

**PELINDUNGAN DAN TANGGUNG JAWAB HUKUM DOKTER  
RESIDEN BEDAH UMUM ATAS RISIKO TINDAKAN MEDIS  
OPERASI BEDAH YANG DILAKUKAN TERHADAP  
PASIEN DI RUMAH SAKIT  
(STUDI DI RSUD RAA SOEWONDO PATI)**

TESIS

Untuk memenuhi sebagian persyaratan  
Mencapai derajat Sarjana S-2

Program Studi Magister Ilmu Hukum  
Konsentrasi Hukum Kesehatan



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## ABSTRAK

### **Latar Belakang:**

Pelayanan kesehatan merupakan hak asasi manusia yang mewajibkan negara dan fasilitas pelayanan kesehatan menyediakan layanan yang aman dan bermutu. Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan mengakui dokter residen sebagai peserta didik yang didayagunakan dalam pelayanan serta memberikan hak bantuan hukum jika terjadi sengketa medik, tetapi praktik pendelegasian tindakan operasi dari dokter spesialis kepada residen masih berpotensi menimbulkan sengketa ketika terjadi komplikasi atau kerugian pasien. Penelitian ini bertujuan mengkaji pengaturan, implementasi, serta faktor-faktor yang mempengaruhi perlindungan dan tanggung jawab hukum dokter residen bedah umum atas risiko tindakan medis operasi bedah terhadap pasien di rumah sakit, dengan fokus di RSUD RAA Soewondo Pati.

**Metode Penelitian:** Studi ini adalah penelitian kualitatif dengan metode yuridis empiris untuk mengkaji bekerjanya hukum dalam masyarakat.

**Hasil penelitian:** Regulasi UU 17/2023, PP 28/2024, Permenkes, Hospital bylaws, dan tata tertib telah membentuk kerangka perlindungan dan tanggung jawab antara rumah sakit, dokter Penanggung Jawab Pasien (DPJP), dan residen. Praktik model graduated autonomy telah berjalan disertai supervisi DPJP. Namun, RS belum memiliki Standar Operasional Prosedur (SOP) yang rinci dan konsisten mengenai kewenangan klinis residen per tingkat pendidikan, standar supervisi, transparansi peran residen dalam informed consent, serta alur pendampingan hukum bagi residen, sehingga masih terdapat kesenjangan antara norma dan praktik.

**Saran:** Saran penelitian ini mencakup penyusunan pedoman teknis nasional kewenangan residen, pembakuan SOP supervisi dan dokumentasi di rumah sakit, pembaruan format informed consent yang secara eksplisit mencantumkan keterlibatan residen, serta penegasan mekanisme pendampingan hukum dan perlindungan tanggung gugat profesi.

**Kata Kunci:** perlindungan hukum; tanggung jawab hukum; residen; tindakan operasi

## ABSTRACT

**Background and aim:** Health services are a human right that obliges the State and health-care facilities to provide safe and high-quality care. Undang-Undang (UU) Number 17 of 2023 on Health recognizes resident doctors as trainees who are deployed in service delivery and grants them the right to legal assistance in the event of medical disputes. Nevertheless, the delegation of surgical procedures from specialist doctors to residents remains likely to give rise to disputes when complications occur or when patients suffer harm. This study aims to examine the legal framework, implementation, and factors affecting the protection and legal liability of general surgery residents regarding the risks of surgical medical procedures provided to patients in hospitals, with a focus on RSUD RAA Soewondo Pati.

**Methods:** This study employs a qualitative research design using an empirical juridical approach to analyze how law operates within society.

**Results:** The regulatory framework, comprising Law No. 17/2023, Government Regulation No. 28/2024, Minister of Health regulations, hospital bylaws, and internal rules, has established a structure of protection and responsibility among hospitals, attending physician, and residents. The graduated autonomy model has been implemented with attending physician's supervision. However, the hospital has not yet developed detailed and consistent Standard Operating Procedures (SOPs) concerning residents' clinical authority by training level, supervision standards, transparency of residents' roles in informed consent, and clear pathways for legal assistance for residents. As a result, gaps remain between legal norms and their practical implementation.

**Recommendation:** The study recommends developing national technical guidelines on residents' scope of authority, standardizing hospital SOPs for supervision, revising informed consent forms to explicitly state resident involvement, and strengthening mechanisms for legal assistance and professional liability protection.

**Keywords:** legal protection; legal liability; resident doctors; surgical procedures.