

## **ABSTRACT**

### **Liability of Negligence Hospital Medical Health Workers Forum**

**by**  
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Research on "Liability for Negligence Hospital Medical Health Workers Forum", aimed at first, to understand the legal liability aspects of the hospital against medical personnel. Second, to understand the responsibility of the hospital against medical negligence committed by health workers. Type of this research is a normative, regulatory approach (statute approach), conceptual approach and empirical approach to support. Statute approach is done by reviewing all legislation related to the discussion. The main data on this research is secondary data obtained from variety of relevant literature. As a supporter of secondary data, this study is supported a wide range of information from informants who are competent in the field of hospital services, which consist of 4 (four) peoples.

The results showed that the legal liability aspects of the hospital includes aspects of civil, criminal and administrative state. Based on the civil aspects the hospital can be held accountable for health care workers negligence doctrine of vicarious liability based or hospital liability, which is implicitly contained in the provisions of Article 58 of Law No. 36 of 2009, Article 46 of Law No. 44 of 2009, and Section 1365, 1366, 1367 KUHPperdata. Criminal aspect, explicitly stated on Article 190 of Law No. 36 of 2009 and Article 62 and Article 63 of Law No. 44 Year 2009. Criminal consequences can be imposed if the hospital violates the provisions of the criminal articles and the consequence is a cumulative consequences : imprisonment and fines. Even the hospitals as a corporation can get an additional form: a revocation of business license and revocation of legal entity status. From the aspect of the country administration, if the hospital violates the provisions related to administrative, the consequences are a written warning, responsibility of omissions by health workers is an indemnity. The Compensation is a specific amount of money which is provided on Article 1365, 1366, 1367 KUHPperdata, which includes economic losses such as the cost of treatment in hospital, injury or disability of the victim's body, the presence of physical pain, mental illness, such a stress, anxiety and other mental disturbances. In this context it is also known a form of actual damages and compensation related to mental stress (immaterial).

**Keywords:** responsibility, hospital, negligence, tort