

**ANALISIS PERTANGGUNGJAWABAN PIDANA TERHADAP KELALAIAN
TENAGA KESEHATAN YANG MENYEBABKAN KEMATIAN PASIEN
(STUDI PUTUSAN NOMOR: 15/PID/2020/PT.TJK)**

Skripsi

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ABSTRAK

ANALISIS PERTANGGUNGJAWABAN PIDANA TERHADAP KELALAIAN TENAGA KESEHATAN YANG MENYEBABKAN KEMATIAN PASIEN (STUDI PUTUSAN NOMOR: 15/PID/2020/PT.TJK)

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Keseimbangan yang apik antara perlindungan pasien di bawah hukum dan penghormatan terhadap komunitas medis harus dijaga ketika penegak hukum menargetkan tenaga kesehatan yang kelalaiannya menyebabkan kematian pasien. Penelitian ini bertujuan untuk memahami pertanggungjawaban pidana dan pertimbangan hukum hakim atas hukuman dalam kasus ini terkait dengan kasus kelalaian tenaga kesehatan yang mengakibatkan kematian pasien berdasarkan Putusan Nomor 15/PID/2020/PT.Tjk.

Melalui wawancara dengan narasumber terkait, pendekatan yuridis empiris mendukung metode yuridis normatif yang digunakan dalam penelitian ini. Informasi dikumpulkan melalui tinjauan pustaka dan wawancara ahli dengan hakim Pengadilan Tinggi Tanjung Karang dan dosen hukum kesehatan. Komponen-komponen tindak pidana yang tercantum dalam Pasal 84 Ayat (2) Undang-Undang Nomor 36 Tahun 2014, serta peraturan terkait lainnya, dianalisis secara kualitatif.

Berdasarkan hasil penelitian, terdakwa dinyatakan bersalah karena terbukti secara sah dan meyakinkan telah melakukan tindak pidana kelalaian oleh tenaga kesehatan yang mengakibatkan kematian penerima layanan kesehatan. Berdasarkan dakwaan Jaksa Penuntut Umum, terdakwa dijatuhi hukuman penjara berdasarkan Pasal 84 Ayat (2) Undang-Undang Tenaga Kesehatan. Majelis hakim mempertimbangkan alat bukti yang ada, termasuk keterangan ahli, serta menilai unsur kelalaian dari segi profesionalisme dan standar tindakan medis. Meskipun tidak terdapat unsur kesengajaan, pidana tetap dijatuhkan karena tindakan kelalaian berat yang dilakukan oleh Terdakwa memiliki akibat yang

Aldi Yoga Pratama

serius. Penulis menilai pendekatan pidana harus diterapkan secara hati-hati dengan mempertimbangkan asas ultimum remedium dan keadilan restoratif. Selain itu, peran MKDKI perlu dioptimalkan untuk memberi pertimbangan etik dan disiplin sebelum perkara medis dibawa ke ranah pidana, guna membedakan secara jelas antara pelanggaran kode etik dan tindak pidana.

Saran dalam penelitian ini adalah agar tenaga medis lebih berhati-hati dalam praktik pelayanan dengan mematuhi batas kewenangan dan SOP yang berlaku. Aparat penegak hukum juga diharapkan mengedepankan prinsip ultimum remedium dan memperkuat peran lembaga etik seperti Majelis Disiplin Profesi (MDP) sebelum memproses pidana, guna menciptakan keadilan yang seimbang antara perlindungan pasien dan penghormatan profesi medis.

Kata kunci: Pertanggungjawaban Pidana, Tenaga Kesehatan, Kelalaian.

ABSTRACT

AN ANALYSIS OF CRIMINAL RESPONSIBILITY OF HEALTHCARE PROFESSIONALS FOR NEGLIGENCE RESULTING IN PATIENT DEATH (A CASE STUDY OF COURT DECISION NO. 15/PID/2020/PT.TJK)

By

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A delicate balance between patient protection under the law and respect for the medical community must be struck when law enforcement targets healthcare professionals whose carelessness causes a patient's death. This study is to investigate the judge's legal justification for sentencing in this case as well as criminal accountability for healthcare worker negligence that results in patient death based on Decision Number 15/PID/2020/PT.Tjk.

Through interviews with pertinent sources, an empirical juridical approach supports the normative juridical method used in this study. Information was gathered through literature reviews and expert interviews with judges of Tanjung Karang High Court and health law professors. The components of criminal actions listed in Law No. 36 of 2014's Article 84, Paragraph (2), as well as other relevant rules, were qualitatively analyzed

According to the study's findings, the defendant was found guilty because it was legally and credibly established that he had committed a criminal act of negligence by a health worker that caused the death of a health service recipient. Based on the Public Prosecutor's indictment, he was sentenced to prison under Article 84 Paragraph (2) of the Health Workers Law. The panel of judges considered the available evidence, including expert testimony, and assessed the element of negligence in terms of professionalism and medical standards. Although there was no element of intent, the sentence was imposed due to the severe consequences resulting from the defendant's gross negligence. The author argues that criminal law should be applied cautiously, taking into account

Aldi Yoga Pratama

the principle of ultimum remedium and restorative justice. Furthermore, the role of the Indonesian Medical Disciplinary Board (MKDKI) should be optimized to provide ethical and disciplinary considerations before medical cases are brought into the criminal domain, in order to clearly distinguish between ethical violations and criminal acts.

This study recommends that medical personnel exercise greater caution in their practice by adhering to the limits of their authority and the applicable Standard Operating Procedures (SOP). Law enforcement authorities are also expected to prioritize the ultimum remedium principle and strengthen the role of ethical bodies such as the Professional Disciplinary Board (MDP) before initiating criminal proceedings, in order to create a balanced justice between patient protection and respect for the medical profession.

Keywords: Criminal Liability, Healthcare Workers, Negligence.