

Gratification Of Pharmacy Companies Against Doctors In Medical Services In Hospital

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ABSTRACT

Every industry in today's world, including the medical and health sectors, offers rapid gratification. The existence of retaliation by pharmaceutical companies against doctors, particularly when the pharmaceutical company colludes with doctors to promote drugs by paying them commissions or incentives for each prescription they write for patients when there is a mutually agreed-upon arrangement between the two parties. The conspiracy idea comes from the doctor's request and the pharmaceutical industry. This is also a result of monopolistic practices between pharmaceutical companies and doctors, which cause the price of drugs that patients must purchase to become uncontrollably expensive and raises concerns about the quality of the medications for the patient's recovery because of the doctor's financial incentives to see that the drug is quickly sold/sold on the market. The approach of this study is a type of normative juridical research that employs literature sources, pertinent laws and regulations, other media materials, and interviews to collect information or theories regarding the outcome of the research issue. Pharmacies exert influence by giving something to doctors who work for the government to keep them from losing their freedom and independence when prescribing pharmaceuticals to patients. Doctors routinely recommend pharmaceutical companies' prescriptions because they find it rewarding; as a result, the cost of pharmaceuticals rises, monopolies form, and consumer protection is necessary. It can be considered a crime of gratification for the doctor, which is prohibited under Criminal Code Article 12B.

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1. Introduction

Word corruption directly connects to the issue of pleasure by looking at its etymology, which is "filthy activities." Since public servants routinely receive gratuities in addition to disbursing them, there is a direct link between accepting gratuities and financial dishonesty. Article 418 of the Criminal Code (KUHP) threatens the criminality of a public official (civil servant) who receives a gift or ability (before), as we know that it was given to him because of a power or authority related to his position or that, in the opinion of the person who holds the grant or ability, is connected to his work. Today, corruption affects every industry, including the medical sector, which is a part of the health industry.

Doctors are respected professions because they have the power to heal the sick and are those with the legal capacity and license to give medical care. When people (patients) visit the doctor, they expect to get a diagnosis of the condition they are experiencing and a prescription for treatment. However, the Health Workers Act's intention frequently conflicts with how medical workers deliver healthcare services in the real world. The results of the Tempo magazine research team's findings at the end of 2015, namely the 2,125 doctors' claimed gratification with total revenues ranging from five million to 2.5 billion rupiahs, demonstrate this.

Some doctors who receive money from pharmaceutical firms work in buildings controlled by the government and are employed by the government. In 2016, the Corruption Eradication Commission (KPK) uncovered a flow of Rp. Pharmaceutical companies made six hundred billion payments to doctors in Palembang. In this instance, there was satisfaction.

Pleasure-based corruption today affects the economy, society, and politics, in addition to the legal system. The financial implications of crime include significant concessions to high officials and payments paid through bribes to incentivize bureaucrats to acquire contracts.

Unethical practices in the medical industry are already well-known due to the high prices of pharmaceuticals. In this instance, a collaboration between physicians, pharmaceutical companies, and businesses that make medical devices is being attempted. It is also clear that it is challenging to claim that there is no affiliation between pharmaceutical companies and physicians. Talking about pharmaceuticals must be identical

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to talking about doctors, and talking about pharmaceutical companies must be synonymous with talking about medications.

The healthcare system and medical services the medical profession offers to deal with medical ethics and associated issues. The Unitary State of the Republic of Indonesia is established on Law (rechtsstaat) instead of as a state of power. Hence the legal position must be the cornerstone of all decisions (machtsstaat).

The practice of medicine is one act that must always be done following the Law. Because high moral standards and mandates mark that each doctor is accessible at all times to assist anybody, at any time, and anywhere following professional norms, the medical profession is unique from commercial occupations. Doctors must follow the medical ethics code while performing their duties. According to Article 53 paragraph (3) of Law Number 36 of 2009 concerning Health, the provision of health services shall be based on the preservation of the lives of the patients.

Due to the emergence of pharmaceutical companies in Indonesia due to technological advancements in the healthcare industry and the growing demand for pharmaceuticals, there is no competition among different health agencies to distribute medications. Competition is standard in business, as firms compete to improve the quality and marketability of their products, as well as in the pharmaceutical sector. It frequently leads to losses for consumers when corporate actors adopt different activities to create profits without taking into account the losses sustained by third parties, in this case, the patient who is a consumer.

A doctor is advised not to let anything threatening the profession's independence and freedom influence how he carries out his job. Additionally, it is stated in the Article 3 explanation that the following actions are considered unethical: 1. use their medical knowledge and skills in any way, individually or collectively; 2. receive rewards that are not merit-based and deserving; unless they are motivated by sincerity, knowledge, or the patient's will; 3. establish relationships with or accept payments from organizations that might have an impact on doctors' work; and 4. take part directly or indirectly in the promotion of drugs, tools, or other supplies.

