

PELAKSANAAN PERJANJIAN TERAPEUTIK ANTARA BIDAN PRAKTEK MANDIRI DAN IBU PENDERITA KOMPLIKASI DALAM KEADAAN PERSALINAN GAWAT DARURAT

INTISARI

Oleh :

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Penulisan hukum inti bertujuan untuk mengetahui dan mengkaji pelaksanaan perjanjian antara Bidan dan pasien dalam perjanjian persalinan komplikasi dan gawat darurat. Tujuan lain dari penelitian ini untuk mengetahui dan mengkaji pertanggungjawaban Bidan apabila pasien mengalami kerugian pada persalinan dalam keadaan komplikasi dan gawat darurat.

Penelitian yang dilakukan bersifat deskriptif. Sifat deskriptif bermakna bahwa penelitian yang dilakukan memaparkan dan menggambarkan keadaan, gejala, sifat-sifat atau karakter dari individu atau kelompok tertentu. Penelitian ini memiliki jenis normatif-empiris yang diartikan sebagai penelitian yang didalamnya mengkaji ketentuan hukum positif tertulis yang diterapkan dalam peristiwa hukum dalam masyarakat.

Hasil penelitian menyimpulkan pertama, Pelaksanaan perjanjian antara Bidan praktek mandiri dan pasien dalam perjanjian persalinan komplikasi dan gawat darurat di Praktek Mandiri Bidan Mega Pandiangan telah dilaksanakan dengan ketentuan hukum perjanjian yang diatur dalam KUHPerdara tepatnya pada Pasal 1320. Pelaksanaan perjanjian tersebut juga telah memenuhi syarat sahnya perjanjian serta telah berlandaskan pada asas-asas hukum perjanjian. Kedua, Pertanggungjawaban hukum Bidan praktek mandiri apabila pasien mengalami kerugian pada persalinan dalam keadaan komplikasi dan gawat darurat terdiri dari 3 (tiga) jenis pertanggungjawaban yaitu, tanggungjawab etis dan sosial, tanggungjawab profesi dan tanggungjawab hukum. Tidak terdapat peraturan perundang-undangan yang secara jelas mengatur terkait pertanggungjawaban hukum seorang Bidan ketika melakukan kesalahan atau kelalaian, sehingga pertanggungjawaban hukum dapat dimintai melalui pengajuan gugatan.

Kata Kunci: Perjanjian Terapeutik, *Informed Consent*, Komplikasi, Tanggung Jawab Perdata

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**IMPLEMENTATION OF THERAPEUTIC AGREEMENTS BETWEEN
INDEPENDENT PRACTICE MIDWIFE AND COMPLICATION
WOMEN IN EMERGENCY DELIVERY**

ABSTRACT

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This legal writing aims to find out the implementation of agreements between midwives and patients in complicated delivery and emergency care agreements, another aim of this legal writing is to find out the midwife's responsibility if the patient suffers a loss during delivery in a state complications and an emergency.

This research is normative-empirical research that is descriptive. Normative research is carried out by means of library research on various primary, secondary, and tertiary legal materials to obtain secondary data by means of document studies. Empirical research was conducted to obtain primary data by interviewing research subjects using interview guidelines. The results of library and field research was analyzed qualitatively and presented descriptively.

The results of the study concluded first, the implementation of the agreement between the independent practice midwife and the patient in the arrangement of complications and emergency deliveries at the Mega Pandiangan Midwife Independent Practice has been carried out with the legal provisions of the agreement regulated in the Civil Code to be exact in Article 1320. The implementation of the agreement has also fulfilled the legal requirements of the agreement and has been based on the principles of contract law. Second, the legal responsibility of independent practicing midwives when the patient suffers a loss during childbirth in complications and emergencies consists of 3 (three) types of responsibility, namely, ethical and social responsibility, professional responsibility and legal responsibility. There are no laws and regulations that clearly regulate the legal responsibility of a midwife when making mistakes or negligence, so that legal accountability can be requested through filing a lawsuit.

Keywords: Therapeutic Agreements, Informed Consent, Complication, Civil Liability

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