

## Legal Consequences Of Doctor's Negligence in Making Visum et Repertum and Corpse Autopsy

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### ABSTRACT

The purpose of this study is to examine the actions of forensic doctors that tend to cause medical negligence. This research is a prescriptive research. The results of this study regarding forensic doctors can be qualified as crimes due to negligence, if they provide inappropriate health services to patients. This can be seen through the Standard Operating Procedures or what are called SPOs that doctors use to work. In addition, forensic doctors can be burdened with legal responsibilities, i. e. administrative, civil and criminal from medical law with license revocation, compensation for patient losses due to liability due to default or unlawful acts. And criminal dispute resolution in the local district court with criminal sanctions.

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## INTRODUCTION

Constitution Which related with procedure review judicial need presence a professional medical forensics (Rizki, 2008) . Chapter 133 Criminal Procedure Code paragraph (1) arrange that in matter investigator for interest Justice meet victim Good wound, poisoning or death Which estimated consequence something incident is something follow criminal, so power justice have right For request information expert. In professional medical Which legitimate And professional other. Why You need examiner medical? Because No Possible investigator, judge, prosecutor, And prosecutor obtain all knowledge in field medical Which Then will used For disconnect case criminal Which concerns body man, for example violence, murder, kill self. With thereby, party Which authorized want to request help doctor as witness expert, Which required by Constitution For give information doctor (Singh, 2011) .

Enforce justice through forum Justice always bear consequence stake defendant/ suspect as object inspection Which relate tightly between law as well as medical, in regarding This tend raises What Which Now We call medical forensics is knowledge medical Which applied For unpack problem law. He play role important And, sometimes very needed in investigation crime to person the, in prosecution perpetrator in field crime, And in settlement problem law Which appear in investigation death unwanted. Objective from knowledge medical forensics To use help ensure something deed crime Which raises loss life person or the handicap person impact from deed crime Which tried by somebody, help from knowledge medical forensics later will poured on tool fact post mortem et Repertum, tool proof post mortem et Repertum want role as replacement corpus delicti (object results criminal) Which real- real No can or No Can So brought in in hearing for example sort of injury on body person or victim Which has die. By Because That, making post mortem et Repertum must done with method careful, thorough as well as Complete sourced on What Which observed as well as found by doctor Which check corpse That. Objective knowledge medical forensics is ensure bond Which raises something incident deed crime Which raises injury or constraint health as well as The same very No mean For restore (Herkuanto, 2006)

In all investigative categories criminal, master forensics required up to examine the corpse (if deceased) and collect evidence investigate case court For know reason Actually from death or injury victim can interpreted as . In case murder or case suspicious and others doctor must always present in crime scene or place incident case (crime scene) before proof collected. Knowledge forensics help finish case with interesting witness, victim, And expert to court. Room scope study forensics explain identity (Who) suspect do crime , indicating what kind of (what) crime is committing crime , time (when) occurs, the location of the violation ( site/TKP ) , final from . This own motive criminal. investigator forensics reconstruct identity perpetrator And victim. Can There is crime scene primary, secondary, And tertiary depends on What Which happen. Progress technology, technique forensics And laboratory forensics is factors/actors Which very important in settlement crime.

Murder is loss life somebody, Good intentional nor No, loss life somebody or his death person other as consequence from blow is something disposition absolute in offense murder (Ismu, 2011) . For finish problem murder needed autopsy forensics Which will give explanation Which clear about problem crime the. Autopsy in room dead body will become tool Which Can become factor determinant in case Which tried by judge. With exists inspection forensics will is known How identity victim And perpetrator crime, so that inspection forensics very needed For track perpetrator murder. Things Which will discussed in thesis This, Where possibility examiner medical suspected do error Which intentional or No intentional No can ruled out. How with enforcement law If There is negligence examiner medical, remember importance visam And Repertum as tool proof, so negligence as small whatever will raises error in procedure inspection case criminal, including application action punishment by judge. By Because That, writer interested For do study more carry on about enforcement law to negligence examiner medical moment autopsy.