The arguments mentioned above make it very clear that working with pharmaceutical firms as a doctor is against accepted medical ethics. It's possible that the doctor had criminal intent in mind when he took these activities. The doctor receives fees related to medical equipment when he prescribes pharmaceuticals to his patients and prescriptions from certain pharmaceutical corporations that act as his principal sponsors. The patient may occasionally have an ultrasound device implanted even when it is not required.

Doctors who only give specified prescriptions directly to patients or deliver pharmaceuticals of a lower standard than what patients should receive are targets of public ire. These actions force patients to buy the necessary medications from pharmacies. The doctor's behavior is undoubtedly driven by a desire to earn commissions from pharmaceutical companies. The doctor continues to behave this way despite knowing that his actions have defied the Law, violated the code of ethics, and harmed his patients. At the same time, the number of other doctors who are complicit in the conspiracy is also increasing. Article 12 B Paragraph (1) of Law Number 20 of 2001 Concerning Amendments to Law Number 31 of 1999 Concerning Corruption Crimes highlights the following:

"In a broad sense, satisfaction is a gift that can come in money, goods, rebates (discounts), commissions, interest-free loans, flight tickets, lodging, trips, free medical attention, and other services. They may utilize electronic or non-electronic techniques to fulfill their wishes, whether they are domestically or worldwide, depending on their position or level of responsibility. Corruption offenses in violation of Law Number 20 of 2001."

In light of the definition above of satisfaction, it is also pertinent to consider the existence of satisfaction by pharmaceutical companies against the medical profession, where the pharmaceutical company in promoting drugs engages in the conspiracy in the form of cooperation with doctors by offering commissions or incentives to doctors in every writing of drug prescriptions to patients. In other words, the pharmaceutical industry's business becomes founded on the pain of patients and the issue of medications due to cooperation and a relationship between marketing and sales.

Sometimes, rather than just a pharmaceutical company, the physician himself makes the request that gives rise to the idea of collaboration. Doctors have the authority to select the prescriptions they recommend, and farmasi firms produce branded (patent-protected) medications for retail sale. New pharmaceuticals developed and commercialized by a pharmaceutical company with existing patent rights are known as patent drugs. Generic drugs, on the other hand, can be further divided into two groups: branded generic drugs, which are a subset of generic pharmaceuticals that list the name of the manufacturer, and generic medications with logos, which are drugs that typically only display a generic logo without identifying the pharmacy or company where the medicine is produced.

Pharmaceutical companies sell drugs by using a detailing system, in which they approach doctors who work in private practices or hospitals through a network of distributors. One of the intricacies of this detailing

activity is the communication between physicians and pharmaceutical firms to create a situation where both sides gain, and physicians and pharmaceutical corporations may collaborate in this communication.

Pharmaceutical companies include it in their production expenses as a promotional expense, which raises both the production costs and the drug's price. The drug's high price is entirely the responsibility of the consumer. "Business actors are prohibited from offering, promoting, or advertising drugs, traditional medicines, dietary supplements, medical devices, and health services by promising gifts in the form of other goods or services," states Article 13 paragraph (2) of Law Number 8 of 1999 Concerning Consumer Protection. This directly contradicts how pharmaceutical corporations advertise their goods. This is detrimental to drug users who suffer losses due to the drug marketing system because it doesn't provide public health protection.

2. Method

Research is one of the best methods for finding solutions to problems. Research can also establish, improve, and test the truth. The research approach of a study provides its guidelines and cues. Legal science is the parent science's base, according to legal research. To implement this strategy, two different approaches are used: a statutory approach (Statute Approach), in which all laws and regulations relevant to the problem (legal issue) at hand are examined, and a conceptual approach (Conceptual Approach), in which the views and doctrines of the indoctrination that develop in the legal sciences are taken into account. This approach is essential because it offers insights, notions, and legal principles relevant to the matter at hand, which aids in comprehending perspectives and doctrines. Since the various legal standards that will be evaluated serve as the study's subject and the main topic, the statutory technique must be applied in normative research. As a result, the legislative approach must be used even when the study creates a legal void. 43 Laws governing the Indonesian Code of Medical Ethics, the Criminal Code, Law Number 8 of 1999 Concerning Consumer Protection, Law Number 20 of 2001 Concerning Corruption Crimes, and Law Number 29 of 2004 Concerning The Practice of Medicine are all subject to the statutory approach. In the normative legal study, sources of legal information such as primary legal resources, secondary legal materials, and tertiary legal materials are used.

