



Health Criminal Law as an Instrument to Protect Human Rights: A Comparative Study of Indonesia and Algeria

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Abstract

Health criminal law in the Indonesian context is actually regulated in Article 427 to Article 448 in Law 17 of 2023 concerning Health (Health Law). This is a major change in the health sector and covers various aspects that regulate public health, health services, and criminal law related to violations in the health sector. This study aims to analyze two important aspects, namely: (i) the regulation of health criminal law between Indonesia and Algeria and its relation to the protection of human rights, and (ii) the future regulation of health criminal law in Indonesia in realizing the protection of health rights for the community. This research is a normative legal research with conceptual, comparative and legislative approaches. The result of the research confirms that health criminal law can be said to be the main instrument to maintain and ensure health rights for the community. The findings of this research confirm that the main difference between Indonesia and Algeria lies in the way health criminal law is organized and applied. Indonesia has more detailed and specific regulations that address malpractice, medical negligence and the health sector more holistically. Whereas Algeria tends to regulate this in a more general framework, following the existing criminal code. The recommendation from this study is that there is a need for legal harmonization between health criminal sanctions in Articles 427 to 448 in Law 17 of 2023 on Health (Health Law) and the New Criminal Code including more detailed special regulations on malpractice, including investigation procedures, evidence, and criminal sanctions against medical personnel who are proven to be negligent or deliberately commit medical errors. This will provide legal certainty for patients and medical personnel.

Keywords: Human Rights, Criminal Law, Health, Comparative Law.

A. INTRODUCTION

The global development of health law shows significant changes in responding to emerging challenges related to public health and human rights (Bin Shihah et al., 2022). At the global level, the right to receive adequate healthcare services is increasingly regarded as part of human rights. Organizations like the World Health Organization (WHO) promote health as a universal right that includes access to medical services, medications, and disease prevention (Pu et al., 2021). Countries are increasingly bound by international instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which emphasize the right to health as a fundamental right (Patria et al., 2022).

Countries are increasingly required to cooperate in terms of surveillance, reporting, and response to international health threats. Developments in medical technology, such as digital health, artificial intelligence, and biotechnology, are creating new challenges in health law. Telemedicine and the use of digital health data are becoming increasingly widespread, while the protection of personal data is becoming an urgent issue in the context of health (Jain, 2023). In many countries, there is a push towards the privatization and commercialization of healthcare services, which raises debates about equity in access to healthcare services. International organizations such as the WHO, United Nations (UN), and World Trade Organization (WTO) play an important role in shaping global health policies. WHO has a mandate to formulate international health guidelines and support countries in strengthening their health systems. Overall, global health law is evolving

to enhance access to equitable healthcare, address cross-border health threats, and ensure that technological advancements are used ethically and fairly to improve the quality of life for humanity (Silven et al., 2022).

Health criminal law plays a very important role in maintaining justice, welfare, and public safety (Flora, 2021). Specifically, health criminal law aims to regulate actions that can endanger human health or life, whether through negligence, error, or deliberate actions that violate the rights of individuals or groups in terms of health. Health criminal law functions to protect society from actions that can endanger their health, such as illegal medical practices, drug abuse, or violations of health safety standards (Hartiningsih, 2020). For example, negligent or unprofessional medical actions can cause serious physical harm to patients, and criminal law is present to impose sanctions for such actions. Criminal law also plays a role in combating the spread of infectious diseases. For example, someone who intentionally transmits a deadly infectious disease (such as HIV or tuberculosis) to others can be subject to criminal sanctions. This aims to ensure that society is not threatened by irresponsible behavior.

Health criminal law provides legal protection for patients who may become victims of medical negligence or unlawful medical practices (Asphianto, 2023). For example, if a medical professional abuses their power, such as administering inappropriate treatment or misusing their authority, criminal law can impose sanctions to ensure that patients are not harmed. Health criminal law can prevent ethical deviations in medical and pharmaceutical practices (Thahir & Tongat, 2024). For example, if a doctor or medical personnel commits malpractice or drug abuse, they can be subject to criminal charges. This is to enforce the medical profession's

code of ethics and ensure that healthcare workers perform their duties professionally and responsibly (Cambra-Badii et al., 2021). In some cases, fraud in the healthcare sector can harm many people. Examples include the sale of counterfeit drugs or the misuse of health funds for personal gain. Health criminal law is tasked with addressing such criminal acts, which not only harm individuals but can also damage the healthcare system as a whole.

