

Tanggung Jawab Hukum Dokter dan Fasilitas Pelayanan Kesehatan Terkait Rahasia Kedokteran dalam Pelayanan Kesehatan Daring (Online): Studi Perbandingan Antara Pelayanan Kesehatan Daring (Online) di Indonesia dan Inggris = Legal Liabilities of Doctors and Healthcare Providers Regarding the Medical Confidentiality Concept in Online Healthcare Facilities: A Comparative Study between Online Healthcare Facilities in Indonesia and England

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Abstrak

ABSTRAK

Penulisan ini menganalisis perbandingan pengaturan antara fasilitas pelayanan kesehatan online di Indonesia dan di Inggris, perbandingan pengaturan mengenai rahasia kedokteran di Indonesia dan di Inggris, dan perbandingan tanggung jawab hukum dokter dan penyelenggara fasilitas pelayanan kesehatan terkait rahasia kedokteran pelayanan kesehatan online di Indonesia dan di Inggris. Metode penelitian yang dilakukan berbentuk yuridis normatif, dan menggunakan tipe deskriptif. Hasil dari penelitian ini menggambarkan bahwa di Indonesia belum terdapat pengaturan hukum mengenai penyelenggaraan fasilitas pelayanan kesehatan online, berbeda dengan Inggris yang telah mengatur mengenai hal tersebut, selanjutnya di Indonesia, pengaturan mengenai rahasia kedokteran tidak dikaitkan pada pengaturan mengenai perlindungan data pribadi, sebagaimana dilakukan di Inggris. Kemudian, tergambar pula bahwa tanggung jawab hukum dokter dan penyelenggara fasilitas pelayanan kesehatan terkait rahasia kedokteran dalam proses tindakan medis di fasilitas pelayanan kesehatan online di Indonesia terbagi atas 3 tiga aspek, yakni pidana, perdata, dan administratif. Seluruh aspek pertanggungjawaban hukum tersebut saat ini hanya diatur dalam sektor kesehatan, berbeda dengan di Inggris yang mana pengaturan mengenai hal tersebut justru diatur dan dirujuk pada peraturan mengenai perlindungan data pribadi. Berdasarkan pemaparan di atas, Kementerian Kesehatan Republik Indonesia perlu melakukan perancangan regulasi dalam rangka memberi kepastian hukum perlindungan terkait rahasia kedokteran dalam proses tindakan medis di fasilitas pelayanan kesehatan online di Indonesia.

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ABSTRACT

This thesis analyzes the legal standing of an online health care facility in Indonesia and its comparison with England, the regulation concerning medical confidentiality in Indonesia and its comparison with England, and the legal liabilities of doctors and healthcare providers regarding the concept of medical confidentiality in online healthcare facilities in Indonesia, and its comparison with England. The method of research conducted is in the form of juridical normative, and using the descriptive type. The results of this writing illustrate that Indonesia has no legal statutory regarding specifically the provision of online healthcare facilities, unlike England that has regulated this matter. Secondly, in Indonesia, the regulation of medical secrets is not related to the arrangement of personal data protection, as conducted in England. Furthermore, it has also been illustrated that the legal liabilities of doctors and healthcare providers regarding the concept of medical confidentiality in medical treatments which are processed by online healthcare facilities in

Indonesia are divided into 3 three aspects, namely criminal, civil and administrative. All aspects of legal liability are currently only regulated in the health sector, whereas in England, the regulation on such matters is specifically regulated and refereed to the rules on personal data protection. Based on the explanation written above, Indonesia rsquo s Ministry of Health needs to conduct regulatory drafting in order to provide certainty of medical confidentiality safeguard law in every medical treatment processed by online healthcare facility in Indonesia.