

Criminal Liability of People Claiming to Be Health Workers Reviewed by Law No. 17 of 2023 Concerning Health

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Abstract

In Indonesia, the phenomenon of individuals claiming to be health workers without appropriate qualifications is a serious concern because it has the potential to endanger patient safety and damage the integrity of the health system. This research aims to evaluate the effectiveness of Law no. 17 of 2023 concerning Health in overcoming this problem. How does Law no. 17 of 2023 concerning Health regulates criminal liability for individuals who claim to be health workers and how effective is it in preventing abuse of the health profession? This research uses a normative juridical approach with a focus on analysis of related legislation and regulations. Data was collected through studying legal documentation, literature, and related articles, and analyzed deductively to draw relevant conclusions. The findings show that Law no. 17 of 2023 has introduced a stricter legal framework to deal with cases of fraud in medical practice, providing severe sanctions for those operating without a valid license. However, there are still challenges in effective implementation and enforcement of the law. Further efforts are needed to educate the public about the importance of medical credential verification. This can be done through extensive information campaigns, increasing access to valid health worker licensing information, and collaboration between government agencies and health organizations to ensure that the public receives health services from individuals who meet regulations and have valid practice permits.

Keyword: Criminal Liability, Fake Health Workers, Indonesian Health Law

1. INTRODUCTION

Along with the development of information technology and increasing access to information, it is becoming easier for people to get various information related to health. In the midst of this convenience, individuals often appear who claim to be health workers without having the appropriate qualifications. This phenomenon is not new in Indonesia. Various cases arise, where someone who does not have the competence or license as a health worker provides medical services to the community. According to data from the Central Statistics Agency, in 2019, around 3% of the total medical practice in Indonesia was carried out by individuals who did not have qualifications or certification as health workers. This is of course a serious concern, considering that the impacts that can be caused can be very fatal, ranging from misdiagnosis, administering the wrong medication, to patient death. In Law of the Republic of Indonesia no. 36 of 2009 concerning Health, has regulated the qualifications and conditions that must be met by someone to become a health worker. However, its implementation in the field still leaves many problems. There are still many individuals who deliberately claim to be health workers for personal gain. The tragic case reported by Kompas.com on January 5 2020, for example, was that a patient died after receiving treatment from someone who claimed to be a doctor, but apparently did not have a license. Responding to these various problems, the government then issued Law of the Republic of Indonesia no. 17 of 2023 concerning Health. This law more strictly regulates criminal liability for people who claim to be health workers without having the appropriate qualifications. Article 441 of this Law, for example, regulates criminal sanctions for people who deliberately use the title or identity as a health worker without having a Registration Certificate (STR) or Practice Permit (SIP). It is certainly hoped that this regulation will have a deterrent effect on individuals who deliberately deceive the public by claiming to be health workers. Apart from that, this law is also

expected to increase public trust in the health profession in Indonesia. While the phenomenon of individuals posing as healthcare workers is not something new, its growth appears to have gained particular momentum in recent years. For example, based on a report from a leading news portal, in the period 2017 to 2020, there was an increase of around 35% in cases involving individuals posing as doctors or health workers in Indonesia.

A famous case that shocked the public was a man in Jakarta who successfully practiced as a doctor for almost 3 years without having a medical educational background. He managed to deceive patients and work colleagues by using fake identities and giving patients diagnoses and drug prescriptions. This incident shocked many parties and raised big questions about the integrity of the health system in Indonesia. Not only in urban areas, this phenomenon also occurs in rural areas. For example, in East Java, a woman who claimed to be a midwife for more than a decade, provided services to pregnant and birthing women without the required license. Ironically, many villagers trusted him because he was able to provide "proof" of his expertise by citing medical terminology he learned from the internet. Cases like this highlight how easy it is for someone to deceive the public by falsely claiming to be a health worker. This endangers the lives of patients and damages the image of a health profession that has actually gone through rigorous education and training. Considering how big the impact of these cases of fake health workers is, it is very important to understand how Law no. 17 of 2023 can provide legal protection to society. By looking at the various aspects regulated in this law, we can evaluate the extent to which the law is effective in imposing sanctions on those who impersonate health workers and how this can prevent similar cases in the future. Based on the background above, the problem formulation that the author will discuss is: How are the legal regulations for people claiming to be health workers reviewed by Law No. 17 of 2023 concerning Health? And how is the criminal liability of people who claim to be health workers reviewed by Law No. 17 of 2023 concerning Health?

