

Informed Consent Dalam Autopsi Forensik Terkait Kematian Tidak Wajar Berdasarkan Hukum Kesehatan = Informed Consent In Forensic Autopsy Regarding Unnatural Death Based On Health Law

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Abstrak

<p class="p1" style="margin-bottom: 0px; text-align: justify; text-indent: 28.4px; font-variant-numeric: normal; font-variant-east-asian: normal; font-variant-alternates: normal; font-size-adjust: none; font-kerning: auto; font-optical-sizing: auto; font-feature-settings: normal; font-variation-settings: normal; font-variant-position: normal; font-variant-emoji: normal; font-stretch: normal; font-size: 12px; line-height: normal; font-family: "Times New Roman"; color: rgb(0, 0, 0);"><i>Informed consent</i> merupakan persetujuan terhadap tindakan pelayanan medis oleh pasien setelah memperoleh pemahaman yang cukup mengenai tindakan yang akan dilakukan. <i>Informed consent</i> dalam autopsi forensik akan diberikan oleh keluarga dari mayat yang meninggal akibat kematian tidak wajar. <i>Informed consent</i> diterapkan dalam autopsi forensik untuk memastikan pelaksanaan autopsi forensik telah diketahui dan disetujui oleh keluarga korban. Namun, dalam pengaturannya di Indonesia terdapat perbedaan antara Undang-Undang Kesehatan dengan KUHAP dan Instruksi Kapolri no. pol : Ins/E/20/IX/75 yang merupakan peraturan teknis kepolisian. Undang-Undang Kesehatan menyatakan i<i>nformed consent</i> dalam autopsi forensik wajib memerlukan persetujuan keluarga, sedangkan KUHAP tidak menyatakan keharusan akan diperolehnya persetujuan keluarga sebelum pelaksanaan autopsi forensik, dan Instruksi Kapolri no. pol : Ins/E/20/IX/75 menyatakan dalam hal keluarga korban keberatan dilaksanakan autopsi forensik maka wajib bagi petugas POLRI untuk menerangkan secara persuasif atau bahkan menegakkan Pasal 222 KUHP. Dalam implementasinya, penyidik selaku aparat penegak hukum yang menerapkan prosedur <i>informed consent</i> pada nyatanya meminta persetujuan keluarga terlebih dahulu, sehingga terdapat kebingungan akan peraturan mana yang sebenarnya berlaku antara Undang-Undang Kesehatan, KUHAP, dan Instruksi Kapolri no. pol : Ins/E/20/IX/75</p><hr /><p class="p1" style="margin-bottom: 0px; text-align: justify; text-indent: 28.4px; font-variant-numeric: normal; font-variant-east-asian: normal; font-variant-alternates: normal; font-size-adjust: none; font-kerning: auto; font-optical-sizing: auto; font-feature-settings: normal; font-variation-settings: normal; font-variant-position: normal; font-variant-emoji: normal; font-stretch: normal; font-size: 12px; line-height: normal; font-family: "Times New Roman"; color: rgb(0, 0, 0);"><i>Informed consent is an agreement to medical services by a patient after obtaining sufficient understanding of the actions to be taken. Informed consent in a forensic autopsy will be given by the family of a corpse who died due to unnatural death. Informed consent is applied in a forensic autopsy to ensure that the implementation of a forensic autopsy has been known and approved by the victim's family. However, in its regulation in Indonesia there are differences between the Health Law and the Criminal Procedure Code and the Chief of Police Instruction no. pol: Ins/E/20/IX/75 which are technical police regulations. The Health Law states that informed consent in a forensic autopsy must require family approval, while the Criminal Procedure Code does not state the requirement to obtain family approval before carrying out a forensic autopsy, and the Chief of Police Instruction no. pol: Ins/E/20/IX/75 states that if the victim's family objects to a forensic autopsy, it is mandatory for POLRI officers to explain

persuasively or even enforce Article 222 of the Criminal Code. In its implementation, investigators as law enforcement officers who apply the informed consent procedure actually ask for the family's consent first, so there is confusion about which regulations actually apply between the Health Law, the Criminal Procedure Code, and the Chief of Police Instruction no. pol: Ins/E/20/IX/75.</i></p>