

## **ANALISIS PENGATURAN PENGOLAHAN LIMBAH PATOLOGIS DARI FASILITAS PELAYANAN KESEHATAN DITINJAU BERDASARKAN KETENTUAN HUKUM ISLAM DAN PERLINDUNGAN KONSUMEN MUSLIM**

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### **INTISARI**

Penelitian ini bertujuan untuk mengetahui pengaturan pengolahan limbah patologis pada Peraturan KLHK Nomor P.56/MENLHK-SETJEN/2015 dan Buku Standar dan Instrumen Sertifikasi Rumah Sakit Syariah ditinjau menurut ketentuan Hukum Islam, serta untuk mengetahui urgensi pengaturan pengolahan limbah patologis berdasarkan ketentuan Hukum Islam dalam mendukung perlindungan konsumen muslim.

Penelitian ini merupakan penelitian yuridis-normatif, dengan melakukan penelitian terhadap data sekunder, yakni Peraturan Menteri Lingkungan Hidup dan Kehutanan Nomor P.56/MENLHK-SETJEN/2015 tentang Tata Cara dan Persyaratan Teknis Pengelolaan Limbah Bahan Berbahaya Beracun Dari Fasilitas Pelayanan Kesehatan, Fatwa Majelis Ulama Indonesia Dewan Syariah Nasional-Majelis Ulama Indonesia Nomor: 107/DSN-MUIIX/2016 tentang Pedoman Penyelenggaraan Rumah Sakit Berdasarkan Prinsip Syariah, dan Buku Standar dan Instrumen Sertifikasi Rumah Sakit Syariah. Data sekunder tersebut didukung dengan data penunjang berupa studi kepustakaan dan hasil wawancara terhadap narasumber.

Berdasarkan hasil penelitian dan pembahasan, disimpulkan Pengaturan Pengolahan limbah patologis pada peraturan menteri LHK Nomor P.56/MENLHK-SETJEN/2015 sesuai dengan ketentuan Hukum Islam karena penggunaan insinerator memenuhi unsur fiqih kedaruratan. Sebaliknya, Buku Standar dan Instrumen Sertifikasi Rumah Sakit Syariah tidak sesuai dengan ketentuan Hukum Islam karena penguburan tidak sesuai dengan pemeliharaan jiwa atau *hifzh an-nafs*. Lebih lanjut, Peraturan menteri *a quo* lebih komprehensif dalam pemenuhan asas keamanan dan keselamatan serta kepastian hukum dalam perlindungan konsumen muslim. Urgensi pengaturan pengolahan limbah patologis berdasarkan ketentuan Hukum Islam guna untuk mewujudkan kepastian hukum dan hak atas keamanan dan keselamatan pasien berdasarkan UU Perlindungan Konsumen, UU PPLH dan UU Kesehatan.

**Kata Kunci: Pengolahan Limbah Patologis, Perlindungan Konsumen Muslim, Ketentuan Hukum Islam**

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***ANALYSIS OF REGULATION PATHOLOGICAL WASTE MANAGEMENT FROM HEALTH CARE FACILITIES BASED ON ISLAMIC LAW AND MUSLIM CONSUMER PROTECTION REGULATIONS***

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**ABSTRACT**

*This study aims to determine the regulations governing the processing of pathological waste in KLHK Regulation Number P.56/MENLHK-SETJEN/2015 and the Standard Book and Certification Instruments for Sharia Hospitals as reviewed in accordance with Islamic law, as well as to determine the urgency of regulations governing the processing of pathological waste based on Islamic law in supporting the protection of Muslim consumers.*

*This research is a legal-normative study, conducted through secondary data analysis, namely Regulation of the Minister of Environment and Forestry No. P.56/MENLHK-SETJEN/2015 on Procedures and Technical Requirements for the Management of Hazardous and Toxic Waste from Health Care Facilities, Fatwa of the Indonesian Ulema Council National Sharia Council -Indonesian Ulema Council Number: 107/DSN-MUIIX/2016 on Guidelines for the Operation of Hospitals Based on Sharia Principles, and the Book of Standards and Instruments for Sharia Hospital Certification. The secondary data is supported by supplementary data in the form of literature studies and interview results with informants.*

*Based on the research findings and discussions, it is concluded that the regulation on the processing of pathological waste in Ministry of Environment and Forestry Regulation No. P.56/MENLHK-SETJEN/2015 is consistent with Islamic law because the use of incinerators meets the fiqh criteria for necessity. Conversely, the Standard Book and Certification Instruments for Sharia Hospitals are not in accordance with Islamic law because burial does not comply with the preservation of life or *hifzh an-nafs*. Furthermore, the aforementioned Ministerial Regulation is more comprehensive in fulfilling the principles of safety and security as well as legal certainty in protecting Muslim consumers. The urgency of regulating pathological waste management in accordance with Islamic law is to achieve legal certainty and the right to safety and security for patients based on the Consumer Protection Law, the Environmental Protection and Management Law, and the Health Law.*

***Keywords: Pathological Waste Management, Muslim Consumer Protection, Islamic Law Provisions***

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