

# **PERLINDUNGAN HUKUM BAGI BIDAN DALAM PEMBERIAN PELAYANAN UMUM DI KLINIK PRAKTIK MANDIRI BIDAN**

Rifa'at Hanifa Muslimah

Program Studi Magister Hukum Universitas Pembangunan Nasional “Veteran” Jakarta  
[rifaathanifa.rh@gmail.com](mailto:rifaathanifa.rh@gmail.com)

## **ABSTRAK**

Bidan merupakan seorang perempuan yang telah menyelesaikan program pendidikan kebidanan yang diakui secara sah oleh pemerintah pusat dan memenuhi persyaratan untuk melakukan praktik kebidanan. Bidan sebagai tenaga kesehatan dalam menjalankan tugasnya memiliki hak-hak untuk memperoleh perlindungan hukum, kesehatan dan keselamatan kerja, perlakuan yang sesuai harkat dan martabat manusia sepanjang melaksanakan tugas sesuai standar profesi, standar pelayanan dan standar prosedur operasional. Tujuan penelitian ini untuk mengetahui perlindungan hukum bagi bidan di klinik Praktik Mandiri Bidan dalam pemberian pelayanan umum jika tidak ada fasilitas pelayanan kesehatan lain atau atas permintaan pasien dan untuk mengetahui kewenangan bidan di Klinik Praktik Mandiri Bidan dalam pemberian pelayanan umum di tinjau dari Undang-Undang Republik Indonesia Tahun 2019 No. 4 Tentang Kebidanan. Jenis penelitian yang digunakan adalah penelitian kualitatif dengan pendekatan secara normatif empiris. Data yang diperoleh dipelajari serta dibahas sebagai suatu bahan yang komprehensif yang menghasilkan data deskriptif analitis. Hasil penelitian ini adalah perlindungan hukum bagi bidan dalam melakukan pelayanan kesehatan di Praktek Mandiri Bidan merupakan hak yang diberikan oleh hukum sepanjang bidan melakukan tugas sesuai dengan standar profesi, standar prosedur operasional dan kewenangannya sebagaimana yang diatur dalam Undang-Undang Republik Indonesia Tahun 2019 No 4 Tentang Kebidanan, Undang-Undang Tahun 2009 Nomor 36 tentang Kesehatan, Undang-Undang Tahun 2014 Nomor 36 tentang Tenaga Kesehatan, dan Peraturan Menteri Kesehatan Republik Indonesia Tahun 2017 Nomor 28 Tentang Izin Dan Penyelenggaraan Praktik Bidan. Apapun perlindungan hukum yang diberikan bagi bidan yang medapatkan pelimpahan wewenang dari dokter di Rumah Sakit diatur dalam pasal 46 Undang-Undang Republik Indonesia Tahun 2009 Nomor 44 Tentang Rumah Sakit. Akan tetapi bagi bidan yang mendapatkan pelimpahan wewenang dari dokter di puskesmas masih perlu dikaji lagi, karena dalam aturan tentang puskesmas tidak memuat ketentuan pertanggungjawaban hukum puskesmas atas kelalaian tenaga medis dan tenaga kesehatannya. Dan masih belum jelas dan terperinci tindakan medis apa saja yang bisa dilakukan dalam pelimpahan wewenang kepada bidan. Saran dalam penelitian ini bidan harus menyadari setiap tindakan ataupun pelayanan yang diberikan kepada pasien mengikat secara hukum sehingga bidan harus mengetahui batasan kewenangannya sesuai kompetensi agar dapat terhindar dari kesalahan, kelalaian atau perbuatan melawan hukum.

Kata Kunci : Perlindungan Hukum, Bidan, Pemberian layanan, Klinik Praktik Mandiri Bidan.

# **LEGAL PROTECTION FOR MIDWIVES IN THE PROVISION OF GENERAL SERVICES IN INDEPENDENT MIDWIFERY PRACTICE CLINICS**

**Rifa'at Hanifa Muslimah**

Master of Law Study Program at the University of National Development "Veteran" Jakarta  
rifaathanifa.rh@gmail.com

## **ABSTRACT**

A midwife is a woman who has completed a midwifery education program that is legally recognized by the central government and has fulfilled the requirements to practice midwifery. Midwives as health workers in carrying out their duties have the right to obtain legal protection, occupational safety, and health treatment following human dignity as long as they carry out their duties under professional standards, service standards, and standard operating procedures. The research objectives were to determine the legal protection for midwives at the Independent Midwifery Practice Clinics in providing public services if there were no other health care facilities or at the request of the patient and to determine the midwives' authority at the Independent Midwifery Practice Clinics in providing public services in terms of the Law of Republic of Indonesia No. 4 of 2019 concerning Midwifery. The research design was qualitative research with an empirical normative approach. The data obtained were studied and discussed as a comprehensive material that produced analytical descriptive data. The research results showed that legal protection for midwives in providing health services in Independent Midwifery Practice Clinics was a right granted by law as long as the midwife performed her duties under professional standards, standard operating procedures, and authorities as regulated in Law of the Republic of Indonesia No. 4 of 2019 concerning Midwifery, Law Number 36 of 2009 concerning Health, Law Number 36 of 2014 concerning Health Workers, and Regulation of the Minister of Health of the Republic of Indonesia Number 28 of 2017 concerning Permits and Implementation of Midwifery Practices. The legal protection was given to midwives who have delegated authority from doctors in hospitals. It was regulated in Article 46 of the Law of the Republic of Indonesia Number 44 of 2009 concerning Hospitals. However, midwives who have delegated authority from doctors at the primary health care were still required to be reviewed because the rules regarding primary health care did not contain provisions for the legal responsibility of Primary Health Care for the negligence of medical personnel and health workers. Furthermore, it was still not clear and detailed what medical actions could be taken in delegating authority to midwives. This research suggested that midwives must be aware that every action or service provided to patients is legally binding. Therefore, midwives must know the limits of their authority according to competence to avoid mistakes, negligence, or acts against the law.

**Keywords:** Legal Protection, Midwife, Service Delivery, Independent Midwifery Practice Clinics