

Persinggungan perbuatan melawan hukum dan wanprestasi dalam transaksi terapeutik menurut hukum perdata Indonesia (studi kasus putusan Pengadilan Negeri Jakarta Selatan No 1809/ PDT. G/ 2006 /PN. Jak.Sel = The intersection between torts and non performance in the therapeutic transaction according to Indonesian civil law (case study decision of south Jakarta District court No 1809/ PDT. G/ 2006 /PN. Jak Sel)

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Abstrak

[ABSTRAK

Skripsi ini membahas mengenai klasifikasi perbuatan melawan hukum dan wanprestasi dalam pelanggaran terhadap suatu transaksi terapeutik. Pembahasan dalam skripsi ini mencakup perbuatan melawan hukum dan wanprestasi ditinjau dari Kitab Undang-undang Hukum Perdata, aspek hukum dari hubungan dokter dan pasien, termasuk pengaturan transaksi terapeutik dan penerapan pengaturan mengenai transaksi terapeutik dalam Putusan Pengadilan Negeri Jakarta Selatan No. 1809/Pdt.G/2006/PN.Jak.Sel. Hasil penelitian ini menyatakan bahwa (1) transaksi terapeutik merupakan perjanjian tidak bernama, dapat pula merupakan perjanjian untuk melakukan suatu jasa tertentu, (2) perbuatan melawan hukum dan wanprestasi dapat diajukan kepada transaksi terapeutik inspanningverbintenis dan resultaatverbintenis dengan memperhatikan obyek atau prestasi yang dijanjikan dalam transaksi terapeutik tersebut, (3) perbuatan para dokter dalam kasus ini merupakan perbuatan melawan hukum karena dalam melaksanakan tugasnya, para dokter tersebut telah lalai dan tidak berhati-hati.

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<i>ABSTRACT

;This thesis is discussing about torts and non-performance and its relationship with therapeutic transaction. This thesis will be focused on three issues, torts and nonperformance according to Indonesian Civil Code, legal aspect of the relationship between doctor and patient and the implementation of the regulations about therapeutic transaction in the case of Decision of South Jakarta District Court No. 1809/Pdt.G/2006/PN.Jak.Sel. The result of this research states that (1) therapeutic transaction constitutes as inominatcontracten and agreement to perform certain services, (2) torts and non-performance may be submitted to inspanningverbintenis and resultaatverbintenis therapeutic transaction by considering the object of the agreement, (3) the actions of the doctors in this case constitutes as the tort, which the doctors was negligent in performing their duties., This thesis is discussing about torts and non-performance and its relationship with therapeutic transaction. This thesis will be focused on three issues, torts and nonperformance according to Indonesian Civil Code, legal aspect of the relationship between doctor and patient and the implementation of the regulations about therapeutic transaction in the case of Decision of South Jakarta District Court No.

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