



Causation in Medical Malpractice: Evaluating Conditio Sine Qua Non, Adequate Causation, and Objective Imputation in Indonesian Court Decisions

James Wilson Muabuay^{1*}, Mompang Lycurgus Panggabean², Rospita Adelina Siregar³

^{1,2,3} Faculty of Law, Universitas Kristen Indonesia, Jakarta, Indonesia.

: jamesmuabuay@gmail.com

Corresponding Author*

Abstract

Introduction: This study examines the application of causation theories in medical malpractice cases, focusing on the complex intersection between medical uncertainty and legal certainty. Within the inherently multi-causal nature of clinical practice, establishing a definitive causal link between a physician's omission and a patient's death remains a significant judicial challenge in Indonesia.

Purposes of the Research: This research aims to evaluate the consistency of judicial reasoning in applying causation theories through an in-depth analysis of the District Court of Denpasar Decision No. 126/Pid.Sus/2011/PN.Dps. Furthermore, it seeks to identify whether the court's approach aligns with modern normative attribution standards in criminal law.

Methods of the Research: Employing a normative legal research method with statute, case, and conceptual approaches, the study compares *conditio sine qua non*, adequate causation, and objective imputation.

Findings of the Research: Findings reveal a "methodological shift" in judicial reasoning, moving from rigid factual analysis towards elements of adequate causation and objective imputation. However, a critical flaw identified is the court's failure to distinguish between "inherent medical risks" and "negligent risks". The novelty lies in exposing the inconsistent application of these theories, leading to legal unpredictability. The study concludes that Indonesian courts require a more robust normative framework, particularly the integration of objective imputation, to ensure criminal liability in medical malpractice is assessed based on professional standards, not just fatal outcomes.

Keywords: Causation; Medical Malpractice; Conditio Sine Qua Non; Criminal Liability.

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INTRODUCTION

Healthcare services are a fundamental element in the fulfillment of human rights, specifically the constitutional right to health guaranteed under the 1945 Constitution of the Republic of Indonesia. The advancement of medical science and increasing public literacy regarding healthcare quality have raised expectations for professional medical standards and patient safety.¹ When medical interventions deviate from professional standards, medical malpractice emerges as a multidimensional issue involving legal, ethical, and social dimensions. Fundamentally, medical malpractice concerns not only professional error or negligence but also the central question of whether a medical action can be legally established as the cause of the resulting harm, thereby justifying criminal liability.²

¹ Hasbullah, *Standar Keselamatan Pasien Dan Profesionalitas Tenaga Medis* (Jakarta: Penerbit Hukum, 2020), p. 45.

² Sutan Remy Sjahdeini, *Pertanggung Jawaban Pidana Korporasi Dalam Peraturan Perundang Undangan Pidana Indonesia* (Jakarta: Grafiti Press, 2017), p. 112.

In criminal law, causation is a critical component required to establish a link between the perpetrator's conduct and the prohibited result. Although the Indonesian Penal Code does not explicitly regulate causation theories, judicial practice often utilizes classical and modern constructions, such as *conditio sine qua non*, adequate causation, and objective imputation^{3,4} While *conditio sine qua non* views any action as a cause if the result would not have occurred without it, it is frequently criticized for being overly broad.⁵ This led to the development of adequate causation, which limits liability to actions that reasonably and foreseeably produce a specific result.⁶ Modern criminal doctrine further introduces objective imputation, emphasizing that causal links must be tested through normative criteria: whether the actor created a prohibited risk and whether the result is a manifestation of that risk^{7,8}

Despite the theoretical evolution of causation doctrines, their application in Indonesian medical malpractice cases remains a complex and often inconsistent judicial challenge.⁹ This study focuses on the District Court of Denpasar Decision Number 126/Pid.Sus/2011/PN.Dps, where the court determined if a medical omission normatively caused a patient's death. Furthermore, the recently enacted Criminal Code (Law Number 1 of 2023) emphasizes that criminal liability rests on intent (*dolus*) or negligence (*culpa*), particularly negligence leading to death.¹⁰ This research aims to bridge the gap between theoretical legal frameworks and actual judicial practice by identifying the court's reasoning in the Denpasar case and evaluating its consistency with modern criminal doctrines of causation.

METHODS OF THE RESEARCH

This study employs a normative legal research method with a juridical-analytical approach, focusing on legal doctrines and their application in court decisions.¹¹ The study utilizes the following approaches: Statute Approach: Examining regulations concerning medical practice and criminal liability, including the Criminal Code and Law Number 17 of 2023 regarding Health; 1) Case Approach: Focusing on the Denpasar District Court Decision Number 126/Pid.Sus/2011/PN.Dps to analyze the judge's legal reasoning; 2) Conceptual Approach: Comparing classical theories with contemporary doctrines like objective imputation;¹² 3) Comparative Approach: Reviewing judicial assessments in jurisdictions such as Germany and the United States.¹³ The research utilizes primary legal materials, secondary materials (legal textbooks and journals), and tertiary materials. Data collection is conducted through systematic library research. The analysis is performed qualitatively using legal interpretation and reasoning to evaluate the consistency of the findings against modern criminal law standards.¹⁴

³ Andi Hamzah, *Hukum Pidana Indonesia* (Jakarta: Sinar Grafika, 2019), p. 89.

