

ABSTRACT

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“DISHARMONY OF SETTLEMENT TO ALLEGED MEDICAL MALPRACTICE (CASE STUDY OF DECISION NO. 152/PDT/2019/PT SMR)”
(xii+80 pages)

An agreement between a doctor and a patient is an agreement based on an agreement on the process carried out by the doctor and not based on the final result because the doctor can only do the best and according to his abilities, as long as the medical action taken by the doctor is in accordance with the Operational Standards, the Doctor is considered not commit medical malpractice. The patient's right to file a lawsuit, both litigation and non-litigation, has been regulated by law such as Law Number 29 of 2004 about Medical Practice, Law Number 36 of 2009 about Health and Law Number 36 of 2014 about Health Worker. Everyone who knows or is harmed by the actions of health workers or hospitals can claim compensation or report to the authorities and report through professional organizations. Furthermore, although the law has regulated the rights of patients in terms of submitting medical dispute resolutions, this has led to legal uncertainty in which patients who are victims of malpractice do not know how to take responsibility for doctors and hospitals through authorized institutions. Whereas medical disputes are included in the lex specialist, where special knowledge is needed so that law enforcers can identify whether health workers did malpractice or not. Based on Article 66 section 1 and 3 of Medical Practice Law Number 29 of 2004, there is legal uncertainty on where to resolve medical disputes between a doctor and a patient.

Keywords: Medical malpractice, Patient's right, Dispute settlement.

Reference: 68 (1979-2021)