#### **LITERATURE REVIEW**

Objective from knowledge medical forensics To use help ensure something deed crime Which raises loss life person or the handicap person impact from deed crime Which tried by somebody, help from knowledge medical forensics later will poured on tool fact post mortem et Repertum, tool proof post mortem et Repertum want role as replacement corpus delicti (object results criminal) Which real- real No can or No Can So brought in in hearing for example sort of injury on body person or victim Which has die. By Because That, making post mortem et Repertum must done with method careful, thorough as well as Complete sourced on What Which observed as well as found by doctor Which check corpse That. Objective knowledge medical forensics is ensure bond Which raises something incident deed crime Which raises injury or constraint health as well as The same very No mean For restore (Herkuanto, 2006) .

#### **METHODOLOGY**

Study regulation legislation Which done including in category study law normative. For Which done is discussion And deepening to various rule Which will discussed For finish exists problem so that gap rule related with negligence examiner Field medical in autopsy can explained in a manner clear with system and For That source study This is book, journal And regulation legislation Which apply.

## RESEARCH RESULT AND DISCUSSION

Study regulation legislation Which done including in category study law normative. For Which done is discussion And deepening to various rule Which will discussed For finish exists problem so that gap rule related with negligence examiner Field medical in autopsy can explained in a manner clear with system and For That source study This is book, journal And regulation legislation Which apply. If there is deviation in medical practice it is called medical malpractice (Nurdin, 2015) . According to Gunawan Widjaja, for Gunawan Widjaja, medical malpractice is an application that is wrong, whether due to intent or negligence carried out by doctors or other health workers, whether originating from consent or not, which occurs during or as a result of providing medical professional services according to with ability, and if it is violated and causes or harms the sufferer, as a result must distribute compensation to the sufferer or the sufferer's family (Rokayah & Widjaja, 2022) .

An action is called medical malpractice if it meets the following criteria: 1) The medical action attempted does not meet the standards; 2) Medical action is not attempted based on the precautionary principle; 3) There is a mistake or negligence in medical action (Rokayah & Widjaja, 2022) . Problem malpractice or malpractice medical more drip weight on problem law, Because malpractice medical is activity medical Which illegal (Erdiansyah, 2017) . In Chapter 6 paragraph (1) part second about authority UU No 36 yr 2009 about Health, Which arrange that power medical in practice must truly held in accordance with competence. Matter This force doctor For operate profession in accordance with competence And behave professional in field. A number of characteristic profession is character work That Alone, type competence And authority, attitude ethical Which in accordance with ethics profession, Work with standard Which set by profession, And more special For profession medical walk along with attitude altruistic (willingness For sacrifice). Description about characteristics here it is Which must obtained And practiced For reach professionalism (Princess, 2018).

Opinion public specifically patient or family victim, when do inspection forensics to corpse doctor, believes that doctor can do error in do his job so that raises consequence And loss for patient or family. by expert pathology forensics. Autopsy victim, especially negligence during autopsy forensics, like Which documented in journal post mortem et Repertum. Paragraph 61 UU Power Health state that doctor must try give service health with the best. Whereas best-effort means according to interpretation Chapter 61 Constitution Power Health as effort best doctor For give service medical with standard profession, service professional, standard procedure operation, And need medical patient. In operate task, power health Which direct give service to recipient benefit service health must make an effort maximum Possible (Zamroni, 2022) .

Based on Constitution Republic Indonesia No. 29 Year 2004 about Practice Medical Chapter 51 Doctor or doctor tooth Which do practice medical have obligation in letter (a) For give service medical in accordance with standard profession And regulation legislation. procedure nor medical. need patient. Matter This Also poured in Constitution Republic Indonesia Number 36 Year 2014 about Power Health Chapter 58 Paragraph (1) Power health in implementation must practice letter (a) give service in accordance standard profession skill, service professional standard, procedure operation standard, ethics profession, And need health recipient service medical. Besides Chapter 13(3) Constitution House Sick No. 44 year 2009, Which mandate that every officer health Which employed in House Sick must Work with standard professional, standard service House Sick, activity, standard Which apply, ethics profession, honor person. ensure interest patient And prioritize safety patient. By Because That, If required, power medical House Sick must Act in accordance with standard profession Which apply. If There is deviation from standard the, he Can blamed.

