

PENYELESAIAN SENGKETA MEDIS PASCA PUTUSAN MAHKAMAH KONSTITUSI NOMOR 1/PUU-XXIV/2025: ANALISIS KAJIAN PUSTAKA TERHADAP PERUBAHAN PARADIGMA TANGGUNG JAWAB MEDIS DAN DAMPAKNYA TERHADAP HUKUM KESEHATAN INDONESIA

Gunawan Widjaja

Senior Lecturer, Faculty of Law Universitas 17 Agustus 1945 Jakarta,
widjaja_gunawan@yahoo.com

Abstract

Medical disputes are an increasingly prominent phenomenon within Indonesia's healthcare system, in line with the public's growing legal awareness of patients' rights. This study aims to analyse the shift in the paradigm of medical liability and the impact of Constitutional Court Decision No. 1/PUU-XXIV/2025 on the medical dispute resolution system in Indonesia, using a normative legal research method with a literature review approach. The results of the study indicate that the Constitutional Court's decision has fundamentally altered the paradigm of medical liability from a fault-based liability approach towards a more proportional system with stronger legal protection for healthcare professionals acting in accordance with professional standards. The mechanism for resolving medical disputes has undergone a transformation with the strengthening of Alternative Dispute Resolution (ADR) as the primary step before litigation, the independence of the Indonesian Health Council (KKI) and the Medical College, and the clarification of the rational boundary between medical risk and criminal negligence through the role of the Professional Disciplinary Council as a professional gatekeeper. The implications for Indonesian health law include the codification of a more effective ADR system, the strengthening of legal protection for healthcare professionals to prevent the criminalisation of medical actions that comply with standards, and the guarantee of access to justice for patients who have genuinely suffered harm through mechanisms that are faster, cheaper, confidential and fair. This study concludes that the transformation of the medical dispute resolution system reflects the maturity of Indonesia's health law system, which seeks to balance patients' rights to health and legal protection for healthcare professionals.

Keywords: *medical disputes, Constitutional Court Decision No. 1/PUU-XXIV/2025, medical liability, Alternative Dispute Resolution, Indonesian health law, Professional Disciplinary Council, fault-based liability*

Abstrak

Sengketa medis merupakan fenomena yang semakin mengemuka dalam sistem pelayanan kesehatan Indonesia seiring dengan meningkatnya kesadaran hukum masyarakat akan hak-hak pasien. Penelitian ini bertujuan untuk menganalisis perubahan paradigma tanggung jawab medis dan dampak Putusan Mahkamah Konstitusi Nomor 1/PUU-XXIV/2025 terhadap sistem penyelesaian sengketa medis di Indonesia melalui metode penelitian hukum normatif dengan pendekatan kajian pustaka. Hasil penelitian menunjukkan bahwa putusan MK telah mengubah secara fundamental paradigma tanggung jawab medis dari pendekatan *fault-based liability* menuju sistem yang lebih proporsional dengan perlindungan hukum yang lebih kuat bagi tenaga medis yang bertindak sesuai standar profesi. Mekanisme penyelesaian sengketa medis mengalami transformasi dengan penguatan Alternatif Penyelesaian Sengketa (APS) sebagai langkah utama sebelum litigasi, independensi Konsil Kesehatan Indonesia (KKI) dan Kolegium Kedokteran, serta penegasan batas rasional antara risiko medis dan kesalahan pidana melalui peran Majelis Disiplin Profesi sebagai *professional gate keeping*. Implikasi terhadap hukum kesehatan Indonesia mencakup dikodifikasikannya sistem APS yang lebih efektif, penguatan perlindungan hukum tenaga medis untuk mencegah kriminalisasi tindakan medis yang sesuai standar, dan jaminan akses keadilan bagi pasien yang benar-benar dirugikan melalui mekanisme yang lebih cepat, murah, rahasia, dan adil. Penelitian ini menyimpulkan bahwa transformasi sistem penyelesaian