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Juridical Review of Practice Permit Arrangements for Foreign Doctors in View of Health Law Number 17 of 2023 Jo Regulation of the Minister of Health Number 35 of 2022 and the Benefits of the Presence of Foreign Doctors for the People of Indonesia

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Abstract: Competency evaluation is crucial components in the acceptance of foreign doctors in Indonesia, foreign doctor will be assessed for their ability and quality to help the improvement of health services standard in Indonesia. Many Indonesian citizen seeking medical treatment abroad and caused the country losing Rp.165 trillion, which may be due to the populace's preference for services provided by hospitals overseas. Law are established to fulfill 3 principles; justice, benefits, and certainty. Regulation regarding foreign doctor practicing in Indonesia fulfills the principle of benefit in accordance with Article 2 letter c of Law Number 17 of 2023 concerning Health Law, which states that the principle of benefit in health development must provide the greatest benefit for humanity and a healthy life for every citizen. The method used in this research is normative juridical research with an approach through legislation and examination of norms and rules applicable in Indonesia. The government has made quite a lot of regulations governing the utilization of foreign healthcare workers. However it would be even better if the regulations itself could be harmonized and have many benefits to increase the quality of health services in Indonesia.

Keywords: Foreign doctor, Health Law, Benefit principle, Practice Permit

INTRODUCTION

In recent decades, we have witnessed rapid developments in technology, transportation, and communication. The era of globalization has brought about closer relationships between countries, impacting not only Indonesia but the entire world. This has changed the way people socialize, work, and interact with each other. In the era of globalization, Indonesian society can easily access various products and services from

different countries, businesses can expand through international expansion, and experiences and knowledge can be exchanged.

Similarly, the influx of foreign workers has increased in certain sectors. Legal regulations regarding foreign workers are governed by the Minister of Manpower Regulation Number 10 of 2018 concerning Procedures for the Utilization of Foreign Workers, Minister of Manpower of the Republic of Indonesia Regulation Number 8 of 2021 concerning the Regulation of the Government of the Republic of Indonesia Number 34 of 2021 concerning the Utilization of Foreign Workers, Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Medical Personnel, and others. These legal regulations govern the requirements, procedures, and supervision of foreign workers working in Indonesia.

According to Article 1 paragraph 1 of the Minister of Manpower and Transmigration Regulation Number 35 of 2015 concerning Amendments to the Minister of Manpower Regulation Number 16 of 2015 concerning Procedures for the Utilization of Foreign Workers, foreign workers are defined as foreign nationals holding visas with the intention and purpose of working in the territory of Indonesia. However, foreign workers can only be employed in Indonesia for certain positions and for a specific period of time.¹

Currently, the Indonesian government has enacted Law Number 17 of 2023 concerning Health Law, which regulates foreign doctors practicing in Indonesia. However, the requirements and procedures in this law are stringent, and not every foreign doctor can practice in Indonesia. Those requirements must be fulfilled by every foreign healthcare worker who wishes to work in Indonesia; if these requirements are not complied with, the foreign healthcare worker will be considered illegal or invalid and may be deported.² This is done to ensure the quality and safety of healthcare services in the country. The enactment of Law Number 17 of 2023 aims to ensure that health development in Indonesia provides the greatest possible benefit based on humanity and a healthy life for every Indonesian citizen. C.S.T. Kansil, S.H argues that health law is a series of regulations in the field of health that govern medical services and facilities. Health refers to the condition encompassing physical, mental, and social well-being. Health is not merely the absence of defects, diseases, and weaknesses. Therefore, health law is a body of knowledge that examines how the enforcement of legal rules affects the consequences of implementing healthcare actions conducted by healthcare professionals, which can serve as the basis for legal certainty in the healthcare field.

Foreign doctors are foreign nationals who study medicine abroad and are interested in practicing in Indonesia. They have diverse experiences and abilities.³ According to data compiled by the Ministry of Health through the Central Statistics Agency (BPS), the number of doctors in Indonesia is considerable, with general practitioners, dentists, specialists, and dental specialists totaling 176,110 individuals in 2022.⁴ Among the many doctors in Indonesia, there are certainly qualified professionals in their fields. However, Indonesia still needs foreign doctors because many Indonesians seek medical treatment abroad rather than in their own country. This occurs perhaps because other countries already have technology that Indonesia does not yet possess, or medical knowledge that has not been mastered in Indonesia, or better service than in Indonesia.

¹ Maimun, *Hukum Ketenagakerjaan Suatu Pengantar*, Jakarta: PT. Pradnya Paramita, 2004, hlm 19.

² B. Heru Setyono, *Efektifitas Pengawasan Pemerintah Terhadap Perijinan Tenaga Kerja Asing (TKA) Menurut Undang-Undang Nomor 13 Tahun 2003*, Tesis, Universitas 17 Agustus 1945, 2020, hlm 87.

³ Slamet Sampurno Soewondo, *Hukum Bagi Dokter Asing Dalam Upaya Pelayanan Kesehatan Di Indonesia*, Disertasi, Universitas Airlangga Surabaya, 2002, hlm vi

⁴ Adi Ahdiat, Jumlah Dokter di Indonesia Naik pada 2022, Tertinggi dalam 5 Tahun. <https://databoks.katadata.co.id/datapublish/2023/03/03/jumlah-dokter-di-indonesia-naik-pada-2022-tertinggi-dalam-5-tahun>, diakses pada tanggal 21 November 2023 pukul 22.34 WIB.

