

Informed consent bagi pasien dengan kondisi tertentu berdasarkan standar joint commission international (JCI): analisis putusan nomor 470/Pdt.G/2014/PN.Tng, nomor 131/PDT/2015/PT.BTN, dan nomor 3566 K/PDT/2016 = Informed consent for patients with special conditions based on the standard of joint commission international (JCI): analysis on case verdict number 470/Pdt.G/2014/PN.Tng, nomor 131/PDT/2015/PT.BTN, and nomor 3566 K/PDT/2016

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Abstrak

Secara garis besar, skripsi ini membahas mengenai pengaturan mengenai informed consent di Indonesia, pengaturan dan ruang lingkup golongan pasien dengan kondisi tertentu, serta analisis putusan Nomor 470/Pdt.G/2014/PN.Tng, Nomor 131/PDT/2015/PT.BTN, dan Nomor 3566 K/Pdt/2016. Jenis penelitian yang digunakan adalah yuridis normatif dan keseluruhannya dilakukan dengan menggunakan metode penelitian kualitatif serta tipe penelitian deskriptif. Penelitian ini menunjukkan bahwa informed consent, yang merupakan prosedur wajib berdasarkan Pasal 2 jo. Pasal 1 butir 1 Peraturan Menteri Kesehatan Nomor 209 Tahun 2008 tentang Persetujuan Tindakan Medis ialah persetujuan yang diberikan oleh pasien setelah diberikan informasi selengkap-lengkapannya oleh dokter tentang tindakan medis yang akan dilakukan. Selain itu, mengenai ruang lingkup golongan pasien dengan kondisi tertentu diatur dalam Keputusan Direktur Jenderal Pelayanan Medik Nomor: HK.00.06.6.5.1866 tentang Pedoman Persetujuan Tindakan Medik Informed Consent . Dalam kasus terkait informed consent bagi pasien dengan kondisi tertentu dalam putusan yang dianalisis, telah dilakukan proses penyampaian informed consent oleh Tergugat kepada Penggugat, namun isi dari consent form yang diberikan oleh pihak Tergugat isinya belum sesuai dengan standar Joint Commission International JCI . Hasil penelitian menyarankan hendaklah kepada tenaga kesehatan khususnya dokter untuk menjadikan informed consent sebagai suatu kewajiban penting dalam menjalankan tindakan medik, pengurus rumah sakit agar selalu berpedoman kepada Joint Commission International JCI sebagai standar akreditasi yang diakui dunia, Kementerian Kesehatan, hendaknya memberikan pendidikan dan sosialisasi yang memadai mengenai informed consent bagi pasien dengan kondisi tertentu, dan pasien atau masyarakat agar lebih kritis terhadap hak-haknya namun juga memahami tentang kewajiban-kewajibannya.

<hr>Title Informed Consent for Patients with Special Conditions Based on The Standard of Broadly speaking, this thesis discusses the arrangement of informed consent in Indonesia, the arrangement and legal scope of patient with special conditions, and analysis on case verdict Number 470 Pdt.G 2014 PN.Tng, Number 131 PDT 2015 PT.BTN, and Number 3566 K Pdt 2016. The type of research used in this thesis is normative juridical and conducted using qualitative research method as well as descriptive research type. This study indicates that informed consent, which is a mandatory procedure under Article 2 jo. Article 1 point 1 of Regulation of the Minister of Health No. 209 of 2008 on Approval of Medical Measures shall be the consent provided by the patient after being given complete information by the physician on the medical action to be performed. In addition, the legal scope of the patient with special conditions is stipulated in the Decree of the Director General of Medical Services Number HK.00.06.6.5.1866 concerning the Guidelines

for Agreement of Informed Consent. In the case of informed consent for the patient with certain conditions in the case verdict analyzed, the process of delivering the informed consent by the Defendant to the Plaintiff has been made, but the contents of the consent form provided by the Defendant are not in accordance with Joint Commission International JCI standards. The results suggest that health professionals, especially doctors, should make informed consent an important obligation in carrying out medical action, the management of the hospital should always be guided by the Joint Commission International JCI as a world recognized accreditation standard, the Ministry of Health should provide education and socialization adequate information on informed consent for patients with certain conditions, and patients or citizens should be more critical of their rights but also should understand about their obligations.