3 Result And Discussion

The emergence of gratification-causing factors

Under the Minister of Health of the Republic of Indonesia Number 14 of 2014 concerning Gratification Management within the Ministry of Health, there are two types of gratuities: those connected to bribery and those not (1). Bribes are prizes provided in defiance of the recipient's responsibilities and obligations and are related to the position they were granted. On the other hand, gratuities that are received outside of the recipient's official duties and obligations are not viewed as bribes. Promotional fees, transactional prizes for promoting a product, gratuities used for personal gain, gratuities for public services, alternative procedures, purchases of goods and services, as well as sponsorships associated with the promotion or evaluation of a product are examples of the different types of gratuities that may be given.

Though many organizations experience conflicts of interest throughout the Skill Education Development Program (P2KB) implementation, which results in gratification, there existed a conflict of interest between management and doctors, which was identified to ensure that hospital administration dispersed doctors' powers equitably. Due to this, P2KB support became less reliable. Article 4 of the Health Minister's Regulation (Permenkes) Number 58 of 2016 states that the award subsidy for support within the P2KB framework is subject to specific regulations, including regional units. A physician will make money if he speaks and serves as the moderator.

The Executive Board of IDI and the Central Board of the Indonesian Pharmaceutical Association (GP) collaborated on a memorandum of understanding on the "Collective Agreement on Promotional Ethics Drugs" regarding assistance in the realm of P2KB, as stated in (2):

The autonomy and independence of the medical profession should not be compromised in any way, according to the Indonesian Code of Medical Ethics, which states that a doctor's medical judgment shouldn't be impacted by it. In the context of prescribing prescription medications to patients, it is illegal for doctors to do so if they have accepted compensation from a particular pharmacy. This is known as drug marketing. Pharmacies shouldn't be compelled to pay for doctors' travel to scientific conferences by putting them under pressure to advertise or suggest a product.

Pharmacies may provide financial aid to certain physicians as part of continuing medical education programs, but only for the expense of travel to and from the locations of such programs and registration fees.

If a doctor cannot speak or act as a moderator during the event, pharmaceutical companies are not allowed to pay for the doctor's attendance.

When helping the medical community, pharmaceutical companies are not permitted to deliver gifts, rewards, incentives, contributions, money in the form of comparable replacements, bread units, or recommendations for using their products.

In KODEKI 2012, it was planned that physicians would receive sponsorship for the costs of registration, travel, and lodging for medical symposiums held during the implementation of the amount of D-1 and D+1 for individual activities without family members. Keep in mind that assistance shouldn't be provided in cash. When a scenario calls for immediate assistance, a bank transfer will be used to give money to the doctor. This can be considered so long as it's required to cover the costs of registration, travel, and lodging for health symposiums while the activities are being carried out. This will finally be accounted for according to the analysis of the bank transfer method. If the sponsor requests payment in return for advocating a product, the doctor should be informed of their advertising limitations.

According to studies on doctors, there are restrictions on the amount of space that can be used for advertising that a doctor must take into account. Among these restrictions are: Avoid using the medical profession's name or intimidating health products in your advertisements.

The idea of omitting the profession's title and medical ethics from promotional advertising is inappropriate.

As a result of doctors paying pharmaceutical companies, patients are lost.

There is a growing need for high-quality medicines among consumers. People's increasing understanding of the importance of health in today's culture may increase the demand for high-quality drugs (3). While this is happening, pharmaceutical corporations approach doctors with the hope that they will use their medications by prescribing various drug classes following the health of ill patients, but with a specific brand, and vice versa if they meet the target. Of course, these actions also affect the rising fundamental medicine prices. Pharmaceutical companies' efforts to promote pricey prescriptions, especially branded and patent medicines will surely harm customers (patients). As a result, these operations may become illegal since they will affect costs by regulating assembly. Pharmaceutical companies may engage in anticompetitive activity or unfair competition through the promotion of goods and services or other types of business to manage or develop their medicine provisions and pharmacies to regulate every kind of drug.

The patient can experience harm because they weren't given a chance to make a choice. A doctor's decisions should not be influenced by personal gain. A physician has been convinced to put his professional interests ahead of trying to ensure the patient's recovery when he takes a gift from a pharmacy with the directive to promote a drug made by a specific distributor.

