



Doctor's Legal Awareness in Providing False Illness Information to Patients in Surakarta Residence

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Abstract

In general, people in Indonesia often say that if they are sick, they go to the doctor to ask for a sick certificate, but many of the gifts are not right on target. The results of this study show that in Karasidenan Surakarta it is still found that people have made sick letters that are not in accordance with their health conditions, even though it has been regulated. Doctors' legal awareness in terms of knowledge and understanding still needs to be improved. The legal attitude and legal behavior of doctors internally is very good. Second, legal protection for parties who are harmed as a result of doctors providing false sick statements can be done with preventive protection, which is regulated in laws and regulations and there is no repressive legal protection. Third, the future concept of countering the actions of doctors in providing false sick information to patients, namely legal regulations, mechanisms for providing sick certificates, increasing the integrity of doctors and increasing community participation.

Keywords: *Doctor; Legal Awareness; Sick Certificate*

1. Introduction

In general, people in Indonesia often say that if they are sick, they go to the doctor to ask for a sick certificate, with the aim of not being able to go to work, or go to school or for other purposes. In Indonesia, there are many doctors who open independent practices or open clinics. This causes the competition for doctors is also very tight. (Meivy Isnoviana dan Suhandi, 2005) This sick certificate is an explanation letter made by a doctor and can be a sacred letter because it has full power and no one can cancel it except the Indonesian Medical Discipline Honorary Council and or the Medical Ethics Honorary Council.

Because the issuance of a sick certificate is part of medical practice, thus its existence is absolutely the authority and responsibility of the doctor, this is the same as the responsibility of other doctors such as making a diagnosis. This sick certificate also has benefits, namely for patients as moral support because it contains actions to strengthen their illness, meanwhile for doctors as a way to inform related parties, for related parties or third parties to be used as tools to find out identity and information. if the patient is sick and if needed can not carry out certain activities.

However, this sick certificate is often misused by those who have undue interests, ranging from reasons to go to school or work, to avoid a summons to the police. opportunity not to stay in detention, and other harmful actions. Thus, there are many incidents or events of giving fake sick letters to patients to support the interests of the patients themselves.

Meanwhile the action of the doctor who gives the fake sick letter has been regulated in several provisions, either in the Criminal Code or in the Medical Code of Ethics, Article 267 of the Criminal Code states, as follows:

1. A healer who knowingly provides a false certificate regarding the presence or absence of a disease, weakness or disability, shall be sentenced to a maximum imprisonment of four years.
2. If the information is given with the intention of placing a person in a memory hospital or to be detained there, then a maximum imprisonment of eight years and six months is imposed.
3. With the same punishment, whoever intentionally uses the false certificate as if its contents match something else actually.

The Indonesian medical code of ethics in Article 7 states that a doctor is obliged to only provide a certificate and opinion that has been verified for himself. From the above actions, giving a fake doctor's certificate is an act that can harm the parties involved, and this action is included in the act of forging a letter as regulated in Article 263 of the Criminal Code. Thus this will provide losses for the injured party and there needs to be a legal protection provided so that the aggrieved parties get the protection of their rights so that they are not violated by the consequences of giving the fake sick letter.

From the background described above, the formulation of the problem in this study is (1) How is the legal awareness of doctors in giving false sick statements to patients in Karasidenan Surakarta? (2) What is the legal protection for parties who are harmed as a result of doctors providing false sick statements? (3) What is the future concept of overcoming the actions of doctors in providing false sick information to patients?

2. Method

This research is based on a qualitative non-doctrinal approach. (Soetandyo Wignjosoebroto, 2010) The location of the research is in the jurisdiction of Karasidenan Surakarta. The type of data used in this study is primary data obtained from interviews and observations of several doctors in the Karasidenan Surakarta, IDI Karasidenan Surakarta administrators, and several patients in Karasidenan Surakarta. and secondary data obtained from literature study. The data analysis method used is the qualitative analysis which will be carried out sequentially between the methods of domain analysis, taxonomic analysis, and componential analysis. (Sanapiah Faisal, 2007)

