

Criminal Law Enforcement Against the Use of Fake Identities in Medical Practice

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Abstract

This study aims to analyze criminal law enforcement against the use of fake identities as doctors. The type of research used is empirical legal research. There are 2 types of data obtained, namely the first primary data obtained through interviews, the second secondary data, namely laws, books and journals. The research locations were centered at the Makassar District Court, the South Sulawesi High Prosecutor's Office, the South Sulawesi Regional Police and the Makassar City Branch of the Indonesian Doctors' Association. The results of the data that have been obtained were analyzed qualitatively and presented descriptively. The results of the study show that: Criminal Law enforcement against the use of false identities as doctors in carrying out medical practices has not been maximized, while the influencing factors are law enforcement factors where law enforcement officials do not understand and master the regulations, community factors are the community ignore to report practice of fake doctors.

Keywords: criminal law, doctors, law enforcement, medical practice, use of fake identity

Introduction

In order to achieve the ideals of the nation, as mandated in the preamble to the 1945 Constitution of the Republic of Indonesia that the national goal of the Republic of Indonesia is to protect the entire Indonesian nation and all of Indonesia's bloodshed and promote public welfare, educating the life of the nation and participating in carrying out world order based on freedom, eternal peace and social justice (Republik Indonesia, 1945, p. Alinea ke-IV). In order to achieve the national goals, sustainable development efforts are carried out which are a series of comprehensive developments that are directed and integrated, including health development. Every activity and effort to improve the highest degree of public health is carried out based on the principles of non- discrimination, participation, protection and sustainability which is very important for the formation of Indonesia's human resources, increasing the resilience and competitiveness of the nation, as well as national development carried out health development (Zaeni Asyhadie, 2017, p. 7).

Health development as one of the national development efforts is directed at achieving awareness, security, and the ability to live healthily for every resident in order to achieve optimal health status. Health development is carried out on the principles of humanity, balance, benefits, protection, respect for rights and obligations justice, gender and non-discrimination and religious norms (Republik Indonesia, 2009, p. Pasal 2). According to Levey and Loomba, 1973 "Health services are any efforts that are held alone or jointly in an organization to maintain and improve the health of individuals, families, groups or communities." Health services is a concept used in providing health services to the community (Indar, 2019, p. 10)

Health workers have an important role to play in improving the maximum quality of

health services to the community so that the community is able to increase awareness, willingness and ability to live healthily so that the highest degree of health will be realized as an investment for the development of socially and economically productive human resources. This is in line with the definition of health workers contained in Article 1 of Law no. 36 of 2014 concerning Health Workers, that "Health Workers are every person who devotes himself in the health sector and has knowledge and/or skills through education in the health sector which for certain types require authority to carry out health efforts (Republik Indonesia, 2014, p. Pasal 1).

The definition of a doctor reviewed according to Law Number 29 of 2004 concerning Medical Practice in Article 1 paragraph (2) states that all doctors, both general, specialist, dental and dental specialists who have completed medical education in Indonesia and abroad and must be recognized by Indonesian government and refers to the applicable laws and regulations" (Republik Indonesia, 2004, p. 6 Pasal 1 ayat (2)).

From the previous understanding, it can be concluded that a doctor is an individual who has roles and functions that can prove that he has fulfilled and passed medical education well both outside and within the country, which can be proven by a diploma or certificate of graduation. In other words, individuals who are called doctors are not from hereditary expertise, but pass through the doctor's education level. Medical education is an education that takes a long time. According to the provisions of the Ministry of Education and Culture that a person is said to be able to become a doctor if the individual has passed Bachelor level 1 level study or the preclinical stage which in its implementation takes approximately 3.5 to 4 years and must also pass the Doctor Professional Education Study Program stage or those who called the clinical stage and "Co-ass" which takes 20 to 24 months, as well as passing through the final stage called the Doctor Profession Program Student Competency Test (UKMPPD) before being able to obtain the title of doctor or "dr." Overall, the doctor's professional program from the beginning of entering college to achieving a doctor's degree takes no less than 5.5 years to 8 years.