Moment This, cases in where examiner medical Which do autopsy No fulfil standard industry medical And method surgery standard (including For corpse And patient life) can handled in accordance with law criminal, law civil, law administration (Sagai, 2017) Because naturally patient Alone No will can submit complaint or demands change make a loss to doctor Which has do negligence medical, so party Which Possible become party feel burdened when do inspection forensics, autopsy, or autopsy. in accordance with standard power Work standard And procedure operation. Based on Constitution Republic Indonesia No. 36 Year 2014 about Power Medical, about Standard Profession, Standard Service Profession And Standard operational Procedure on chapter 66 paragraph (1), All practitioner medical must obey Standard Profession, Standard Profession Standard Service, And Standard operational Procedure. Standard profession expert pathology forensics poured in Regulation Council Medical Indonesia No 66 Year 2020 about standard training profession expert pathology forensics And researcher pathology forensics. Whereas criteria writer For obtain SOUP official in House Sick from NTT, in matter This writer conclude There is 4 (four) type SOUP related doctor medical forensics in implementation his job that is :

1. Procedure operation standard For Visa clinical with letter application Visa.
2. Procedure operation standard For Visa clinical No need letter application Visa.
3. Procedure operation standard For inspection post mortem external.
4. Standard Procedure Operation audits Internal/Examination Forensics.

Evaluation negligent by examiner medical Which fulfil condition is something offense. Negligence (culpa) in relation with not quite enough answer doctor means negligence big, but in knowledge knowledge, culpa own connotation, manipulation, that is series error Which is Wrong One consequence from carelessness in matter That. method that something No foreseen. reviewed from degree, caution That Alone can classified become: 1. Degrees very Be careful. 2. No Be careful levels 3. Monitoring levels 4. Levels Monitoring No Again conservative so that become random. With thereby can showed that characteristic something follow criminal Which can considered as something accountability in facet criminal to doctor forensics arise after can showed formation negligence Which in matter This become base for emergence not quite enough answer is source error form negligence Which very Serious. So also with doctor, So standard starving in here Of course just be measured from How doctor behave or role in operate his job depends from What Which There is. For measure is action expert pathology forensics in give service health to patient including in standard service, can seen through standard procedure operational (SPO). However, method extraction standard in Indonesia No arranged in a manner raw by regulation legislation. Matter This cause standard operational procedure in every House Sick different. By Because That, For ensure a doctor violate procedure or No, must seen from SOUP place doctor the assigned, Because No Possible doctor the Wrong with SOUP. House Sick., Because development standard operational procedure done based on agreement based on source Power man And equipment House Sick.

### **Implementation Law To Doctor Indicated Forensics \_ Do Negligence In Autopsy Corpse**

Learn law health from facet law contain understanding that medical can seen from three corner look, that is: aspect administration law health, aspect civil law health And aspect medical, law criminal health. Third aspect the connect behavior doctor in operate profession (Krisman Wilhelmus, 2017) .

Assembly Honor Discipline Medical Indonesia (MKDKI) own role in guard discipline related ethics medical. Be responsible answer For ensure that No There is error in implementation discipline medical And penalty. By Because That, in a manner special become task Assembly Honor Discipline Medical For study And distribute decision on complaint Which related with discipline medical, There is Also decision Assembly Discipline Medical Indonesia Which tie doctor And doctor tooth. How handling If doctor do action medical without skill, patient Which suffer loss consequence action doctor the can complain doctor the to Body Honor Discipline Medical Indonesia (MKDKI) (Son, 2020) . Who Which entitled accept report, inspect And handle case violation discipline Which filed by doctor And doctor tooth, after That Assembly Honor Discipline Medical Indonesia set principle And system method handling problem violation discipline doctor And doctor tooth. MKDKI between other can decide is something case fulfil elements violation law. Decision This naturally based on decision general management. Decision Which issued by Assembly Honor Discipline Medical Indonesia (MKDKI) characteristic tie room scope institution, It means must considered as decision Which legitimate And must followed For room scope organization (Puspitasari & Munijam, 2022) .