⁴ Wirjono Prodjodikoro, *Asas-Asas Hukum Pidana Indonesia* (Bandung: Refika Aditama, 2003), p. 56.

⁵ Maximilian von Buri, *Die Kausalität Und Ihre Strafrechtliche Bedeutung* (Stuttgart: Enke, 1873), p. 12-15.

⁶ Johannes Simons, *Leerboek van Het Nederlandsche Strafrecht* (Groningen: P. Noordhoff, 1973), p. 201.

⁷ Claus Roxin, *Strafrecht Allgemeiner Teil: Band I* (Munich: C. H. Beck, 2006), p. 342.

⁸ George P Fletcher, *Rethinking Criminal Law* (Oxford: Oxford University Press, 2000). p. 588.

⁹ Masha Septarina, *Kausalitas Dan Standar Profesi Dalam Malpraktik Medis* (Yogyakarta: Pustaka Pelajar, 2021), p. 77.

¹⁰ Rospita Adelina Siregar, *Hukum Kesehatan* (Jakarta: Sinar Grafika, 2023), p. 126.

¹¹ Soerjono Soekanto & Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2019), p. 13-14.

¹² Roxin, *Strafrecht Allgemeiner Teil: Band I*.

¹³ H. L. A. Hart and Tony Honoré, *Causation in the Law* (Oxford: Clarendon Press, 1985), p. 101.

¹⁴ Peter Mahmud Marzuki, *Penelitian Hukum*, Ketujuh Be (Jakarta: Kencana, 2023), p. 183.

RESULTS AND DISCUSSION

A. Factual Reconstruction and Identification of Causation Issues

The District Court of Denpasar Decision Number 126/Pid.Sus/2011/PN.Dps presents a complex medical narrative. The case involves a rapid progression from medical intervention to patient death, complicated by the patient's pre-existing clinical conditions. Although the initial procedure followed protocol, the court identified a failure in post-operative monitoring, specifically a delay in detecting early signs of complications. The central legal question is whether this observational negligence can be legally qualified as the cause of death under criminal causation theory. Causation in this case is inherently multi-causal. In clinical settings, death is rarely the result of a single factor but rather a combination of the patient's baseline physiology, physiological reactions, and the physician's interventions. The epistemic barrier in medicine highlights the limitations of classical causation theories when used to determine criminal liability in clinically uncertain environments. This case serves as a critical benchmark for evaluating how Indonesian courts navigate the transition from factual to normative attribution.

B. Application of *Conditio Sine Qua Non*: Strengths and Methodological Inadequacy

The court's initial reasoning implicitly utilized the *conditio sine qua non* theory, tracing the chronological events to find the "but-for" trigger of the complication. Following Von Buri's classical formula, the court applied an elimination test to determine if the death would have occurred absent the physician's negligence.¹⁵ However, *conditio sine qua non* is fundamentally overbroad for medical contexts. It fails to distinguish between inherent medical risks and risks created by negligence. Indonesian jurisprudence, including Supreme Court Decisions No. 2161 K/Pid.Sus/2011 and No. 365 K/Pid/2012, has previously emphasized that a medical complication does not automatically equate to legal causation. Relying solely on this factual test risks "over-criminalization," as physicians could be held liable simply for being part of a chain of events, regardless of the clinical significance of their contribution.

C. Adequate Causation: Narrowing Legal Liability

Moving beyond factual analysis, the court employed *adequate causation* to filter relevant legal factors. Rooted in the theories of Von Kries and Simons, this approach posits that an action is a cause only if it is reasonably capable of producing the result according to general experience. In the Denpasar case, the court ruled that while the complication was an inherent risk, the failure to monitor significantly increased that risk to a prohibited level. However, the court's application remained unsystematic, lacking an explicit probabilistic assessment. Unlike German or English standards, which require proof of a "substantial contribution" to the risk, the Indonesian court's approach lacked a precise analytical instrument for objective probability.

D. Elements of Objective Imputation: Toward Normative Reasoning

Although the court did not explicitly cite the theory of *objective imputation* (*Objektive Zurechnung*), its reasoning reflected modern normative structures. This theory, championed by Roxin, argues that causation requires more than a factual link; it must be proven that the actor created a "legally disapproved risk" and that the result was the realization of that

¹⁵ Buri, *Die Kausalität Und Ihre Strafrechtliche Bedeutung*.

specific risk. The court's focus on the physician's failure to monitor as the creation of an additional risk aligns with this logic. Nonetheless, the analysis remained incomplete as the court failed to clearly demarcate between: 1) Permitted Risk (*Erlaubtes Risiko*): Risks inherent to medical procedures performed according to standards; 2) Forbidden Risk: Risks arising from a breach of professional standards. Furthermore, the court omitted the "Scope of Protection of the Norm" (*Schutzzweck der Norm*) test, failing to analyze whether the monitoring obligation was specifically intended to prevent the exact type of fatal outcome that occurred.