Regarding the license to practice a doctor, it cannot be implemented immediately after completing UKMPPD, but must complete a program launched by the Ministry of Health called the doctor internship program which takes approximately 1 year to complete (Widodo et al., 2022, p. 91).

The length of time medical education takes with all the obstacles that exist makes many students only stop at certain stages of the entire series of medical education such as after only completing the undergraduate stage-1 and not participating in the Medical Professional Education Study Program (Clinical Phase) which has an impact on the failure of students. to attain a medical degree. In other cases, there were also many incidents in the field in the form of students who had successfully joined the Medical Professional Education Study Program but failed 12 times (3 years) at the UKMPPD stage which caused these students to be expelled from campus (drop out) and failed to become a doctor (Firmansyah et al., 2020, p. 431).

Problems in the world of medicine are not only about diseases that infect society, but also about the phenomenon of the doctoroid. This is a phenomenon where individuals practice medicine illegally or do not meet the requirements and do not even have a permit at all. In supervising and coaching, the Indonesian Doctors Association found something more crucial, namely the existence of someone who did not even have a doctor's diploma and competence but had the courage to practice medicine. In the Medical Practice Law, the requirement to practice medicine is to have a Registration Certificate (STR) issued by the Indonesian Medical Council. To get an STR one must have a doctor's certificate issued by the Faculty of Medicine and also have a competency certificate issued by the Collegium which is part of the IDI.

One example of a case of using a false identity as a doctor that has occurred in the community is where this case began in 2019, complaints were found from the ship's passenger

community that there was a fee for treatment at the Ship Clinic of PT. PELNI (Persero), who at that time served as the ship's doctor, was the defendant even though in the rules there were no costs incurred by the community when seeking treatment at the Ship Clinic of PT. PELNI (Persero), so that the HR department of PT. PELNI (Persero) verified the defendant's data, found that the medical certificate used by the defendant was odd because the person concerned used the registration number and alumni number of another student. And the accused had been practicing medicine in the ship's clinic for many years. According to the judge's reasoning that as a result of the defendant's actions, PT. PELNI (Persero) suffered losses because it still spent money/expenses in the form of salary and/or incentives and bonuses received by the defendant during enter into a contract agreement with PT. Pelni (Persero) which totals around Rp. 600,000,000,- (six hundred million rupiah), and the defendant's actions have defamed Medical Faculty of Hasanuddin University, Makassar. This case was sentenced by the Makassar District Court judge by stating that the defendant was legally and convincingly proven guilty of committing the crime of "using a fake authentic deed" and sentenced the defendant to imprisonment for 3 (three) years and 6 (six) months.

The second case, the case that occurred in Berau district in decision Number 287/Pid.Sus/2020/PN Tnr. A woman who had never even received medical education claimed to be a doctor at MUSCAB IDI and then offered to become a substitute doctor using falsified STRs and SIPs who then carried out health checks on her patients. The defendant was charged with imprisonment under Articles 78 and 77 of Law Number 29 of 2004 concerning Medical Practice. The Panel of Judges imposed a prison sentence of 1 (one) year and 11 (eleven) months. In both cases, the authors feel that the criminal sanctions imposed on the defendants are still relatively light and the authors have not yet found considerations in favor of the victims. The statements of the victims are only as testimony to complete the evidence in order to fulfill the offense in the public prosecutor's indictment. Based on the description above, the formulation of the problem is How is the enforcement of criminal law against the use of false identities as doctors?

Research Methods

This type of research is Empirical Law. According to Soerjono and Sri Mamudji "Empirical legal research is legal research conducted by examining primary data, namely data obtained directly from the community" (Irwansyah & Yunus, 2020).

