

**ABSTRACT**

***PENAL MEDIATION AS AN ALTERNATIVE SOLUTION CASE  
MALPRACTICE MEDICAL SYSTEMS IN CRIMINAL LAW***

*This dissertation research raised the issue of the legal form of the philosophical foundations of penal mediation as an alternative arrangement for resolving cases of medical malpractice and penal mediation as an alternative form of resolving cases of medical malpractice.*

*Forms of study in this dissertation is a normative legal research with the statute approach, conceptual approach and comparative approach.*

*Philosophy penal mediation as an alternative to the settlement of a medical malpractice case is essentially in conflict resolution between the perpetrator and the victim in this case doctors and patients. This is very consistent with the values of the culture of Indonesia, namely consensus, as has also been reflected in the Pancasila state ideology. And settlement alternative is already well developed in many countries. The penal settlement through mediation is more oriented to those in conflict and those who finish it anyway. Form of settlement of medical malpractice cases through mediation in accordance with the penal terdapat karakter and culture of Indonesia is the victim Offender mediation in accordance with the condition of Indonesia and reflects the values of Pancasila. Penal mediation mechanism in the form of victim Offender mediation within the meaning of principle 4th Pancasila, namely through deliberation to reach a consensus. Objectives to be achieved in the form of mediation is justice for the parties. This corresponds to the meaning of principle 5th Pancasila, namely social justice for all Indonesian people.*

*There needs to be a separate Act on penal mediation as a legal umbrella to support the practice of penal mediation in the settlement of medical malpractice cases in Indonesia, especially in terms of determining kebijakan formulations. Penal mediation so that the concept can be implemented properly, it is necessary to do some things, like preparing prospective mediators, broaden horizons and prepare the organizational structure forces the means or infrastructure and environment budget instanssi law enforcement.*

*Keywords: penal mediation, medical malpractice, criminal justice system*