

ABSTRAK**KEWENANGAN MAJELIS DISIPLIN PROFESI SERTA IMPLIKASINYA
TERHADAP KEPASTIAN HUKUM TENAGA MEDIS DAN KESEHATAN**

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Penelitian ini membahas perubahan kewenangan Majelis Disiplin Profesi (MDP) dalam Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan serta implikasinya terhadap kepastian hukum bagi tenaga medis dan tenaga kesehatan. Perubahan ini diharapkan dapat memperbaiki sistem penegakan disiplin profesi, namun dalam implementasinya ditemukan adanya sentralisasi kewenangan di bawah Menteri Kesehatan, termasuk dalam proses pengangkatan anggota, pembentukan, hingga peninjauan kembali atas putusan MDP. Selain itu, rekomendasi MDP kini dapat dijadikan dasar dalam proses penyidikan pidana terhadap tenaga medis dan tenaga kesehatan, yang pada dasarnya bertentangan dengan fungsi awal MDP sebagai lembaga penegak etik dan disiplin profesi berbasis *due process of ethics*. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan deskriptif-analitis dan studi kasus, serta didukung oleh wawancara dengan ahli hukum kesehatan. Teori yang digunakan meliputi Teori Kepastian Hukum, Teori Hak Asasi Manusia, dan Teori Perlindungan Hukum. Hasil penelitian menunjukkan bahwa sentralisasi kewenangan di bawah Menteri Kesehatan menimbulkan ketidakseimbangan relasi kekuasaan dalam pengawasan profesi. Hal ini berimplikasi negatif terhadap perlindungan hukum, membuka potensi konflik kepentingan, penyalahgunaan wewenang, serta melemahkan kepastian hukum bagi tenaga medis dan tenaga kesehatan. Oleh karena itu, diperlukan revisi terhadap UU No. 17 Tahun 2023 dan PP No. 28 Tahun 2024 untuk mengembalikan independensi MDP serta mendorong redistribusi kewenangan secara proporsional dalam sistem pengawasan profesi kesehatan.

Kata kunci: Majelis Disiplin Profesi, UU Kesehatan, Kepastian Hukum.

ABSTRACT

The Authority of the Professional Disciplinary Council and Its Implications for Legal Certainty for Medical and Health Personnel

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This study examines the changes in the authority of the Professional Disciplinary Council (Majelis Disiplin Profesi, MDP) under Law Number 17 of 2023 concerning Health and their implications for legal certainty for medical and health professionals. Although these changes are intended to improve the professional disciplinary system, they have resulted in the centralization of authority under the Ministry of Health, including the appointment of members, institutional formation, and the process of judicial review of MDP decisions. Furthermore, MDP recommendations can now serve as a basis for criminal investigations against medical and health personnel, which contradicts the original function of the MDP as an institution for enforcing ethics and professional discipline based on due process of ethics. This research employs a normative juridical method with a descriptive-analytical and case study approach, supported by expert interviews in health law. Theoretical frameworks used include the Theory of Legal Certainty, the Theory of Human Rights, and the Theory of Legal Protection. Findings indicate that the centralization of authority under the Ministry of Health has created a power imbalance in professional oversight. This has negative implications for legal protection, increasing the risk of conflict of interest, abuse of authority, and weakening legal certainty for medical and health professionals. Therefore, it is necessary to revise Law No. 17 of 2023 and Government Regulation No. 28 of 2024 to restore the independence of the MDP and ensure a proportional redistribution of authority within the health professional oversight system.

Keywords: Professional Disciplinary Council, Health Law, Legal Certainty.