The type of research used was empirical legal research. The research location took place at the Makassar District Court, the South Sulawesi High Prosecutor's Office, the South Sulawesi Regional Police and the Makassar City Branch of the Indonesian Doctors' Association. Two types of data are obtained: the first primary data obtained through interviews, and the second secondary data from laws, books and journals. The data that has been obtained was analyzed qualitatively and presented descriptively. Based on all the data collected from this study, then an analysis was carried out using qualitative analysis methods, based on the data obtained, both primary and secondary data by providing conclusions and suggestions about what should be done regarding these legal issues.

Results and Discussions

According to Ahamd Ali that when we want to know the extent of the effectiveness of the law, we must first be able to measure "the extent to which the rule of law is obeyed or not obeyed". In general, the factors that greatly influence the effectiveness of legislation are the professional and optimal implementation of the roles, powers and functions of law enforcers both in carrying out the tasks assigned to them and in enforcing these laws (Ali, 2010, p. 375).

One indicator of a rule of law is the success in enforcing the law. It is said to be successful

because the enacted law has been implemented and obeyed by all elements of society as well as law enforcement against the use of false identities as doctors in practicing medicine.

- Case position
- a. Analysis of Decision 635/PID.B/2020/PN.Mks

Based on the research conducted by the author, this case is occurred in Makassar City, In 2019, there was a complaint from ship passengers regarding a fee charged when receiving medical treatment at the PT. Pelni Ship Clinic, despite regulations stating there should be no cost for treatment at the clinic. At that time, the defendant was serving as the ship's doctor. The HR Department of PT. Pelni conducted a clarification with the ship's doctors, including the defendant. During the verification of the defendant's credentials, discrepancies were found in the medical degree used by the defendant.

On July 15, 2019, the Director of HR and General Affairs of PT. Pelni (Persero) conducted further verification and validation of the employee data of the defendant with the Faculty of Medicine at Hasanuddin University then they responded with a letter stating that the degree number used by the defendant, did not match their records and was not from their alumni, as the defendant used someone else's registration and alumni numbers. As a result of the defendant's actions, PT. Pelni incurred losses amounting to approximately IDR 600,000,000 (six hundred million rupiah) due to salaries, incentives, and bonuses paid to the defendant. The defendant's actions also tarnished the reputation of Hasanuddin University's Faculty of Medicine. The judges consider that the defendant's actions have caused PT. Pelni (Persero) a loss of approximately IDR 600,000,000 (six hundred million rupiah), the defendant's actions have been ongoing for 26 years, and the defendant's behavior could endanger the lives of many people. Therefore, the defendant was subject to Article 264 (paragraph 2) of the Criminal Code and was sentenced to imprisonment for 3 (three) Year and 6 (six) Months.

- b. Analysis of the Decision 287/PID.SUS/2020/PN.Tnr.

In this case, the defendant attended the MUSCAB IDI event in Berau Regency on March 1, 2020, and met with two doctor witnesses. The defendant claimed to be a doctor and offered to cover their practice if needed. In June 2020, one of the witnesses asked the defendant to cover practice at a Pharmacy, but the defendant did not send a Practice Permit (SIP), claiming it was still being renewed. Nonetheless, the defendant practiced medicine ten times between June and August 2020, performing diagnoses, recording medical notes, and prescribing medication like a legitimate doctor.

Then on July 13, 2020, a witness contacted the defendant to cover practice at the other Pharmacy during her annual leave. The defendant agreed and presented a medical degree and Registration Certificate (STR) to the witness. From July 14 to 28, 2020, the defendant replaced the witness at the pharmacy, performing medical duties. However, some witnesses became suspicious of the authenticity of the defendant's STR and degree. They reported their suspicions to the Head of the IDI Branch in Berau Regency. Upon investigation, it was found that the STR and degree under the name of defendant were not registered with the Indonesian Medical Council or the relevant university. This led the Head of the IDI Branch in Berau Regency to report the incident to the Berau Police. The judge considers that based on the legal facts revealed during the trial obtained from witness testimonies, the defendant has used tools, methods, or other means in providing services to the public that created the impression that the individual was a doctor or dentist who possessed a registration certificate and/or a practice permit and the defendant was subject to Article 78 of Law No. 29 of 2004 concerning Medical Practice and was sentenced to 1 year and 11 months in prison.