3. Research Results And Discussion

3.1 Doctors' Legal Awareness in Providing False sick Statements to Patients in Karasidenan Surakarta

The medical profession is a job that is carried out based on competence, knowledge obtained through tiered education, and a code of ethics that has the character of serving the community. So this can be seen if the presence of the medical profession for the community, especially patients within the scope of health services. (Hasrul Buamona, 2014) The legal awareness of doctors in providing false sick statements is something that violates legal provisions and the medical code of ethics, and this is something that which often happens in the lives of Indonesian people, in this case the author has conducted research on 10 people who have asked a doctor for a certificate of illness when in fact he is not

experiencing illness, the details of which are if out of 10 people interviewed from various circles it was found that all of them had make a sick letter for the needs that require a sick letter. In this discussion the author will divide several sub-chapters of discussion that can be described as follows:

3.1.1 Arrangements for Giving Sick Certificates to Patients

Based on the facts in the field above, this is a common and common occurrence in society and although basically the issuance of a sick certificate by a doctor is regulated in several laws and regulations as well as a medical code of ethics. The following are the regulations regarding fake sick certificates, namely:

3.1.1.1 Criminal Code

In the Criminal Code, doctors who provide fake sick certificates are regulated in Article 263 of the Criminal Code which states as follows:

"(1) Whoever makes a forged document or falsifies a letter, which can issue a right, an agreement (obligation) or a debt relief, or which may be used as a statement for an act, with the intention of using or ordering other people to use these documents. it is as if the letter was genuine and not falsified, then if using it can result in something loss, the sentence for falsification of the letter is punishable by a maximum imprisonment of six years."

"(2) With a similar punishment, whoever deliberately uses a forged or falsified document as if the letter was genuine and not falsified, if using it can result in a loss. (K.U.H.P. 35, 52, 64-2, 276, 277, 416, 417, 486)."

According to R. Soesilo, what is meant by a letter in Article 263 of the Criminal Code is all letters, whether written by hand, or written using a typewriter and otherwise, a fake letter must be a letter which: (R. Soesilo, 1991) can issue a right for example a diploma, entry ticket and so on, can issue an agreement, for example a letter of sale and purchase agreement, receivables, leases and so on, can issue a debt relief, for example a receipt or similar letter, a letter that can used as an explanation for an action or event, for example a birth certificate, postal savings book, cash book, transportation letter, ship diary and so on.

In addition, it is more specific regarding doctors who commit acts of falsification of sick certificates are regulated in Article 267 of the Criminal Code, which states as follows:

"(1) A healer who intentionally gives a false certificate regarding the existence of a disease, weakness or disability, shall be sentenced to a maximum imprisonment of four years.

(2) If the information is given with the intention of placing a person in a memory hospital or to be detained there, a maximum imprisonment of eight years and six months is imposed.

(3) With the same punishment, whoever intentionally uses the false certificate as if its contents matched something else actually. (K.U.H.P. 35, 52, 64-2, 268 s, 276, 486)."

And more specifically it is also regulated in Article 268 of the Criminal Code which regulates the falsification of a doctor's certificate whose description is as follows:

"(1) Whoever makes a false certificate or falsifies a doctor's certificate regarding the presence or absence of a disease, weakness or disability, with the intention of deceiving public authorities or those who bear insurance, shall be sentenced to a maximum imprisonment of four years.

- (2) With the same punishment, whoever with the same purpose also uses a forged or falsified certificate as if the letter was genuine and not falsified.”

The interpretation of article 268 of the Criminal Code above contains elements that are objective, namely the act of making falsely and falsifying while the object is in the doctor's certificate regarding the presence or absence of disease, weakness or disability. Meanwhile, the subjective element is the existence of an error with the intention of misleading the general authorities or the guarantor. Thus, from the article above, the elements contained in it are as follows: the presence of a perpetrator, placing false information in a doctor's certificate regarding the truth of the letter, the element with the aim of using or ordering other people to use the letter, as if the letter is genuine or not falsified. (Susie S, Rottie, 2021)

3.1.1.2 Civil Code

The following are several articles that regulate the above, namely Article 1365 of the Civil Code, this article reads as follows:

"Every act against the law, which brings harm to another person, obliges the person who because of his fault published the loss, compensates for the loss".