Question This appear from Chapter 64 letter (a) And (b) Constitution Number 29 Year 2004 about Doctor. Clear chapter the give authority to Assembly Honor Discipline Medical Indonesia For determine There is nope error doctor or doctor tooth in application discipline knowledge medical or medical tooth, Which means if a doctor do action medical in outside authority, MKDKI will investigate is action the violate standard profession And standard procedure operation doctor And hope medical health patient or No. MKDKI Then will share decision is action the in accordance with knowledge medical or standard profession, And decision MKDKI tie doctor or doctor tooth. With thereby, if decision Assembly Discipline Medical Indonesia state that a doctor guilty do action medical Which No in accordance with competence profession, so will imposed action disciplinary to doctor the, as well as What Which contained in inside. in Chapter 69 (3) action disciplinary form reprimand written, recommendation repeal letter sign registration And permission Which needed For follow course or training on institution education medical or medical tooth.

Clearly, report Which be delivered by patient Which harmed by practice medical poured in Chapter 66 paragraph (1) UU Practice Medical Which mention that "goods Who know or interested become harmed by action the". a doctor or doctor tooth in practice medical can submit complaint in a manner written to Chairman Assembly Honor Discipline Medical Indonesia." In system method complaint, somebody suffer loss consequence activity discipline medical. doctor Which No is at in region the law in his job on paragraph (2) at least must include demands, between other identity giver statement, Name And address executor task doctor or doctor tooth, And When action That done. taken, And reason reporting Paragraph (3) arrange that If, in meaning paragraph (1) And (2), No reduce right every person For tell party Which entitled on action criminal or civil in court, paragraph (3 ) state that on consideration MKDKI, patient Which experience wound consequence action operation medical Which done by doctor entitled report. Also can demanded in a manner civil in court.

Chapter 22 paragraph (1) about principles organization And code ethics, Board Honor ethics state that "reporter Which Once meet or see One The same other can make complaint direct, like employee, colleague, And officer health other. worker, facility health And organization profession, from chapter the explained that parties Which harmed or see impact from action doctor the outside authority And No fulfil standard profession And standard procedure operation, furthermore MKDKI do action disciplinary.

Tool proof as meant in Chapter 25 about principle And system orderly Assembly Honor Ethics Medical covers correspondence, record medical, drug or part drug, tool health, treasure object, document, information, information expert, or instruction Which related direct with dedication professional doctor or connection with patient, Good plaintiff And the defendant or para party. If in matter goods certain is something Which describe something offense hypothetical or deed Which forbidden according to provision regulation legislation, so MKDKI entitled refer to it to 'Which authorized (Toguan & Ricky, 2021) .

UU No 29 Year 2004 about practitioner health. Chapter 66 paragraph (3) arrange that "No remove right every person For report guess follow criminal to party Which authorized and/or submit case to court civil". Based on Chapter 66 UU No. 29 Year 2004, If a patient harmed his health with effort intervention medical against him Which No is at in lower jurisdiction doctor, patient or family Which experience distress can demand court For action the submit on mechanism Which effective. Law Program Civil (Also known as Criminal Code). ) tell to party Which legitimate that is Police Country Republic Indonesia For judge process investigation as arranged in Book Constitution Law Program Criminal (KUHAP).

Demands the arranged in Chapter 58(1) Constitution Health, Which state that "every person entitled demand change make a loss from every person, power health and/or giver service health Which raises loss Because error or negligence in service health". For case civil about decision not quite enough answer doctor Because assumption standard objective colleague Which Wrong (Which apply general), There is 3 circumstances Which must legitimized. First, must showed is sense Healthy And standard (standard objective colleague Work) applicable; second, must proven is doctor the follow practice or No; third, must determined is application Which used by doctor the is application Which used by doctor general (Zamroni, 2022) . Process civil, Which involve claim patient to doctor Which nurse, part big involve claim. Base accountability medical is deed oppose law (onrechmatigedaad), a doctor has Act oppose law Because his deeds contrary with principle decency, accuracy And caution Which expected. In case criminal started with investigation according to Chapter 4 Criminal Procedure Code Which state that "investigator is official Police Country Republic Indonesia". Do series activity investigation Which aim For detect And raises something incident Which potentially happening follow criminal To use determine can or nope done investigation according to method Which determined Constitution.

