

## ABSTRACT

The medical malpractice cases may be settled through both civil and criminal courts. But sometimes resolving medical malpractice cases through court creates other problems due to the lack of knowledge of the law enforcement officers on medical matters. Therefore, the establishment of the special court for medical malpractice cases can be the solution. Unfortunately, this idea was refused and instead the Indonesian government established a disciplinary tribunal known as MKDKI (*Majelis Kehormatan Disiplin Kedokteran Indonesia*). The purpose of this research is to prove that the establishment of a special court for medical malpractice cases in Indonesia is necessary. The data were collected through library researches and interviews. The results of research show that, firstly, resolving medical malpractice cases through the current mechanism encountered some problems, such as: the difficulty to find out the expert witness, the lack of competency of the law enforcement officers, and difficulty in categorizing an action as medical malpractice. Secondly, the current mechanism has some weaknesses, including the long period of litigation processes in the ordinary court. On contrary, the special court may reduce the period of litigation process. The medical malpractice court proposes many potential benefits compared to ordinary court, and the settlement of medical matters through court of justice is sometimes unavoidable. Therefore, trained law enforcement officers in handling medical malpractice cases in special court is urgently needed.

Keywords: medical malpractice cases, medical malpractice court, law enforcement officers.