Article 1366 of the Civil Code This article emphasizes Article 1365 of the Civil Code which states that if

"Everyone is responsible not only for the losses caused by his actions but also for those caused by his negligence."

From the understanding of the article above, there are 4 four elements that must be proven if you want to sue based on an unlawful act, namely unlawful acts, Errors, Losses, Causal Relationship between unlawful acts by the perpetrator and the losses suffered by the victim.

3.1.1.3 Law of the Republic of Indonesia Number 29 of 2004 concerning Medical Practice

In this law, regarding sick certificates, it is regulated in Article 35 which states as follows:

A doctor or dentist who already has a registration certificate has the authority to practice medicine in accordance with education and competence possessed, which consists of: interviewing patients, examining the patient's physical and mental state, determining supporting examinations, establishing a diagnosis, determining the management and treatment of patients, performing medical or dental procedures, writing prescriptions for drugs and medical devices, issuing doctor's certificates or dentist, Storing drugs in permitted quantities and types; and Dispensing and dispensing drugs to patients, for those who practice in remote areas where there are no pharmacies.

Based on the article above, a doctor who already has a registration certificate can provide a doctor's certificate by interviewing the patient, examining the patient's physical and mental state, determining supporting examinations, establishing a diagnosis. In addition, in supporting the doctor's duties in Article 53 of this Act, the patient has obligations as described in this article, namely as follows:

3.1.1.4 Medical Code of Ethics

The code of medical ethics is regulated in several provisions regarding the provision of sick information to patients, the arrangement of which is in Article 7, namely:

"A doctor only gives a certificate and an opinion that has been checked for its own truth"

In connection with the explanation of the article above, there are guidelines for its implementation, the description of which is that almost every day a doctor is asked for written information about various things, including sick leave. Sick Leave Letters There are several things that need to be considered by a

doctor, namely to always be aware of theatrics ("Stimulus") exaggerating ("aggravi") regarding illness or work accidents. The following opinions are objective and legal and can be verified. In addition, it is also regulated in Article 7b

“A doctor must have an honest attitude in dealing with patients and colleagues and have an effort to alert colleagues who he knows to have deficiencies in competence or character, or who commit embezzlement or fraud in dealing with patients.”

According to the article, the guidelines for implementing it, doctors must have an honest attitude in dealing with patients and their colleagues, and have an effort to remind colleagues who they know have deficiencies in competence or character, or who commit embezzlement or fraud, in dealing with patients.

3.1.2 Legal Awareness of Doctors in Providing a Sick Certificate

Ewick and Silbey legal awareness is formed in action and because it is a matter of practice that needs to be investigated empirically, which means legal awareness is a legal issue that becomes behavior and not law as a basic rule or norm. (Ali Achmad, 2009) Related to legal awareness doctor in providing a sick certificate, the author in this case has conducted interviews with 3 doctors in Karasidenan Surakarta. The following are the results of research that has been carried out by the author, namely as follows: (Ali Achmad, 2009)

3.1.2.1 Legal Knowledge

According to Otje Salman, understanding of the law, people know about certain actions that have been regulated by law. (Otje Salman, 1993) from the data that can be known from the three doctors, it is still minimal to know about the legal regulations governing the issuance of a doctor's certificate regarding his illness. patient. When interviewed by Dr. Tina Mulazami answered that the setting was only in the Indonesian medical code of ethics, but when the author asked to mention the source, it was difficult to answer, the same thing to Dr. Anita Marta when asked about the arrangement, she only answered in the Medical Code of ethics in Article 7 for detailed mention of the resource person. find it difficult, only Dr. Evi Kusumawati who answered Law No. 29 of 2009 on medical practice and the medical code of ethics, but the interviewees also found it difficult to answer in detail.

