

DECLARATION



I hereby declare that the undergraduate thesis which entitled “**Legal Protection for Doctor based on the Medical Practice Act 2004**”, its content is my own original work and no portion of my thesis has been copyrighted previously unless properly referenced. On this statement, I am ready to bear the risk / any sanctions imposed to me in accordance with applicable regulations, if in the future found a breach of items above, I am willing to accept the sanctions.

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DEDICATION

This undergraduate thesis dedicate to

My beloved parents

Agus S.SiT

Murniati Sardin

My beloved brother and sisters

Wahyuni Ridha Ramadhani. S.kg.

M. Tri Saputra

Wahyu Ridha Ramadhan Citra

Wahyu Alfia Katira

FOREWORD

Alhamdulillah, thank you Allah for giving me the blessing, mercy, and opportunity to accomplish my undergraduate thesis on titled “**Legal Protection for Doctors based on the Medical Practice Act 2004**”. This undergraduate thesis is written as a completion of the bachelor degree of law, at the Universitas Muhammadiyah Yogyakarta. I have chosen this title to find legal certainty and protection on the regulation of doctors that I will explain later in my research. And don't forget to send salawat on the Prophet sal Allahu alayhi wa sallam to acknowledge the great blessing that Allah has given us by sending the Messenger to us.

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Yogyakarta, 10 Augusts 2016

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Undang-Undang No.36 Tahun 2009 tentang Kesehatan (The Health Act 2009)

Undang-Undang No. 36 Tahun 2014 tentang Tenaga Kesehatan (The Health Worker Act 2014)

Permenkes Nomor 1419/ Menkes/ Per/ X/ 2005 (Health Minister Regulation No. 1419/ Menkes/ Per/ X/ 2005)

List of Abbreviations

BW	: <i>Burgerlijk Wetboek</i>
CT scan	: Computerized Tomography Scanner
ETD	: <i>Efek Tak Terduga</i>
IDI	: <i>Ikatan Dokter Indonesia</i>
IRC	: <i>Internal Revenue Code</i>
KKI	: <i>Konsil Kedokteran Indonesia</i>
KUHP	: <i>Kitab Undang-Undang Hukum Pidana</i>
ME	: Medical Error
MKDKI	: <i>Majelis Kehormatan Disiplin Kedokteran Indonesia</i>
MV	: Medical Violence
PDGI	: <i>Persatuan Dokter Gigi Indonesia</i>
SOP	: Standard Operating Procedure
UN	: United Nation
WMA	: World Medical Association

Glossory

<i>Caesarean</i>	: [Latin, <i>si-zair-ee-uh n</i>] Also called Cesarean section, <u>C-section</u> is an operation to deliver a baby. It involves making a cut in the front wall of a woman's tummy (abdomen) and womb.
<i>Culpa Lata</i>	: [Latin, Fault, blame, or neglect.] a <u>Civil Law</u> term that implies that certain conduct is actionable. The word culpa s applied to acts of commission and omission in both tort and contract cases. It implies the failure to perform a legally imposed duty, or <u>Negligence</u> . Lata Culpa means gross or wanton fault, or neglect.
<i>Culpa Levisimma</i>	: [Latin] levis culpa is common or ordinary negligence, or the absence of reasonable care, levisima culpa s slight neglect of fault.
<i>Dolus</i>	: [Latin] evil intent, embracing both malice and fraud
<i>Vorsatz</i>	: [German] intention
<i>Willens en wetens handelen</i>	: [Dutch, knowingly, deliberately]
<i>Inspanningverbintenis</i>	: [Dutch] <i>Verbintenis</i> means obligation and <i>inspanning</i> means efforts so <i>inspanningverbntenis</i> is obligation of efforts.
<i>Nonfeasance</i>	: nän fēzəns. Failure to perform an act that is required by law
<i>Orthodontics</i>	: ôrTHə dāntiks is derived from the Greek orthos (“correct”, “straight”) and –odont- (“tooth”).

Orthodontics is the branch of dentistry that corrects teeth and jaws that are positioned improperly.

Res ipsa Loquitur : [Latin] *res ipsa loquitur*, *rās*, *lōkwə tōōr*. It is a phrase that means "[the thing speaks for itself](#)". In personal injury law, the concept of *res ipsa loquitur* (or just "*res ipsa*" for short) operates as an evidentiary rule that allows plaintiffs to establish a rebuttable presumption of [negligence](#) on the part of the defendant through the use of circumstantial evidence.

Respondeat superior : [Latin] "Let the master answer"

Resultaanverbintenis : [Dutch] *Verbintenis* means obligation and *resultaat* means result so *inspaningverbintenis* is obligation of result. (which are preferred here are the results)

Lex specialis : [Latin] is a doctrine relating to the interpretation of laws and can apply in both domestic and international law contexts.

Volenti non fit injuria : [Latin] "to one who is willing, no harm is done" is a common law doctrine which stated that if someone willingly places themselves in a position where harm might result, knowing that some degree of harm might result, they are not able to bring a claim against the other party in tort or delict.