2. RESEARCH METHODOLOGY

This research aims to conduct a juridical analysis of *informed consent* and ownership rights in the context of Law No. 17 of 2023 concerning Health using a normative juridical qualitative approach. This approach focuses on the application of legal norms, analyzing related regulations and supporting literature. This method involves collecting primary data through direct legal documents such as the Act, as well as secondary data including related literature and articles. Data collection techniques include documentation studies and literature studies to collect relevant and in-depth information regarding the topic. Data analysis is carried out systematically by classifying and interpreting the data that has been collected. This analytical process uses a deductive approach to elaborate from general concepts to specific conclusions regarding criminal liability for individuals who pretend to be health workers. Through this methodology, the research aims to provide in-depth insight into the implementation and implications of the new Health Law in Indonesia, especially regarding informed consent and accountability in the health sector.

3. RESULT AND DISCUSSION

Regulations on People Claiming to Be Health Workers Reviewed by Law No. 17 of 2023 concerning Health

Doctors and dentists as well as other health services are included in the category of medical personnel who are required to have a minimum educational qualification in the form of professional education to support their competence in providing health services. The importance of this qualification is legally recognized through the requirements for possession of a Registration Certificate (STR) and Practice Permit (SIP), which are an important part of health profession regulations in Indonesia. STR is official proof given to medical personnel and registered health workers. This document shows that a person has fulfilled the educational requirements in the health sector and/or has passed professional certification, and has obtained the relevant competency certificate. This STR is not just a formality, but a guarantee to the public that the health workers who serve them have met the professional standards set by the professional council on behalf of the Minister of Health. Apart from STR, medical personnel are also required to have a SIP as proof of a valid practice permit. The SIP is issued by the district/city regional government where the medical personnel carries out their practice, or in special situations, by the Minister of Health. The issuance of SIP is carried out by considering several criteria such as the availability and distribution of health workers in the area, the ratio of population to active health workers, and the workload that must be handled. This SIP is valid for five years and can be extended by fulfilling the conditions that have been set, including consistency of practice

location as stated in the SIP. The importance of STR and SIP in health practice is not only as an administrative formality, but as a key element in ensuring that medical services provided to the public are safe, competent and comply with applicable legal standards. Through the implementation of this regulation, it is hoped that the integrity and quality of health services can continue to be maintained and improved, providing more trust and security for the community.

Article 312

Everyone is prohibited from:

- a) without the right to use an identity in the form of a title or other form that gives the impression to the community concerned that he or she is a medical worker or health worker who already has STR and/or SIP;*
- b) using tools, methods or other methods in providing services to the public which give the impression that the person concerned is a medical worker or health worker who has STR and/or SIP; and*
- c) practicing as a Medical Personnel or Health Personnel without having STR and/or SIP.*

Article 313

- (1) Every Medical Personnel or Health Personnel who practices without having an STR and/or SIP as intended in Article 312 letter c is subject to administrative sanctions in the form of an administrative fine.*
- (2) Provisions regarding procedures for the imposition of administrative sanctions as intended in paragraph (1) are regulated by Government Regulation.*

Regarding fake doctors who practice, basically Article 312 of the Health Law regulates that every person is prohibited from:

1. Without the right to use identity in the form of a title or other form that gives the impression to the community concerned that they are medical personnel or health workers who already have STR and/or SIP;
2. Using tools, methods or other methods in providing services to the public which give the impression that the person concerned is a medical worker or health worker who has an STR and/or SIP; and
3. Practicing as a medical worker or health worker without having STR and/or SIP.

Article 439 Law no. 17 of 2023 concerning Health

Every person who is not a medical worker or health worker practicing as a medical worker or health worker who has a SIP will be punished with a maximum imprisonment of 5 (five) years or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

Article 441 Law no. 17 of 2023 concerning Health

- (1) Any person who uses an identity in the form of a title or other form that gives the impression to the community concerned is a Medical Personnel or Health Personnel who has an STR and/or SIP as intended in Article 312 letter a shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).*
- (2) Any person who uses tools, methods or other means to provide services to the community which gives the impression that the person concerned is a Medical Personnel or Health Personnel who has an STR and/or SIP as intended in Article 312 letter b shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).*

Article 442 UU no. 17 of 2023 concerning Health

Every person who employs Medical Personnel and/or Health Personnel who do not have a SIP as intended in Article 312 letter c shall be punished with imprisonment for a maximum of 5 (five) years or a fine of a maximum of IDR 500,000,000.00 (five hundred million rupiah). So if you refer to the article above, not only fake doctors can be charged under the law, but parties who employ fake doctors who do not have a SIP can also be charged with a crime. Furthermore, regarding fake doctors who apply for jobs by attaching fake diplomas, giving the impression that they are doctors who already have STR and/or SIP, they can also

be charged with forgery of diploma documents. Regarding fake diplomas, or fake advertisements for applying for work, this action carries the legal risk of being charged with the article for falsifying documents. As extracted from Elements Criminal And Form Forgery Document, Article 263 of the Criminal Code states:

1. Any person who makes a fake document or falsifies a letter which can give rise to a right, obligation or discharge of debt, or which is intended as proof of something with the intention of using or ordering another person to use the document as if the contents were true and not falsified, will be threatened with use. This can result in losses due to falsification of documents, with a maximum prison sentence of six years
2. The same criminal penalty is imposed on anyone who deliberately uses a fake or falsified document as if it were genuine, if the use of the letter could cause harm.