Health criminal law in the context of Indonesia is actually regulated in Articles 427 to 448 of Law No. 17 of 2023 concerning Health (Health Law). Law Number 17 of 2023 on Health, which was recently enacted in Indonesia, represents a significant change in the health sector and covers various aspects regulating public health, health services, and criminal law related to violations in the field of health. In this law, there are several provisions that regulate health-related criminal offenses, aimed at ensuring the protection of public safety and rights concerning health services. Some relevant points regarding health crimes in the Health Law include, in the context of medical practice, this law regulates criminal actions for medical personnel who commit serious violations, such as malpractice or negligence in performing medical procedures. If a medical professional causes harm to a patient due to negligence or error, they can be subject to criminal sanctions. These criminal sanctions are regulated to protect patients from potential harm due to unprofessional medical errors or those not in accordance with applicable medical standards.

This law also emphasizes the trade of counterfeit drugs or drug abuse, including drugs that can be misused or drugs that do not have official circulation permits. Parties involved in the production, distribution, or marketing of illegal, counterfeit, or unregistered drugs may be subject to criminal penalties. The aim is to

ensure the safety of drugs circulating in the community and to prevent the use of medications that could endanger public health (Sujatmiko, 2021). This law imposes sanctions on healthcare providers who fail to fulfill their obligation to provide safe and quality care to patients. In cases of abuse of authority in the health sector, whether by authorized personnel in the health administration system or medical staff, this law imposes criminal sanctions. This abuse of power can involve manipulation of medical data, misappropriation of health funds, or corruption in the procurement of health goods or services.

Criminal acts that potentially endanger public health, such as the intentional spread of infectious diseases, can be subject to criminal penalties under this law. For example, if someone infected with a severe contagious disease intentionally transmits it to others, it can be considered a criminal act. This law also regulates the protection of patients' personal data, and violations of the confidentiality of medical information committed by medical personnel or health institutions can be subject to criminal sanctions. Abuse of personal data or disclosure of medical data without patient consent constitutes a serious legal violation under this law. Along with advancements in medical technology and vaccination, the Health Law also regulates criminal offenses related to the handling of drugs and vaccines that do not comply with established procedures or policies. For example, the distribution of fake vaccines or the misuse of vaccines can be subject to severe criminal penalties. This law also emphasizes that the state and authorities must oversee medical practices, drug distribution, and other health services. If any party attempts to evade or violate these supervisory provisions, criminal law may be applied as a sanction. The Health Law clearly stipulates that violations in the field of health, whether by medical personnel,

health institutions, or other related parties, can be subject to appropriate criminal sanctions. This aims to create a more just, safe, and protected healthcare system, both for medical personnel, patients, and society as a whole.

From the above explanation, it is clear that health criminal law aims to ensure the fulfillment of human rights, especially the community's right to ensure that there are no legal violations that could harm the community's health rights. This reinforces that health criminal law serves as an important means of protecting human rights, particularly in relation to health rights. Criminal law in the context of health is very important for creating accountability and for protecting individual rights as well as preventing crimes that can harm public health.

Health criminal law in Algeria, like in many other countries, focuses on regulating the responsibilities of medical professionals and protecting patients' rights. In the context of Algeria, health criminal law primarily develops through laws regulating medical practices, medical procedures, and health standards, which aim to enforce accountability for violations occurring within the health context (Alsamara et al., 2022). Algeria has a legal system influenced by French law due to its colonial history. This is reflected in health regulations, which are largely adapted from French law. However, after independence in 1962, Algeria began to develop its own legal system, although it was still heavily influenced by French legal traditions (Ibtissem, 2024). In Algerian criminal law, there are articles that regulate wrongful medical actions or negligence that cause harm to patients. For example, in cases of medical malpractice or negligence by medical personnel that can cause injury or death to patients. Criminal law in Algeria includes sanctions for medical professionals who commit errors that can harm public health. From the description of health criminal

law regulations in Algeria above, this research focuses on a legal comparison regarding health criminal law between Indonesia and Algeria. One important aspect of the comparison is related to the similarities between Indonesia and Algeria, both of which adhere to the civil law legal system. This research aims to analyze two important aspects, namely: (i) the regulation of health criminal law between Indonesia and Algeria and its relation to the protection of human rights, and (ii) the future regulation of health criminal law in Indonesia in realizing the protection of health rights for the community.