3.1.2.2 Legal Understanding

According to Otje, legal understanding is a collection of information owned by someone regarding the contents of certain legal regulations. (Elly Rosana, 2014) the Based on the data obtained, it can be seen from the three indicators that Tina and Evi's doctor's understanding of the contents of the arrangement is still not good when asked questions about understanding the understanding of legal arrangements, while Anita Marta's doctor can answer that a doctor can give honest information according to the results of the examination he has do with a patient. For the sanctions regulated in the legal regulations of the three doctors, both Tina, Anita Evi, she does not understand the sanctions that will be given due to taking these actions. Meanwhile, for the mechanism for granting a sick certificate, Dr. Tina Multazami was able to answer close to the right, namely by conveying that not only regulate and limit but also protect when there is a doctor and has a doctor's license through a long and not simple process, doctors must have competence, after having competency standards must register, After having a registration certificate, you must have a practice permit, and after that you can only practice.

3.1.2.3 Legal Attitude

Legal attitude is the tendency to accept the law due to an appreciation of the law as something that has benefits or provides benefits if the law is obeyed by people who then want to have a tendency to make an assessment of the law.

From the data obtained by the author, it can be seen that if the legal attitude of the three doctors is good, the three of them accept the existing legal regulations and try to obey them, this is as conveyed by Doctor Tina Mukta zam who said that so far I think I still hold fast and will always hold fast, if there is a condition that feels the need to be given a sick certificate then I will give it and if it feels like the pain is not too severe and does not require excessive rest then I will not give it, the legal stance still adheres to the existing legal regulations. So the risk is not only to the patient or personally but to me as well as the giver of the sick certificate so as much as possible continue to carry out the existing regulations.

3.1.2.4 Legal Conduct

Legal behavior is a person who obeys the applicable legal regulations. According to Munir Fuady, legal behavior is related to whether or not a legal norm exists in society, whether or not a legal regulation is running, the extent to which it applies and the extent to which the community respects it.

From the author's data, it can be seen that the doctor above has never made a fake sick certificate, therefore the legal behavior of this doctor is very obedient and very good. Based on these data, the author has conducted interviews with several doctors, as stated by doctor Tina who said that I had never violated it, so I have practiced for approximately 6 years, indeed there are several workplaces and my previous workplace, inevitably there are people who are nagging, in all lines there are unscrupulous persons who are carried out by unscrupulous patients, when in fact they do not need them. As much as possible I provide education by saying I can't because there are indications that my body does not require a sick certificate and give an understanding that the rules are like that, and I try to maintain the professionalism of my work and provide understanding to the patient.

So it can be concluded that the legal awareness of making fake sick certificates by doctors in Karasidenan Surakarta is quite appropriate, this is because from the data obtained by the author, all of them have never done this action and also have a good legal attitude by having a good view of the legal regulations that govern regarding the above provisions. Although basically these doctors do not have enough knowledge of existing legal arrangements and also a good understanding of the law to provide detailed and clear explanations regarding fake doctor's sick certificates. This doctor's legal awareness must be increased in the future so that actions that violate the rule of law can be avoided and do not have an impact, namely to harm others due to doctors who provide fake sick certificates.

3.2 Legal protection for Parties Who Are Harmed as a Result of Doctors Providing False Sick Statements

Legal protection for parties who are harmed by doctors who provide fake sick certificates can be divided into two forms, namely preventive legal protection, namely prevention and also repressive legal protection, namely legal provision. Which of the above legal protections can be described as follows:

3.2.1 Preventive

Preventive action or preventive action is an action taken to cope with an action before the action occurs. Furthermore, with regard to legal protection for parties who are harmed due to doctors who provide fake sick certificates, it is regulated in several regulations, one of which is in the code of ethics for the medical profession in Article 8 which states as follows:

"In carrying out his work, a doctor must pay attention to the interests of the community and pay attention to all aspects of comprehensive health services (promotive, curative, preventive and rehabilitative), both physical and psycho-social, and strive to become true educators and community servants."