Strengthening regulations is needed to support the development and empowerment of health through enhanced cooperation in management starting from the central government to local governments, as well as related institutions that regulate and supervise doctor practices to provide quality healthcare services in Indonesia.⁵ During the inauguration of Mayapada Hospital Bandung in March 2023, Indonesian President Joko Widodo revealed that many Indonesians still choose to seek medical treatment abroad, despite Indonesia having many hospitals with adequate facilities. "Nearly 2 million Indonesians seek medical treatment abroad, causing Rp. 165 trillion of foreign exchange loss due to capital outflow," said President Jokowi. He stated that the government strongly supports the development of hospitals like Mayapada, although he acknowledged issues such as a shortage of specialist doctors and sub-specialist doctors. He also requested the Ministry of Education and Culture to increase the education of specialist doctors and make it easier for the sick to receive treatment.⁶

According to Dr. Effiana from the Master's Program in Bioethics at the Faculty of Medicine, Public Health, and Nursing, Gadjah Mada University, several reasons why people seek medical treatment in other countries include dissatisfaction with services in Indonesia, more comprehensive services in the destination country, and risks and concerns about treatment in Indonesia, justifying the perception that traveling abroad for medical care is a rational action.⁷

The increasing number of our citizens seeking medical treatment abroad can be attributed to several factors that can enhance the interest of the community in medical tourism abroad, namely:⁸

1. Accreditation of hospitals that have international standards such as JCI.
2. Training of staff with international standards.
3. Building the hospital brand on an international scale.
4. State-of-the-art healthcare technology.

With a significant population growth and health being a vital foundation for human life, it is crucial for Indonesia to start paying attention to and developing the medical sector to meet the need for reliable medical services. Considering the high number of Indonesian patients seeking treatment abroad and the predicted increase in the upper-middle-class population, Indonesia has the potential to generate income and profit from the healthcare sector if it can meet the healthcare needs of the population.⁹

The presence of foreign doctors in Indonesia can also be linked to the principle of benefit because the presence of foreign doctors can provide significant benefits to the Indonesian healthcare system. They can bring different medical knowledge and experiences, enriching medical practice in Indonesia. They can assist in the transfer of the latest medical technology, training medical personnel, and developing health programs. Collaboration between foreign and local doctors can also create a supportive work environment and enrich the professional experience of medicine.¹⁰

⁵ Muhammad Rustamaji, "Telaah Konstruksi Pembuktian Pada Praktik Ilegal Dokter Asing (Studi Putusan No. 450/PID.SUS/2020/PN JKT.UTR)", *Jurnal Hukum Acara*, Volume 11 No. 1, 2023, hlm.141

⁶ Emir Yanwardhana, Jokowi Geram, Hampir 2 Juta Orang RI Berobat Ke Luar Negeri, <https://www.cnbcindonesia.com/news/20230306093317-4-419118/jokowi-geram-hampir-2-juta-orang-ri-berobat-ke-luar-negeri>, diakses pada tanggal; 21 November 2023 pukul 22.55 WIB.

⁷ Humas.fku, Fenomena Berobat ke Luar Negeri Masyarakat Indonesia, <https://fkkmk.ugm.ac.id/fenomena-berobat-ke-luar-negeri-masyarakat-indonesia/>, diakses pada tanggal 21 November 2023 pukul 23.01 WIB.

⁸ Ayu Nadya Kusumawati, Identifikasi Faktor-Faktor yang Berpengaruh Terhadap *Medical Tourism* pada Rumah Sakit di Indonesia, *Jurnal Administrasi Rumah Sakit*, Volume 5 Nomor 1, 2018, hlm 26-27

⁹ Boedi Setiawan, Muhandi, "Wisata Medis Dalam Peningkatan Pelayanan Rumah Sakit", *Jurnal Multidisipliner Mahasiswa Pascasarjanan*, Volume.1, No. 1, 2020, hlm 22

¹⁰ Pribakti B, Negara & Kesehatan Di Mata Seorang Dokter, Kalimantan: PT. Grafika Wangi, 2019. Hlm 39

In the first four lines of the fourth paragraph of the preamble of the Constitution of the Republic of Indonesia, it is stated: "Further, to establish a State Government of Indonesia that protects the entire Indonesian nation and all bloodlines of Indonesia and to promote the common welfare." From this perspective, it can be argued that foreign doctors can promote the common welfare by exchanging ideas and knowledge with local doctors in Indonesia. The entry of foreign doctors into Indonesia is not only for treating patients until they recover but also for the principle of benefit in this country.

The entry of foreign doctors into Indonesia also fulfills the state's obligation to its people, such as the right to access healthcare services, as stated in Article 28H, Paragraph (1) of the Constitution of the Republic of Indonesia 1945, which states: "The right to a prosperous life, both physically and spiritually, to a place of residence, and to obtain a good and healthy environment, as well as the right to access healthcare." With the presence of foreign doctors in Indonesia, it can also help the Indonesian economy as people no longer need to seek medical treatment abroad.

Therefore, it is necessary to further examine the regulation of practice permits for foreign doctors in terms of the Health Law Number 17 of 2023 in conjunction with the Minister of Health Regulation Number 35 of 2022 and the Benefits of the Presence of Foreign Doctors for the Indonesian Community, as well as the fulfillment of the people's health rights by foreign doctors.

RESEARCH METHOD

This research method is normative juridical, which means it focuses on examining how doctrine, norms, and specific legal principles are applied to address particular legal issues. The data source used in this research is by examining library or secondary data obtained through library and document research¹¹. This study is restricted to written regulations and other legal materials, involving activities such as describing, characterizing, and summarizing problems resolved in line with relevant legal norms and theories pertinent to the problem formulation.

All information obtained in this study will then be analyzed and enriched with other legal documents. The results will be used to draw conclusions regarding the Regulation of Practice Permits for Foreign Doctors Reviewed From Health Law Number 17 of 2023 Jo Minister of Health Regulation Number 35 of 2022 and the Benefits of Foreign Doctors for the Indonesian People. Through the analysis of legal norms and associated theories, this research aims to offer a thorough understanding and suitable solutions to the legal issues under investigation¹².

RESULT AND DISCUSSION

Foreign Doctors

Foreign doctors are foreign nationals who have studied medicine abroad and are interested in practicing in Indonesia. They possess diverse experiences and abilities. Foreign doctors need to comply with the applicable immigration regulations and obtain the appropriate work permits before they can work or practice in the country. This involves administrative processes and specific requirements that must be met.