Research discussing health criminal law has indeed been conducted by several previous researchers, including a study by Vittorio, et al. (2024) which discusses the importance of informed consent as a key element of health rights, namely the individual's right to make autonomous decisions regarding their health, based on the trust relationship between doctor and patient (Bolcato et al., 2024). This study analyzes and compares the regulations of informed consent in several European countries (Italy, France, England, Nordic countries, Germany, and Spain). Further research was conducted by Seidanov et al. (2025) discussing the forms of criminal liability for medical personnel causing harm to patients, referring to the criminal regulations in the Republic of Kazakhstan, specifically Chapter 12 of the Criminal Code, and comparing it with the accountability systems in developed countries (Aibek Seidanov, Arstan Akhpanov, Lyazzat Nurlumbayeva, 2024). Further research was conducted by Atreya et al. (2025), highlighting serious limitations in the inquest system (death investigation) due to the lack of forensic training, expert personnel, supporting facilities, and understanding among legal stakeholders (Atreya et al., 2025). This research calls for the strengthening of the

forensic role in the justice system to improve the quality of investigations and law enforcement. Of the three previous studies mentioned above, this research is original because it focuses on the regulation of health criminal law between Indonesia and Algeria and its relation to the protection of human rights, which has not been comprehensively analyzed by the three previous studies.

This research, which focuses on the analysis of health criminal law regulations between Indonesia and Algeria and their relation to the protection of human rights, is a normative legal study. As a normative legal research, this study analyzes various regulations related to health crimes such as the Health Law and the Criminal Code, as well as various regulations related to health crimes in Algeria as primary legal materials. The secondary legal materials in this research are journal articles, books, and various research findings that discuss health crimes and human rights. The non-legal material used is a legal dictionary. After the legal materials are collected, the analysis of the legal materials is conducted prescriptively by outlining the legal issues, which are then formulated into legal solutions or recommendations in this research. The approach used is statute, comparative legal, and conceptual approach.

B. RESULT AND DISCUSSION

1. Regulation of Health Criminal Law Between Indonesia and Algeria and Its Relation to the Protection of Human Rights

Health criminal law in Indonesia relates to the application of criminal law to violations occurring in the health sector, whether involving medical personnel or other parties, as well as the protection of patient right (Sheila Febriana Ngiti Sasmita, Sabir Alwy, 2023). In general, health criminal law focuses on negligence or errors

that cause harm to patients, as well as violations of applicable health service standards. Initially, regulations related to criminal law in the health sector in Indonesia were mostly found in the Criminal Code (KUHP). However, the Criminal Code (KUHP) is more focused on general criminal offenses and does not specifically regulate actions in the medical field (Rodliyah, 2024). One significant advancement in health criminal law in Indonesia is the enactment of Law No. 29 of 2004 on Medical Practice, which specifically regulates medical ethics, doctors' obligations, and patients' rights (Lestari, 2021). In this law, there are regulations regarding the responsibilities of doctors and medical personnel in providing healthcare services that meet professional standards. If doctors or medical personnel make mistakes or negligence that cause harm to patients, they can be subject to criminal sanctions (I Kadek Suar Putra Dana et al., 2021). For example, in the case of medical malpractice, which leads to actions that violate the law, whether criminal or civil.

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causes harm to a patient due to negligence or error, they can be subject to criminal sanctions. These criminal sanctions are regulated to protect patients from potential harm due to unprofessional medical errors or those not in accordance with applicable medical standards.

This law also emphasizes the trade of counterfeit drugs or drug abuse, including drugs that can be misused or drugs that do not have official circulation permits. Parties involved in the production, distribution, or marketing of illegal, counterfeit, or unregistered drugs may be subject to criminal penalties. The aim is to ensure the safety of drugs circulating in society and to prevent the use of medications that could endanger public health (Wulandari & Kirana, 2023). This law imposes sanctions on healthcare providers who fail to fulfill their obligation to provide safe and quality care to patients. In cases of abuse of authority in the health sector, whether by officials in the health administration system or medical personnel, this law imposes criminal penalties (Asphianto, 2023). This abuse of power can involve manipulation of medical data, misappropriation of health funds, or corruption in the procurement of health goods or services.

Criminal acts that potentially endanger public health, such as the intentional spread of infectious diseases, can be subject to criminal penalties under this law. For example, if someone infected with a severe contagious disease deliberately transmits it to others, it can be considered a criminal act. This law also regulates the protection of patients' personal data, and violations of the confidentiality of medical information committed by medical personnel or health institutions can be subject to criminal sanctions (Sudirman et al., 2023). The misuse of personal data or the disclosure of medical data without the patient's consent constitutes a serious legal violation under

this law. Along with advancements in medical technology and vaccination, the Health Law also regulates criminal offenses related to the handling of drugs and vaccines that do not comply with established procedures or policies. For example, the distribution of fake vaccines or the misuse of vaccines can be subject to severe criminal penalties. This law also emphasizes that the state and authorities must oversee medical practices, drug distribution, and other health services (Król-Całkowska & Walczak, 2022). If any party attempts to evade or violate the supervision provisions, criminal law may be applied as a sanction. The Health Law clearly stipulates that violations in the field of health, whether by medical personnel, health institutions, or other related parties, can be subject to appropriate criminal sanctions. This aims to create a more just, safe, and protected healthcare system, both for medical personnel, patients, and society as a whole.

