

Pembukaan Rekam Medis Pasien Covid-19 Berdasarkan Peraturan dan Hukum HAM Indonesia: Studi Kasus di Puskesmas Mulyoharjo Pemalang
INTISARI

Oleh

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Tujuan dari penelitian ini adalah mengetahui esensi (alasan yang sah, sesuai dengan otoritas, dan sumberdaya) dari pemerintah dan mengetahui unsur (dimengerti, sumberdaya dan risiko) yang dimiliki oleh pasien atau penduduk terhadap pembukaan rekam medis pasien covid-19 berdasarkan peraturan perundang-undangan di Indonesia dan berdasarkan hukum HAM di Indonesia serta kesesuaian pembukaan rekam medis yang dilakukan oleh Puskesmas Mulyoharjo Pemalang dalam pelacakan kontak pasien covid-19 dengan peraturan perundang-undangan di Indonesia dan hukum HAM di Indonesia.

Penelitian ini adalah penelitian hukum normatif empiris, yang dilakukan melalui studi kepustakaan untuk menganalisa peraturan perundang-undangan di Indonesia dan hukum HAM di Indonesia mengenai pembukaan rekam medis pasien covid-19 pada masa pandemi covid-19 (pembatasan berdasarkan ketentuan Pasal 28 J UUD 1945, Pasal 73 UU HAM dan Pasal 17 UU Pengesahan Kovenan Internasional Hak Sipil); dan studi lapangan dengan wawancara semi terstruktur serta observasi terhadap pembukaan rekam medis pasien covid-19 oleh Puskesmas Mulyoharjo Pemalang dalam pelacakan kontak pasien covid-19. Data-data tersebut dikelola dengan analisa kualitatif dan disajikan deskriptif.

Hasil dari penelitian ini adalah pembukaan rekam medis pasien covid-19 pada masa pandemi covid-19: Pertama: menurut perundang-undangan (UU Praktik Kedokteran, UU Kesehatan, UU Rumah Sakit, UU Tenaga Kesehatan, PMK Rekam Medis dan PMK Rahasia Kedokteran) dan hukum HAM di Indonesia (UUD 1945, UU HAM, UU Kovenan Internasional Hak Sipil), data medis dan non medis dapat dibuka jika sesuai dengan hukum nasional yang berlaku umum (kepada petugas berwenang), untuk menjamin pengakuan serta penghormatan atas HAM orang lain, kepentingan bangsa, ketertiban umum dalam suatu masyarakat demokratis, konsisten dengan HAM lain, serta *necessary* dan proporsional untuk tujuannya. Kedua: Pembukaan rekam medis oleh Puskesmas Mulyoharjo dalam pelacakan kontak pasien covid-19: Menurut perundang-undangan dan hukum HAM di Indonesia adalah sesuai kecuali kecuali pembukaan data non medis pasien covid-19 kepada atasan dan atau penanggungjawab tempat kerja pasien serta ‘orang lain yang disebutkan’.

Kata kunci: rekam medis, peraturan rekam medis, covid-19, hak asasi manusia, hak privasi

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Disclosure of Medical Records of Covid-19's Patients based on Indonesian's Law and Human Rights Law: A Case Study at Mulyoharjo Health Center Pemalang

ABSTRACT

by

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The purpose of this research are: to find out the essence (legitimate reasons, in accordance with the authority and resources) of the government and to know the elements (understand, resources and risks) possessed by patients or residents of the disclosure of Covid-19's patients based on Indonesia's law and Indonesia's human rights law as well as the suitability of the opening of medical records carried out by the Mulyoharjo Health Center Pemalang in contact tracing of Covid-19 patients with Indonesia's law and Indonesia's human rights law.

This research is an empirical normative legal research, which was carried out through a literature study to analyze Indonesia's law and Indonesia's human rights law regarding the disclosure act of opening medical records of Covid-19's patients during Covid-19 pandemic (restrictions based on the provisions of Article 28J 1945 Constitution, Article 73 Law concerning Human Rights and Article 17 Law concerning the Ratification of the International Covenant on Civil and Political Rights; with a field study with semi-structured interviews and observation of the disclosure by Mulyoharjo Health Center in contact tracing of Covid-19's patients. The data is managed by qualitative analysis and presented descriptively.

The result of this research are the disclosure of medical records of Covid-19 patients during the covid-19 pandemic: First, according to the Indonesia's laws (Law concerning Medical Practice, Law concerning Health, Law concerning Hospitals, Law concerning Health Workers, Minister of Health Regulation's concerning Medical Records and Minister of Health's Regulation concerning Medical Secrets) and human rights law (1945 Constitution, Law concerning Human Rights and the Law concerning the Ratification of the International Covenant on Civil and Political Rights), medical and non-medical data can be disclosed if they are in accordance with generally accepted national law (to authorized officers), to ensure recognition and respect for the human rights of others, the interests of the nation, and public order. in a democratic society, consistent with other human rights, and necessary and proportionate to its objectives. Second: The disclosure of medical records by Mulyoharjo Health Center in contact tracing of Covid-19 patients: According to the law and human rights law in Indonesia, it is appropriate except for the disclosure of non-medical data of Covid-19 patients to the supervisor and or person in charge of the patient's workplace and 'other people who mentioned'.

Keywords: *medical records, medical record regulation, covid-19, human rights, privacy right*

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