

Chapter 16

Health Ethical and Legal Responsibility

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ABSTRACT

Health is one of the most important benchmarks for national development and the prosperity of a nation. Unfortunately, knowledge about health has not yet become a national policy that involves the community and decision makers. To achieve optimal health status for everyone, a law is needed that supports the implementation of various activities in the health sector. In a short time, in order to achieve optimal health status for everyone on an ongoing basis, serious attention is needed for the implementation of health-oriented national development. Basically health law converges on the right to health as a basic social right. In connection with the matters described previously, legal protection for patients and health workers will be regulated in a separate law. Special arrangements required for patients and health care workers.

INTRODUCTION

Health is one thing that is needed by humans. But unfortunately, the medical world is still considered one of the worlds that people rarely know about. The group of medical professionals and their expertise seems to be their exclusive knowledge. This condition occurs, even when the patient as a consumer is faced with a situation that concerns his safety. In fact, patients have the right to know everything related to the treatment and drugs they consume. Consciously or not, health workers are bound by norms, both those originating from professional ethics and legal norms that apply and bind every citizen. These two aspects, between professional ethics and legal norms, are almost impossible to avoid in carrying out any professional duties in our country. As a consequence of binding professional ethics and law on every actor of professional duty, every subject of professional duty can always be held accountable, both legally and based on professional ethics. Legal liability is known as civil lawsuits and/or criminal charges. Meanwhile, our responsibilities are based on professional ethics related to the demands for accountability from the Board of the Professional Code of Ethics.

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The rise of cases of alleged illegal practices lately, especially in the field of maternal and child supervision, is a warning as well as an encouragement to improve the quality of services. The line of duty by sticking to the promise of the profession and the determination to always improve the quality of oneself must always be maintained. Collaboration that involves the entire health team by utilizing expertise and abilities. Because without heeding the things mentioned above, the consequences will arise if there is a deviation from the authorities or due to legal negligence. For example, being late in providing help to patients who must immediately get help for negligence that should not occur.

Regarding this, it is clearly known from Article 54 paragraph (1) of Law Number 23 of 1992 concerning Health, namely: *“Health officers who make mistakes or negligence in carrying out their profession are subject to disciplinary action.”* Furthermore, from the explanation of the article, it can be seen that the actions are in the form of administrative actions, such as revocation of permits for a certain period of time or other penalties in accordance with the mistakes or omissions committed. Specifically regarding the authority of midwives, it is regulated in a regulation of the minister of administrative law. Liability in civil law is based on the provisions of Article 1365 BW (Burgerlijk Wetboek), or the Civil Code. If the health worker in carrying out an action that causes harm to the patient, the health worker can be experienced by the patient or his family who feels aggrieved based on the provisions of Article 1365 BW which reads as follows: *his fault of issuing a loss due to his negligence or carelessness.”*

In terms of criminal law, health workers can also be subject to guarantees under Article 351 of the Criminal Code. Criminal threats are imposed on a person (*including a health worker*) who practices because his negligence or carelessness causes another person (patient) to be disabled or even die. Although to find out whether there is an element of negligence or carelessness in a person's actions, it is necessary to prove it according to the criminal procedure law. The criminal penalty for such an act is a maximum imprisonment of five years. Of course, all threats, including civil damages. Health 363/Men.Kes/Per/ixil980 Midwives' Authority. Figures regarding imprisonment and imprisonment must be proven first based on examination before the court. By law, the health profession can be held accountable under civil law, criminal law, or because the judge in court is the judge in the court. Administrative legal responsibilities.

Health workers will also be subject to sanctions in the form of revocation of the practice of izl1 if they take medical action without the consent of the patient or his family. Administrative measures can also be imposed if a health worker: First, neglects obligations. Second, do something that a health worker should not do, either remembering his oath of office or remembering his oath as a health worker. Third, ignoring something that should be done by health workers. Fourth, violate a provision according to or based on the law. Apart from the rule of law. The health profession is also regulated by a professional code of ethics (professional ethics). However, according to Pahargan and Pakendek (2005), field, ethical and legal issues are sometimes still mixed up, so that the meaning is blurred. Someone who violates ethics can violate the law and of course someone who violates the law will also violate ethics. According to Samil (2000) there is a relationship between medical ethics and medical law, namely: First, according to ethics and according to law. Second, contrary to ethics and against the law. Third, according to ethics but contrary to law Fourth, contrary to law. Ethically but in accordance with the law.

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