Along with the development of health law, there is a greater emphasis on the importance of professional ethics in the medical field, and related institutions increasingly stress the importance of ethical standards and professionalism for medical personnel to prevent legal violations. In addition, there are also regulations regarding the medical obligation to provide sufficient information to patients about the medical procedures to be performed, as well as obtaining patient consent (informed consent) (Harliansyah et al., 2021)(Bolcato et al., 2024). Non-compliance with these obligations can also lead to criminal actions. In addition to malpractice, health criminal law in Indonesia also includes regulations related to drugs and pharmaceutical products. Criminal acts in the field of pharmacy, such as the circulation of counterfeit or unregistered drugs, can also be subject to criminal sanctions. Cases such as the circulation of illegal drugs, fraud in drug production,

and others, are also part of the regulations in health criminal law (Rahmah & Barizah, 2020). In the digital era, Indonesia also faces new challenges related to telemedicine and digital health. The use of technology in healthcare services opens up new opportunities, but also demands proper legal regulations. Health criminal law is beginning to accommodate the possibility of violations in this digital world, such as online diagnostic errors or misuse of patient data (Patria et al., 2022). The development of health criminal law in Indonesia shows a significant increase in regulating and providing protection for patients as well as enforcing the responsibilities of medical professionals. Through various continuously evolving regulations and laws, Indonesia strives to improve the quality of healthcare services and ensure that medical practitioners act in accordance with ethics and professional standards.

Health criminal law in Algeria regulates violations that occur in the health sector, whether involving medical personnel or other parties, as well as the protection of patients' rights. The Algerian legal system, influenced by the French legal tradition, has various regulations governing medical practice, malpractice, and medical negligence (Safran, 2023)(De Micco & Scendoni, 2024).

The Algerian Penal Code is the main foundation of criminal law in this country and covers various types of offenses, including those related to health. In this case, if medical personnel or others in the healthcare system cause harm to patients (for example, through malpractice or negligence), they can be subjected to criminal penalties. If a medical professional makes a mistake in diagnosis or treatment that causes physical harm or death to a patient, criminal law can be applied. Articles in the Algerian Penal Code can be applied to prosecute medical errors that cause harm

(Alsamara et al., 2022). Medical negligence that poses a danger to public health can also be regulated under criminal law (Vidushi Goel, 2023). For example, if a doctor does not follow proper medical procedures and causes infection or serious complications for a patient, such actions can be punished.

Loi sur la santé (Health Law) is an important regulation that governs the health sector in Algeria (Alsamara et al., 2022). This law regulates various aspects of the healthcare system. This law establishes the obligation of medical personnel to provide safe and effective services to patients. If medical personnel violate this obligation, they may be subject to administrative or criminal sanctions. If negligence or medical errors that endanger patients occur, this law allows for the imposition of criminal sanctions on the involved medical personnel. This law also provides protection for patients' rights, regulating the healthcare service standards that must be met by medical personnel and healthcare facilities.

Loi sur les médicaments is a law that regulates the circulation of medicines and medical products in Algeria (Fatiha, 2024). This law includes regulations on the approval and supervision of medicines circulating in the market, as well as the proper use of medicines. If counterfeit or unregistered drugs are used in medical practice, the parties involved may be subject to criminal sanctions. Likewise, the practice of illegal drugs that endanger public health. In Algeria, there are various regulations governing hospitals and other healthcare facilities (Fatiha, 2024). This includes the obligation of hospitals to maintain service quality standards and ensure patient safety. If hospitals or other healthcare facilities fail to meet the established standards, or if they are involved in malpractice, they can be subject to penalties in accordance with existing regulations. The state also has agencies that oversee and verify

healthcare services in hospitals and clinics, ensuring that hospitals operate in accordance with the applicable laws and regulations. Laws in Algeria also regulate the obligations of medical personnel, including doctors, nurses, and other healthcare workers, to adhere to strict medical practice standards. Violations of these obligations can lead to criminal charges, especially if they result in physical harm or the death of a patient.

