

ABSTRACT

Bambang Dwi HS, THE URGENCY OF SPECIAL COURT IN HANDLING MEDICAL DISPUTES CASES IN THE JUDICIAL SYSTEM IN INDONESIA, under the guidance of Prof. Dr. H. Faisal Santiago, SH., MM. as Advisor and Dr. Megawati Barthos, SH., MM. as Co. Advisor.

The high potential for medical disputes that occur in hospital services has resulted in several cases being reported by patients so that they have become medical disputes. Lawsuits against doctors submitted by patients, patient families or patient attorneys are currently increasing. Legal charges against the doctor can be in the form of criminal and / or civil charges. The demands submitted always use the basis of the law of negligence theory.

The research method used is the sociological method of law with a legal-akseological approach. This study seeks to discuss the formation of a special court to resolve medical disputes that occur between doctors and patients or the patient's family to achieve justice.

Based on the results of the study, it was concluded that the resolution of medical disputes between patients and health workers at the hospital was resolved through mediation. Meanwhile, the dispute resolution process between patients and health workers outside the hospital is mostly done through litigation. The urgency of establishing a special court is currently very relevant. The formation of a special court must not violate the human rights of the disputing parties, it must fulfill a sense of justice and be treated fairly before the court for both parties, namely doctors and patients. Besides that, it also considers three main aspects including legal substance, legal structure and legal culture. The synergy of these three aspects is expected to have a real impact on the resolution of every medical dispute case.

Keywords : medical disputes, special medical court