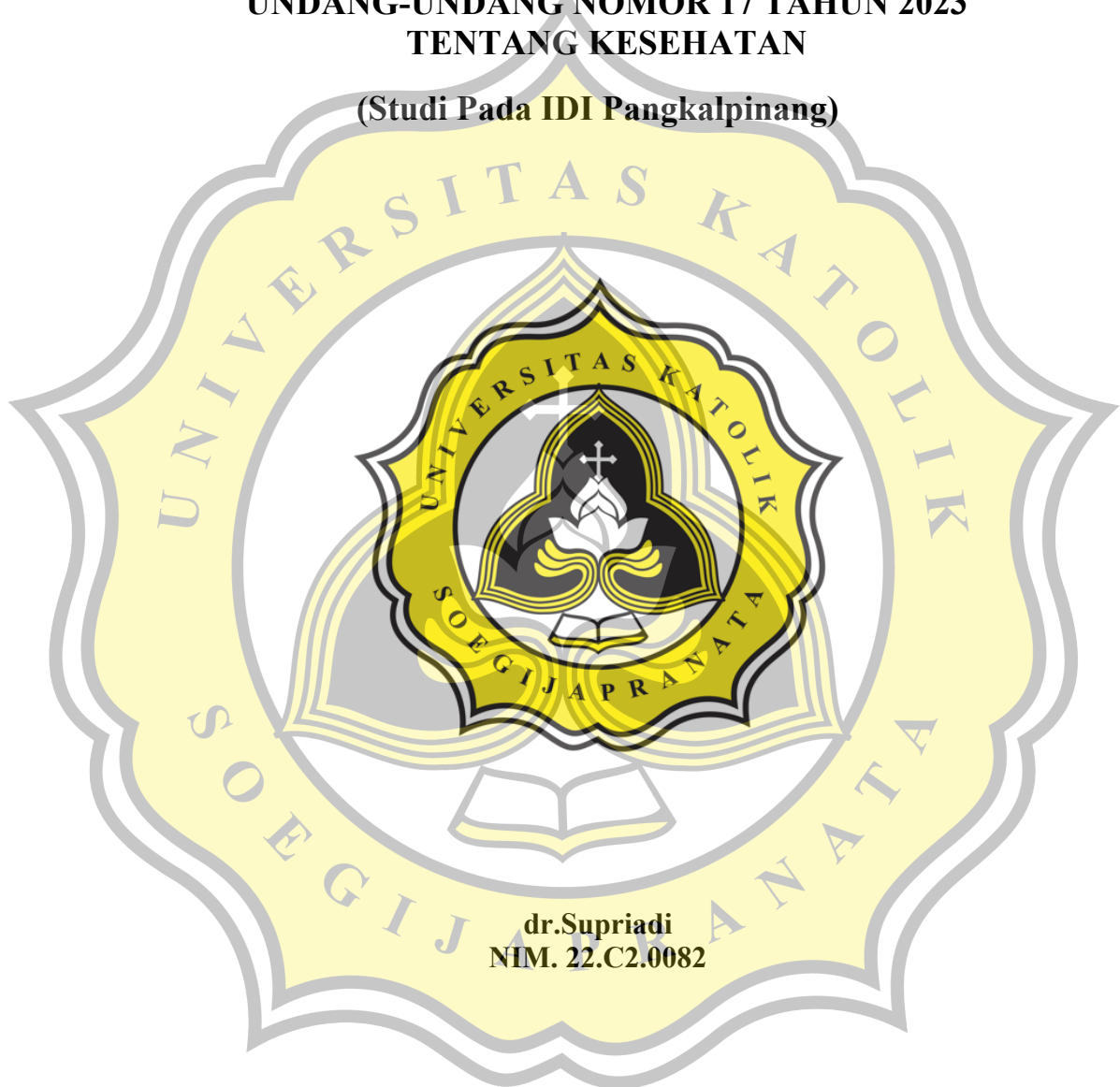


TESIS

**KEWENANGAN ORGANISASI PROFESI DOKTER DALAM
MENEGAKKAN ETIKA PROFESI PASCA BERLAKUNYA
UNDANG-UNDANG NOMOR 17 TAHUN 2023
TENTANG KESEHATAN**

(Studi Pada IDI Pangkalpinang)



**dr. Supriadi
NIM. 22.C2.0082**

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Diajukan Dalam Rangka Memenuhi
Salah Satu Syarat Memperoleh Gelar Derajat Sarjana S-2
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ABSTRAK

Dinamika pengaturan profesi kedokteran pasca berlakunya Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan yang kemudian direkonstruksi melalui Putusan Mahkamah Konstitusi Nomor 182/PUU-XXII/2024 dan Putusan Nomor 111/PUU-XXII/2024 membawa perubahan terhadap pembagian kewenangan antara pemerintah, Konsil, Kolegium, dan organisasi profesi dokter. Penelitian ini bertujuan untuk menganalisis kewenangan organisasi profesi dokter dalam menegakkan etika profesi pasca berlakunya Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan beserta implikasi kedua putusan Mahkamah Konstitusi tersebut.

