

# **KONSTRUKSI HUKUM MALPRAKTIK MEDIK DALAM PERSPEKTIF HUKUM ISLAM**

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## **Abstract**

In the last several years, medical malpractice has become an actual issue in Indonesia. Many suspected medical malpractice cases failed to be brought to the court due to the difficulty faced by the victim in proving the guilt of doctors.

As a legal construction, medical malpractice is not known in Indonesia. The concept of medical malpractice is still unclear for many people, including those who run the machinery of law. There is no specific regulation on medical malpractice in Indonesia therefore the cases were to be approached with the existing laws. It seems that developing what so-called the law of medical malpractice is urgent for Indonesia.

It is interesting to know the concept of medical malpractice under Islamic perspective for the sake of legal development. It is believed that Islam is very much concerned with the issue of justice. In order to realise justice in the relationship between physician and patient, referring to the regulation provided in Islam is a smart choice.

As we know that Islam is a religion of perfection. The teaching of Islam embraces all aspects of life. It is true that Islam provides all provisions needed by human being including medical malpractice issue. This paper tries to find out the concept of medical malpractice under Islamic perspective in order to know how liability upon the physicians may run.

Keywords: Medical Malpractice, Jarimah Qisas, Diyat, Jarimah Ta'zir