

ABSTRAK

PERTANGGUNGJAWABAN PIDANA TERHADAP PELAKU TINDAK PIDANA ADMINISTRASI TERKAIT IZIN STR/SIP TENAGA KESEHATAN (Studi Putusan Nomor 120/Pid.Sus/2024/PN Pbm)

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Tenaga kesehatan dalam melaksanakan praktik kesehatan wajib memiliki Surat Tanda Registrasi (STR) dan Surat Izin Praktik (SIP) sesuai dengan ketentuan peraturan perundang-undangan yang berlaku. Oleh karena itu, seseorang yang melakukan praktik tanpa memiliki izin dapat dikenakan sanksi pidana, karena perbuatan tersebut termasuk dalam kategori tindak pidana administrasi. Adapun Permasalahan dalam penelitian ini meliputi Pertanggungjawaban pidana terhadap pelaku tindak pidana administrasi terkait izin STR/SIP tenaga kesehatan pada Putusan Nomor 120/Pid.Sus/2024/PN Pbm dan apakah sanksi pidana pada putusan tersebut sudah mencerminkan rasa keadilan bagi masyarakat.

Metode penelitian yang digunakan adalah metode pendekatan normatif yang didukung pendekatan empiris. Pengumpulan data yakni data primer serta data sekunder dengan sumber data primer diperoleh melalui wawancara dengan Hakim Pengadilan Negeri Prabumulih, Pejabat administrator Dinas Kesehatan Provinsi Lampung, Dosen Bagian Hukum Pidana dan Bagian Hukum Kesehatan Fakultas Hukum Universitas Lampung. Data sekunder diperoleh dari studi kepustakaan.

Hasil penelitian dan pembahasan menunjukkan bahwa pertanggungjawaban pidana terhadap pelaku tindak pidana administrasi terkait izin STR/SIP tenaga kesehatan dalam putusan Nomor: 120/Pid.Sus/2024/PN Pbm, telah terpenuhi unsur *actus reus* dan *mens rea*. Perbuatan terdakwa yang tetap melakukan praktik kesehatan tanpa STR/SIP yang masih berlaku merupakan perbuatan melawan hukum dan telah memenuhi unsur *actus reus*. Selain itu, unsur *mens rea* juga terpenuhi karena terdakwa dengan sengaja tetap berpraktik meskipun mengetahui izinnya telah tidak aktif. Seluruh unsur pertanggungjawaban pidana telah terbukti, terdakwa harus mempertanggungjawabkan perbuatannya secara pidana. Penjatuhan pidana terhadap terdakwa telah mencerminkan keadilan secara legalitas, karena dijatuhkan melalui proses peradilan yang sah dan sesuai dengan ketentuan hukum, keadilan melalui penerapan asas legalitas dalam perkara ini sudah tepat dengan berpedoman

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pada aturan berdasarkan teori Hans Kelsen. Hal ini menegaskan bahwa Putusan ini dinilai adil karena memenuhi tujuan hukum berupa kepastian, kemanfaatan dan perlindungan hukum.

Saran dalam penelitian ini adalah agar hakim dalam menjatuhkan putusan pidana, hendaknya secara konsisten mempertimbangkan dua unsur pokok pertanggungjawaban pidana, yaitu *actus reus* dan *mens rea*, sehingga pertanggungjawaban yang diberikan merupakan pertanggungjawaban pidana yang tepat. Agar seluruh pihak terkait lainnya perlu mewujudkan kepastian, kemanfaatan, dan perlindungan hukum bagi masyarakat guna menjamin pelayanan kesehatan yang aman dan berkualitas, sebab keadilan sejati tercermin dari upaya perlindungan dan pencegahan, bukan semata melalui penghukuman.

Kata Kunci: Pertanggungjawaban Pidana, Tindak Pidana Administrasi, Tenaga Kesehatan.

ABSTRACT

CRIMINAL RESPONSIBILITY FOR PERPETRATORS ADMINISTRATIVE CRIMES RELATED TO ADMINISTRATIVE CERTIFICATES AND HEALTH WORKER PRACTICE PERMITS (Study of Decision Number 120/Pid.Sus/2024/PN Pbm)

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Health workers in carrying out health practices are required to have a Registration Certificate (STR) and Practice Permit (SIP) in accordance with the provisions of applicable laws and regulations. Therefore, a person who practices without a permit can be subject to criminal sanctions, because such actions are included in the category of administrative crimes. The problems in this study include criminal liability for perpetrators of administrative crimes related to STR/SIP permits for health workers in Decision Number 120/Pid.Sus/2024/PN Pbm and whether the criminal sanctions in the decision reflect a sense of justice for the community.

The research method used is a normative approach supported by an empirical approach. Data collection includes primary and secondary data, with primary data sources obtained through interviews with Prabumulih District Court Judges, Lampung Provincial Health Office Administrators, and lecturers in the Criminal Law and Health Law Departments of the Faculty of Law, University of Lampung. Secondary data were obtained from literature studies.

The results of the research and discussion indicate that the criminal liability of the perpetrators of administrative crimes related to Administrative Certificates and Health Worker Practice permits for health workers in the decision Number: 120/Pid.Sus/2024/PN Pbm, has fulfilled the elements of actus reus and mens rea. The defendant's actions in continuing to practice health without a valid STR/SIP are unlawful and have fulfilled the elements of actus reus. In addition, the element of mens rea is also fulfilled because the defendant intentionally continued to practice even though he knew his permit was no longer active. All elements of criminal liability have been proven, the defendant must be held criminally responsible for his actions. The imposition of a sentence on the defendant has

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reflected justice in terms of legality, because it was imposed through a legitimate judicial process and in accordance with legal provisions, justice through the application of the principle of legality in this case is appropriate by referring to the rules based on Hans Kelsen's theory. This confirms that this decision is considered fair because it fulfills the legal objectives of certainty, benefit and legal protection.

The suggestion in this study is that judges in handing down criminal decisions should consistently consider the two main elements of criminal responsibility, namely actus reus and mens rea, so that the responsibility given is appropriate criminal responsibility. So that all other related parties need to realize certainty, benefits, and legal protection for the community to ensure safe and quality health services, because true justice is reflected in protection and prevention efforts, not only through punishment.

Keywords: *Criminal Liability, Administrative Crimes, Health Workers*