

ABSTRACT

Eddy Suharso, legal protection against thalassemia patients is based on fairness in the therapeutic agreement, Doctoral Program of Legal Studies, University of Borobudur Jakarta, dissertation supervised by Prof. Dr Faisal Santiago, SH.MM as a promoter and Prof. Dr Zainuddin Ali SH.MA, as Ko Promoter.

Currently, the public is increasingly aware of their rights as a health consumer. So often they critically questioned about the disease, examination, treatment, and action to be taken with regard to illness, they often do not even seek a second opinion (second opinion). It is a right which should be respected by health care providers. It must be recognized that the rights of health consumers still tend to often be defeated by the power of health care providers. Researchers focused more on the treatment of Thalassaemia disease because until now still not found a method of treating and handling of this disease. The only way of treatment with a blood transfusion

Problems studied in this dissertation are (1) how the implementation of Law No. 24 of 2011 concerning the National Social Security to finance Thalassaemia patients in Jakarta. (2) How is legal protection against thalassemia patients which is based on fairness in therapeutic agreement?

This study menggunakan approaches legislation (statute approach), continued with the approach of theory and concepts, as well as conduct an inventory of legislation relating to the legal protection of patients thalassemia is based on the fairness of the agreement therapeutic data used are primary and secondary data. Determination of secondary data in the form of Thalassaemia Patients paien Data Data obtained qualitatively analyzed with deductive reasoning and interpreting the law. Qualitative analysis method is expected to deliver kajian writer on legal protection against thalassemia patients is based on fairness in therapeutic agreement

The conclusion of this study were (1) The social security system which is national form of BPJS with compulsory membership for all Indonesian people. This is because some of the existing social security, namely PT Jamsostek, PT Askes, PT TASPEN and PT Asabri and JPKM melt into PT. Askes, has not been able to meet the demands in question. National social security policy (BPJS) is a form of social protection to ensure that all people in order to meet its needs for quality pelayanankesehatan. to finance patients with thalassemia in Jakarta. (2) Transactions that occur between the therapeutic health professionals with the patient rests on the right to self-determination (the right of self-determination) and to obtain information (the right to information). In Indonesia, the general right to self-determination and the right to information guaranteed by the Amendment of the 1945 Constitution and Law No. 39 of 1999 on Human Rights, while specialized in the field of health care efforts, particularly the efforts of medical services by doctors, these rights are guaranteed under Article 45 jo. Article 52 of Law No. 29 of 2004 on Medical Practices. That demands or claims that may be brought by patients against doctors who have caused the loss on himself is: a). lawsuit on the grounds of breach of contract, b). on the basis of a lawsuit against the law (Article 1365 of the Civil Code).