

ABSTRACT

TORT BY DOCTOR AND HOSPITAL NEGLECTING EMERGENCY PATIENT

Indonesian public health has been guaranteed in Indonesian laws. In Indonesian health services, there are emergency facilities that handle emergency patients who must be given first aid immediately, doctors and hospitals have an obligation to provide assistance to emergency patients, but it cannot be denied that there are unscrupulous doctors and hospitals who neglect emergency patients, such as the absence of a doctor and asking for a down payment in advance where the actions are prohibited by law and could lead to death. Acts committed by doctors and hospitals are tort. This study will analyze about legal protection for patients in emergency facilities and also in administrative and civil sanctions for doctors and hospitals who neglect emergency patients. This study is done by normative - empiric, with statue approach based on the result of the interview with an obstetrician and analyzed with qualitative method. In Indonesia, legal protection for emergency patients is guaranteed in a preventive and repressive. Preventive legal protection guarantees obligations of doctors and hospitals in laws, besides that both doctors and hospitals have administrative obligations for doctors to get STR and SIP and hospitals must be accredited. The government also supervises hospitals, and doctors are supervised by medical committees in hospitals. Repressive legal protection is sanctions in civil, criminal and administrative. Civil sanctions are compensation in accordance with the losses incurred, while administrative sanctions are written warnings to revocation of permits. According to the author, sanctions against hospitals are not just compensation, but management restructuring must be applied.

Keywords: Tort, Doctor, Hospital, Neglecting, Emergency Patient.