During investigation, investigator have try with Meaning And objective For gather proof start or proof Which Enough For possible investigation more carry on (Natasha, 2019) . agency Which authorized do investigation sourced from Chapter 6 paragraph (1) Criminal Procedure Code Which state that investigator is official Police Country Republic Indonesia And official certain Which given authority special by Constitution. Do series activity investigation in matter And according to method Which arranged in Constitution This For look for And gather facts Which together with evidence the help For understand follow criminal Which concerned, access And detect suspect.

Based on provision This, party Which burdened by action doctor can report information or complaint to profession medical, Good oral nor written, to police, in matter investigator or investigator, based on Chapter 108 paragraph (1) Criminal Procedure Code. Same like guarantor answer accept letter reception report or complaint as proof report or complaint If police fail For monitor development violation as well as control supervision public on his wisdom.intention police.With thereby, If after complain or report, investigator do calling as witness, Which Also arranged in Chapter 1 number 26, so witness is person Which have explanation can shared For objective explanation. investigate,

judge, or judge something case criminal Which he heard Alone, he witnessed Alone, about circumstances in where He do follow criminal That. Summons witness For agency police must fulfil conditions law calling For interrogation Which arranged in Chapter 112, 119 And 227 Criminal Procedure Code.

Based on matter the, If calling First to defendant or witness No done although calling has done according to system method Which has determined, until with calling second, so If calling For second time No heard by Wrong One party. suspect or witness, superior investigator will emit letter order If to officer For facing investigator. In process inspection in court, step most important in interrogate defendant, method get proof according to Chapter 184 Criminal Procedure Code about tool proof Which legitimate, is: a) Explanation witness b) Explanation expert c) Letter d) Instruction e) Explanation defendant On basically judge in take decision based on 2 Suite fact law as well as provision Chapter 183 Criminal Code convey that If judge No can punish somebody except He own at least 2 evidence Which legitimate And judge obtain decision If follow criminal That truly happen And be accused Which do follow criminal That.

Handling dispute medical Also arranged in chapter 29 Constitution Health Number 36 Year 2014 If in matter power medical suspected negligent in operate task, so negligence the especially formerly resolved through mediation, If thereby provided by law. choice settlement other done through mediation through party third that is mediator Which the solution Also arranged in Constitution Number 29 Year 2004 about Practitioner Medical, However No remove right on announcement somebody on presumption that party party law has do follow criminal or submit lawsuit civil, that is if there is a number of choice settlement dispute in field medical.

If proven that negligence examiner medical fulfil condition as criminal And can be held accountable, so in a manner theory examiner medical can imposed demands civil And criminal, in If examiner medical No fulfil standard profession, examiner medical can blamed, He can blamed, If examiner medical No own justification or forgive, examiner medical can blame. Assessment medical the can called negligent, negligence Which No can done on doctor Which trained Because error doctor. ability For train. So that application law in matter This can applied in a manner fair without discrimination.

## **CONCLUSIONS AND RECOMMENDATIONS**

The conclusions above provide clarity about negligence examiner medical to results autopsy post mortem et Repertum (inspection forensics), so examiner medical can demanded not quite enough answer discipline in profession medical, specifically Which handle violation discipline medical to MKDKI, as well as accountability like civil aspect law that is change make a loss on not quite enough answer patient consequence error And deed oppose law, aspect criminal law health that is settlement dispute in court country local with penalty criminal, as well as aspect administrative Which can get reprimand until repeal permission. Required regulation special about standardization university about procedure operation standard in application medical, topic This intended For give reference for examiner medical For give service medical Which professional.

## ADVANCED RESEARCH

For further studies, he offers hope to expand this research by adding different research subjects and variables, such as interpretation of forensic analysis related to autopsy and reconstruction, production and delivery of 'autopsy'. Furthermore, those who are entitled or allowed to perform an autopsy are only medical examiners and assisted medical examiners with licenses to practice under Article 222 of the Criminal Law Act, Articles 133 and 134 of the Criminal Procedure Code, Article 122 of the Health Act, the 1975 Sheriff's Guidelines and the Minister of Health SE 2001 is a provision laws relating to forensic examinations are intended to obtain a more categorical value in a single study .

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