Giving gifts in the form of goods and other services is expressly prohibited for business actors, according to Article 13 Paragraph (2) of Law No. 8 of 1999 on Consumer Protection: "Offering, promoting, or advertising herbal medications, dietary supplements, foods, medical devices, and health services." The consequences for breaking these provisions are outlined in detail in Article 62 of the Consumer Protection Law, including a maximum prison term of 5 (five) years or a fine of Rp. 200,000,000.00. (two billion rupiahs). This arrangement will only be relevant to pharmaceutical companies that give doctors bonuses, commissions, or gifts. According to consumer protection regulations, a condition of most consumer rights, including the ability to satisfy fundamental necessities, is nutritional health. In the meantime, patients must be able to: 1. easily receive and access health services; 2. be free from discrimination; 3. obtain data and education, particularly regarding health conditions and treatment received; 4. have a hospital and a doctor who professionals handle; 5. take part in making decisions about treatment related to his health; 6. Assassinate privacy protection and confidentiality, and 7. criticize.

From the patient's perspective, this flaw is also the result of the conflicting standards, which makes it financially challenging for the patient to comply with the doctor's prescription. Even though the composition and substance of the medication are equally crucial to the patient's recovery, these doctors often prescribe drugs at a price that is much more than that of a more cost-effective quality.

This occurrence occurs not only in local regional or government-run public hospitals but also in private hospitals, even when there are cases of procedures that are generally independent and even the employment of specialist doctors who break the Law.

The balance of power in the legal system between healthcare providers and pharmaceutical companies. According to Article 3 of the Indonesian Code of Medical Ethics, adopting the business model of selling for a profit is unethical and should be avoided. Since the Republic of Indonesia's Minister of Health No. 58 of 2016 about the provision of sponsorship for healthcare workers for the benefit of CPD (Continuing Professional Development) or CME regulates the use of physicians as a provider for the promotion of medicines, doctors cannot be used for this purpose (Continuing Medical Education).

The expansion of pharmaceutical industry satisfaction among doctors.

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The term "gratification" is defined as "gratification in a comprehensive sense, which can mean cash, goods, commissions, interest-free loans, travel tickets, lodging facilities, tourist trips, free medical treatment, and other facilities" in Law Article 12 B Paragraph 1 Number 31 of 1999 and Law Number 20 of 2001. Gratuities are accepted both domestically and internationally.

Pharmaceutical companies frequently give doctors presents of many types. Pharmacies compensate doctors for prescribing drugs in exchange for their prescriptions. The doctor might have gotten goods from the pharmaceutical industry, such as cash, tickets, travel, the chance to attend seminars or conferences, and other things.

In some doctor interviews conducted in Banjarmasin hospitals, the following themes emerged:

Drug distributors frequently visit the clinic to advertise their goods and look for partnerships between doctors and pharmacists to supply pharmaceuticals, according to one of the doctors who work in the health clinic at one of the hospitals in Banjarmasin. If the drug being sold achieves the objectives set forth by the two parties, doctors are compensated (bonus), and occasionally they receive a presentation of the drug's earnings.

A doctor who works in the health clinic at one of the Banjarmasin medical centers revealed that drug distributors routinely contact him with proposals of collaboration between medical professionals and pharmaceutical corporations as suppliers of medications. Doctors receive an incentive (bonus) and sporadically a share of the drug's sales money if the drug being sold achieves the two parties' mutually agreed-upon goals.

Doctors at one of the hospitals in Banjarmasin City have also said that their drug sales must meet or exceed their target to be eligible for royalty from the sales revenues. The concerned doctor is expected to return the medication to the pharmaceutical maker through drug sales if the aim is not achieved. Instead of actual pharmaceuticals, several pharmaceutical businesses now provide seminars, symposiums, and workshops. The pharmaceutical firm will pay for all earnings from the event-related activities.

The presence of relationships between drug firms and medical personnel that are mutually beneficial or symbiotic. Doctors must provide prescriptions for medications while carrying out supportive treatments to enhance the quality and quantity of their care. There is. Regrettably, a third party must be considered in these two relationships: the patients. The advertising costs in this scenario are passed on to the general public due to the mutual support between the two parties, increasing the price of drugs. Patients will be responsible for paying a sizable amount of the medication's cost, which is a burden.

Researchers from the "University of Queensland, Australia," claim that pharmaceutical companies coerce doctors into writing prescriptions for their patients. This study was based on an analysis of numerous studies in several countries. Following are some of the mentioned:

1. Mr. B, a 25-year-old patient, was once treated at one of the hospitals in Banjarmasin. He once took his wife to a clinic for mothers and kids to check. The patient was advised to pick up the prescription at the pharmacy after the examination. Still, when he received the part, he was astonished to discover that the price was double the HET (Highest Retail Price) listed on the debt. When the patient tried to inquire about the medication at another drugstore, she was startled to learn that the price was only 3/4 of the HET suggested price. The patient naturally thinks the case has cost them a lot of money.
2. Mr. X (40 Th), the patient after him, received care at a private clinic. Despite the patient's complaints of nausea, mefenamic acid, an analgetic, was administered. Of course, people who have stomach discomfort are given a proprietary drug with an expensive area, but this is not a symptom of a disease. Although there might be side effects, there is little doubt that this is not a cure for the sickness.
- 3.

