

## ABSTRACT

Erna Emlijah, Dissertation Title; "Legal Protection of the Doctor's Profession in Carrying out Medical Practices on Patients in Hospitals", This dissertation is under the guidance of Prof. Dr. H.Faisal Santiago , SH, MH, as Promoter and Dr. H. Azis Budianto, SH, MS as Ko. Promoter.

The provision of health services is related to values that uphold the dignity of Indonesian people. In providing health services, the government provides institutional authorization to hospital institutions and their derivatives. Human resources in hospitals include doctors who work in accordance with professional standards, hospital service standards, in a professional manner, respecting patient rights and prioritizing patient safety. The problems are, 1. What is the legal protection for doctors in providing health services in hospitals? 2. What is responsibility the hospital's legal protection against doctors for alleged medical malpractice that harms patients? 3. What is the legal protection model for doctors in resolving allegations of medical malpractice?

The theoretical framework used is Justice Theory, Legal System Theory and Legal Protection Theory. The research methods used are Normative Research and Empirical Research. Research result; Legal protection for doctors in providing health services in hospitals begins with the legal relationship between doctors and hospitals and doctors and patients. Forms of legal acts regulated by law include, among others; Law Number 36 of 2009 concerning Health, Law Number 29 of 2004 concerning Doctor's Practice, Law Number 44 of 2009 concerning Hospitals and the Civil Code. Next, produce a work contract agreement between the hospital and the doctor for health services. Next, the Doctor and the Patient produce Therapeutic Transactions. This standard agreement obtains legal legitimacy as informed consent as well as legal protection for doctors for health service actions for patients.

The hospital's legal liability for alleged medical malpractice by a doctor, the party who suspects it is obliged to prove it. If this is proven by the doctor to be negligent in carrying out his profession, then his legal responsibility includes criminal, civil and administrative responsibility. In the proof process, the Hospital also bears the burden of responsibility in accordance with the applicable statutory provisions.

There are two main models of legal protection for doctors in resolving allegations of medical malpractice, namely through the Non-Litigation model and through the Litigation Model. A Non-Litigation Model can be pursued regarding Doctors' actions which can be categorized as Malpractice based on the Civil Law Aspect between the parties prioritizing Mediation to resolve the dispute. Furthermore, legal action against doctors who can be categorized as malpractice from a criminal perspective, the litigation model is carried out through the penal and non-penal concepts through a restorative justice approach.

Keywords: Legal Protection, for Doctors in Hospitals.