

ABSTRAK

Penelitian ini bertujuan untuk menganalisis dan menemukan faktor-faktor penyebab ketidak efektifan Pelayanan Kesehatan Badan Penyelenggara Jaminan Sosial (BPJS) Belum Efektif Dalam Menjamin Pelaksanaan Jaminan Kesehatan Yang Adil, menganalisis pelaksanaan Tanggung Jawab dokter sesuai dengan etika kedokteran dalam mewujudkan keadilan terhadap pasien, dan menganalisis dan menemukan Konsep Pelaksanaan Tanggung Jawab Pemerintah Di Bidang Pelayanan Kesehatan Badan Penyelenggara Jaminan Sosial (BPJS) Agar Dapat Mewujudkan Nilai Keadilan.

Jenis penelitian ini adalah penelitian hukum *doctrinal* yakni metode penelitian hukum yang dilakukan dengan meneliti bahan perundang-undangan, bahan pustaka atau data sekunder. Penelitian bersifat deskriptif analitis. Paradigma yang dipergunakan dalam penelitian ini adalah paradigma konstruktivisme, karena tiap fenomena sesungguhnya merupakan hasil konstruksi (persepsi) masing-masing individu atau masyarakat.

Penelitian menemukan bahwa masih terdapat kelemahan dalam prinsip pengaturan tanggung jawab Pemerintah di bidang pelayanan kesehatan BPJS. Masyarakat masih belum sepenuhnya dapat mengubah budaya, pemahaman bahwa BPJS adalah suatu bentuk pertanggung jawaban wajib atas kesehatan masyarakat yang bersifat dasar. Akibatnya muncul pemahaman dalam masyarakat bahwa kalau sakit maka mereka tidak perlu lagi mengeluarkan uang, seluruh biaya pengobatan akan ditanggung oleh BPJS sebagai suatu bentuk tanggung jawab Pemerintah melaksanakan amanat Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Kurangnya sosialisasi, sehingga kemampuan dari struktur dan sistem pembayaran klaim yang ditanggung BPJS sebagai bentuk tanggung jawab Pemerintah diketahui oleh masyarakat. Agar dapat dicapainya suatu rekonstruksi yang ideal (yang berkeadilan bermartabat) dari prinsip pengaturan tanggung jawab Pemerintah di bidang pelayanan kesehatan BPJS maka kepada masyarakat pembayar premi asuransi sosial BPJS diberikan daftar harga plafond yang dapat ditanggung Pemerintah apabila mereka sakit, sedangkan kelebihanannya wajib dibayarkan oleh mereka. Rekonstruksi dari segi struktur dapat dilakukan dengan merumuskan ketentuan dalam undang-undang bahwa apabila biaya pengobatan melebihi jumlah pertanggung jawaban yang telah disepakati maka BPJS wajib membayarkan biaya pengobatan tersebut apabila Rumah Sakit dan atau Dokter telah mengambil langkah-langkah pengobatan yang sesuai dengan kode etik profesi dokter dan peraturan perundangan yang berlaku.

Kata Kunci : Tanggungjawab Pemerintah, Pelayanan Kesehatan BPJS, Keadilan Bermartabat

ABSTRACT

This study aims to analyze and find the factors that cause the ineffectiveness of Health Service Body Social Security Administering Agency (BPJS) Not Effective In Ensuring Implementation of Just Health Insurance, analyze the implementation of the responsibility of physicians in accordance with medical ethics in realizing justice to patients, and analyze and find Concept of Implementation of Government Responsibility in the Field of Health Services Social Security Administering Body (BPJS) In order to Realize the Value of Justice.

The type of this research is doctrinal legal research that is legal research method which is done by examining the material of legislation, library materials or secondary data. Research is descriptive analytical. The paradigm used in this research is the paradigm of constructivism, because each phenomenon is actually the result of construction (perception) of each individual or society.

The research has found that there still weaknesses within the principle of obligatory insurance for the government to bear responsibility in the health service for the public through the Social Security Board for National Health Services (BPJS). The society are still to adjust themselves to the new culture of health services, by changing their believe that the nature of the national insurance coverage is only aim at solving the basic need of the people. In the other hand the people themselves have to live their live properly, in accordance with the simple principle of healthy life. There must be a reform in the way the people think about the insurance coverage to the cost of the health services done by the doctors and hospitals or any other institutions of health services in the Country. The people must change their believe that since the principle of insurance coverage is a basic coverage, the State, or the Government does not have to bear responsibility to top up any extra costs according to the spirit of the State of the Republic of Indonesia Basic Act of 1945 (the Constitution). There have to be a program of mass socialisation across the country so that the ability of the budget to cover the national health service in Indonesia is fully understood by the people. In orde to attain an ideal reconstruction (i.e. the dignified justice) as the principle in the regulations governing the responsibility of the Government in the implementation of the national health service to its people the people (the client) of the public insurance must be fully informed that the coverage given by the goverment is limited to the agreement between the doctor and or the hospitals and the Social Insurance Company (BPJS). To achieve a better results, changing has to be made in the structure of the BPJS, that if the purpose of the BPJS is to cover all of the necessary expenses ocurred in the process of medication or health services. The rule must be supported by the principle or the ideal that heal service is a human rights and also the true manifestation of the responsibility of the State/Government in protecting the citizens of the Republic of Indonesia according to the existing law and regulations.

Keywords: Government Responsibility, Health Services BPJS, Dignified Justice