Before foreign doctors can practice in Indonesia, they must meet the qualifications and procedures set forth by the law. The law in question here is Law Number 17 of 2023 concerning Health Law. Article 248 of Law Number 17 of 2023 concerning Health Law

¹¹ Soerjono Soekanto dan Sri Mamuji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Jakarta; Rajawali Pers, 1990. Hlm 14

¹² Bambang Sunggono, *Metode Penelitian Hukum*, Jakarta: Raja Grafindo Persada, 1997. Hlm 27

regulates the licensing process for foreign doctors, which must undergo a competency evaluation conducted by the Minister involving institutions such as the Indonesian Medical Council (IMC), the Indonesian Medical Collegium Assembly (IMCA), and the Indonesian Medical Association (IMA). The competency evaluation includes assessments of administrative completeness and assessments of practical abilities in accordance with the competency standards of medical and healthcare professionals in Indonesia. Foreign doctors who pass the competency test must undergo adaptation to healthcare facilities. This adaptation process is carried out to ensure that foreign doctors can adapt well to the healthcare system and regulations in Indonesia. Foreign doctors who are deemed incompetent must return to their home countries.

Article 249 of Law Number 17 of 2023 concerning Health Law states that foreign doctors undergoing adaptation to healthcare facilities must have an STR and SIR. In short, an STR is a Certificate of Registration, which is a prerequisite for the issuance of an SIP or Practice Permit Letter. The SIP, besides being a permit letter, also functions to monitor the spread of practice.¹³ In Indonesia, the entry of foreign workers, including foreign doctors, is also a concern in labor policies. The Indonesian government has policies and regulations governing the entry of foreign workers. In terms of obtaining healthcare services from foreign healthcare experts, sometimes the results obtained may not meet expectations, either due to inadequate human resources conditions or mismatched healthcare service procedures.¹⁴

The admission of Foreign Healthcare Workers (FHW) in Indonesia requires competency evaluation in the form of competency tests to assess whether these FHW's are suitable and needed according to the needs of the Indonesian population. This is stipulated in Article 3, paragraph (1) and paragraph (2) of the Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW), Chapter III regarding the Implementation of Competency Evaluation, which states that competency evaluations help ensure the quality of FHWs who will practice in Indonesia in accordance with professional standards and applicable work competency standards. This Minister of Health regulation not only applies to Foreign Healthcare Workers (FHW) but also to Indonesian Graduate Healthcare Workers from Abroad (IGHWFA).

Competency tests required for Foreign Healthcare Workers (FHW) and Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) use four methods as stipulated in Articles 8 to 11 of the Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW), namely:

1. Portfolio Assessment

Portfolio assessment for foreign healthcare workers is regulated in Article 10 of the Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW). It is conducted for foreign healthcare workers who have evidence of graduation, professional certification, competency certification, and other competent certificates from authorized institutions in the foreign country recognized by the Minister and internationally.

2. Interview or Oral Writing

¹³ Ketut Hari Mulyawan, *et. al*, Pengembangan Prototipe Sistem Informasi Manajemen Regulasi Praktik Kedokteran Berbasis Web Dengan Pendekatan Sistem Informasi Geografis, Jurnal Manajemen Pelayanan Kesehatan, Volume 13, No. 03, 2010, hlm. 146-153

¹⁴ Takdir, *Pengantar Hukum Kesehatan*, Palopo: Lembaga Penerbit Kampus IAIN Palopo, 2018, hlm 11

Similar to portfolio assessment, interviews or oral writing are conducted for foreign healthcare workers who have evidence of graduation, professional certification, competency certification, and other competent certificates from authorized institutions in the foreign country recognized by the Minister and internationally.

3. Written Test

According to Article 9, paragraph (2) of the Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW), a written test applies to Indonesian graduate healthcare workers from abroad who do not have five years of work experience and have evidence of graduation, professional certification, competency certification, and other competent certificates from authorized institutions in the foreign country recognized by the Minister and internationally.

4. Practical Test

The practical test is conducted at healthcare facilities or government-owned healthcare education institutions that have the necessary facilities and infrastructure for the practical test. In the process of competency evaluation, the Minister delegates the implementation to the Director-General, who in carrying out his duties involves ministries in the field of education, healthcare professional councils, healthcare professional organizations, healthcare collegiums, education institution associations, and healthcare facility associations as regulated in Chapter II regarding the implementation of competency evaluation, Article 2 of the Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW). For Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW) whose competency test results match the competency, they will be issued a competency evaluation certificate and IGHWFA and FHW competency certificates to be able to practice as regulated in Article 12 of the Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW).

Reasons for the Entry of Foreign Doctors to the Public in Indonesia

In the National Long-Term Development Plan (RPJP-N) 2005-2025, it is stated that in achieving quality and competitive human resources, health, along with education and increasing family or community purchasing power, are the three main pillars to improve the quality of human resources and the Human Development Index (HDI).¹⁵ The RPJP-N also states that national development in the health sector is aimed at increasing awareness, willingness, and ability to lead a healthy life for everyone, so that the highest possible level of health can be achieved.¹⁶

The procurement and utilization of healthcare human resources are still not well-planned, systematic, and supported by adequate data and information systems, thus the human resources in health cannot be proportionally fulfilled for health development throughout the Indonesian region, such as healthcare human resources that are misallocated and malfunctioning. The presence of foreign doctors can provide significant benefits to Indonesia's healthcare system. They can bring different medical knowledge and experiences, enriching medical practice in Indonesia. They can assist in the transfer of the latest medical

¹⁵ Rizza Norta Villeny Rosita Dewi *et al.* "Gambaran Kebijakan Pemenuhan Kebutuhan Tenaga Dokter Spesialis Di Indonesia" *Jurnal Cahaya Mandalika*, hlm 551-562

¹⁶ Novekawati, S.H.,M.H, *Hukum Kesehatan*, Lampung: Sai Wawai Publishing, 2019. Hlm 17

technology, training medical personnel, and developing health programs. Collaboration between foreign and local doctors can also create a supportive work environment and enrich the professional experience of medicine.¹⁷

The utilization of foreign medical and healthcare professionals, foreign graduate healthcare workers, or foreign doctors is regulated from Article 248 to Article 257 of Law Number 17 of 2023 concerning Health Law. According to Article 248 paragraph (1) of Law Number 17 of 2023 concerning Health Law, foreign medical practitioners practicing in Indonesia are only applicable to specialist and subspecialist medical practitioners. Also, in Indonesian Medical Council Regulation Number 22 of 2014, the competencies or skills that foreign doctors must possess to practice in Indonesia are:

1. Not yet available in Indonesia.
2. Not mastered by Indonesian doctors, specialists, or subspecialists.
3. Needed by Indonesian doctors, specialists, or subspecialists to obtain advancements in knowledge and technology.

