

ABSTRACT

AJ Didy Surachman, (18730201), "LEGAL CONSTRUCTION OF AGREEMENT BETWEEN DOCTORS AND PATIENTS IN ORTHOPEDIC SURGERY, under the guidance of Promoter Prof. Dr. H. Faisal Santiago, SH, MM. and Co-Promoter Dr. H. Azis Budianto, SH, M.S.

There is a legal relationship between a doctor and a patient either because of an agreement or because of a law, then rights and obligations arise in law as well as legal consequences. This is important in designing the legal construction of agreements between doctors and patients in orthopedic surgery and their legal responsibilities. Orthopedic surgical medical action, contains a partial legal relationship between the doctor and the patient, both originating from legal relations and legislation.

The problems are; 1. Why is the legal construction of agreements the basis for legal actions between doctors and patients in orthopedic surgery? 2. What is the position of informed consent in therapeutic transactions between doctors and patients? How is the doctor's responsibility so as not to cause unlawful acts in therapeutic transactions in orthopedic surgery?

This research is normative and empirical legal research. The theory used as an analysis knife; Theory of rule of law, theory of legal construction, legal system theory, law enforcement theory, contract theory and legal responsibility theory.

Research Results; The Legal Construction of Agreements between Doctors and Patients in Orthopedic Surgery includes fulfilling the concept of therapeutic transactions including material legal elements including the Civil Code or Civil Code, the Law on Health, the Medical Law, the Medical Practice Law, the Labor Law Health, Human Rights Act, Regulation of the Minister of Health as well as material legal elements, namely HIR. The position of informed consent in therapeutic transactions between doctors and patients is a basic form of legal certainty for preventive legal protection as well as a form of legitimacy for the medical profession as health workers in carrying out medical or health procedures including orthopedic surgery. As well as the doctor's responsibility not to cause unlawful acts in therapeutic transactions in Orthopedic surgery, every doctor who is bound by the existence of legal actions in therapeutic transactions must comply with the laws and regulations that bind him, and be responsible for his actions.

Keywords: Contract Legal Construction, Therapeutic Transactions