From the two decisions above, the authors consider that even though the actions taken were the same, namely, practicing or providing medical services even though they did not have a license (diploma, STR and SIP), the articles charged were different, as were the sentences

received by the two perpetrators of the crime of using identity. fake as a doctor in practicing medicine, therefore the author feels that there are several factors that influence law enforcement.

In practice, there are various factors that influence law enforcement against the use of a false identity as a doctor in practicing medicine. Based on the theory of law enforcement put forward by Soerjono Soekanto there are several factors that influence law enforcement which the author has discussed in the previous chapter, namely:

A. Legal Factors

As it is known that the functions of law are justice, certainty and legal benefits. In the implementation of law enforcement in the field, it is often contradictory with regard to justice and legal certainty. Legal certainty has a real or tangible nature, different from justice which has an abstract nature, therefore when judges decide cases, the implementation of issued regulations or laws, sometimes the value of justice cannot be achieved.

Laws and regulations in the health sector are indeed realized in the framework of providing legal certainty and legal protection to improve, direct and provide a basis for health development. A person who does not have the proper competence in medical action, either causing harm or not causing harm to the patient, needs to be enforced by law and can be held criminally responsible.

Criminal law arrangements related to the crime of using a false identity as a doctor are regulated in various laws and regulations which will be explained as follows:

A. The Criminal Code

- **Article 512a**

Objective Elements: Carry out work; The object is the work of a doctor or dentist; Those who work as a means of livelihood, either specifically or as part time, without having a permit in non-forced circumstances.

Subjective Elements: *Whoever*.

Article 512a of the Criminal Code clearly stipulates that every person who carries out the profession of a doctor or dentist is obliged to have a license to practice. Without a license, the Criminal Code clearly provides for punishment in the form of imprisonment for a maximum of two months or a maximum fine of Rp. 150,000.00.

B. Law no. 29 of 2004 concerning Medical Practice

- **Article 77**

Objective elements: Action: using a title or other form; which gives the impression to the public as if the person concerned is a doctor or dentist; who has a doctor's STR, or who has STR dentist, and/or who has SIP.

Subjective elements: Mistake: on purpose.

These crimes are material crimes that are formally formulated, such as fraud (Article 378 of the Criminal Code) or extortion (Article 368 of the Criminal Code). The prohibited act is the use of titles or other forms of giving instructions for their formulation in a formal way. However, the inclusion of an element of consequence which in casu "creates an impression" (as if the person in question is a doctor...), indicates a material crime. It can be called a formal-material crime.

Likewise, the alternative to using the title in casu is stated as "using another form of identity". This element is very open and can follow what applies in the field of medical practice. Another form of identity must be an identity that is publicly known as the identity of medical experts. For example, a doctor's typical dress is a suit or white robe, wearing a stethoscope around his neck, the symbol of the IDI-medical association is displayed on his car, and so on. The formation of criminal acts in Article 77 is aimed at three objectives.

- First, as a preventive measure so that people who are not medical experts do not abuse the ways of practicing medicine.
- Second, protecting the interests of common law so as not to become victims of actions that imitate medical practice by unauthorized persons. Avoid the consequences of practicing medicine by unauthorized persons.
- Third, to protect the dignity and honor of the medical profession by people who practice medicine without authority.

Criminal acts in this article are formulated by including an element of intent (intentionally), which is an element of error. Deliberately (wanting and knowing) in the crime of Article 77 is aimed at: 1) the element of the act of using a title identity or other form, 2) the element of creating the impression as if the person concerned is a doctor or dentist who has an STR and SIP. It means,

- a) The maker wants the action to use a (fake) title identity.
- b) The creator knows or is aware that the identity of the title he uses is false (from the word as if).
- c) The creator knows or is aware that the use of the title identity gives the impression that he is as if a doctor who has an STR and SIP.

It is this kind of intention that the public prosecutor must prove in his charge sheet.