According to the findings above, the public's trust in medical procedures will decline if there is proof of a mutually beneficial link between medical personnel and pharmaceutical corporations. It's not common for doctors to recommend drugs even when the patient doesn't necessarily have an illness. Patients commonly travel to neighboring nations for medical treatment because they provide highly dependable, secure, and accurate care.

According to researchers, such unfortunate actions are indissolubly related to: Or is it greed? Natural factors Organizational components 2) Conflict of Interests

Discussion

Doctors' illegal favoritism of pharmaceutical firms

The phrase "criminal culpability" is used in many languages to denote whether or not a person can be held legally responsible for the crimes they have committed. As a result, a wager is made on the following two events:

There must be a concrete element that is now prohibited.

There is objective accountability for violators who will be held responsible if the action is proven illegal.

Ruslan Saleh said he mentioned: "In the sense of criminal conduct, an illegal action that transgresses the Law by coercion, seduction, and other means. The person is guilty of the crime if it can be demonstrated through empirical evidence that they did it.

These ideas aim to clarify the justifications used by the state when enforcing a criminal conviction (4).

Theorem Absolut

Criminal prosecution is required for all crimes. When a person is found to have violated the Law in the most blatant way possible, they are classified as a criminal.

Comparative theory

When someone is convicted for a crime, it's not because it was perceived as a form of retaliation but because it had the intended impact of discouraging future bad behavior.

Convergent theory

The criminal punishment imposed cannot be harsher than the act he committed, according to the principle of criminality and retaliation.

Regarding those who are held legally liable by pharmaceutical companies against doctors who provide medical services, specifically (5):

Medical institutions that are hospitals

The Hospital is a legal entity or body that significantly contributes to developing the nation's economy. Faced with competition, businesses compete with one another through promotions and market-controlling strategies.

Because of this, many companies are experimenting with various techniques to spy on competitors, copy, spoof, steal, bribe, and collaborate on prices or regional marketing. Simply put, the company will occasionally engage in illegal activity to further its goals, frequently under the pressure of competition. Constitution No. 05 of 1997's Article 1 Number 13 states, "Whether or not they are formed into a legal organization, a corporation is a group of people. Additionally, the organization's scope encompasses every kind of corporate entity, legal entity, and non-legal entity. It is organized, consists of people or wealth, and is either incorporated or unincorporated.

It is difficult to prosecute a business for a crime, given that it is a legally recognized entity. Mistakes are a confirmed component, even though they violate the established principles and standards. Criminal activity is committed by company personnel or those still carrying out official duties.

There are several opinions on what a "senior official" is, per (6). Senior executives, usually the management and management, individually or jointly control the organization. Select A "senior official," in Thomas Reid's definition, is someone who: 1. Senior officials will occasionally work with "administrator boards, managing administrators, and alternative superior World Health Organization officials to perform management tasks and speak and act on behalf of the organization" for legal purposes. 2. According to 2., "All personnel of World Health Organization firms work for or carry out commands from superior corporate executives."

What establishes a hospital's criminal liability is the interactions it has with patients, doctors, and other hospitals or healthcare facilities (7). Health specialists worldwide believe the entire global health system should function professionally.

The therapeutic relationship may take the form of a connection between the doctor and the patient to identify any attempts made by the doctor to cure the patient's disease. The emergence of a trustworthy bond between patients and doctors significantly impacts the patient's capacity to heal. The person with control over their physical health is the patient. On the professional side, quality health is organized by doctors who are informed and strictly abide by the medical profession's code of ethics.

Several health problems are starting to surface, including:

1. Hospital as Institution of a Charitable Corporation.
2. Hospitals are built to provide healthcare for the sick and impoverished as a facility devoted to managing healthcare services. (8) states that "the hospital, which was a charitable organization at the time, supplied just a small amount of space, food, and care, which the volunteers shared."
3. In addition to receiving intensive care, hospitals—one of the top healthcare facilities—have evolved into institutions or other institutions, making them even more intricate and sophisticated.
4. In the Consumer Protection Law No. 8 of 1999. The goals of corporate activities that prioritize profits in running their businesses are very much in line with the characteristics of hospitals or other health service facilities, which not only carry out hospital health service activities but also take into account the aspects of profit in running their business. Trust, secrecy and non-maleficence are all medical ethics requirements; therefore, commercialization should not be motivated by money. 143 According to Article 21 of Law No. 44

of 2009 Concerning Hospitals, hospitals have developed their role to include not only delivering medical services but also doing so to make a profit.

