

# **KAJIAN HUKUM REKAM MEDIS ELEKTRONIK SEBAGAI ALAT BUKTI DALAM KASUS MALPRAKTIK DI PENGADILAN**

**Sobari**

## **ABSTRAK**

Rekam medis merupakan bentuk pelayanan administrasi yang diberikan oleh tenaga kesehatan di fasilitas kesehatan terhadap pasien. Berbagai fasilitas kesehatan seperti rumah sakit di kota-kota besar di Indonesia sudah menggunakan rekam medis elektronik. Dalam kasus malpraktik medis di Indonesia, rekam medis memegang peranan penting dalam pembuktian di pengadilan. Saat ini belum ada peraturan hukum khusus yang mengatur tentang penyelenggaraan rekam medis elektronik di Indonesia. Peraturan Menteri Kesehatan yang ada saat ini hanya mengatur tentang rekam medis secara umum dan belum ada standarisasi dan peraturan perundang-undangan mengenai rekam medis elektronik. Dalam praktiknya, alat bukti rekam medis elektronik yang dapat dikategorikan sebagai alat bukti yang sah di pengadilan dalam kasus malpraktik medis berdasarkan pada keyakinan hakim. Untuk itu, dilakukan penelitian normatif dengan pendekatan komparatif untuk membandingkan peraturan perundang-undangan di negara lain sebagai rekomendasi pembentukan peraturan rekam medis elektronik di Indonesia sesuai dengan aturan pembentukan peraturan perundang-undangan, sehingga menjadi alat bukti yang sah di pengadilan pada kasus malpraktik medis.

Kata kunci : Rekam Medis Elektronik, Peraturan, Malpraktik Medis.

# **LEGAL STUDY OF ELECTRONIC MEDICAL RECORDS AS A TOOL OF EVIDENCE OF MALPRACTICE CASES IN INDONESIAN COURTS**

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## **ABSTRACT**

Medical records are a form of administrative service provided by health facilities to patients that must be carried out by health workers who provide services. Various health facilities such as hospitals in big cities in Indonesia already use electronic medical records. In the case of medical malpractice in Indonesia, medical records play an important role in the evidence in court. Currently, there is no specific legal regulation that regulates the implementation of electronic medical record in Indonesia. Legislation in the form of a regulation of the minister of health only regulates medical records in general and there is no standardization and legislation regarding electronic medical record. Various lawsuits against health services or known as malpractice involve evidence in the form of medical records which are opened by court order. In practice, electronic medical record can be categorized as valid evidence in a medical malpractice case court is only based on the judge's conviction. For this reason, a normative legal research with a comparative approach was conducted to compare the legislation in other countries as a recommendation for the establishment of electronic medical record regulation in Indonesia in accordance with the rules for establishing legislation, so that they can be used as valid evidences in medical malpractice courts.

Keywords : Electronic Medical Record, Regulation, Medical Malpractice.