

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATION

#### A. Conclusion

Based on the previous discussion it may arrive at conclusion that, firstly, resolving medical malpractice cases through the current mechanism, both civil and criminal has some weaknesses and disadvantages. The weaknesses are the long period of litigation process and high cost. The disadvantages which make the current mechanism become worse are:

1. To find a doctor who is willing to help a patient against another doctor is difficult because a doctor tends to protect each other.
2. The inexperience of the law enforcement officers in medical matters.
3. It is difficult to decide on an action which is categorized as medical malpractice.

Secondly, there is the urgency of the establishment of the medical malpractice court for resolving medical malpractice cases in Indonesia. The reasons behind the urgency of the establishment of the medical malpractice court are:

1. The current mechanism of resolving medical malpractice court has some weaknesses.

2. The medical malpractice court proposes many potential benefits compared to the general court.
3. The settlement of medical malpractice cases through court is sometimes unavoidable, and the role of law enforcement officers is important. Thus, the need for trained law enforcement officers in handling medical malpractice cases in special court is urgent.

## **B. Recommendation**

Based on the discussion in chapter four, particularly on the obstacles of the establishment of the medical malpractice court, some recommendations can be proposed as follows:

1. There should be a special training for judges who handle the medical malpractice cases.
2. There should be at least one medical malpractice court in every main Island of Indonesia, if the government cannot establish the medical malpractice court in every district of Indonesia due to the minimum budget.
3. There should be more intensive socialization for the doctors on the importance of the medical malpractice court for both patients and doctors. This is to prevent the disadvantage of the defensive medicine.