

ABSTRAK

Pemerintah Indonesia dalam upaya menekan penyebaran virus Covid-19 melakukan beberapa upaya salah satunya dengan membuat kebijakan bagi masyarakat yang akan melakukan perjalanan melalui jalur udara yang mana calon penumpang wajib menunjukkan bukti negatif swab test RT-PCR atau swab test antigen. Tingginya kebutuhan konsumen akan layanan swab test tersebut malah disalah gunakan oleh oknum petugas medis PT. Kimia Farma Diagnostika pada Bandar Udara Kualanamu Internasional dengan mendaur ulang dan menggunakan kembali pada konsumen alat kesehatan yaitu swab dakron pada pelayanan jasa swab test antigen. Metode penelitian yang digunakan oleh penulis yaitu jenis penelitian yuridis normatif dengan menggunakan pendekatan undang-undang, pendekatan kasus (*case approach*), dan pendekatan konseptual. Penelitian ini bertujuan untuk menjawab rumusan masalah yaitu bagaimana analisis yuridis dalam penggunaan alat swab antigen bekas oleh oknum petugas medis dan upaya hukum apa yang dijalankan oleh konsumen pengguna layanan jasa swab test antigen bekas. Berdasarkan hasil penelitian, oknum petugas medis melakukan perbuatan pelanggaran hukum yang diatur pada Pasal 1365 KUHPerdata, Pasal 196 UU Kesehatan, Pasal 62 ayat (1) UU Perlindungan Konsumen, Pasal 55 ayat (1) ke-2 KUHP dan Pasal 65 ayat (1) KUHP. Upaya hukum yang dilakukan oleh konsumen yaitu melalui jalur litigasi dengan melaporkan kepada Polda Sumut hingga telah mencapai putusan inkraacht di mana oknum petugas medis terbukti melanggar Pasal 196 UU Kesehatan jo. Pasal 55 Ayat (1) angka 2 KUHP jo. Pasal 65 Ayat (1) KUHP.

Kata Kunci: Konsumen, Swab Antigen Bekas, Petugas Medis.

ABSTRACT

The Indonesian government in an effort to suppress the spread of the Covid-19 virus has made several efforts, one of which is by making a policy for people who will travel by air in which prospective passengers are required to show negative evidence of the RT-PCR swab test or antigen swab test. The high consumer demand for swab test services has even been misused by unscrupulous medical officers at PT. Kimia Farma Diagnostics at Kualanamu International Airport by recycling and reusing medical device consumers, namely dacron swabs in antigen swab test services. The research method used by the author is a type of normative juridical research using a law approach, a case approach, and a conceptual approach. This study aims to answer the formulation of the problem, namely how is the juridical analysis in the use of used antigen swab devices by medical personnel and what legal remedies are carried out by consumers who use used antigen swab test services. Based on the results of the research, unscrupulous medical officers have violated the law as regulated in Article 1365 of the Civil Code, Article 196 of the Health Law, Article 62 paragraph (1) of the Consumer Protection Law, Article 55 paragraph (1) of the 2nd Criminal Code and Article 65 paragraph (1) KUHP. Legal efforts made by consumers are through litigation by reporting to the North Sumatra Police until they have reached an inkracht decision in which individual medical officers are proven to have violated Article 196 of the Health Law jo. Article 55 Paragraph (1) number 2 of the Criminal Code jo. Article 65 Paragraph (1) of the Criminal Code.

Keywords: Consumers, Used Antigen Swabs, Medical Officers.