

## THE HOSPITAL CIVIL LEGAL LIABILITY TO VISITING DOCTOR

### ABSTRACT

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The provisions of legislation Of Article 12 clause (4) of regulations No. 44 year 2009 about Hospital) hospitals can employ temporary employees and consultants in accordance needs and capabilities of hospitals. Temporary employees are health professionals that not owned by the hospital concerned, especially medical personnel (specialists and subspecialists). Medical personnel who are not permanent, in practice often called visiting doctor. As visiting doctor, its positions not same as permanent doctor hospital. Problems appear if there is visiting doctor negligence and result in losses of patients and their families: The first, whether the hospital can be held accountable for any errors or omissions that resulted in any damages in the patient is performed by visiting doctor and how liability form is can be performed well by the hospital or visiting doctor? Second, how the legal position between the hospital and visiting doctor? Third, how types or forms of agreements create by hospitals and visiting doctor in health care?. The Kind of normative juridical research. The approach taken is approach legislation (statute approach), and conceptual approach (conseptual approach), and the empirical approach is made to complete data is has been obtained through a normative approach.

The results show, that in principle the hospital can not held accountable for omissions by visiting doctor that causes patients to suffer any damages. This principle is in accordance the provisions of Article 46 UU RS No. 44/2009, but in practice the any damages met joint liability. The legal position between the hospital and visiting doctor is a balanced position not sub-ordinate. Each side has the same bargaining power, but nevertheless in practice the position of doctor visitors would be have a stronger bargaining position, through developments in practice, types or forms agreements made by hospitals and visiting doctor in health care has given rise to type agreement is an agreement mixture (gemengde contractus), is agreements containing elements of various agreements called. For example, labor agreements, lease agreement and purchase agreement.

**Keywords:** visiting doctor, civil legal liability, hospital.