

ABSTRAK

TANGGUNG JAWAB DOKTER SPESIALIS ANESTESI ATAS KELALAIAN MELAKUKAN TINDAKAN MEDIS ANESTESI

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Penelitian tentang Tanggung Jawab Dokter Spesialis Anestesi atas Kelalaian Melakukan Tindakan Medis Anestesi merupakan penelitian hukum normatif. Penelitian ini bertujuan untuk mengetahui dan menganalisis tanggung jawab dokter spesialis anestesi bila terjadi kesalahan medis pada peristiwa yang dapat dan yang tidak dapat dicegah serta upaya perlindungan bagi keselamatan pasien untuk mencegah kejadian merugikan sebagai akibat tindakan medis dokter spesialis anestesi.

Data dan bahan hukum diperoleh dengan metode studi kepustakaan sebagai data sekunder dan juga dari berbagai tulisan hasil penelitian sebelumnya sebagai data primer. Data tambahan juga diperoleh dari narasumber, yaitu dokter spesialis anestesi dan pengurus Ikatan Dokter Spesialis Anestesi Indonesia serta pengurus Ikatan Dokter Indonesia. Data-data dianalisa secara kualitatif selanjutnya ditarik kesimpulan dengan menggunakan metode deduktif dan induktif sesuai kebutuhan. Hasil penelitian ini bersifat deskriptif analitis.

Hasil penelitian menunjukkan bahwa dokter spesialis anestesi bertanggungjawab atas kesalahan atau kelalaian (malpraktik) tindakan medisnya. Pada peristiwa yang dapat dicegah didasarkan pada Kodeki, peraturan perundangan di bidang Kesehatan dan Kedokteran, Wanprestasi sesuai Pasal 1239, 1243 dan 1246 KUHPerdara serta Perbuatan Melawan Hukum sesuai Pasal 1365, 1366, 1367 ayat (1), 1370, dan 1371 KUHPerdara. Dikatakan wanprestasi jika tindakan dokter yang bersifat inspanings verbintenis itu, tidak sesuai dengan standar profesi dan standar prosedur operasionalnya. Dokter dikatakan melakukan perbuatan melawan hukum jika salah atau lalai dalam tindakan medisnya pada pasien, meskipun di antara mereka tidak ada perjanjian sebelumnya. Pada peristiwa yang tidak dapat dicegah, resikonya harus dipandang sebagai kecelakaan medis dan dokternya tidak dapat dipersalahkan. Selanjutnya, upaya perlindungan yang sifatnya mencegah terjadinya malpraktik pada pasien dapat dilakukan dengan penerapan secara konsisten dan konsekuen tiga pilar patient safety yaitu risk management, clinical governance dan quality improvement.

Kata kunci: Tanggung jawab, Dokter Spesialis Anestesi, Kelalaian.

ABSTRACT

ANESTHESIA SPECIALIST RESPONSIBILITIES FOR NEGLIGENCE IN PERFORMING ANESTHETIC MEDICAL ACTIONS

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Research on the Responsibilities of Anesthesiologists for Negligence in Performing Anesthesia Medical Actions is a normative legal research. This study aims to determine and analyze the responsibilities of anesthesiologists in the event of medical errors in events that can and cannot be prevented as well as efforts to protect patient safety to prevent adverse events as a result of the medical actions of anesthesiologists.

Legal data and materials were obtained using the literature study method as secondary data and also from various writings of previous research as primary data. Additional data were also obtained from informants, namely anesthesiologists and members of the Indonesian Association of Anesthesia Specialists and members of the Indonesian Doctors Association. The data were analyzed qualitatively then conclusions were drawn using deductive and inductive methods as needed. The results of this study are analytical descriptive.

The results of the study show that the anesthetist is responsible for errors or negligence (malpractice) in his medical actions. Events that can be prevented are based on the Codeki, laws and regulations in the field of Health and Medicine, Default according to Articles 1239, 1243 and 1246 of the Civil Code and Unlawful Acts according to Articles 1365, 1366, 1367 paragraph (1), 1370 and 1371 of the Civil Code. It is said to be in default if the doctor's actions which are inspaning verbintenis are not in accordance with professional standards and standard operating procedures. A doctor is said to have committed an unlawful act if he is wrong or negligent in his medical action on a patient, even though there was no prior agreement between them. In events that cannot be prevented, the risk must be viewed as a medical accident and the doctor cannot be blamed. Furthermore, protective measures aimed at preventing malpractice in patients can be carried out by consistently and consistently implementing the three pillars of patient safety, namely risk management, clinical governance and quality improvement.

Keywords : Liability, Anesthesiologist, Negligence.