- Article 78

Objective elements: The deed: using Tools; Method Other ways of providing services to the community, Those that give the impression that the person concerned is a doctor or dentist who already has a doctor's or dentist's STR or SIP; Subjective Elements: Mistake: on purpose

The criminal elements of Article 78 have elements that are almost the same as the elements of Article 77. The difference is only in the elements of material acts, Article 78, using tools, methods or other means in providing community services. Article 77 uses identity in the form of a title or other form, while the remaining elements are the same.

Actions that are prohibited from using tools, methods or other means in providing services to the community. Especially the phrase "provide services", in a broad sense not only health services. However, if it is related to the elements that follow, it must be interpreted that what is meant by service to the community is health service, not service in other fields.

Article 78 criminal acts are closely related to Article 73 paragraph (2). Basically, the norm in Article 73 paragraph (2) is the same prohibition as Article 78. The difference is that the prohibition contained in Article 73 paragraph (2) is a prohibition in administrative law without any mention of sanctions. While the norm of Article 78 is the prohibition of criminal law or criminal acts because they are given criminal threats. These two articles cannot be separated.

The purpose of establishing a crime under Article 78 is an early preventive measure so that unauthorized persons do not use tools, methods or methods of medical practice. Medical devices, especially those that use special technology or high technology, must be operated by health workers who are proficient in this technology. These people are doctors or other personnel such as nurses or midwives.

Therefore, it is only natural that nurses and midwives (not doctors) who are authorized based on statutory regulations are exempted from the prohibition of Article 73 paragraph (2) juncto paragraph (3). Thus, Article 78 is also exempted from violating Article 78. Although Article 78 does not mention it as an exception, because the essence of the prohibition in Article 73 paragraph (2) is the same as the prohibition according to Article 78.

The provisions of Article 73 paragraph (3) are provisions regarding the eradication of the unlawful nature of the actions of midwives or nurses who use tools, methods or other methods referred to in Article 78. Because if the midwives and nurses who are allowed (entitled) are not

excluded, they will also be punished. This is contrary to Article 73 paragraph (3).

Apart from that, there is another, more specific objective with the formation of the criminal act of Article 78 which is the same as Article 77, which is to protect the legal interests of society, especially patients, so that they do not become victims of deceptive or deceptive acts by people who are not medical experts. Medical devices if used by unauthorized persons can have fatal consequences for patients.

C. Law no. 36 of 2014 concerning Health Workers

- Article 83

The elements consist of: Maker: People who are not health workers; His actions: doing health practices; as if health workers who already have a license.

The legal subjects of criminal acts in Article 83 are not health workers, neither doctors nor other health workers. The phrase "as if" in the formulation of Article 83 indicates that the maker must not be a licensed health worker. Even though a health worker who has graduated from the education referred to in Article 9 but does not have a license to practice, this article also applies.

Although the mention of the elements of the act is not exactly the same, Article 83 mentions practicing (as if) a health worker, which means health practice. While Article 78 of Law no. 29 of 2004 mentions providing community services. However, both of these actions contain the same meaning, namely providing health services. Therefore Article 78 of Law no. 29 of 2004 is a *lex specialis* of Article 83 of Law no. 36 of 2014.

It is very clear that the legal regulations issued by the Government of Indonesia in the form of laws and regulations to prevent the practice of medicine by fake doctors. The purpose of issuing these laws and regulations is to protect the people of Indonesia, especially those who need health services. There are so many Indonesian people who need health services, so this is what made the government's initial step by issuing this law very appropriate to be able to overcome the many practices of falsifying doctors' identities in practicing medicine. The severity of the threat of punishment and fines is often ignored by the perpetrators of this crime of identity fraud. This is what causes similar cases to occur and even occurs repeatedly. The perpetrators did not consider the consequences and dangers arising from the illegal medical practice but only looked at the profit from the illegal practice.

