

**LIABILITY OF HEALTHCARE PROFESSIONALS DUE TO
NEGLIGENCE IN PROVIDING HEALTH CARE SERVICES FROM THE
PERSPECTIVE OF THE PUBLIC SERVICES ACT 2009 AND
HEALTHCARE PROFESSIONAL ACT 2014**

UNDERGRADUATE THESIS



Written by:

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Faculty of Law

International Program For Law And Shariah

Health Law

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DECLARATION PAGE

I am, the undersigned :

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THE PUBLIC SERVICES ACT 2009 AND
HEALTHCARE PROFESSIONAL ACT 2014**

I hereby declare that this Undergraduate Thesis is entirely my work. I did not engage in plagiarism or quoting in ways that violated the scientific community's prevalent ethics. On this statement, I declare that I am willing to accept the risk/any consequence imposed by the applicable regulations. If another infraction of scientific ethics is detected in the future, I will accept the consequence.

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Yogyakarta, 20th December, 2021



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MOTTO PAGE

“O you who believe! Seek help through patience and prayer. Indeed, Allah is with the patient”

(Q.S Al Baqarah: 153)



DEDICATION

Alhamdulillahirabbal'alamin

My deepest gratitude goes to Allah SWT the Most Merciful and Most Gracious who has given me His blessing and guidance to accomplish my undergraduate thesis. I also dedicate it to those who I do love very much:

1. Allah SWT
2. My Beloved Parents
3. My Sister and Brother



FOREWORDS

Assalamualaikum Wr. Wb.

Alhamdulillahirobbil'alamin, thank you *Allah SWT*, the most Gracious, the Most merciful, who has given me His blessing, guidance and an opportunity to complete my Undergraduate Thesis entitled **“LIABILITY OF HEALTHCARE PROFESSIONALS DUE TO NEGLIGENCE IN PROVIDING HEALTH CARE SERVICES FROM THE PERSPECTIVE OF THE PUBLIC SERVICES ACT 2009 AND HEALTHCARE PROFESSIONAL ACT 2014”** at International Program for Law and Sharia, Faculty of law, Universitas Muhammadiyah Yogyakarta.

Shalawat and greeting, I addressed to our Prophet Muhammad, who has been my inspiration in practicing and doing all good for the world and the hereafter. This Undergraduate Thesis is motivated by his struggle to spread Islamic teachings to all mankind.

I realize that in writing this thesis, many people have helped, guided and inspired me, thus on this occasion, I would like to say thanks to:

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12. And to the vast and wonderful world that gives us life and keeps us guessing.

Finally, I hope this Undergraduate Thesis will give benefits to all human beings.

Aamiin.

Wassalamu'alaikum Wr. Wb.

Yogyakarta, September 23rd, 2021



Siti Septiana Kurnati Harun
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The 1945 Constitution of the Republic of Indonesia

The Law Number 39 of 1999 on Human Rights (Undang-undang no. 39 tahun 1999 tentang Hak Asasi Manusia)

The Law Number 29 of 2004 on Medical Practice (Undang-undang no. 29 tahun 2004 tentang Praktik Kesehatan)

The Law Number 25 of 2009 on Public Service (Undang-undang no. 25 tahun 2009 tentang Pelayanan Publik)

The Law Number 36 of 2009 on Health (Undang-undang no. 36 tahun 2009 tentang Kesehatan)

The Law Number 36 of 2014 on Healthcare professionals (Undang-undang no. 36 tahun 2014 tentang Tenaga Kesehatan)

Civil Code (KUHPer)

Criminal Code (KUHP)

Criminal Procedure Code (KUHP)

Government Regulation no. 32 of 1996 on Healthcare professionals

Minister of Health Regulation No. 269/MENKES/PER/III/2008 on Medical Record (Peraturan Menteri Kesehatan no. 269/Menkes/Per/III/2008 tentang Rekam Medis)

Universal Declaration of Human Rights (UDHR)

LIST OF ABBREVIATION

BW	: Burgerlijk Wetboek
HCP	: Health Care Professional
ED	: Emergency Department
AEs	: Adverse Events
WMA	: World Medical Association
MENKES	: Menteri Kesehatan
KUHPer	: Kitab Undang-undang Hukum Perdata
KUHP	: Kitab Undang-undang Hukum Pidana
KUHAP	: Kitab Undang-undang Hukum Acara Pidana
UDHR	: Universal Declaration of Human Rights
MKDKI	: Majelis Kehormatan Disiplin Kedokteran Indonesia
SOP	: Standar Operasional Prosedur
KODEKI	: Kode Etik Kedokteran Indonesia
MKEK	: Majelis Kehormatan Etika Kedokteran
KKI	: Konsil Kedokteran Indonesia

LIST OF ATTACHMENTS

Result of Turnitin

Proofreading

SK Naskah Publikasi