

Mediasi dalam penyelesaian sengketa medik di Indonesia = Mediation in medical dispute resolution in Indonesia

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Deskripsi Lengkap: <http://lib.ui.ac.id/detail?id=20466461&lokasi=lokal>

Abstrak

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Dalam skripsi ini penulis akan membahas mengenai perlindungan hukum bagi pasien di Indonesia ditinjau berdasarkan Hukum Kesehatan, dan pengaturan serta penyelenggaraan penyelesaian sengketa medik melalui mediasi di Indonesia. Bentuk penelitian yang digunakan dalam menulis skripsi ini adalah yuridis normatif, dan tipe penelitian yang digunakan penulis adalah penelitian deskriptif dan peskriptif. Kesimpulannya adalah perlindungan hukum bagi pasien yang mengalami kerugian akibat kelalaian medik dapat diselesaikan melalui penyelesaian sengketa litigasi dan penyelesaian sengketa non litigasi. Penyelesaian sengketa non litigasi yang akan dibahas penulis adalah mediasi, karena mediasi memiliki peran yang penting bagi terwujudnya keadilan yang cepat, sederhana, dan biaya ringan. Mediasi juga dapat mengatasi beban perkara di Pengadilan yang semakin menumpuk. Sarannya adalah agar mediasi hukum kesehatan berkembang di Indonesia, pemerintah harus menyelenggarakan pelatihan mediator khusus yang menangani kasus sengketa medik dan membuat peraturan lebih lanjut pedoman pelaksanaan penyelesaian sengketa medik melalui mediasi.

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In this thesis the author will discuss about the legal protection for patients in Indonesia reviewed based on medical law, and regulation and implementation of medical dispute settlement through mediation in Indonesia. The form of research used in writing this thesis is juridical normative, and the type of research used by the author is descriptive and peskriptif research. The conclusion is that legal protection for patients suffering losses due to medical negligence can be resolved through dispute resolution through litigation and dispute resolution through non litigation. The dispute resolution through non litigation that the author will discuss is mediation, since mediation has an important role for the realization of quick, simple, and low cost justice. Mediation can also overcome the burden of cases in the increasingly accumulating Court. The suggestion is that in order for medical law mediation to developing in Indonesia, the government should organize specialized mediator training that handles medical dispute cases and make further regulations for the implementation of dispute resolution through mediation. Keywords Medical dispute, mediation, mediator, medical negligence, responsibility, compensation, hospital.