E. Comparative Analysis: Indonesia in a Global Context

From a comparative perspective, the Denpasar decision lacks the analytical precision found in other jurisdictions. US courts utilize "proximate cause" based on foreseeability, while English courts apply the "material contribution" test. In Germany, *objective imputation* provides a rigorous, systematic framework for medical causation. Compared to these standards, the Indonesian judiciary appears to be in a transitional phase, struggling to separate clinical outcomes from professional culpability.

F. Juridical Critique of the Court's Reasoning

The primary flaw in the Denpasar decision is methodological inconsistency. The court shifted between factual, probabilistic, and normative approaches without a clear procedural framework. This lack of theoretical clarity leads to legal uncertainty and potential sentencing disparities. While some Supreme Court rulings have rejected purely factual approaches in medical cases, the Denpasar court's initial reliance on *conditio sine qua non* demonstrates a lingering adherence to outdated doctrines that do not align with the complexities of modern medical law.

CONCLUSION

The analysis of causation in medical malpractice within the District Court of Denpasar Decision Number 126/Pid.Sus/2011/PN.Dps reveals that establishing a causal link in medical cases remains one of the most formidable challenges in Indonesian criminal law. The complexity stems not only from the inherent scientific uncertainty of clinical practice but also from the lack of a standardized judicial methodology. This study concludes that the Indonesian judiciary is currently in a transitional phase, moving tentatively from factual-classical approaches toward modern-normative paradigms, albeit without full systematic consistency, thus answering the research question regarding the court's approach and its alignment with modern doctrines: 1) Inadequacy of Factual Tests: The court's reliance on the *conditio sine qua non* theory serves as an initial chronological framework but fails to address the multi-causal nature of medical events. In clinical settings, outcomes are the result of interactions between pre-existing conditions, inherent risks, and professional conduct. Using the 'but-for' test as a sole basis for liability risks over-criminalization and methodological inaccuracy; 2) Partial Application of Adequate Causation: The court attempted to narrow the scope of liability by applying adequate causation, evaluating whether the physician's omission reasonably increased the risk of death. While more refined than factual tests, the court lacked a systematic probabilistic analysis – such as the 'material contribution' standard used in English or German jurisdictions – leaving the application of this theory incomplete; 3) Incomplete Objective Imputation: Elements of objective imputation emerged implicitly when the court assessed the creation of 'prohibited risks'

through inadequate monitoring. However, the reasoning fell short of modern standards as it failed to clearly demarcate between permitted risks (*erlaubtes risiko*) and forbidden risks. A comprehensive normative assessment requires a strict separation of these risks to ensure that criminal liability is only imposed for outcomes that fall within the scope of protection of the breached norm; 4) Comparative Precision Gap: Compared to the US 'proximate cause,' the UK's 'material contribution,' and Germany's systematic 'objective imputation,' Indonesian jurisprudence lacks analytical precision. The Denpasar decision demonstrates that without a consistent adoption of one of these modern approaches, Indonesian law remains prone to legal unpredictability; 5) Need for Doctrinal Reform: Inconsistent jurisprudence across Indonesian courts underscores the urgent need for a unified judicial guideline. Such guidelines should move beyond factual causation and formally adopt the objective imputation framework to handle medical complexities.

REFERENCES

- Buri, Maximilian von. *Die Kausalität Und Ihre Strafrechtliche Bedeutung*. Stuttgart: Enke, 1873.
- Fletcher, George P. *Rethinking Criminal Law*. Oxford: Oxford University Press, 2000.
- Hamzah, Andi. *Hukum Pidana Indonesia*. Jakarta: Sinar Grafika, 2019.
- Hart, H. L. A., and Tony Honoré. *Causation in the Law*. Oxford: Clarendon Press, 1985.
- Hasbullah. *Standar Keselamatan Pasien Dan Profesionalitas Tenaga Medis*. Jakarta: Penerbit Hukum, 2020.
- Mamudji, Soerjono Soekanto & Sri. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: RajaGrafindo Persada, 2019.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Ketujuh Be. Jakarta: Kencana, 2023.
- Prodjodikoro, Wirjono. *Asas-Asas Hukum Pidana Indonesia*. Bandung: Refika Aditama, 2003.
- Roxin, Claus. *Strafrecht Allgemeiner Teil: Band I*. Munich: C. H. Beck, 2006.
- Septarina, Masha. *Kausalitas Dan Standar Profesi Dalam Malpraktik Medis*. Yogyakarta: Pustaka Pelajar, 2021.
- Simons, Johannes. *Leerboek van Het Nederlandsche Strafrecht*. Groningen: P. Noordhoff, 1973.
- Siregar, Rospita Adelina. *Hukum Kesehatan*. Jakarta: Sinar Grafika, 2023.
- Sjahdeini, Sutan Remy. *Pertanggung Jawaban Pidana Korporasi Dalam Peraturan Perundang Undangan Pidana Indonesia*. Jakarta: Grafiti Press, 2017.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest,

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