

ABSTRAK

KAJIAN VIKTIMOLOGI TERHADAP KORBAN MALPRAKTIK YANG DILAKUKAN OLEH TENAGA KESEHATAN BIDAN (Studi Putusan Perkara Nomor : 1528/Pid.Sus/2024/PN Plg)

Oleh :

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Bidan adalah tenaga kesehatan yang berfokus pada pelayanan kesehatan ibu hamil, persalinan, nifas, serta bayi dan anak, namun dalam pelaksanaan praktiknya masih ditemukan beberapa oknum bidan yang melakukan tindakan di luar kewenangan di luar ruang lingkup pelayanan kesehatan ibu dan bayi. Putusan Perkara Nomor 1528/Pid.Sus/2024/PN Plg merupakan putusan perkara pidana bidan yang menyelenggarakan praktik kesehatan di luar kewenangannya, Secara viktimologi, penelitian ini akan mengkaji kajian viktimologi terhadap korban malpraktik yang dilakukan oleh tenaga kesehatan bidan dan Perlindungan hukum terhadap korban malpraktik yang dilakukan oleh tenaga kesehatan bidan.

Metode penelitian yang digunakan penulis adalah pendekatan yuridis empiris dan yuridis normatif. Data yang digunakan adalah data primer, data sekunder, dan data tersier. Narasumber dalam penelitian ini adalah Penyidik Polda Sumatera Selatan, Dosen Viktimologi Universitas Sriwijaya, Dosen Pidana Fakultas Hukum Universitas Lampung, Analisis data ini menggunakan analisis kualitatif.

Hasil penelitian menunjukkan bahwa berdasarkan teori viktimologi korban dalam perkara ini termasuk kategori *vulnerable victim* karena faktor usia yang masih anak-anak, ketergantungan terhadap pelayanan kesehatan, serta keterbatasan pengetahuan mengenai kewenangan tenaga kesehatan. Selain itu, korban juga mengalami *secondary victimization* berupa penderitaan berlapis akibat lambannya penanganan perkara, kurangnya informasi yang diterima korban dan keluarganya, serta belum optimalnya pemulihan korban pascaputusan pengadilan. Dari aspek perlindungan hukum, penanganan perkara masih berfokus pada perlindungan represif melalui pemidanaan pelaku, sementara perlindungan preventif dan restoratif, seperti pengawasan izin praktik bidan, pendampingan korban, rehabilitasi, dan kompensasi, belum terlaksana secara optimal.

Devina Zara Nandini

Saran dalam penelitian ini adalah perlunya peran aktif negara dalam melakukan sosialisasi dan peningkatan kualitas dalam memberikan pelayanan kesehatan sehingga dapat memenuhi jaminan perlindungan kepada masyarakat secara merata. Selain itu, negara juga perlu memperkuat pengawasan terhadap praktik tenaga kesehatan serta meningkatkan edukasi dan pembinaan profesional bagi tenaga kesehatan agar dalam menjalankan praktiknya senantiasa mematuhi batas kewenangan yang ditetapkan dan tidak melakukan tindakan di luar kompetensinya.

Kata Kunci: Viktimologi, Korban, Malpraktik, Bidan.

ABSTRACT

VICTIMOLOGICAL ANALYSIS OF MALPRACTICE VICTIMS COMMITTED BY HEALTH WORKERS MIDWIVES (A Study of Court Decision Number: 1528/Pid.Sus/2024/PN Plg)

By :

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Midwives are healthcare professionals who focus on providing health services for pregnant women, childbirth, the postpartum period, as well as infants and children. However, in the implementation of their practice, there are still some midwives who perform actions beyond their authority and outside the scope of maternal and child healthcare services. Court Decision Number 1528/Pid.Sus/2024/PN Plg is a criminal case decision involving a midwife who conducted healthcare practices beyond her authorized professional competence. From a victimological perspective, this study examines the victimological analysis of malpractice victims committed by midwives and the legal protection afforded to victims of malpractice committed by midwives.

Research Methods The author utilized both empirical juridical and normative juridical approaches. The data consists of primary, secondary, and tertiary sources. Key informants for this research include investigators from the South Sumatra Regional Police, a Victimology Lecturer from Sriwijaya University, and a Criminal Law Lecturer from the Faculty of Law, University of Lampung. Data were analyzed using a qualitative descriptive method.

The research findings indicate that the victim in this case falls into the category of a vulnerable victim, due to factors such as the victim's status as a minor, dependence on health services, and limited knowledge regarding the authority and professional scope of healthcare providers. In addition, the victim experienced secondary victimization in the form of compounded suffering resulting from delays in case handling, insufficient information provided to the victim and the victim's family, and the lack of optimal post-judgment recovery measures. From the perspective of legal protection, the handling of the case has primarily focused on repressive protection through the criminal punishment of the perpetrator, while preventive and restorative protection, including supervision of midwifery practice licenses, victim assistance, rehabilitation, and compensation, has not been optimally implemented

Devina Zara Nandini

The recommendation of this study emphasizes the need for an active role of the state in conducting public outreach and improving the quality of healthcare services in order to ensure equal legal protection and safety for the community. In addition, the state should strengthen supervision over healthcare practices and enhance education and professional guidance for healthcare workers, so that in carrying out their duties they consistently comply with the established scope of authority and do not perform actions beyond their professional competence.

Keywords: Victimology, Victim, Malpractice, Midwives.