

Perlindungan Hukum Pasien COVID-19 atas Penerapan Manajemen Klinis dalam Pedoman Pencegahan dan Pengendalian COVID-19 = The Legal Protection of COVID-19 Patients for the Application of Clinical Management in the Guidelines for the Prevention and Control of COVID-19

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Abstrak

Tanggal 11 Maret 2020, WHO menetapkan COVID-19 sebagai pandemi global karena memberikan dampak bagi seluruh negara termasuk Indonesia. Demi memperlambat laju penularan, pemerintah mengeluarkan Pedoman Pencegahan dan Pengendalian COVID-19 yang berisi manajemen klinis sesuai masing-masing kriteria kasus Pasien COVID-19. Namun dalam pelaksanaannya, terdapat suatu permasalahan yakni Pasien COVID-19 yang menolak manajemen klinis tersebut. Selain itu, dalam Pedoman Pencegahan dan Pengendalian COVID-19 diatur mengenai aspek informed consent terhadap isolasi mandiri/rawat inap. Ketentuan ini seakan-akan Pasien COVID-19 dapat melakukan penolakan terhadap manajemen klinis tersebut. Oleh karena itu penelitian ini bertujuan menjelaskan sudut pandang hukum kesehatan di Indonesia mengenai adanya aspek informed consent dalam Pedoman Pencegahan dan Pengendalian COVID-19 dan perlindungan hukum bagi Pasien COVID-19 atas penerapan pedoman tersebut. Metode penelitian yang digunakan adalah yuridis normatif dilengkapi dengan tipe penelitian secara deskriptif. Hasil penelitian menyatakan bahwa berdasarkan Pasal 56 ayat (2) Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan, Pasal 15 Permenkes Nomor 290/MENKES/PER/III, dan Undang-Undang Nomor 6 Tahun 2018 menyatakan pelaksanaan informed consent bagi Pasien COVID-19 menjadi pengecualian karena COVID-19 merupakan penyakit yang dapat menular dengan cepat. Selain itu, Pasien COVID-19 tidak dapat menolak tindakan manajemen klinis sesuai Pedoman Pencegahan dan Pengendalian COVID-19. Pasien COVID-19 tetap berhak atas perlindungan hukum terhadap dirinya. Perlindungan hukum bagi Pasien COVID-19 terdiri dari dua yakni perlindungan hukum preventif dan represif. Penelitian ini memberikan saran kepada pemerintah untuk menjamin pelayanan kesehatan yang layak bagi masyarakat sebagai upaya menghadapi COVID-19. Pemerintah melalui Menteri Kesehatan melakukan pembaharuan Pedoman Pencegahan dan Pengendalian COVID-19 agar harmonis dengan peraturan perundang-undangan di atasnya.

.....On March 11, 2020, WHO declared that COVID-19 as a global pandemic caused COVID-19 to have an effect on countries including Indonesia. In order to slow down the transmission of COVID-19, the government has established The Guideline of prevention and control of COVID-19. In the guidelines, there is clinical management according to each of the criteria of COVID-19 patients. However, in its implementation, there are patients of COVID-19 who refuse the medical action. In addition, in the COVID-19 Prevention and Countermeasures Guidelines on the information aspects of self-isolation/inpatient approval. This provision is as if COVID-19 Patients could be a suppressor of clinical management. Therefore, this research aims to explain the viewpoint of health law in Indonesia regarding the informed consent in the COVID-19 Prevention and Prevention Guidelines and legal protection for COVID-19 Patients on guidelines. The research method used is normative juridical which is completed by descriptive research method. The result of this research is based on article 56 paragraph (2) of Law No. 36 of 2009 on Health,

Article 15 of Decree No. 290/MENKES/PER/III, and Law No. 6 of 2018 the implementation of informed consent for COVID-19 patients is an exception due to the high rate of transmission of COVID-19 disease. COVID-19 patients also have the right to information as other patients. For this reason, COVID-19 patients have the right to get legal protection for themselves. Legal protection for COVID-19 patients consists of two preventive and repressive legal protections. This research provides suggestions to the government on what health services are appropriate for people who oppose COVID-19. The government through the Minister of Health has updated the COVID-19 Prevention and Prevention Guidelines to be in harmony with the above laws and regulations.