Even economically, the Hospital is a market of demand (demand) and supply (supply), goods and services (quality), where the satisfaction of services to patients is given in exchange for services/rewards following the quantity and quality received by patients, says (9) saying that "The hospital paradigm has shifted from the function of service facilities to the process of receiving money (budgetary procedure). How many of the following RS Sebagai koporasi traits are present (9):

Characteristics of corporation	Hospital features	Legal provisions in Law No.44 of 2009
Organized pools	1. The owner of a government hospital. 2. There is an organizational structure for the formation of a technical implementation unit. 3. A hospital organization consists of; the head of the hospital/director, the element of medical services, the element of nursing, the aspect of medical support, the internal examination unit, the general administration, and finance. 4. I am organizing good governance and clinical governance.	<ul style="list-style-type: none"> • Explanation of chapter 34 verses (3) • Chapter 7 verse (2) • Chapter 33 verse (2) • Chapter 36
People/health	HR requirements have a fixed, educated workforce; <ul style="list-style-type: none"> • Medical personnel and medical support • Nursing personnel • Pharmaceutical personnel • Hospital management personnel • Non-health workers 	<ul style="list-style-type: none"> • Chapter 12 verse (1)
Forms of legal entities / non-legal entities	Government hospitals; public (general) hospitals form	<ul style="list-style-type: none"> • Article 40 paragraphs (2) and (3)

Law No. 44 of 2009 establishes a legal foundation for the criminal prosecution of individuals who engage in corporate crime. "Hospitals are legally responsible for all losses caused by mistakes produced by health personnel," states Article 46 of Law No. 44 of 2009.

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The Decree of the Minister of Health No. 595 / Menkes / SK / VII / 1993, which relates to the standard of medical services, stipulates that medical acts shall be performed in line with the applicable SOP regulations and standards. The government must enforce standards to ensure that goods are produced with high standards of effectiveness and efficiency. Included in the hospital assignment are: 1. Full-Cost Pricing, Cost-plus contracts, the target rate of return pricing, and

1. Individual Doctors

- a. According to (10), doctors have licensed professionals in the health industry committed to helping the community with a feeling of humanity. As a result, they must be carried out with responsibility and a sense of humanity.
- b. Jobs that demand professionalism is considered to be professions.
- c. Possess a specific set of skills
- d. Based on rigorous training and specific disciplines, accountable for the advancement of knowledge.
- e. Using your morals as a standard for judging work;

Each profession has its own set of guiding principles, according to (11). because there are cultural, societal, and societal variances in customs, due to this, Indonesian physicians have their own Code of Medical Ethics, which is governed by the Decree of the Minister of Health No. 434 / MENKES / SK / X / 1983 about the Enactment of the Indonesian Code of Medical Ethics. As a result, kodeki are accepted by Law as guidelines for doctors to follow when doing their duties.

Following the Indonesian Code of Medical Ethics, physicians are required to uphold some general duties, duties to patients, and duties to themselves, including (12):

- a. A doctor is obliged to support, live and practice the doctor's oath. (Article 1);
- b. A doctor must perform his profession according to the largest size. (Article 2);
- c. In carrying out his medical work, a doctor should not be influenced by something that results in the loss of freedom and independence of the profession. (Article 3);
- d. Every doctor should avoid self-praising deeds. (Article 4)
- e. Any act or advice that may weaken psychic or physical endurance is only given for the benefit and good of the patient after obtaining the patient's consent. (Article 5);
- f. Every doctor must always be careful in announcing and applying any new engineering or treatment inventions that have not been tested for truth and can cause public unrest. (Article 6)
- g. A doctor must be honest in dealing with patients and their peers and seek to remind their colleagues who he knows have flaws in character or competence or who commit fraud or embezzlement in dealing with patients. (Article 7b);
- h. A doctor must respect the rights of the patient, the rights of his fellows, and the rights of other doctors and must maintain the trust of the patient (Article 7c);
- i. In carrying out his work, a doctor must pay attention to society's interests and all aspects of comprehensive health services (promotive, preventive, curative, and rehabilitative), both physical and psychosocial, and strive to be a true educator and community servant. (Article 8);

Doctors have obligations related to the delivery of healthcare services, according to (13). debts resulting from the nature of medical care, when clinicians are expected to adhere to professional standards, practice medicine or use their skills in a "lege artis" manner. Therefore, to exercise their right, one must comply with the Standards of the Medical Profession (SPM), which have several essential elements, including Working meticulously, exhaustively, and following the medical size and the patient's needs.

