

ABSTRACT

EFRILA. NPM: 16730145. *Model Of Criminal Law Enforcement In Doctor Profession. This dissertation guided by Prof. Dr. H. Faisal Santiago, SH, MM as Adviser dan Dr. H. Suparno, SH, MM as Co. Adviser.*

Background of the issues : More and more legal cases involving doctors both criminal and civil cases. Every time there is a complaint or a claim against the doctor profession to the authorities it tends to be directed into a criminal case. The model / pattern of criminal law enforcement is generally based on the principle of legality in which criminal law enforcement against the doctor profession is carried out the same as other criminal cases. The process of criminal law enforcement is carried out by law enforcement officer who generally only have knowledge of law and do not know the medical process, if there are demands for medical cases, and they still use regulations of general criminal law and does not look at other legal regulations related to health and medicine so that the results of the law enforcement process carried out are often unacceptable to doctors because almost often use articles of negligence as a basis for prosecuting up to decision. This often becomes a polemic such as the emergence of differences in views and understanding between law experts and medical experts.

Issues : 1) How to apply the regulations concerning medical competence in the framework of law enforcement to doctors in court?, 2) How is the criminal law enforcement process in the medical profession by taking into account the principle of law expediency and certainty of law that can fulfill a sense of justice? The research methods : Based on the problems studied, the research was conducted based on a normative juridical and empirical approach by examining existing library materials, with descriptive research specifications. Data collected in this normative research from library materials namely primary legal material, secondary legal materials and tertiary legal materials, also conducted discussion/interviews with various parties relevant to the subject matter of the research.

The result of the research: Based on the results of the research conducted, the results show that the criminal law enforcement system against medical cases is carried out in general does not distinguish the type of case, namely using standard procedures in Kitab Undang-undang Hukum Acara Pidana (KUHAP) as formal rules and Kitab Undang-undang Hukum Pidana (KUHP) as material law, while medical-related rules are only used as needed. Whereas the criminal law enforcement process towards the medical profession is carried out by law enforcement officer who have legal knowledge only, do not have medical knowledge so that the results of their decisions cannot provide a sense of justice especially for doctors.

Conclusions and suggestions: The conclusion here is that medical criminal law enforcement is carried out in the same way as general crime with a model based on the principle of legality. Suggestions submitted "Model Modifications of Criminal Law Enforcement".

Key Words : Medical Criminal Law Enforcement