In Indonesia, specialist doctors are somewhat scarce because specialist medical education in Indonesia faces several obstacles in its development. With the presence of foreign specialists or subspecialists who have extensive experience in their field, it can serve as a catalyst for the specialist medical education system in Indonesia.

The presence of foreign doctors in Indonesia can be linked to Article 3 paragraph (1) of Minister of Health Regulation Number 6 of 2022 Paragraph 1 concerning General Principles, which states that the utilization of foreign healthcare professionals aims to transfer knowledge, skills, and expertise in the development and deepening of knowledge and technology in the field of medicine and health. The utilization of foreign healthcare professionals, besides being placed in healthcare services and healthcare education activities, can also be placed in other activities such as health training, social service, emergency disaster response, and research and development of health science and technology.

This already fulfills the provisions of Minister of Health Regulation Number 21 of 2020 concerning the Strategic Plan of the Ministry of Health for the Years 2020-2024, which regulates one of its strategic plans to improve health resources through increasing the fulfillment of human resources in the health field.

The Role of Foreign Doctors in Helping to Fulfill People's Rights in Indonesia

In the Constitution of the Republic of Indonesia, Human Rights (HAM) are regulated in articles 28A to 28J, where one of the important elements of HAM is health. Article 28H Paragraph (1) of the Constitution of the Republic of Indonesia 1945 also states that "The right to a prosperous life, physically and mentally, a place to live, and to obtain a good and healthy environment as well as the right to receive health services." Health services in this article are provided by healthcare professionals as regulated in Law Number 17 of 2023 concerning Health Law. One of the healthcare professionals responsible for fulfilling the people's rights to health services is doctors.

The entry of foreign doctors into Indonesia has a positive impact on the advancement of health in Indonesia because the community has the right to obtain health services as stipulated in Article 34 paragraph (3) of the 1945 Constitution in the 4th amendment, "The State is responsible for providing adequate health service facilities and public service facilities."

The quality and standards of healthcare services in Indonesia need to be further improved to meet the needs of the community or individuals for health in accordance with

¹⁷ Dr. Pribakti B, SpoG, Negara & Kesehatan Di Mata Seorang Dokter, Kalimantan, PT. Grafika Wangi, 2019. Hlm 39

effective and efficient resource standards.¹⁸ The presence of foreign doctors in Indonesia will also be a solution to the problem of the scarcity of doctors in remote areas. According to Dicky Budiman, an Epidemiologist at Griffith University, in developed countries, foreign doctors do not work in cities but in remote areas that are less favored.¹⁹ The uneven distribution of specialist doctors can hinder access improvement and the fulfillment of the community's need for healthcare services.

In Article 1 paragraph (1) of Presidential Regulation Number 4 of 2017 concerning the Mandatory Service of Specialist Doctors, it is explained that specialist doctors are placed in hospitals owned by the central government and local governments. When related to Article 251 paragraph (1) letter a of Law Number 17 of 2023 concerning Health, which states that foreign specialist and subspecialist doctors can practice at healthcare facilities in Indonesia if there is a request from healthcare facilities to use foreign specialist and subspecialist doctors according to the needs. Judging from Article 1 paragraph 10 of Health Law Number 17 of 2023, hospitals are included in healthcare facilities. Therefore, foreign doctors can be beneficial to fulfill the people's right to receive adequate healthcare facilities, as stipulated in Article 34 paragraph (3) of the Constitution of the Republic of Indonesia.

Judging from Article 7 paragraph (2) Paragraph 3 regarding the Area of Activities of the Utilization of Foreign Healthcare Workers (FHW) from Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW), foreign doctors practicing in Indonesia have fulfilled the principle of benefit because the article states that the utilization of foreign doctors includes healthcare services, healthcare education, healthcare training, healthcare social services, emergency disaster response, research and development of health science and technology, and other activities in the healthcare field.

The following will further elaborate on the provisions of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW). The discussion will be made on a section-by-section basis of this regulation;

1 Health services

Articles 8 to 15 of the Second Part of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) discuss Qualifications, Requirements, and Mechanisms for the Utilization of FHW. In Article 8 paragraph (1) of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW), it is stated that the utilization of foreign doctors in healthcare activities is carried out by healthcare facilities owned by the central government or regional governments.

Article 9 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW). In practicing in Indonesia, foreign doctors must meet the qualifications and requirements that have been established, such as foreign healthcare workers who are used as medical personnel who qualify as specialist doctors and specialist dentists, and other healthcare workers who meet the minimum qualifications of bachelor's degree (S1) or equivalent.

Article 10 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that Foreign Healthcare Workers must meet technical requirements in the health field and labor requirements such as diplomas, proof of graduation, practice fitness certificates from authorized institutions in

¹⁸ Neng Ayu Rosita, *et. al*, *Etika Profesi & Hukum Kesehatan*, Sukoharjo: Penerbit Pradina Pustaka, 2022, hlm 104

¹⁹ Maria Gelvina Maysha, *Ini Kata Epidemiolog Griffith Soal Dokter Asing Berpraktik di Tanah Air*, <https://nasional.kontan.co.id/news/ini-kata-epidemiolog-griffith-soal-dokter-asing-berpraktik-di-tanah-air>, diakses pada tanggal 23 November 2023 pukul 20.48 WIB.

their last practice location, work experience certificates with a minimum of 5 years, job offer letters from employers in Indonesia, and proficiency in the Indonesian language.

Article 11 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) regulates that the technical requirements stipulated in Article 10 are used by the Utilizer to obtain approval of the Foreign Manpower Utilization Plan (RPTKA) from the ministry responsible for manpower affairs.

Article 12 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that foreign healthcare workers must have a competency certificate obtained through competency evaluations, STR (Registration Certificate), and SIP (Practice Permit) to provide healthcare services.

Article 13 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that the Utilizer can utilize foreign healthcare workers in healthcare activities at healthcare facilities consisting of accredited hospitals and specific healthcare facilities designated by the Minister.