B. Law Enforcement Factors

Law enforcement in a modern state has been described with bureaucratic characteristics, which seem to be separate from the functions of the police as investigators, the prosecutor as the public prosecutor, and the judge as the party who tries. The three subsystems are a bond in 1 (one) law enforcement system known as the criminal justice system. In accordance with the Indonesian justice system which adheres to the continental system, the function of the legal bureaucracy subsystem has different duties, responsibilities and authorities, which prioritize procedural so that sometimes it pays less attention to the sense of justice than the interests of legal certainty (Sunarso, 2005, p. 135).

Law enforcement of criminal acts related to the use of false identities as doctors in practicing medicine will be more effective if law enforcement officials can work together professionally in upholding the law. Because the duties, powers and responsibilities of law enforcement officials are different but interrelated and cannot be separated. As in law enforcement practices, investigations are carried out by the police, prosecution by prosecutors, until sentencing is through a judge's decision. All these things must be done professionally so as to create a sense of justice. Law enforcement has an important position and determines what is said and promised by law, in the end it will become a reality through the hands of law enforcers. According to Soerjono Soekanto's theory of law enforcement, one of the things that influences law enforcement is the factor of law enforcement.

Sociologically, the position of law enforcement is actually a container that contains certain rights and obligations which are roles. The police have a role in the judicial process, namely their role from the investigation process to the detention process. The police have the authority to determine who should be investigated, arrested and detained. The public prosecutor can only carry out his function if the submission of the results of the examination from the investigator has been completed. The public prosecutor can make an indictment based on the results of the examination by the investigator based on the minutes of the investigative examination. Likewise with demands that can be adjusted to the minutes of police investigators. After that there is a prosecution process, namely the act of the public prosecutor to transfer the case to the competent District Court, in matters and according to the method stipulated in the Criminal Procedure Code with a request to be examined and decided by a judge at trial.

In the context of criminal law enforcement, investigation is the initial action carried out by law enforcement officials, namely the police before any investigation or investigation. The aim is to examine the extent to which information is true in the form of reports or complaints or incidents directly caught by police officers in order to legally strengthen further action.

Because the police cannot arrest, detain, search, confiscate, examine letters, summon and submit files to the prosecutor, in this case the public prosecutor, if preliminary evidence or sufficient evidence has not been provided at the outset. The Directorate of General Criminal Investigation of the South Sulawesi Regional Police is one of the directorates that handles cases of using fake identities as doctors in conducting medical services that have occurred in Makassar City, in this case handled by the RENAKTA SUBDIT (Sub Directorate of Youth, Children and Women), Investigators of the Directorate of Criminal Investigation In general, the South Sulawesi Regional Police in enforcing the law against the use of fake identities as doctors refers to the Criminal Code.

Based on an interview with the South Sulawesi Regional Police investigator, Cornelis, the articles used were Article 263 paragraph (2) and Article 264 of the Criminal Code. The use of these articles by investigators was based on reports from the legal team of PT. PELNI, in this case as a reporting party who felt aggrieved by the perpetrators of the crime of using fake identities as doctors, he also revealed that investigators in conducting investigations had several obstacles such as the absence of reports from the public who were victims of this fake doctor's practice (Cornelis, 2023).

Like the case that occurred in the city of Makassar, where the perpetrator had been practicing illegal medicine since 1994 but was only reported in 2019 and PELNI as the company that hired the perpetrator reported it. The author feels that the investigators were also not careful in determining the articles in the case, the investigators were impressed that they only focused on reports from the legal PELNI (reporter) and did not consider other articles that investigators could actually use in cases of using fake identities as doctors in practicing medicine.

However, in interviews, investigators said that investigators knew Law No. 29 of 2004 concerning Medical Practice but does not use the law, even though the actions taken or the behavior of using a false identity as a doctor in practicing medicine have been regulated in the law as well as the criminal provisions After completing various stages from education to subsequent processes, doctors usually aim to obtain a practice schedule at a hospital or open their own clinic. However, before practicing medicine, several prerequisites must be met by a doctor. As stated in Article 29 paragraph (1) of Law No. 29 of 2004 on Medical Practice: "Every doctor and dentist practicing medicine in Indonesia must have a doctor's registration certificate and a dentist's registration certificate."

