

ABSTRACT

IMPLEMENTATION OF THERAPEUTIC AGREEMENT BETWEEN PRIVATE PHYSICIANS AND PATIENTS (Studi on Private Physicians in Bandar Lampung)

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Physician is someone who is expert in disease and treatment, who can provide health care to patients. For that reason, patient can contact the doctor through clinics, hospitals and private physician's offices. Health care between physicians and patients occur in oral agreement that referred to the therapeutic agreement as a source of legal relationship, as regulated in Undang-Undang No. 29 tahun 2004 about Medical Practices. This study aims to describe in clear, detailed and systematic about legal relationship that arises between doctors and patients in the therapeutic agreement, the implementation of a therapeutic agreement between independent practice physicians with patients, doctors and legal responsibilities towards patients in the implementation of therapeutic agreement.

This study is normative legal empirical research with descriptive study type. The approach used in this study using applied normative approach. The data used are primary and secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Data collection through literature, study documents and interviews. Data processing is done by examination of data, data selection, data classification systematization of data. Furthermore, this study analyzed by a qualitative descriptive analysis.

Results and discussion of this study shows the legal relationship between physicians and patients is a contractual relationship in the field of health care and is known as therapeutic agreement. Therapeutic agreement is an agreement to perform certain services (Article 1601 of KUHPerdota) and is the type of agreement that based on *inspanningverbintenis* where the physician give their maximum effort in curing the

patient's illness. This relationship is binding because of the rights and obligations of doctors and patients which realized in the implementation of therapeutic agreement. Therapeutic agreement begin when a patient comes to a physician's private office. Patient's arrival is interpreted to ask for help on the issue of patient's illness and physicians unwittingly perform reception as seen from the patient registration, given number, providing and creating medical records and then doing anamnesis, physical examination, diagnosis, and therapy. Physicians can be asked their responsibility by the patient for their acts that cause harm to the patient. Such liability may be liable for breach of contract or liability for tort.

Keywords: Therapeutic agreement, physicians, patients, private practice.