

ABSTRACT

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LEGAL PROTECTIONS OF PATIENTS FOR UNLAWFUL ACTIONS OF MEDICAL MALPRACTICE BY HEALTH PERSONNEL

(xii + 134 pages, 7 attachments)

Legal protections for patients in the event of medical malpractice committed by health personnel are regulated in the Health Law and the Civil Code in Indonesia. Until now, there are still no specific regulations regarding medical malpractice, whereas medical malpractice is only categorized as an unlawful act. The aim of this research is to analyze the form of legal protections for patients and its implementation from the Decision on Case Number 3004 K/Pdt/2014 in Indonesia. The author uses normative empirical research in the form of a judicial case study, with a systematic approach to law and types of primary data through interviews and secondary data through literature studies on primary, secondary, and tertiary legal materials. The result of this study indicates that the Forms of legal protection for patients still cannot be implemented properly due to the fact that there are no specific regulations regarding medical malpractice in Indonesia. This can be seen from the Decision on Case Number 3004 K/Pdt/2014 where the victim in this decision still has not received justice for the unlawful act of medical malpractice. With the poor implementation of legal protection from medical malpractice, the government should formulate a special law that regulates medical malpractice so that there are benchmarks for law enforcement officials to provide protection for patients who are victims of medical malpractice.

Keywords: Legal Protections, Patients, Medical Malpractice, Health Personnel

References: 58 (1945-2023)