Penelitian ini menggunakan metode penelitian yuridis sosiologis dengan pendekatan deskriptif analitis. Data diperoleh melalui studi kepustakaan dan penelitian lapangan di Ikatan Dokter Indonesia (IDI) Cabang Pangkalpinang, kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa kewenangan organisasi profesi dokter pasca berlakunya Undang-Undang Nomor 17 Tahun 2023 tidak mengalami pengurangan secara menyeluruh, melainkan mengalami redistribusi kewenangan melalui pembagian fungsi yang lebih proporsional antara pemerintah, Konsil, Kolegium, dan organisasi profesi. Putusan Mahkamah Konstitusi Nomor 182/PUU-XXII/2024 merekonstruksi pengaturan tersebut dengan mengembalikan konsep wadah tunggal organisasi profesi sebagai rumah besar tenaga medis dan tenaga kesehatan, mewajibkan pelibatan organisasi profesi dalam penyusunan standar profesi bersama Konsil dan Kolegium, serta menegaskan independensi Konsil dan Kolegium dalam menjalankan fungsi profesionalnya. Sementara itu, Putusan Mahkamah Konstitusi Nomor 111/PUU-XXII/2024 menghapus kewenangan pemerintah dalam pengawasan etika dan disiplin profesi sehingga mempertegas bahwa penegakan etika tetap menjadi ranah organisasi profesi. Meskipun demikian, implementasi pengaturan tersebut di IDI Cabang Pangkalpinang belum mengalami perubahan kelembagaan yang signifikan. Kondisi tersebut dipengaruhi oleh ketidakpastian mengenai batas kewenangan baru, belum tersedianya regulasi pelaksana yang memadai, serta kuatnya legitimasi sosial IDI sehingga menimbulkan fenomena *institutional inertia* dan menjadikan norma baru masih bersifat dorman. Selain itu, pelaksanaan kewenangan organisasi profesi masih menghadapi berbagai hambatan berupa ketidakjelasan status organisasi profesi, kekosongan hukum pada masa transisi, melemahnya keterkaitan sanksi etik dengan mekanisme perizinan, serta meningkatnya risiko fragmentasi organisasi profesi yang berpotensi menimbulkan konflik kewenangan dan perbedaan standar etika.

Penelitian ini merekomendasikan revisi Undang-Undang Nomor 17 Tahun 2023 agar selaras dengan Putusan Mahkamah Konstitusi Nomor 182/PUU-XXII/2024 dan Nomor 111/PUU-XXII/2024, disertai penguatan kelembagaan organisasi profesi melalui pedoman adaptif, pelatihan, dan sosialisasi regulasi guna mewujudkan kepastian hukum dan efektivitas penegakan etika profesi.

Kata Kunci: Kewenangan, Organisasi Profesi Dokter, Etika Profesi. Undang-Undang Nomor 17 Tahun 2023 Tentang Kesehatan.

ABSTRACT

The regulatory framework governing the medical profession has undergone significant changes following the enactment of Law Number 17 of 2023 on Health, which was subsequently reconstructed through Constitutional Court Decision Number 182/PUU-XXII/2024 and Constitutional Court Decision Number 111/PUU-XXII/2024. These developments have reshaped the distribution of authority among the Government, the Medical Council, the Collegium, and professional medical organizations. This study aims to analyse the authority of professional medical organizations in enforcing professional ethics following the enactment of Law Number 17 of 2023 on Health, as well as the implications of the two Constitutional Court decisions.

This study employed a socio-legal research method using a descriptive-analytical approach. Data were collected through library research and field research conducted at the Indonesian Medical Association (Ikatan Dokter Indonesia/IDI) Pangkalpinang Branch and were analysed qualitatively.

The findings indicate that the authority of professional medical organizations following the enactment of Law Number 17 of 2023 has not been reduced comprehensively but has instead been redistributed through a more proportional allocation of functions among the Government, the Medical Council, the Collegium, and professional organizations. Constitutional Court Decision Number 182/PUU-XXII/2024 reconstructed the regulatory framework by restoring the concept of a single professional organization as the umbrella organization for medical and health professionals, requiring the involvement of professional organizations in formulating professional standards jointly with the Medical Council and the Collegium, and reaffirming the independence of the Medical Council and the Collegium in performing their professional functions. Meanwhile, Constitutional Court Decision Number 111/PUU-XXII/2024 revoked the Government's authority to supervise professional ethics and disciplinary matters, thereby reaffirming that ethical enforcement remains within the jurisdiction of professional organizations. Nevertheless, the implementation of these regulatory changes within the IDI Pangkalpinang Branch has not resulted in significant institutional transformation. This condition is influenced by uncertainty regarding the boundaries of newly redistributed authority, the absence of adequate implementing regulations, and the strong social legitimacy of the IDI, giving rise to a phenomenon of institutional inertia that has left the new legal norms largely dormant. Furthermore, the exercise of professional organizational authority continues to face several normative and practical challenges, including ambiguity regarding the legal status of professional organizations, legal uncertainty during the transitional period, the weakened linkage between ethical sanctions and the licensing system, and the growing risk of organizational fragmentation, which may lead to jurisdictional conflicts and inconsistent ethical standards.

This study recommends revising Law Number 17 of 2023 to ensure its conformity with Constitutional Court Decisions Number 182/PUU-XXII/2024 and Number 111/PUU-XXII/2024, accompanied by institutional strengthening of professional organizations through adaptive guidelines, training, and regulatory dissemination to promote legal certainty and the effective enforcement of professional ethics.

Keywords: Authority; Professional Medical Organization; Professional Ethics; Law Number 17 of 2023 on Health.