

INTISARI

PELINDUNGAN HUKUM TERHADAP DOKTER SPESIALIS ORTOPEDI DAN TRAUMATOLOGI DALAM PERJANJIAN TERAPEUTIK DI RUMAH SAKIT ORTOPEDI SOEHARSO SURAKARTA

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Penelitian ini bertujuan untuk mengetahui dan menganalisis pelaksanaan perjanjian terapeutik terhadap bedah ortopedi dan traumatologi di Rumah Sakit Ortopedi Soeharso Surakarta. Selain itu, penelitian ini juga bertujuan untuk mengetahui dan menganalisis pelindungan hukum terhadap Dokter Spesialis Ortopedi dan Traumatologi dalam perjanjian terapeutik di Rumah Sakit Ortopedi Soeharso Surakarta.

Penelitian ini merupakan penelitian hukum normatif-empiris dengan sifat deskriptif. Data yang digunakan dalam penelitian ini meliputi data sekunder yang mencakup bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier serta data primer melalui wawancara kepada responden, informan, dan narasumber terkait. Selanjutnya, data yang telah terhimpun dianalisis secara kualitatif.

Hasil dari penelitian ini ada 2 (dua). Pertama, pelaksanaan perjanjian terapeutik telah sesuai dengan Pasal 1320 KUH Perdata. Tahap prakontraktual dimulai sejak pasien menandatangani *general consent*, sedangkan tahap kontraktual saat penandatanganan *Informed Consent*. Hubungan hukum Dokter Spesialis Ortopedi dan Traumatologi dengan pasien merupakan kontrak terapeutik yang bersifat *inspanning verbintenis*. *Informed Consent* sah secara hukum, tetapi belum dilengkapi rekaman audiovisual. Tahap pascakontraktual meliputi pemantauan kondisi pasien, rehabilitasi, dan penanganan keluhan. Kedua, pelindungan hukum diwujudkan melalui mekanisme internal (SPO, *Informed Consent*, *Clinical Privilege*, edukasi hukum kesehatan, dan mediasi) serta eksternal (KUH Perdata, UU Kesehatan, PP No. 28 Tahun 2024, dan Permenkes No. 3 Tahun 2025). Tanggung jawab hukum dokter ASN berada pada negara, sedangkan non-ASN menjadi tanggung jawab RSO Soeharso sesuai kontrak.

Kata kunci: Perjanjian Terapeutik, Pelindungan Hukum, Dokter Spesialis Ortopedi dan Traumatologi, RSO Soeharso

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ABSTRACT

LEGAL PROTECTION OF ORTHOPEDIC SURGEONS IN THERAPEUTIC AGREEMENTS AT SOEHARSO ORTHOPEDIC HOSPITAL SURAKARTA

By: Bening Mutiara Nur Alifa* dan R.A. Antari Innaka Turingsih**

This study aims to examine and analyze the implementation of therapeutic agreements in orthopedic and trauma surgery at Soeharso Orthopedic Hospital in Surakarta. Furthermore, it seeks to explore the legal protection provided to orthopedic surgeons within the context of such agreements at the institution.

This research employs a normative-empirical legal approach with a descriptive design. The data utilized consist of secondary data, including primary, secondary, and tertiary legal materials, as well as primary data obtained through interviews with respondents, informants, and other relevant sources. The data collected were analyzed qualitatively.

The findings of the study reveal two main conclusions. First, the implementation of therapeutic agreements aligns with Article 1320 of the Indonesian Civil Code. The pre-contractual phase begins when the patient signs the general consent form, while the contractual phase is established through the signing of the informed consent form. The legal relationship between the orthopedic surgeon and the patient constitutes a therapeutic contract characterized by an inspanning verbintenis obligation. Although the informed consent is legally valid, it lacks audiovisual documentation. The post-contractual phase includes monitoring the patient's condition, rehabilitation, and the management of complaints. Second, legal protection is ensured through both internal and external mechanisms. Internal mechanisms include standard operating procedures (SOPs), informed consent, clinical privileges, legal education on health law, and mediation. External mechanisms comprise the Indonesian Civil Code, the Health Law, Government Regulation Number 28 of 2024, and Ministry of Health Regulation Number 3 of 2025. The legal responsibility of civil servant doctors (ASN) lies with the state, whereas non-civil servant doctors (non-ASN) are held accountable by Soeharso Orthopedic Hospital under the terms of their contractual agreement.

Keywords: *Therapeutic Agreement, Legal Protection, Orthopedic Surgeon, Soeharso Orthopedic Hospital Surakarta*

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