Connection with the article above, it is very necessary to pay attention too, if the doctor is part of the community, therefore the doctor also recognizes various responsibilities to the norms that exist in the society where the doctor works. Responsibility as a member of the community is related to the existing order in society, for example, legal norms or legal orders which contain prohibitions or orders for all parties who violate and provide strict sanctions for peace and order in society. (Bambang Heryanto, 2010)

In addition to the above arrangements, there are also other arrangements in the jurisprudence of the Supreme Court of Canada 1956, in which the decision commented on the Principle of Liability of a doctor which consists of 5 actions that are careful and thorough, in accordance with medical standards, according to the ability of the doctor. according to a certain measure, in the same situation and circumstances, a balance between the balance of action and purpose. (Mohammad Hatta, 2013)

In the above regulations, it can be seen that the preventive measures regulated in these laws and regulations are to take precautionary measures in examining patients, as well as implementation using medical standards. In this regard, the author has conducted an interview with Doctor Tina Mulzamil who conveyed that prevention was carried out through the stages of education until permission was obtained correctly and when the practice of the examination stage was carried out in the correct stages, the standard anamnesis had several points carried out. There may be a patient who honestly asks for a sick certificate even though he is not sick and there is a patient whose illness is lying, we prevent this by a thorough examination through anamnesis with the stages we ask for a complete and directive to refine the diagnosis and if necessary a physical examination and supporting examinations to support the diagnosis direction of diagnosis, this effort is to prevent patients from lying about the complaints they feel, with anamnesis if anything is covered it will also appear and patients who openly ask us to be bound by rules and ask to be respected for our decision to carry out the profession professionally. The history itself is a medical interview conducted by a doctor to his patient in order to obtain information about the condition that is being experienced by the patient so that the doctor can conclude the diagnosis of the disease from the patient. (Mark, 2000)

In addition, in the Law of the Republic of Indonesia Number 29 of 2004 concerning Medical Practice, it is regulated regarding preventive protection, namely by involving everyone to make a complaint to the Chairperson of the Indonesian Medical Discipline Honorary Council if something is harmed by the doctor's actions. This is as regulated in Article 66.

The regulation relates to protection for the injured party, therefore the aggrieved parties can submit a complaint to the Chairperson of the Indonesian Medical Discipline Honorary Council if it is proven that the doctor has committed a crime or violated his professional code of ethics. This arrangement is a preventive legal protection provided so that the injured party can report to the doctor's organization this will automatically have an impact, namely giving a warning or warning to doctors to be more careful in carrying out their duties and responsibilities as doctors.

3.2.2 Repressive

This repressive legal protection is for the aggrieved party if there are several persons who make a fake sick certificate so that the injured party can file a lawsuit or complaint to the Indonesian Doctors Association so that the doctor concerned can be tried in accordance with the applicable professional code of ethics. In addition, the existence of criminal provisions in several laws and regulations is a reflection of the existence of legal protection for the aggrieved party against any violation of the manufacture of sick certificates by unscrupulous doctors or unscrupulous patients.

However, this repressive legal protection in the legislation is still not fully regulated in several laws and regulations. Namely, the code of ethics of the medical profession does not regulate punishments related to making a sick certificate that is not in accordance with the actual condition of the patient and also in Law Number 29 of 2004 concerning medical practice in its criminal provisions it also does not

regulate this matter. So there needs to be a clear sanction relating to the issuance of a sick permit that does not comply with the procedure. This is also related to politics in the formation of laws. According to Absori politics, a pragmatic understanding is an understanding that can be recognized in practical politics which is understood by means or tools or strategies carried out by a person or political party in order to gain or maintain power. (Absori, 2013) There is a tendency for the emergence of a state without boundaries cannot be allowed to run without norms and rule of law. This includes the system because it relates all aspects of life in the form of economic, political, socio-cultural and also includes aspects of crime. (Absori, 2013) In formulating policies, especially in the health sector, it will be strongly influenced by political interests and compromises between forces that have interests so that they can provide benefits to the wider community. (Absori, 2005)

3.3 The Future Concept of Overcoming the Actions of Doctors in Providing False Sick Information to Patients

A current or existing sick certificate, and based on what is described above, there are still many shortcomings or are vulnerable to a violation of the mechanism for issuing a sick certificate by a doctor. The author will describe the future concept of overcoming the actions of doctors in providing false sick information to patients whose descriptions are:

3.3.1 Legal Regulation

As stated above, there are still many legal regulations, several shortcomings, namely mainly related to sanctions in Law No. 29 of 2004 concerning Medical Practice and also in the code of ethics of the medical profession where legal sanctions regulate violations of making sick certificates. fake one. According to the author of this legal regulation, it must be clarified with the sanctions given in connection with a violation of the provisions governing the violation of a sick certificate.

