

PERTANGGUNGJAWABAN PERDATA PUSKESMAS DALAM PENYELENGGARAAN PELAYANAN AMBULANS PADA UNIT GAWAT DARURAT (UGD) PUSKESMAS RAWAT INAP DI KABUPATEN BANTUL

INTISARI

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Penelitian ini bertujuan untuk mengetahui, memahami dan mengkaji serta menganalisis mengenai konstruksi hukum pertanggungjawaban perdata Puskesmas dalam penyelenggaraan pelayanan ambulans pada Unit Gawat Darurat (UGD) Puskesmas rawat inap di Kabupaten Bantul.

Jenis penelitian ini adalah adalah penelitian hukum *juridic empiris*. Aspek *juridic* diperoleh melalui ketentuan hukum terkait penyelenggaraan layanan ambulans di Puskesmas. Aspek *empiris* diperoleh dengan menggambarkan tindakan yang telah dilakukan Puskesmas sebagai pelaksanaan tanggung jawab terhadap pelayanan ambulans pada UGD Puskesmas.

Hasil penelitian menunjukkan bahwa tanggung jawab perdata timbul karena adanya hubungan hukum diantara para pihak dalam rangka proses pelayanan kesehatan (*transaksi terapeutik*). Hubungan hukum ada sejak perikatan antara petugas jaga UGD dan pasien terbentuk ditandai kesediaan pasien untuk di periksa di UGD Puskesmas. Sejak saat itu petugas jaga UGD berkewajiban untuk memberikan pelayanan kesehatan secara maksimal sesuai dengan standar profesi, standar prosedur operasional, dan peraturan perundang-undangan yang berlaku. Berdasarkan kasus yang diangkat pada tesis ini terkait penyelenggaraan layanan ambulans di UGD Puskesmas rawat inap di Kabupaten Bantul, penuntutan ganti rugi berdasarkan pelanggaran kewajiban hukum Puskesmas karena wanprestasi dan perbuatan melawan hukum tidak dapat dilakukan karena unsur-unsur wanprestasi dan perbuatan melawan hukum tidak terpenuhi. Unsur tersebut adalah kerugian yang ditimbulkan bukan sebagai penyebab langsung dari perbuatan wanprestasi atau perbuatan melawan hukum dari petugas jaga UGD Puskesmas.

Kata kunci : Konstruksi hukum, Tanggung jawab perdata , Layanan ambulans, Unit Gawat Darurat (UGD) Puskesmas, Puskesmas Rawat Inap

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**THE CIVIL LIABILITY IMPLEMENTATION OF AMBULANCE
SERVICES IN EMERGENCY UNIT CARE OF HOSPITALIZED
PRIMARY HEALTH CENTER IN BANTUL DISTRICT**

ABSTRACT

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This study aims to know, understand, examine and analyze the legal construction of civil liability puskesmas hospitalized in the administration of ambulance services in the emergency unit care of hospitalized primary health center in Bantul District.

This type of research is empirical juridical research. The juridical aspect is obtained through legal provisions relating to the administration of ambulance services in primary health center. The empirical aspect is obtained by describing the actions that have been done by primary health center as the executant of responsibility to ambulance service at the emergency unit care of primary health center.

The results indicate that civil liability arises because of legal relationship between the parties in the framework of the process of health services (therapeutic transactions). Legal relationship are binding between officer of emergency unit care occurred with patients is willing to get health service in emergency unit care of primary health center. Since that time the emergency health officer must provide maximum health services in accordance with professional standards, standard operating procedures, and applicable regulation. Based on cases that occurred at the emergency unit care of hospitalized primary health center in Bantul district that prosecution claim by patient for violation legal obligation of health service facility based on wanprestasi and unlawful actions can not be done because elements of wanprestasi and unlawful actions are not fulfilled. The element of loss caused not as direct cause against wanprestasi or unlawful actions from guard officer emergency unit care of primary health center.

Keywords : Legal construction, The civil liability, ambulance service, Emergency care unit of primary health center, Hospitalized primary health center

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