

ABSTRACT

LEGAL ASPECT OF INFORMED REFUSAL BY PATIENT

By

Dina Adhareni

Doctor, patient and hospital are three legal subjects which connected to each other in the field of health maintenance. The relationship between doctor and patient that can be seen through the view of legal aspect is existence of relation between one legal subject to other. This relation is bounded in form of medication, where the doctor should not guarantee the cure of the patient. However, it is the doctor's obligation to certify that the patient has been taken care by maximum endeavor. Due to this condition, inspanning verbintenis is generated. This research is aimed to know, understand and analyze the patient's right to refuse any medical procedures or curative forces. It is also intended to identify the principal reason of medical procedure refusal as well as legal impact of that informed refusal.

This research is using normative approach with descriptive method in specific. The data is sourced from secondary resource which is done through library research such as laws. The data then was analyzed by using qualitative method.

This research found that patient has right to refuse any medical actions performed by the doctor. It is based on the therapeutic transaction between doctor and patients which is built by the patient's right to health care and the right of self-determination. Both rights must be acknowledged and honored. The basic core of informed refusal by patient is the patient will be responsible for his entire refusal to any health care by the doctor. The legal impact of informed refusal by patient is that the patient will be responsible for the risks sourced from his refusal. Aside, the patient will not be able to put a legal lawsuit against the doctor or the hospital as health care facilitation if in case any unfortunate events happened because of his refusal.

Keywords : informed consent and refusal informed consent