

## **ABSTRACT**

Inosensius Ferio Fadjaray (00000012930)

### **ANALYSIS OF LEGAL RESPONSIBILITY ON ERADICATION OF PATIENT MEDICAL RECORD AS A FORM OF TORT**

( xi + 94 pages)

A medical record is an important part of health service in a hospital conducted by recording the identity and profile of the patient when they first come to the hospital until the last stage of their treatment. Patient as well as their family holds a right to ask for the medical record. In practice, within Bandung District Court Verdict Number 281/Pdt.G/2012/PN.Bdg the doctor and the hospital which shall provide the patient's medical record as their responsibility eradicated the medical record instead. The type of research used is a normative legal research which uses primary, secondary and tertiary sources of research. The eradication of medical record which is conducted within Verdict Number 281/Pdt.G/20212/PN.Bdg is a tort case as it violates Article 47 of Law on Medical Practice and Article 7 of the Minister of Health Regulation 749a/MENKES/PER/XII/1989. The responsibility of the hospital upon their tort action conducted by the doctor can be demanded by the patient based on Article 46 of the Law on Hospitals and Article 58 of THE Law on Health and Medical Practice as within this research, such matter is also supported by interview with an interviewee which is competent regarding the legal basis of medical records. Based on the result of research, the recommendation that can be given to doctors is that doctors are obliged to have high degree of consciousness and understanding the responsibility of their health service duty through the education they obtained in order to minimize errors and negligence when practicing. In handling wrongful and negligent cases a teamwork between the hospital and government is expected to be present.

References: 55 (1982-2018)

**Keywords: Torts, Doctors, Hospital**