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Anyone with knowledge of the doctor's acts or whose interests are hurt may file a written complaint with the Chairman of the Honorary Council of Indonesian Medical Disciplines. Concerning concerns involving the discipline of doctors, the Honorary Council of Indonesian Medical Disciplines has the authority to investigate and make rulings. An ethical breach is discovered during the examination that, in this case, compromises the doctor's independence when writing the prescription (15). The Honorary Council of Indonesian Medical Disciplines may forward a complaint to a professional body. These disciplinary measures include the following:

1. Giving written warnings;

2. Recommendation for revocation of the registration certificate (STR) or practice license;
3. Must not attend education or training in medical education institutions.

When setting and raising the price of medications to be prohibitively expensive and when prescribing medicines to patients may result in sanctions outlined in Article 12 of the Regulation of the Minister of Health No. 58 of 2016 about Sponsorship for Health Workers, which reads as follows: 1) In line with their respective responsibilities and powers, the Minister, governors, regents, and mayors oversee and guide the application of this Ministerial Regulation. 2) The Minister, governor, regent, or mayor imposes administrative sanctions on health workers who breach this Ministerial Regulation in the framework of the direction and supervision mentioned in paragraph (1). (3) The permission may be revoked in addition to verbal or written reprimands or other administrative measures mentioned in subsection (2).

For example, under Article 66 paragraph (3) of Law No. 29 of 2004 governing the practice of medicine, doctors who collude with pharmaceutical firms may be subject to criminal penalties, which include preventing their patients' ability to file complaints. Court loses in civil cases The Regulation of the Minister of Health No.14 of 2014 concerning Gratification Control in the Environment of the Minister of Health can also include the prohibited form of cooperation activities between physicians and pharmaceutical companies that cause losses to patients related to the administration of drugs.¹⁶⁰ which governs the forbiddance of receiving or enjoying. The distinction between gratuities that are not considered bribes is made in the Regulation of the Minister of Health No.14 of 2014. Gratification is divided into two categories under the Regulation of the Minister of Health of the Republic of Indonesia No.4 of 2014 about Gratification Control within the Ministry of Health: gratification that is considered bribery and gratification that is not.

According to (16), Gratuities deemed bribery are described in Article 4, namely, acceptance that is not limited to:

- a. Marketing fees or rewards are transactional and related to the marketing of a product.
- b. The cashback received by the agency is used for personal gain.
- c. Gratuities related to the service of goods and services, public services, and others.
- d. Sponsorship is related to the marketing and research of a product. Meanwhile, gratuities that are not considered bribes are regulated in Article 5, officially granting from the ministry apparatus as official representatives of agencies in a service activity as a form of appreciation for the participation of contributions in these activities—for example, giving in the form of souvenirs in official activities: scientific events, symposia, official trips, and others of the like.

Then, the compensation received related to official activities such as honorarium, transport, accommodation, and financing as stipulated in the applicable cost standards of the giving agency, as long as there is no double financing, unreasonable value, no conflict of interest, does not violate the relevant provisions in the receiving agency. In addition, based on Law No. 31 of 1999 concerning the Crime of Corruption Article 13 which states that: "Any person who gives gifts or promises to civil servants keeping in mind the power or authority attached to their position or position, or by the giver of a gift or promise is considered attached to the position or position, will be sentenced to a maximum imprisonment of 3 years or a maximum fine of Rp. 150,000,000 (one hundred and fifty million rupiahs)."

1. Pharmaceutical Companies

- a. Transgression of Ethics The medical profession is not permitted to accept any inductions, appreciations, door prizes, incentives, or financial rewards from pharmaceutical companies, according to Article 4 of the Code of Ethics of Pharmaceutical Companies, or International Pharmaceutical Manufacturer (IPMG), an association of pharmaceutical companies with international research ties operating in Indonesia. According to Article 3 of the IPMG Code of Ethics, which stipulates that: a. Each IPMG member is recommended to conduct a self-assessment regarding implementing the Code of Ethics; pharmaceutical companies that violate Article 4 are subject to fines—expressing a severe grievance against a suggested Code of Ethics breach.

Appendix 1 contains a detailed description of the complaint and complaint handler procedures, as well as the role and jurisdiction of each. Procedures for Implementing the Impg Code of Conduct "Misdemeanor and gross offenses are the two categories used to classify Code of Conduct violations.

Misdemeanors are offenses that negatively affect employees of pharmaceutical companies. Giving presents and sponsoring seminars that doctors will attend are two examples. The promotion of, then over-provision of

facilities for the health professions and funding of the production of prescription pharmaceuticals are violations that impact significant offenses (17).

