

ABSTRACT

Defri Aryu Dinata, (NIM.18730216) "Legal Protection and Accountability for the Consequences of a Violation of the Confidentiality of Medical Records of Health Insurance Patients, under the guidance of Promoter Prof. Dr. H. Abdullah Sulaiman, SH, MH. and Co-Promoter Dr. H. Azis Budianto, SH, M.S.

Medical record is a medical secret as everything that is conveyed by the patient to the doctor or everything that is known by the doctor when providing health services to patients is included in the Health Insurance Service. Formulation of the problem, 1. What is the Legal Protection Against the Confidentiality of Health Insurance Patient Medical Records?, 2. What is the Legal Responsibility for the Confidentiality of Health Insurance Patient Medical Records?, 3. What is the Ideal Legal Protection of Liability Against Violations of the Confidentiality of Patient Medical Records?

The theoretical framework includes: Rule of Law Theory, Legal System Theory, Legal Protection Theory, Accountability Theory, and Human Rights Theory. The research method is through a Normative and Empirical Research Approach. The results of the research; Legal Protection for the Confidentiality of Health Insurance Patient Medical Records, that; Philosophically and juridically, medical records are medical secrets which are everything that the patient, whether consciously or unconsciously, conveys to the doctor or also everything that the doctor knows when providing health services to the patient. Hospitals are obliged to provide legal protection and have legal responsibility if their activities cause negligence by hospital staff, in this case including doctors as hospital professionals. Health Insurance Services, carry out the claims administration process in accordance with the standards and provisions of the Health Social Security Administering Agency Regulation Number 7 of 2018 concerning Management of Health Facility Claims Administration in the Implementation of Health Insurance, however, 72% of 207 patients' claim forms were still found not to be signed by the patient. This can be interpreted as saying that the Central Special Hospital "X" Central Jakarta is "strongly suspected of violating" the provisions regarding the confidentiality of medical records as regulated in Article 47 paragraph (2) of Law Number 29 of 2004 concerning Medical Practice. Legal Responsibility for the Confidentiality of Health Insurance Patients' Medical Records, the legal responsibility procedure can be taken as criminal legal action or civil legal action can be taken. Ideal Legal Protection for Responsibility for Violations of Confidentiality of Patient Medical Records, the civil liability approach model provides more positive value and benefits than the criminal liability approach. Based on these aspects, according to researchers, the ideal model approach in the framework of legal protection and legal accountability for medical confidentiality of health insurance participants can be legal settlements through civil law, and starting with non-litigation patterns.

Keywords: Legal Protection and Liability, Violation of Confidentiality of Insurance Patient Medical Records