

ABSTRAK

ANALISIS PENEGAKAN HUKUM PIDANA TERHADAP PELANGGARAN PRAKTIK TANPA IZIN TENAGA KESEHATAN DALAM TINDAKAN MEDIK KECANTIKAN

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Pelaku usaha klinik kecantikan masih melakukan tindakan medik secara ilegal. Oleh karena itu dirumuskan dua permasalahan yaitu bagaimanakah penegakan hukum pidana terhadap praktik tanpa izin tenaga kesehatan dalam melakukan tindakan medik kecantikan? Apakah kualifikasi tenaga kesehatan dan kualifikasi perizinan yang diperlukan dalam tindakan medik kecantikan? Penelitian ini menggunakan metode penelitian yuridis normatif dan yuridis empiris dengan pendekatan studi kasus. Pengumpulan data dilakukan melalui studi literatur, telaah peraturan perundang-undangan dan wawancara. Data yang diperoleh dianalisis melalui reduksi data, penyajian data, dan penarikan simpulan. Hasil penelitian menunjukkan bahwa berdasarkan Putusan Nomor: 1124/Pid.Sus/2020/PN Tjk, penegakan hukum pidana terhadap pelanggaran praktik tanpa izin tenaga kesehatan dalam melakukan tindakan medik kecantikan dilakukan berdasarkan Pasal 73 ayat (2) *jo* Pasal 78 Undang-Undang Nomor 29 Tahun 2004 tentang Praktik Kedokteran menjatuhkan pidana penjara terhadap terdakwa selama 5 (lima) bulan. Hal tersebut menunjukkan kualifikasi tenaga kesehatan dalam tindakan medik kecantikan adalah dokter yang memiliki sertifikasi dan kompetensi di bidang kecantikan. Perizinan yang diperlukan dalam tindakan medik kecantikan meliputi izin pendirian dan izin operasional yang diberikan oleh pemerintah daerah kabupaten/kota setelah memenuhi persyaratan. Saran atau rekomendasi penelitian ini yaitu penegakan hukum pidana terhadap pelanggaran praktik tanpa izin tenaga kesehatan dalam tindakan medik kecantikan perlu memastikan tindakan medik kecantikan sesuai SOP dan dilakukan oleh tenaga profesional berkompeten sesuai izin serta mengupayakan pemulihan kerugian korban. Selain itu, pemerintah sebaiknya melakukan sosialisasi tentang pentingnya perizinan pendirian dan operasional atau komersial klinik kecantikan.

Kata kunci: Penegakan, Tindakan, Izin

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ABSTRACT

ANALYSIS OF CRIMINAL LAW ENFORCEMENT OF HEALTH PERSONNEL PRACTICE VIOLATIONS IN BEAUTY MEDICAL ACTIONS

By

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Beauty clinic business actors are still carrying out medical acts illegally. Therefore, two problems are formulated, namely how is the enforcement of criminal law against practices without the permission of health workers in carrying out beauty medical actions? What qualifications of health workers and licensing qualifications are required in beauty medical procedures? This research uses normative juridical and empirical juridical research methods with a case study approach. Data collection is carried out through literature studies, reviews of laws and regulations and interviews. The data obtained are analyzed through data reduction, data presentation, and drawing conclusions. The results showed that based on Decision Number: 1124 / Pid.Sus / 2020 / PN Tjk, criminal law enforcement against violations of practices without the permission of health workers in carrying out beauty medical acts was carried out based on Article 73 paragraph (2) jo Article 78 of Law Number 29 of 2004 concerning the Practice of Medicine sentenced the defendant to imprisonment for 5 (five) months. This shows the qualifications of health workers in beauty medical actions are doctors who have certification and competence in the field of beauty. The permits required in beauty medical actions include establishment permits and operational permits granted by the district/city government after meeting the requirements. The suggestion or recommendation of this study is that criminal law enforcement against violations of practices without the permission of health workers in beauty medical actions needs to ensure that beauty medical actions are in accordance with SOPs and carried out by competent professionals according to permits and seek recovery of victim losses. In addition, the government should socialize the importance of licensing the establishment and operation or commercial of beauty clinics.

Keywords: *Law, Practice, License*

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