3.3.2 Mechanism of giving sick certificate

Based on the background, there are still many practices of giving sick certificates that are not in accordance with the actual condition of the patient, so it is necessary to find a solution to eliminate this incident. One way is to formulate together about what conditions are included in the sick group and need to rest. Because in this case, this action is known as an anamnesis, but not this history is not clearly regulated in the doctor's regulations and the mechanism for measuring when the person gets a sick letter and when in the future the person does not get a sick letter. In addition, there are also criteria regarding the limits of a doctor's authority in carrying out his profession, whether legal, ethical and moral or disciplinary, so that if a doctor in carrying out his professional duties complies with all the requirements that have been made, if there are parties who feel that there is a detrimental action from the doctor, the injured party can ask the doctor concerned in accordance with his duties and position. (Henrojono Soewono, 2007)

3.3.3 Improving the integrity of doctors

It is very necessary to improve the integrity of doctors to maintain the dignity and good name of doctors in carrying out their medical profession. In this case the author has conducted an interview with doctor Anita Marta who mentioned the actions that can be taken to improve the integrity of the doctor, which are carried out in several ways, namely:

3.3.3.1 Conducting inspections at the hospital or clinic

3.3.3.2 Better understand patient complaints and synchronize with examination

3.3.3.3 Holding a forum discussing the making of sick certificates and their designations. This forum can also be implemented using a human capital approach, the approach in the transcendental humanist

perspective emphasizes the importance of humans doing good and preventing evil because it is based solely on God. (Absori, Kelik and Saepul Rochman, 2015). Provide an explanation to the patient for the designation of the sick letter so that the patient does not force the patient to ask for a sick letter.

3.3.4 Community participation

Community participation is very much needed, such as by giving a critique and advice to doctors. At the end of the day, public criticism of the medical profession in Indonesia is increasingly being found in various media, both print media and electronic media. The medical world, which used to seem unreachable by law, with the development of public awareness of the need for legal protection which is a basic social right as well as individual rights will make the world of medicine not only a civil relationship but also a criminal matter.

This increased community participation can be done by using online-based health services (E-health) which is emerging as a tool for developing new diagnostics and also therapeutic interventions, there are ethical issues that are related to the intersection of clinical practice and also online communication about health services. (Absori, Fitirani Nur Damayanti, Kelik Wardiono, 2020)

4. Closing

Based on the results of research conducted by the author, in this study the authors draw conclusions, namely: First, in Karasidenan Surakarta it is still found that people have made sick letters that are not in accordance with their health conditions, even though related to this it has been regulated in the Criminal Code, Civil Code, Law of the Republic of Indonesia Number 29 Year 2004 concerning Medical Practice and Medical Ethics Code. Doctors' legal awareness in terms of knowledge and understanding still needs to be improved. Meanwhile, the legal attitude and legal behavior of doctors internally are very good. Second, legal protection for parties who are harmed as a result of doctors providing false sick statements can be done with preventive protection, which is regulated in laws and regulations to take precautionary measures in examining patients. There is no repressive legal protection in this regard. Third, the future concept of overcoming the actions of doctors in providing false sick information to patients, namely legal regulations by reinforcing sanctions, the mechanism for providing sick certificates that need to be detailed and clarified, increasing the integrity of doctors and increasing community participation, namely by providing criticism and suggestions to patients. doctor.

Recommendation

The author in this study provides suggestions to several parties that can be described, namely First, to the government and also the House of Representatives to make changes to the regulations of Law no. 29 of 2004 concerning the practice of medicine by completing the provisions of the criminal law on every article that orders not to do something or contains a prohibition. Second, the Indonesian Doctors Association to provide training and also the association of doctors, Third, to doctors so that they can carry out their duties and responsibilities in examining patients. Fourth, to the public, especially patients, not to force or ask for a sick certificate from a doctor.

Offensive

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