

## ABSTRAK

### **PERLINDUNGAN HUKUM TERHADAP DOKTER DALAM MEMBERIKAN PELAYANAN MEDIS MELALUI BPJS DI FASILITAS KESEHATAN TINGKAT PERTAMA**

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Pelayanan medis peserta Jaminan Kesehatan Nasional (JKN) di Fasilitas Kesehatan Tingkat Pertama (FKTP) menempatkan dokter pada posisi strategis sekaligus rentan secara hukum. Dalam praktiknya, dokter sering menghadapi ketentuan administratif BPJS Kesehatan yang berpotensi berbenturan dengan kebutuhan medis pasien. Di sisi lain, pemahaman dan pelaksanaan hak serta kewajiban pasien, dokter, FKTP, dan BPJS Kesehatan belum sepenuhnya konsisten, sehingga menimbulkan ketidakseimbangan tanggung jawab hukum antar pihak. Kondisi ini menimbulkan pertanyaan mengenai bentuk dan efektivitas perlindungan hukum terhadap dokter dalam penyelenggaraan pelayanan JKN.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan empiris (normatif-empiris) yang bersifat deskriptif. Data diperoleh melalui studi kepustakaan terhadap peraturan terkait serta wawancara dengan dokter, pengelola FKTP, pihak BPJS Kesehatan, dan peserta JKN. Data yang terkumpul dianalisis secara kualitatif deskriptif untuk mengkaji kesesuaian antara norma hukum dan praktik di lapangan.

Hasil penelitian menunjukkan bahwa secara normatif perlindungan hukum terhadap dokter telah diatur dalam Undang-Undang Nomor 17 Tahun 2023, Undang-Undang Nomor 40 Tahun 2004, dan Undang-Undang Nomor 24 Tahun 2011, serta berlaku sepanjang dokter menjalankan standar profesi, prosedur operasional, dan kode etik kedokteran. Namun secara empiris, perlindungan tersebut belum sepenuhnya efektif akibat tekanan administratif dan pengendalian biaya oleh BPJS Kesehatan. Selain itu, masih terdapat rendahnya pemahaman pasien terhadap hak dan kewajibannya serta belum optimalnya mekanisme pembagian tanggung jawab hukum antara dokter, FKTP, dan BPJS Kesehatan. Oleh karena itu, diperlukan penguatan perlindungan hukum substantif bagi dokter dan kejelasan distribusi tanggung jawab antar pihak guna menjamin kepastian hukum dan mutu pelayanan JKN.

***Kata kunci: Dokter, Perlindungan Hukum; Dokter; Pelayanan Medis; BPJS.***

## **ABSTRACT**

### ***LEGAL PROTECTION FOR DOCTORS IN PROVIDING MEDICAL SERVICES THROUGH BPJS AT PRIMARY HEALTH CARE FACILITIES***

**Zelta Pratiwi Gustimigo**

*Medical services for participants of the National Health Insurance (Jaminan Kesehatan Nasional/JKN) at Primary Health Care Facilities (Fasilitas Kesehatan Tingkat Pertama/FKTP) place doctors in a strategic yet legally vulnerable position. In practice, doctors frequently encounter administrative provisions imposed by BPJS Kesehatan that may conflict with patients' medical needs. Furthermore, the understanding and implementation of the rights and obligations of patients, doctors, FKTP, and BPJS Kesehatan have not been fully consistent, resulting in an imbalance of legal responsibilities among the parties. This situation raises questions regarding the form and effectiveness of legal protection afforded to doctors in the provision of JKN services.*

*This research constitutes a normative legal study with an empirical approach (normative-empirical) and is descriptive in nature. Data were collected through a literature review of relevant legislation and interviews with doctors, FKTP managers, BPJS Kesehatan officials, and JKN participants. The collected data were analyzed using a qualitative descriptive method to examine the conformity between legal norms and their implementation in practice.*

*The findings indicate that, normatively, legal protection for doctors has been regulated under Law Number 17 of 2023, Law Number 40 of 2004, and Law Number 24 of 2011, and applies insofar as doctors adhere to professional standards, operational procedures, and the medical code of ethics. However, empirically, such protection has not been fully effective due to administrative pressures and cost-control mechanisms imposed by BPJS Kesehatan. Additionally, there remains a limited understanding among patients regarding their rights and obligations, as well as suboptimal mechanisms for the allocation of legal responsibilities among doctors, FKTP, and BPJS Kesehatan. Therefore, strengthening substantive legal protection for doctors and clarifying the distribution of responsibilities among the parties are necessary to ensure legal certainty and the quality of JKN services.*

***Keywords: Doctor; Legal Protection; Medical Services; BPJS***