The doctor's and dentist's registration certificates are issued by the Indonesian Medical Council. To obtain a registration certificate, the following requirements must be met:

- a. Possess a diploma in medicine, medical specialization, dentistry, or dental

- specialization;
- b. Have a declaration of having taken the doctor's or dentist's oath/promise;
- c. Have a certificate of physical and mental health;
- d. Possess a competency certificate; and make a statement to comply with and implement the professional ethical standards.

Furthermore, for a registered doctor or dentist to practice either in a hospital, company, or their own clinic, they must have a Practice License (SIP) as regulated in Article 36 of Law No. 29 of 2004 on Medical Practice:

"Every doctor and dentist practicing medicine in Indonesia must have a practice license."

The Practice License (SIP) can only be issued by the authorized health officer in the regency/city where the medical or dental practice is conducted. The requirements to obtain the Practice License include:

- a. Having a valid doctor's registration certificate or dentist's registration certificate;
- b. Having a place of practice; and
- c. Having a recommendation from the professional organization.

According to Haryanti M Nur, a prosecutor at the South Sulawesi High Court, public prosecutors in cases of the crime of using a false identity as a doctor to practice medicine usually use Article 263 or 264 of the Criminal Code (KUHP) in their indictment and have not using Law no. 29 of 2004 concerning Medical Practice.

Similar to investigators, prosecutors as public prosecutors also sometimes encounter problems by presenting patients as witnesses or victims in cases of using false identities as doctors in carrying out medical practices, so that prosecutors feel they cannot use the articles in Law No. 29 of 2004 concerning Medical Practice (Nur, 2023).

In law enforcement, judges have a central role, both judges at the District Court, High Court, and the Supreme Court and the Constitutional Court. In principle, the court is passive and only waits for every case submitted to it, or in other words, judges as law enforcers are prohibited from asking or suggesting a dispute or problem, both criminal and civil, to be resolved in court. Even though the court is passive in waiting for cases, when the case has been submitted/devolved to him and becomes his authority, the court is prohibited from rejecting the case on the grounds that there is no or unclear law because judges are always considered to know the law.

According to Wahyudi Said, one of the Judges at the Makassar District Court, that: "The practice of this fake doctor is very dangerous because a doctor's work is related to the human body, the impact is extraordinary and can cause death, cases like this are usually carried out by people who do not have the qualifications or meet the requirements to be able to practice medicine but only know how to do it. concocting medicine from the internet"(Said, 2023).

In examining a case based on an indictment made by the prosecutor, in this case the public prosecutor, the judge must see in advance whether the indictment is cumulative, subsidiary or alternative. If the indictment is cumulative, it means that all of the criminal acts charged must be proven, but if the form of primary indictment is subsidiary, then only one of them is proven, therefore the judge in determining a decision cannot be separated from the indictment.

In the case of using a false identity as a doctor in carrying out medical practice, IDI can only verify the authenticity of the file used by the alleged perpetrator, in this case the STR (registration certificate), then if it is proven that the file used was a falsified file, then IDI will continue to coordinate with the police.

C. Facilities or Facility Factors

It is undeniable that one of the factors that support the realization of maximum law enforcement is in terms of facilities or supporting facilities, as is the case with the use of a false

identity as a doctor in carrying out this medical practice.

Medical education is an education that takes a long time. According to the provisions of the Ministry of Education and Culture that a person is said to be able to become a doctor if the individual has passed Bachelor level 1 level study or the preclinical stage which in its implementation takes approximately 3.5 to 4 years and must also pass the Doctor Professional Education Study Program stage or those who called the clinical stage and "Co-as" which takes 20 to 24 months, and passes through the final stage called the Doctor Profession Program Student Competency Test (UKMPPD) before being able to obtain the title of doctor or "dr." Regarding the license to practice a doctor, it cannot be immediately implemented after completing UKMPPD, but must complete a program launched by the Ministry of Health called the doctor internship program which takes approximately 1 year to complete.