Article 14 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that in carrying out their activities in Indonesia, foreign healthcare workers will be accompanied by Indonesian healthcare personnel for knowledge transfer, expertise, and technology, which will later become part of continuous professional education.

Article 15 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) stipulates that Indonesian healthcare personnel accompanying foreign healthcare workers must meet technical requirements in the health field requested by the Utilizer, including assignment letters from the Utilizer, copies of the last educational diploma, valid STR copies, and valid SIP copies.

2 Health education

Articles 16 to 18 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW). The utilization of FHW in health education includes the utilization of lecturers or clinical educators and the utilization of learners as regulated in Article 16 paragraphs (2) and (3) of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW). Utilization of learners includes:

- a. Specialist doctor and dentist specialist education programs
- b. Fellowships and subspecialties whose qualifications include specialist doctors and specialist dentists
- c. Health professions education programs other than medical personnel
- d. Specialist education programs for health professions other than medical personnel

Article 17 paragraph (3) of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that the qualifications of foreign lecturers or clinical educators aim to:

- a. Implement knowledge transfer, expertise, and technology in the medical and health profession fields for a certain period accompanied by local doctors as service supervisors.
- b. Conduct formal education activities in educational hospitals or health education institutions that require approval of the Foreign Manpower Utilization Plan (RPTKA).

Article 18 relates to technical requirements for foreign lecturers or clinical educators who are foreign nationals, who must obtain RPTKA approval from the ministry.

3 Health training

Articles 19 to 23 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW). Article 19 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that health training aims to enhance competencies among healthcare workers, and foreign doctors who are certified in their home country or in Indonesia can be utilized as trainers or medical personnel facilitators if approved by the Indonesian Medical Council (IMC).

Article 20 of Minister of Health Regulation Number 6 of 2023 regarding the Utilization of Foreign Healthcare Workers (FHW) states that FHW can be utilized as participants in health training, and for FHW who already have temporary STRs and SIPs, they may practice their profession on patients or clients.

4 Social service in the health field

Articles 24 to 27 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW). Article 24 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW). In practicing in Indonesia, foreign doctors must meet the qualifications and requirements that have been established, such as foreign healthcare workers who are used as medical personnel who qualify as specialist doctors and specialist dentists, and other healthcare workers who meet the minimum qualifications of bachelor's degree (S1) or equivalent. Foreign healthcare workers, both medical personnel and non-medical personnel, are exempt from the obligation to be proficient in the Indonesian language.

Article 25 paragraph (1) of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW), foreign healthcare workers along with Indonesian healthcare workers will be partners or technical supervisors of healthcare services in social service activities in the health field.

Article 26 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) regulates that the organizers of the utilization of foreign healthcare workers in social service activities in the health field are conducted by:

- a. Hospitals
- b. Professional organizations in the health field
- c. Health education institutions
- d. Government agencies including the TNI/POLRI

Article 27 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) relates to the fulfillment of permits by organizers before applying for the issuance of approval letters for Foreign Healthcare Workers (FHW) to the Minister or the Indonesian Medical Council (IMC).

5 Emergency disaster response

Articles 28 to 32 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW). Article 28 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) states that emergency disaster conditions to meet the number and types of healthcare workers for disaster management are carried out by the Minister in coordination with the National Disaster Management Agency.

Article 29 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) regulates FHW assigned to emergency disaster handling, divided into two categories:

Article 30 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) deals with the regulation of placement and activities of foreign healthcare workers as arranged by the Local Government in

disaster areas with the assistance of the Minister, and it regulates that both Indonesian and foreign healthcare workers are assigned within the same team.

Article 31 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) mandates that foreign healthcare workers, along with their team, must submit a report on the implementation of activities to the Minister through the Local Government of the disaster area. Those who have completed their emergency disaster response duties must promptly return to their home countries.

Article 32 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers (FHW) regulates the utilization of FHW in other health-related activities, including:

- a. International sports events,
- b. Joint training or joint exercises of the TNI/POLRI (Indonesian National Armed Forces/Police),
- c. Other activities involving FHW.

One of the challenges in healthcare human resources development, especially healthcare professionals, is the lack of well-planned, systematic procurement, and utilization of healthcare human resources, supported by adequate data and information systems, thereby failing to meet the proportional need for healthcare human resources for health development throughout Indonesia.²⁰ The presence of foreign doctors in Indonesia also reflects the valuable efforts and contributions made by doctors from abroad in providing healthcare services in Indonesia. The presence of these foreign doctors not only signifies international cooperation in the healthcare sector but also contributes to meeting the evolving healthcare needs of the Indonesian population.

Principle of Benefit and Foreign Doctors

A principle is a fundamental basis that forms the foundation of an individual's thinking, opinions, or important decision-making.²¹ The principle of benefit is a principle that considers maximizing benefits for the interests of justice.²² Therefore, the principle of benefit in health development is a principle that considers maximizing benefits for humanity and promoting healthy living for every citizen. According to Gustav Radbruch, the law is formed to fulfill justice, benefit, and certainty in societal life. The presence of foreign doctors who enter and wish to practice in Indonesia is not because we lack quality doctors in their fields, but because many of our people seek medical treatment abroad, indicating that our society is searching for something that is not available in Indonesia. There are other factors that lead our people to seek medical treatment abroad, such as services, location, promotion, price, healthcare personnel, facilities, and procedures.²³

The principle of benefit is always associated with Jeremy Bentham's utilitarianism theory, wherein utility is defined as something capable of bringing benefit, profit, pleasure, happiness, and also capable of avoiding harm, displeasure, wrongdoing, or unhappiness.²⁴

²⁰ Dovi Hakiki Syahbuddin, "Pendayagunaan Dokter Spesialis Terhadap Pemerataan Pelayanan Kesehatan Berdasarkan Hak Asasi Manusia", *Jurnal Aktualita*, Volume 3 No. 1 2020, hlm 599-615

²¹ Magister Ilmu Hukum Pascasarjana Universitas Medan Area, "Mengenal Asas-Asas Hukum Tata Negara", <https://mh.uma.ac.id/mengenal-asas-asas-hukum-tata-negara-indonesia/>, diakses pada tanggal 24 November 2023 pukul 16.29 WIB

²² Susanto, "Penafsiran Asas Manfaat Tentang Asset Recovery Korban Tindak Pidana Pencucian Uang", *Jurnal Yudisial*, Volume 13 No. 13, 2020, hlm 89-105

²³ Ayu Nadya Kusumawati, Identifikasi Faktor-Faktor yang Berpengaruh Terhadap *Medical Tourism pada Rumah Sakit di Indonesia*, *Jurnal Administrasi Rumah Sakit*, Volume 5 Nomor 1, 2018, hlm 26-27

²⁴ Inggal Ayu Noorsanti, Ristina Yudhanti, "Kemanfaatan Hukum Jeremy Bentham Relevansinya dengan Kebijakan Pemerintah melalui Bantuan Langsung Tunai Dana Desa", *Jurnal Riset Ilmu Hukum*, Volume 3 Nomor 2, 2023, hlm 183-193.