- b. Breaking the Law The supply of sponsorship, which can be traced to the Regulation of the Minister of Health No. 58 of 2016 concerning Sponsorship for Health Workers, intends to promote the marketing of products from pharmaceutical companies by providing patients with prescription drugs.

Furthermore, suppose the administration of the drug has been proven to have occurred due to the criminal activity of the corporation. In that case, doctor-pharmaceutical company collaboration may result in the loss of patients.

However, the Food and Drug Supervisory Agency (BPOM) had anticipated the cooperation of physicians and pharmaceutical firms that could harm patients or collaboration with the Law regarding "Drug Promotion" based on the Health Policy in 2010. The BPOM gave the agency's head the designation HK.00.05.3.02706. Article 9 states that the Pharmaceutical Industry or Pharmaceutical Companies are prohibited from: a. Cooperation with Pharmacies and Prescription Authors; b. Cooperation in prescribing drugs to pharmacists to boost specific drug market markets; and c. Offering bonuses/prizes in cash (cash, bank drafts, loans, vouchers, tickets, and goods) and goods to prescription authors who prescribe the drugs they produce that will be distributed.

By establishing an impartial commission, BPOM is wholly implemented to oversee pharmaceutical companies' drug promotion operations. Administrative sanctions outlined in Article 10 may be applied to violations of the Article above nine and are as follows: "Pharmaceutical industries or pharmaceutical companies that violate the rules outlined in Article 9 may also face administrative penalties, including a. written warning; b. a temporary suspension of activities, and c. criminal penalties following applicable laws and regulations.

- c. *Freezing of or revocation of the distribution license of the drug in question*

further administrative penalties following the rules of the relevant laws. According to Article 62 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection, pharmaceutical companies that work with doctors to provide patients with medications violate Article 13 paragraph (2) of Law No. 8 of 2019, which states: "Perpetrators are prohibited from offering to promote or advertise traditional medicines, dietary supplements, medical devices, and health services by luring rewards/materials or swindling consumers" (18). As previously stated, a pharmaceutical company is a business actor that takes the form of a corporate entity.

When discussing criminal liability that may be imposed and criminal sanctions based on the theory of corporate identification, it is essential to note that the pharmaceutical company is the corporate entity in question. About this, Pasal 62 paragraph (1) of Law No. 8 of 1999 concerning Consumer Protection states that "Business actors who violate the provisions as referred to in Article 8, Article 9, Article 10, Article 13 paragraph (2), Article 15, Article 17 paragraph (1) letter a, letter b, letter c, letter e paragraph (2) and Article 18 shall be sentenced to a maximum imprisonment of 5 (five) years or sentenced to both imprisonment and fine."

4. Conclusion

Gratification is governed by Law Number 20 of 2001 and Law on the Eradication of Corruption Crimes Number 31 of 1999. Laws governing land were the first to employ the phrase "gratification." The receipt of gratuities by state officials or administrators is prohibited by Article 12B, where gratuities may take the form of gifts, rewards, or gifts from individuals within a United Nations agency who receive services, services, or gifts from a United Nations agency that already supervises a public body. Gratuity news includes, among other things, the giving of cash, goods, conferences (discounts), commissions, loans with no interest, travel tickets, uncompensated medical attention, and alternative facilities. Doctor can write prescriptions for patients independently and with total flexibility when a pharmaceutical company provides anything to the doctor's functional officer. Doctors frequently disparage the drugs created by pharmaceutical companies that make them happy to make the cost of the drugs paid for by patients expensive due to a promotional price or something else that is indirectly charged to patients. Due to the resulting monopoly between drug manufacturers and physicians, the latter are motivated to defend their patients. (patient). Doctors are usually regarded as criminal acts of gratification under Law Number 31 of 1999 and Law Number 20 of 2001 concerning the Extermination of Corruption Crimes, respectively, Article 12B 117. The obligations placed on physicians by the Regulation of the Minister of Health No. 58 of 2016 regarding support for health workers in the form of reprimands, verbal reprimands, license revocations, and criminal sanctions that support the Corruption Law, in particular fines and

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imprisonment, come in the form of corporate sanctions. The code of conduct also includes verbal and written warnings, including suspensions, revocations, and penalties, and pharmaceutical companies frequently carry moral responsibility for it. On the other hand, legal obligation refers to the Pharmaceutical Wholesalers Regulation of the Minister of Health Number 1148/MENKES/PER/VI/2011, specifically corporate sanctions in the form of warnings, temporary suspensions, revocation of permits, and criminal sanctions in the form of fines and imprisonment supported by Article sixty-two paragraph (1) of Law Number Eight of 1999 concerning Client Protection.

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