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***JURIDICAL ANALYSIS OF THE DISCLOSURE OF DOCTOR'S
LEGAL ACCOUNTABILITY FOR MEDICAL MALPRACTICE
SUPPORT BASED ON UNDANG-UNDANG NOMOR 29 TAHUN 2004
CONCERNING MEDICAL PRACTICES IN BATAM CITY***

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ABSTRACT

Medical malpractice in general is an attitude of wrongdoing or failure with a measure of the level of irregularities in providing a professional service that results in losses to the recipient of the service. In Indonesia, there are many cases where doctors are blamed for the results of medical actions taken against patients, even though not all of these actions can be said to be malpractice. It can also be medical risk where the doctor cannot be held responsible. So that authors in this thesis research analyze formulation of the problems such as the legal relationship between doctors and patients in health care, the basis and efforts to eliminate the legal responsibility of doctors for alleged medical malpractice and alternative dispute resolution between doctors and patients for alleged medical malpractice under Undang-Undang Nomor 29 of 2004 concerning Medical Practices in Batam City.

In this study, the research method used by the authors was a normative-empirical method which includes secondary data collected and processed by the authors from literature references as well as primary data that is the results of interviews with several hospitals in Batam. Then the data obtained are analyzed and described in a descriptive qualitative technique.

The author obtained the result of research from interviews with the hospital in Batam City and by conducting a literature study related to the formulation of the problems in this study, such as the legal relationship between establishment of doctors and patients based on therapeutic transactions. The result of such action often leads to disputes because they are not in line with the expectations of the patient's own family. From these disputes, doctors are also often said to carry out medical malpractice actions. In this case, the doctor may not necessarily do malpractice, but it may also be due to medical risks. In that regards, the effort or basis for eliminating a doctor's legal accountability for alleged medical malpractice is a risk or medical accident, with informed consent and medical records as proof and self-defense. Alternative dispute resolution regarding alleged medical malpractice can be done through litigation or non-litigation. However, alternative of mediation in the non-litigation pathway is the first choice alternative because it has many advantages compared to if taken through the litigation path, one of which is time efficiency.

Keywords : *Doctor, Patient, Medical Malpractice, Legal Accountabilty*