R. Soesilo in his book *The Criminal Code (KUHP) and its Complete Comments Article by Article* (p. 195) explains that what is meant by letters in this chapter are all letters, whether handwritten, printed, or written using typewriter, and so on. The forged letter must be a letter that:

1. Can give rise to rights (for example: diplomas, entry tickets, contribution letters, etc.)
2. Can issue an agreement (for example a receivable agreement, sale and purchase agreement, rental agreement, etc.);
3. May issue a debt discharge (a receipt or similar letter); or
4. A letter used as information about an action or event (for example a birth certificate, postal savings book, cash book, ship diary, transport documents, bonds, etc.).

So, if someone claims to be a Health Worker, he can not only be prosecuted with the penalties contained in Law Number 17 of 2023 concerning Health, but also based on the Criminal Code (KUHP). This phenomenon illustrates the legal principle "*lex specialis derogat legi generali*", which means that special rules override general rules. In this context, although the Criminal Code provides a general framework for criminal offenses, the Law on Health as a *lex specialis* provides specific norms designed to regulate more specific issues related to health practices, thereby providing more detailed and directly applicable provisions related to actions. actions related to unauthorized health practices. Finally, referring to the theory of the principle of legality put forward by Paul Johann Von Feuerbach, which emphasizes the principle that no action can be punished unless it has been clearly regulated in statutory regulations, the application of Law no. 17 of 2023 concerning Health in the case of health workers practicing without a Registration Certificate (STR) and Practice Permit (SIP) shows the application of this principle. The principle of legality, contained in the term "*nullum crimen, nulla poena sine lege*" (no crime, no punishment without law), guarantees that sanctions and fines imposed on health workers who practice without a permit have been explicitly regulated through a process democratic legislation, and therefore, this action is clearly contrary to applicable law. The implementation of this provision in the Law ensures that anyone who acts outside the limits set by the regulations will face appropriate legal consequences, including imprisonment and administrative fines. This not only protects the public from the potential harm that unverified and incompetent health care practices can cause, but also strengthens the integrity of the health system. The principle of legality in this context functions as a cornerstone in ensuring that legal practices are carried out fairly and measurably, in line with the need to ensure public safety and health, which is the main focus in the regulation of health workers in accordance with Law no. 17 of 2023 concerning Health.

Criminal Liability of People Claiming to Be Health Workers Reviewed by Law No. 17 of 2023 concerning Health

Within the framework of Law no. 17 of 2023 concerning Health, criminal liability for individuals who claim to be health workers without having the necessary qualifications or official permits has been tightened to ensure security and public trust in the health service system. Article 312 and other related articles of this law specifically regulate and define the types of violations as well as sanctions that apply to any action that misleads the public regarding their professional status as health workers. First, any individual who unlawfully uses a title or other identity that creates the perception that they are a medical professional or licensed health worker, as specified in the STR and/or SIP, will face criminal sanctions. This includes not only the unauthorized use of degrees, but also the use of devices, methods, or other means of providing services that lead people to believe they are certified health care professionals. This violation under Article 439 and Article 441 is punishable by imprisonment for up to five years or a fine of up to five hundred million

rupiah, showing the government's seriousness in ensuring that only qualified and licensed individuals can provide health services.

Second, the law also stipulates that any person or entity that employs medical personnel without a SIP, as regulated in Article 442, will face equally severe penalties. This reflects legislative efforts to ensure that all health care institutions comply with government standards for the use of competent and licensed health personnel. In the context of implementing Law no. 17 of 2023 concerning Health, the viral case of Susanto in 2023, a fake doctor operating at PT Pelindo Husada Citra (PHC), is an important example of the importance of compliance with strict health regulatory requirements. Susanto, who only graduated from high school, managed to forge important documents such as a practice permit (SIP) and medical certificate, so he was able to apply and work at PHC as a doctor for more than two years. During this time, he received salary and benefits without having the actual qualifications necessary to carry out medical duties. This case was revealed when PHC asked Susanto to send back his application documents for the contract extension process. Checks carried out by PHC management found discrepancies in the documents submitted, leading to the discovery that Susanto was not a registered doctor. In the end, after further investigation and verification with a real doctor, Dr. Anggi Yurikno from Bandung, it was revealed that Susanto had used a fake identity. The trial at the Surabaya District Court resulted in Susanto being sentenced to 3.5 years in prison for his fraudulent actions. Apart from causing financial losses for the company, his actions also tarnished the integrity of the medical profession, giving rise to doubt and distrust in the eyes of the public regarding health services. The judge considered Susanto's actions serious because they had disturbed the community and threatened public health, although considered his confession which facilitated the court process as a mitigating factor. Apart from the cases above, there are also several other cases that have gone viral in cyberspace:

1. I Putu Eka Satya Tanaya (34) was arrested after becoming a fake doctor and defrauding the woman he was going to marry. As a result of this fraud, NKS (26) suffered losses of more than IDR 50 million. The perpetrator met the victim in 2020 and claimed to be an anesthesiologist. To carry out his deception, the suspect created a fake Indonesian Doctors Association (IDI) identity and claimed to work at a private hospital in Denpasar. During a romantic relationship, the perpetrator often borrowed money from the victim many times. Initially he borrowed IDR 20 million to pay off his motorbike on March 11 2022. Then, the perpetrator borrowed again until it reached IDR 37 million. Not only that, the suspect deceived other witnesses using the cooperation mode of IDR 4.5 million. In total, IDR 61.5 million was taken by the suspect. The perpetrator promised to return it after the land was sold, but this promise was not fulfilled.
2. SM (30) and RI (28) were arrested by the Bandung Police on October 23 2023 in the case of illegal abortion practices. When in action, SM acts as a fake doctor. Meanwhile, RI is a supplier of drugs to practice abortion. SM admitted that the number of victims of illegal abortion practices had reached more than 100 people. The victims were then guided by SM via Whatapp until the fetus came out. "I guided the victim, based on information I got from Google," said SM. Apart from making profits from online abortion practice services, SM also makes profits from selling abortion drugs. "So I only sold it for IDR 150,000 per item. I bought 12 strips from RI for IDR 2.5 million," he explained. The perpetrator opened an illegal abortion service online and guided his victims via WhatsApp. The perpetrator SM included the name Dr Ganesha SM in his WhatsApp contact so that the victims would believe him. The services offered by the perpetrators range from abortion consultations, the process of expelling the fetus, to post-abortion. Initially the perpetrator created a group on social media Facebook and directed the victim to more intense consultation on WhatsApp.
3. RM (44), a woman from North Morowali Regency, Central Sulawesi was arrested for being a fake doctor and defrauding residents of up to IDR 200 million. Apart from claiming to be a doctor, RM also admitted to being the wife of a police officer with the rank of AKP. Meanwhile, on his social media account, RM claimed to be a doctor on duty at Poso Regional Hospital. He was reported as the victim, LYA (46). To LYA, RM admitted that he was able to get the victim's child to enter the Faculty of Medicine at Hasanuddin University, Makassar. The victim was then asked by the perpetrator to transfer money up to IDR 200 million. Some time later, suddenly the perpetrator's cellphone number could no longer be contacted.

Using Von Buri's theory of responsibility which emphasizes the principle of subjectivity in criminal responsibility—where every individual must be responsible for the actions they carry out consciously and

voluntarily—cases of fake medical practices such as those experienced by Susanto and other perpetrators provide important insight into how the law works. respond to fraudulent practices that seriously harm society and threaten the integrity of the health sector. In Susanto's case, the sentence received reflects an application of the law aimed at restoring public confidence in the health system, given that he knowingly used fake medical degrees and credentials to access and undertake jobs requiring specialized medical expertise, in fundamental violation of medical ethics and standards and pose serious risks to patient health. Furthermore, criminal liability in the Indonesian legal context also emphasizes that every misleading action be it posing as a doctor without the proper qualifications or manipulating information to gain financial gain—is an action that not only violates legal norms but also social norms and professional ethics. The sanctions imposed not only reflect the need to repair the harm that has been caused, but also function as a strong deterrent to prevent the repetition of similar acts by others. Therefore, the harsh penalties applied in these cases also reflect the preventive approach of the justice system to protect the public from illegal and unethical practices in health services, underscoring that integrity and security in medical services must always be maintained.

4. CONCLUSION

Cases like Susanto and other fake perpetrators highlight gaps in the health system that allow individuals without the proper credentials to enter and operate in the medical field, often with fatal consequences. Law no. 17 of 2023 concerning Health, with its strict provisions, aims to close this gap, strengthen the legal framework to protect the public from unauthorized medical practices, and ensure that only those who have adequate qualifications and verification can practice as health workers. It is hoped that this increase in sanctions and law enforcement will deter individuals from taking the risk of committing similar fraud, while also restoring public confidence in the integrity of the health profession. Furthermore, criminal liability enforced through this law confirms the state's commitment to maintaining the quality of health services and patient safety. This not only shows the seriousness in dealing with violations, but also acts as a preventive measure to educate the public about the importance of verifying medical credentials. In this way, it is hoped that in the future a more transparent and accountable health system will be created that can be trusted more by the Indonesian people, minimize cases of detrimental fraud and uphold ethical and legal standards in medical practice in Indonesia.

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