patients' legal protection during consultations via social media can be strengthened. Strict regulations, identity and credential verification, privacy and data security protection, clear codes of ethics and practice standards, patient education, collaboration between social media platforms and health organizations, and effective complaint mechanisms will all contribute to a safe and trustworthy environment for patients undergoing consultations via social media.

## **CONCLUSION**

This study identifies several legal challenges that arise during online medical consultations via social media. One of the primary challenges is a lack of clear regulations governing the qualifications and licenses of health professionals who provide consultations via social media. Furthermore, the validity and reliability of the information provided is a major concern, as unverified or inaccurate medical information can put patients at risk. To address this issue, policies responsive to the dynamics of digital health can be developed, including legal clarification of doctors' responsibilities, stringent data security measures, inter-agency and professional collaboration, and active participation from various stakeholders.

Furthermore, by establishing a clear code of ethics and strict practice standards, health professionals can increase their responsibility and accountability when providing consultations via social media. Thus, this journal is expected to play an important role in developing legal protection solutions for patients in consultations via social media, taking into account data security, information reliability, and professional health responsibility. This study takes a qualitative approach, utilizing observation, documentation, and interviews to gain a thorough understanding of the optimization of legal protection for patients in the context of digital health.

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