

TINDAKAN BAGI RUMAH SAKIT SEBAGAI UPAYA PERLINDUNGAN PASIEN TERHADAP KEJAHATAN KORPORASI

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Abstrak

Hospital as a health service institution has changed from Charitable Corporation and Social Institution to Economic Corporation. Hospital orientation as a corporation is not only concern with health but also to profit that will be received for health service given. This second orientation is dangerous if placed as a main goal of hospital because it will bring up dangerous corporation crime and threatening patient's safety. Health services which always taken as economic, actually ignoring humanity value as the important one. It is away from health devotion spirit as included in Hippocratic Oath. Utilitarianism which possessed by corporation in doing their business and anomie of success as the economy motivation are getting worse corporation crime victim more and more not only in quantity but also in qualitative. Patient with limited knowledge and minimum law awareness always become the target of corporation crime. Good health services and patients' safety as expected in UU No. 36 Tahun 2009 is likely a dream never comes true considering ill patient condition. Imposition of criminal sanction fine to the corporation is not effective enough to cope with the corporation crime especially to patient. Concerning this matter, criminal law application by Utilitarian Approach offers new paradigm as preventive way and rehabilitative at once in term of criminal act. Act imposition to corporation is precisely effective as normative even applicative, besides it gives deterrence effect to the suspected and rehabilitation to the victim. Here, the importance of act is guarantee consumer protection toward corporation crime which classified as white collar crime.

Kata Kunci: Tindakan, Rumah Sakit, Kejahatan Bisnis

1. PENDAHULUAN

Rumah sakit sebagai salah satu insitusi yang bergerak secara khusus di bidang pelayanan kesehatan memerankan peranan yang begitu penting dalam memberikan jaminan kesehatan bagi masyarakat. Sebagai perwujudan dari jaminan pemenuhan hak asasi manusia atas kesehatan, rumah sakit memainkan peran yang vital bagi penyelenggaraan kesehatan baik yang pemulihan, peningkatan maupun menjaga kesehatan. Dilihat dari tujuan utama Rumah sakit demi pemeliharaan kesehatan sudah dapat dipastikan bahwa upaya pemenuhan kesehatan bagi tiap individu tidak dilepaskan dari peran serta tenaga kesehatan yang tergabung dalam rumah sakit dalam memberikan upaya kesehatan. Ketersediaan rumah sakit juga menjadi salah satu indikator kesehatan dalam Indeks Pembangunan Kesehatan