

Tinjauan Yuridis-Filosofis terhadap kewajiban Dokter di Indonesia (Analisis Putusan Nomor 365k/PID/2012) = Philosophic and juridical review of doctors obligations in Indonesia (Analysis of supreme court decision number 365K/PID/2012)

Daniel, author

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Abstrak

Peninjauan kewajiban dokter dalam penelitian ini dikarenakan maraknya malpraktik dokter di Indonesia yang sarat akan pelanggaran kewajiban dokter di dalamnya. Penelitian ini membahas konsep kewajiban secara filosofis dan yuridis; melihat kewajiban dokter dalam undang-undang tentang praktik kedokteran dan kewajiban dokter dalam kode etik dokter Kodeki ; serta meninjau penerapan kewajiban dokter pada putusan Nomor 365K/Pid/2012.

Tujuan penelitian untuk mengetahui serta memahami konsep kewajiban, baik secara filosofis maupun yuridis terutama dalam kaitannya dengan profesi dokter. Penelitian ini bersifat yuridis normatif. Pendekatan masalah menggunakan pendekatan perundang-undangan Pengumpulan data berupa studi kepustakaan. Jenis data berupa data sekunder. Analisis data dilakukan secara kualitatif. Laporan penelitian berbentuk deskriptif-analitis.

Kesimpulan penelitian yaitu: terdapat perbedaan konsep kewajiban secara filosofis dengan konsep kewajiban secara yuridis; terdapat perbedaan kewajiban dokter dalam undang-undang tentang praktik kedokteran dengan kewajiban dokter dalam Kodeki; serta terdapat pelanggaran kewajiban dokter dalam putusan Nomor 365K/Pid/2012.

.....The review of physician 39 s obligation in this research is caused by the malpractice of doctor in Indonesia which is full of violation of doctor 39 s obligation in it. This research discusses the concept of philosophical and juridical obligations see the doctor 39 s obligations in the law on medical practice and the obligations of doctors in the code of conduct of doctors Kodeki as well as reviewing the application of physician obligations to the decision Number 365K Pid 2012.

The purpose of research to know and understand the concept of obligations, both philosophically and juridically, especially in relation to the profession of doctors. This research is normative juridical. Problem approach using the legislation approach The collection of data in the form of literature study. Data type is secondary data. Data analysis is done qualitatively. The research report is descriptive analytical.

The conclusion of the research are there are differences of concept of philosophical obligation with the concept of juridical obligation there is a difference of physician 39 s obligation in the law on medical practice with the doctor 39 s duty in Codeci and there is a violation of the obligations of doctors in the decision Number 365K Pid 2012.