Jeremy Bentham states that the morality of an action is determined by its usefulness if it achieves the happiness of all humanity, not just individual happiness.²⁵ The principle of benefit according to Jeremy Bentham could serve as a reference for the Indonesian government in creating new policies, especially in regulations concerning foreign doctors in Indonesia.

The principle of benefit is also stated in Article 2 letter c of Law Number 17 of 2023 concerning Health, which explains that the enactment of this law aims to fulfill the principle of benefit in health development in Indonesia, which should provide the greatest benefit based on humanity and healthy living for every Indonesian citizen.

Article 18 of Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW) can fulfill the principle of benefit because with the provision and supervision of competency evaluations aimed at improving the quality of healthcare services provided by foreign healthcare workers and protecting the public from services provided by foreign healthcare workers, these regulations can fulfill the principle of benefit aimed at benefiting the public.

The preamble of Law Number 17 of 2023 concerning Health states that community health development requires health efforts, health resources, and health management to improve the health status of the community to the highest possible level. Quality and productive human resource development, reducing disparities, strengthening quality health services, improving health resilience, ensuring healthy living, and advancing the welfare of all citizens and national competitiveness for the achievement of national development goals.

The opening of the law could be achieved if supported by strong health sciences and superior treatment methods to achieve the improvement of health status.²⁶ Thus, the presence of foreign doctors also benefits society, the government, and fellow doctors in Indonesia.

Government Oversight

Article 10 of Government Regulation Number 83 of 2019 states, "Supervision and guidance of Service Providers to have and employ Competent Technical Personnel are carried out by the Minister, ministers, heads of non-ministerial government institutions, and/or heads of institutions according to their authority based on the provisions of the laws and regulations." This article shows the active role of the government in ensuring that Service Providers have competent technical personnel. In this case, the Minister, ministers, heads of non-ministerial government institutions, and/or heads of institutions have the responsibility to supervise and guide these Service Providers.

This supervision and guidance aim to ensure that Service Providers have competent technical personnel who can provide quality services to the public. With this regulation, it is hoped that the quality of services from Service Providers can be maintained and improved along with the increasing competence of technical personnel. Drawing from Law Number 17 of 2023 concerning Health Law, when foreign doctors enter Indonesia, the Indonesian Government collaborates with professional organizations in the fields of Education, Councils, and Colleges to deal with the arrival of foreign doctors in Indonesia.

²⁵ J.H. Burns dan H. L. A. Hart, *The Collected Works of Jeremy. Bentham: A Comment on the Commentaries and A Fragment on Government*, England: Oxford University Press; The Collected Works of Jeremy Bentham, 1977.

²⁶ Evy Silviani Agustina, "Tanggung Jawab Dokter Dalam Penerapan Pengembangan Keilmuan, Penelitian dan Pengembangan Kesehatan Dihubungkan Dengan Undang-Undang Nomor 36 Tahun 2009 Tentang Kesehatan dan Undang-Undang Nomor 29 Tahun 2004 Tentang Praktik Kedokteran", *Jurnal Aktualita*, Volume 2 No. 2, 2019, hlm 643-658

Collaboration between the government and professional organizations plays a crucial role in overseeing and regulating the practices of foreign doctors in Indonesia.²⁷

The government also collaborates with medical education institutions to ensure that foreign doctors who want to practice in Indonesia have undergone education processes that meet the established standards. This includes checking the qualifications of education, certifications, and licenses held by these foreign doctors.

Furthermore, collaboration occurs with the Council and College. The Council is a body that oversees the ethics and behavior of doctors in Indonesia, while the College is an organization that regulates doctor specializations. The government works with these organizations to ensure that foreign doctors wishing to practice in Indonesia adhere to ethical codes and have recognized specializations.

The collaboration between the government and professional organizations aims to protect the interests and safety of the Indonesian public. With this collaboration, it is expected that the practice of foreign doctors in Indonesia can be conducted at a high standard and in accordance with applicable regulations.

Article 46 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Worker (FHW), the central government, provincial governments, and district/city governments conduct oversight aimed at:

1. Protecting the public from actions taken by foreign doctors
2. Improving the quality of healthcare provided by foreign doctors
3. Providing legal certainty for both the public and foreign doctors
4. Monitoring and evaluating activities related to the utilization of foreign doctors to ensure they function in accordance with the laws and regulations.

If foreign healthcare workers violate the rights, obligations, and prohibitions in place, the government can impose administrative sanctions such as oral warnings, written warnings, revocation of activity organizer permits, recommendations for revocation of RPTKA approval, recommendations for revocation of temporary STR, recommendations for revocation of approval, recommendations for discontinuation of foreign healthcare worker utilization, revocation of SIP, and proposals for immigration administrative actions against both the organizer and the foreign healthcare worker as stipulated in Article 47 of Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Worker (FHW).

The role of immigration intelligence oversight in monitoring the entry of foreign doctors is also crucial, as an institution tasked with safeguarding the sovereignty of the state and enforcing the law in Indonesia. In carrying out its duties, the Directorate General of Immigration can request information from the public or government agencies. As part of their investigative process, immigration officials may visit locations where the presence of foreigners is suspected. If necessary, immigration officials can conduct immigration intelligence operations on immigration data and information, which will then be processed and verified for analysis purposes in immigration intelligence operations as part of immigration oversight.²⁸

The government also has a significant responsibility in improving and developing healthcare efforts in Indonesia, including in the context of improving access to and the quality of healthcare services with the presence of foreign doctors in Indonesia. One of the

²⁷Laksono Trisnantoro, "Pendulum Kewenangan Kedokteran Indonesia", <https://www.kompas.id/baca/opini/2023/04/13/pendulum-kewenangan-kedokteran-indonesia>, diakses pada tanggal 24 November 2023 pukul 00.47 WIB.

