

## **ABSTRACT**

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### **JURIDICAL REVIEW ON MEDICAL MALPRACTICE TOWARDS THE EXPANSION OF MEDICAL PROCEDURES WITHOUT INFORMED CONSENT**

**Keywords:** Medical Malpractice, Informed Consent, Expansion of Medical Procedures

Informed consent is an approval given by the patient after getting a full explanation on the medical action that is going to be performed on the patient. The Indonesian medical law requires that every medical action to be performed by a doctor on a patient must be approved by the patient. One of the forms of medical action is the expansion of medical action. However, in reality there is still an expansion of medical procedures performed by doctors without an informed consent, which raises the question of a medical malpractice. The aim of this research is to get a juridical perspective to what extent the expansion of a medical procedure conducted without an informed consent is considered as a medical malpractice, and to what degree is the accountability of both doctor and hospital as a result of the expansion of a medical procedure conducted without an informed consent. The type of research used in this research is a normative empirical legal research, with a descriptive analytical approach. The data used are secondary data which will then be supported by primary data in the form of interviews with related sources according to the research topic. The secondary data in legal research is obtained from legal materials which can be divided into three types, namely primary legal materials, secondary legal materials, and tertiary legal materials. The results showed that the expansion of medical procedures can be a medical malpractice if conducted without informed consent in circumstances that are not emergency and causes harm to the patient. The expansion of medical procedures conducted without informed consent that results in harm to patients can establish accountability for both doctors and hospitals.

**Reference: 30 (1993 – 2019)**