Medical diplomas can only be received by individuals who have completed medical education studies at a tertiary institution, as written in Article 42 of Law no. 12 of 2012 concerning Higher Education, namely:

"A diploma is given to graduates of academic education and vocational education as recognition of academic achievement and/or completion of an accredited study program organized by a university."

Likewise with other requirements such as STR which can only be issued by an Indonesian Medical Consultant and SIP which can only be issued by an authorized Health Officer in the District/City where the medical practice is located. To prevent and minimize the occurrence of diploma forgery, and in order to improve services to the public so that it is easy to verify the validity of a diploma quickly, precisely and accurately, the Ministry of Education and Culture launched the Online Diploma Verification System (SIVIL) and National Diploma Numbering (PIN). whose regulations were issued on December 20 2018 with the Regulation of the Minister of Research, Technology and Higher Education of the Republic of Indonesia Number 59 of 2018.

Thus, diplomas as official documents for all university graduates must be registered in the Online Diploma Verification System (SIVIL) using the National Diploma Numbering (PIN). The purpose of implementing a PIN by the government is to reduce the practice of diploma forgery and to ensure that diplomas are issued by universities that have operational permits and are accredited.

According to Annisa Anwar Muthaher, certificates should be issued as well as possible so that they are not easy to fake. As is the case with the issuance of diplomas, the issuance and use of STRs is now a concern of the IDI, now there have been several innovations made by the IDI (Muthaher, 2023).

One of them is the use of a barcode on the STR that is issued so that by simply scanning the barcode anyone can access and check the authenticity and correctness of the data in the STR, and the public can now independently verify the doctor concerned through the official KKI website by simply entering the doctor's name, The public can see the doctor's personal data.

D. Community Factors

The community is one of the factors that has an important role in a law enforcement process because if the community does not provide information or does not report the occurrence of a crime to the police, the police will find it difficult to fulfill their duties in enforcing the law.

As in the case of the criminal act of using a false identity as a doctor in practicing medicine, according to Cornelis, the role of the community is considered to be lacking in law enforcement. The author feels that the attitude of community cooperation is very influential in the resolution of cases like this. Because it is the public who should report to law enforcement

agencies if they suspect or feel that the doctor is a fake doctor, or even just feel disadvantaged in the process of receiving medical services.

Therefore, if the public reports a crime against the use of a false identity as a doctor in practicing medicine, then law enforcement officials can take further action, namely: arrest, investigate, prosecute, and sentence. Sentence will be carried out by a judge in court. Furthermore, law enforcement officials are expected to have an attitude of professionalism so that criminal cases against the use of false identities as doctors in practicing medicine can be resolved.

E. Cultural Factors

Culture can be said to be one of the dominant factors because basically the medical profession is a profession that is liked by the public. Cultural factors as one of the supporters and obstacles to the completion of this case are the norms and values adopted by the community. Inhibiting cultural factors, among others, when people do not have knowledge of the authority and duties of doctors. Society also considers doctors to be a profession that is not reproachable, so that people do not try to see the educational background of doctors involved. In fact, sometimes when people seek treatment or receive medical services and they don't recover, people only think that maybe the medicine they are given is not suitable or the doctor is considered unskilled, so that people rarely suspect that the doctor is a fake doctor.

Conclusions

Law enforcement against the use of false identities as doctors in carrying out medical practices is still not optimal, there are several factors that influence law enforcement, including law enforcement factors, where law enforcers do not fully understand Law no. 29 of 2004 concerning Medical Practice so that law enforcers do not apply the articles contained in the law enforcement process, as well as societal factors where the role of the community is considered to be lacking in reporting the use of false identities as doctors, even though they have become victims of the use of false identities as doctors.

Suggestion

Law enforcers should be more careful in determining the articles to be used in cases of using false identities as doctors in carrying out medical practices, and it is hoped that public awareness of the importance of finding out about the truth in medical practice even though it has been assisted by adequate facilities.

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