²⁸ Trisapto Wahyudi Agung Nugroho, "Peran Intelijen Keimigrasian Dalam Rangka Antisipasi Terhadap Potensi Kerawanan Yang Ditimbulkan Oleh Orang Asing Di Wilayah Indonesia (Role of Immigration Intelligence in the Anticipation on Potential Vulnerability Led by Foreigners in Indonesia)", *Jurnal Ilmiah Kebijakan Hukum*, Volume 12 No. 3, 2018, hlm 275-293

primary goals of the government is to ensure that the Indonesian people have adequate access to quality healthcare services.

CONCLUSION

The influx of foreign workers entering Indonesia has prompted the government to enact many laws regulating foreign workers, including foreign doctors who wish to practice in Indonesia. Some of the laws governing foreign doctors include Law Number 17 of 2023 concerning Health Law, Minister of Health Regulation Number 35 of 2022 concerning the Implementation of Competency Evaluation for Indonesian Graduate Healthcare Workers from Abroad (IGHWFA) and Foreign Healthcare Workers (FHW), and Minister of Health Regulation Number 6 of 2023 concerning the Utilization of Foreign Healthcare Workers. The entry of foreign doctors into Indonesia is accompanied by strict requirements and procedures, and only specialist doctors are allowed to practice in Indonesia, along with competency evaluations aimed at assessing the suitability of foreign doctors wishing to practice in Indonesia.

The utilization of foreign healthcare workers can also bring benefits to Indonesian medical professionals, the government, and society because foreign healthcare workers can be utilized in healthcare services, healthcare education, healthcare training, healthcare social services, emergency response planning, research and development of healthcare science and technology, and other healthcare-related activities. Additionally, competency evaluations in the recruitment of foreign healthcare workers in Indonesia are considered to have many benefits besides screening the practice abilities of foreign healthcare workers; they can also improve the quality of healthcare services in Indonesia and contribute to the deepening of knowledge and technology in the field of medicine and healthcare.

The government has enacted many laws regarding foreign healthcare workers, including foreign doctors, but the government may be able to harmonize related regulations. Good cooperation between the government, the medical field, and society is needed for implementation, as well as socialization to the public about the existence of laws regarding foreign doctors so that in the future, the public can be cautious and verify the practice permits of foreign doctors. With the presence of foreign healthcare workers, it can support the lack of quality and healthcare facilities in Indonesia, bringing maximum benefits to existing healthcare professionals in Indonesia, the government, and the society.

Overall, the legislative regulations governing Foreign Healthcare Workers (FHW) concerning the principle of benefit can be summarized briefly. According to Gustav Radbruch, laws are formed to fulfill three principles: justice, benefit, and certainty. Foreign doctors practicing in Indonesia can help fulfill the principle of benefit to the fullest extent for society, from lower to upper classes, and can also bring new knowledge to doctors in Indonesia. The principle of benefit according to Jeremy Bentham could serve as a reference for the Indonesian government in creating new policies, especially in regulations concerning foreign doctors in Indonesia. Currently, the presence of foreign doctors is able to fulfill the principle of benefit from the enactment of Law Number 17 of 2023 concerning Health, which aims to provide benefits based on humanity and healthy living for every citizen.

REFERENCES

- Adi Ahdiat, Jumlah Dokter di Indonesia Naik pada 2022, Tertinggi dalam 5 Tahun. <https://databoks.katadata.co.id/datapublish/2023/03/03/jumlah-dokter-di-indonesia-naik-pada-2022-tertinggi-dalam-5-tahun>, diakses pada tanggal 21 November 2023 pukul 22.34 WIB.
- Ayu Nadya Kusumawati, "Identifikasi Faktor-Faktor yang Berpengaruh Terhadap *Medical Tourism* pada Rumah Sakit di Indonesia", *Jurnal Administrasi Rumah Sakit*, Volume 5 Nomor 1, 2018.

- Bambang Sunggono, *Metode Penelitian Hukum*, Jakarta: Raja Grafindo Persada, 1997.
- B. Heru Setyono, Efektifitas Pengawasan Pemerintah Terhadap Perijinan Tenaga Kerja Asing (TKA) Menurut Undang-Undang Nomor 13 Tahun 2003, Tesis, Universitas 17 Agustus 1945, 2020, hlm 87.
- Boedi Setiawan, Muhandi, “Wisata Medis Dalam Peningkatan Pelayanan Rumah Sakit”, *Jurnal Multidisipliner Mahasiswa Pascasarjana*, Volume.1, No. 1, 2020
- Dovi Hakiki Syahbuddin, “Pendayagunaan Dokter Spesialis Terhadap Pemerataan Pelayanan Kesehatan Berdasarkan Hak Asasi Manusia”, *Jurnal Aktualita*, Volume 3 No. 1 2020.
- Emir Yanwardhana, Jokowi Geram, Hampir 2 Juta Orang RI Berobat Ke Luar Negeri, <https://www.cnbcindonesia.com/news/20230306093317-4-419118/jokowi-geram-hampir-2-juta-orang-ri-berobat-ke-luar-negeri>, diakses pada tanggal; 21 November 2023 pukul 22.55 WIB
- Evy Silviani Agustina, “Tanggung Jawab Dokter Dalam Penerapan Pengembangan Keilmuan, Penelitian dan Pengembangan Kesehatan Dihubungkan Dengan Undang-Undang Nomor 36 Tahun 2009 Tentang Kesehatan dan Undang-Undang Nomor 29 Tahun 2004 Tentang Praktik Kedokteran”, *Jurnal Aktualita*, Volume 2 No. 2, 2019.
- Humas.fku, Fenomena Berobat ke Luar Negeri Masyarakat Indonesia, <https://fkkmk.ugm.ac.id/fenomena-berobat-ke-luar-negeri-masyarakat-indonesia/>, diakses pada tanggal 21 November 2023 pukul 23.01 WIB.
- Inggal Ayu Noorsanti, Ristina Yudhanti, “Kemanfaatan Hukum Jeremy Bentham Relevansinya dengan Kebijakan Pemerintah melalui Bantuan Langsung Tunai Dana Desa”, *Jurnal Riset Ilmu Hukum*, Volume 3 Nomor 2, 2023.
- J.H. Burns dan H. L. A. Hart, *The Collected Works of Jeremy. Bentham: A Comment on the Commentaries and A Fragment on Government*, England: Oxford University Press; *The Collected Works of Jeremy Bentham*, 1977
- Ketut Hari Mulyawan, *et. al*, Pengembangan Prototipe Sistem Informasi Manajemen Regulasi Praktik Kedokteran Berbasis Web Dengan Pendekatan Sistem Informasi Geografis, *Jurnal Manajemen Pelayanan Kesehatan*, Volumen 13, No. 03, 2010.
- Laksono Trisnantoro, “Pendulum Kewenangan Kedokteran Indonesia”, <https://www.kompas.id/baca/opini/2023/04/13/pendulum-kewenangan-kedokteran-indonesia>, diakses pada tanggal 24 November 2023 pukul 00.47 WIB.
- Magister Ilmu Hukum Pascasarjana Universitas Medan Area, “Mengenal Asas-Asas Hukum Tata Negara”, <https://mh.uma.ac.id/mengenal-asas-asas-hukum-tata-negara-indonesia/>, diakses pada tanggal 24 November 2023 pukul 16.29 WIB
- Maimun, *Hukum Ketenagakerjaan Suatu Pengantar*, Jakarta: PT. Pradnya Paramita, 2004.
- Maria Gelvina Maysha, Ini Kata Epidemiolog Griffith Soal Dokter Asing Berpraktik di Tanah Air, <https://nasional.kontan.co.id/news/ini-kata-epidemiolog-griffith-soal-dokter-asing-berpraktik-di-tanah-air>, diakses pada tanggal 23 November 2023 pukul 20.48 WIB.
- Muhammad Rustamaji, “Telaah Konstruksi Pembuktian Pada Praktik Ilegal Dokter Asing (Studi Putusan No. 450/PID.SUS/2020/PN JKT.UTR)”, *Jurnal Hukum Acara*, Volume 11 No. 1, 2023
- Neng Ayu Rosita, *et. al*, *Etika Profesi & Hukum Kesehatan*, Sukoharjo: Penerbit Pradina Pustaka, 2022, hlm 104.
- Novekawati, S.H.,M.H, *Hukum Kesehatan*, Lampung: Sai Wawai Publishing, 2019.
- Pribakti B, *Negara & Kesehatan Di Mata Seorang Dokter*, Kalimantan: PT. Grafika Wangi, 2019.
- Rizza Norta Villeny Rosita Dewi *et al*. “Gambaran Kebijakan Pemenuhan Kebutuhan Tenaga Dokter Spesialis Di Indonesia”, *Jurnal Cahaya Mandalika*.
- Slamet Sampurno Soewondo, *Hukum Bagi Dokter Asing Dalam Upaya Pelayanan Kesehatan Di Indonesia*, Disertasi, Universitas Airlangga Surabaya, 2002.

- Soerjonno Soekanto dan Sri Mamuji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Jakarta: Rajawali Pers, 1990.
- Soekidjo Notoatmodjo, *Etika & Hukum Kesehatan*, Jakarta: Rineka Cipta, 2010.
- Susanto, “Penafsiran Asas Manfaat Tentang Asset Recovery Korban Tindak Pidana Pencucian Uang”, *Jurnal Yudisial*, Volume 13 No. 13, 2020.
- Takdir, *Pengantar Hukum Kesehatan*, Palopo: Lembaga Penerbit Kampus IAIN Palopo, 2018, hlm 11.
- Thomas Kopetsch, “*The Migration of Doctors To and From Germany*”, *Jurnal Public Health*, No.17, 2009.
- Trisapto Wahyudi Agung Nugroho, “Peran Intelijen Keimigrasian Dalam Rangka Antisipasi Terhadap Potensi Kerawanan Yang Ditimbulkan Oleh Orang Asing Di Wilayah Indonesia (*Role of Immigration Intelligence in the Anticipation on Potential Vulnerability Led by Foreigners in Indonesia*)”, *Jurnal Ilmiah Kebijakan Hukum*, Volume 12 No. 3, 2018.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
- Undang-Undang Nomor 29 Tahun 2004 tentang Praktik Kedokteran
- Undang-Undang Nomor 20 Tahun 2013 tentang Pendidikan Kedokteran
- Undang-Undang Nomor 17 Tahun 2023 tentang Hukum Kesehatan
- Peraturan Presiden Republik Indonesia Nomor 4 Tahun 2017 tentang Wajib Kerja Dokter Spesialis
- Peraturan Pemerintah Republik Indonesia Nomor 34 Tahun 2021 tentang Penggunaan Tenaga Kerja Asing
- Peraturan Konsil Kedokteran Indonesia Nomor 22 Tahun 2014 tentang Persetujuan Alih Ilmu Pengetahuan dan Teknologi Kedokteran/Kedokteran Gigi
- Peraturan Menteri Tenaga Kerja dan Transmigrasi Nomor 35 Tahun 2015 Tentang Perubahan Atas Peraturan Menteri Ketenagakerjaan Nomor 16 Tahun 2015 Tentang Tata Cara Penggunaan Tenaga Kerja Asing
- Peraturan Menteri Kesehatan Republik Indonesia Nomor 21 Tahun 2020 tentang Rencana Strategis Kementerian Kesehatan Tahun 2020-2024
- Peraturan Menteri Kesehatan Republik Indonesia Nomor 35 Tahun 2022 tentang Penyelenggaraan Evaluasi Kompetensi Tenaga Kesehatan Warga Negara Indonesia Lulusan Luar Negeri dan Tenaga Kesehatan Warga Negara Asing
- Peraturan Menteri Kesehatan Republik Indonesia Nomor 6 Tahun 2023 tentang Pendayagunaan Tenaga Kesehatan Warga Negara Asing