In addition to more formal laws, Algeria also has regulations regarding medical ethics established by professional organizations, such as the Algerian Medical Association. This medical ethics regulates the behavior of medical professionals, including communication with patients, acceptance of illicit rewards, and the obligation to ensure optimal quality of care. In the context of health, the protection of patient data is also regulated by personal data protection laws. If patient data is misused or leaked without permission, the guilty party may face criminal charges. In recent years, Algeria has been striving to continuously update and improve its health law system to address new challenges, such as increasingly complex medical malpractice, the circulation of counterfeit drugs, and the development of medical and digital technologies (Fatiha, 2024). Overall, health criminal law in Algeria aims to protect patient rights, ensure the quality of medical services, and enforce the accountability of medical professionals in their practice. This criminal law system continues to evolve to meet the community's need for safe and quality healthcare services.

Health criminal law in Indonesia and Algeria has several differences and similarities related to regulations governing health violations and criminal actions involving the health sector. Both countries aim to protect public health through

health criminal law. This includes regulating how those responsible for health (such as medical personnel, hospitals, or pharmaceutical companies) must act to prevent health hazards to the community. In both countries, there are criminal sanctions for anyone who causes harm or damage to the health of individuals or society, whether through negligence, abuse of the medical profession, or actions that harm health. Both in Indonesia and Algeria, the medical profession can be criminally prosecuted if proven to have committed negligence or abuse that causes harm or death to patients. For example, in both legal systems, doctors or medical personnel who commit malpractice can be criminally prosecuted.

The difference in health criminal law regulations between Indonesia and Algeria is that Indonesia uses a legal system based on criminal law sourced from the Criminal Code (KUHP) and various other regulations more specifically related to the health sector, such as the Health Law. Algeria also adopts a criminal law system based on the French legal tradition (Civil Law), which regulates criminal law issues in specific codes. Health criminal law in Algeria is covered under general health regulations as well as their penal code. In Indonesia, health criminal law is more focused on specific regulations governing the health sector, such as the Health Law, which allows for more detailed regulations regarding violations in the health sector. In Algeria, although there are regulations regarding health, the main focus is often more general within the national penal code and not as open as Indonesia in terms of more detailed legal regulations regarding malpractice or medical negligence. In Indonesia, health law is more regulated by relevant ministries, such as the Ministry of Health and medical professional organizations, which function to oversee and impose sanctions for violations of medical ethics and professionalism. In Algeria,

although there is oversight, the legal approach to health issues involves the judiciary and the applicable criminal code more.

Although there are similarities in the goals and basic principles of protecting public health, the main difference between Indonesia and Algeria lies in how health criminal law is regulated and applied. Indonesia has more detailed and specific regulations in addressing issues of malpractice, medical negligence, and the health sector in a more holistic manner. Whereas Algeria tends to regulate this within a more general framework, following the existing penal code.

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applicable penal code more.

Although there are similarities in the goals and basic principles of protecting public health, the main difference between Indonesia and Algeria lies in how health criminal law is regulated and applied. Indonesia has more detailed and specific regulations in addressing issues of malpractice, medical negligence, and the health sector in a more holistic manner. Whereas Algeria tends to regulate this within a more general framework, following the existing penal code. Here is a table summarizing the similarities and differences in health criminal law between Indonesia and Algeria.

Table 1. Differences in Health Criminal Law Between Indonesia and Algeria

Aspect	Indonesia	Algeria
Legal System	Using a legal system based on criminal law as outlined in the Indonesian Penal Code (KUHP) and specific regulations such as Law No. 17 of 2023 on Health.	Using a Civil Law-based legal system with regulations within the criminal code and public health regulations.
Goal	Protecting public health through strict health regulations and criminal sanctions.	Protecting public health through regulations within the criminal code and health sector regulations.
Criminal Sanction	Criminal offenses against health violations can take the form of criminal sanctions for malpractice or medical negligence.	Criminal penalties are also applied to medical negligence or violations in the healthcare sector that threaten patient safety.
Health Law Regulations	Issued through the Health Law, Minister of Health Regulations, and regulations related to the	Issued through general regulations related to health and the national penal code,

	medical profession.	but not too detailed for specific health issues.
Medical Profession Oversight	Supervision is carried out by the Ministry of Health and medical professional organizations, such as IDI (Indonesian Medical Association).	Supervision involves more the judiciary and the national penal code, with more limited professional involvement.
Law Enforcement Approach	More focused on specific health regulations, such as malpractice, medical negligence, and professional ethics.	The approach is more general, with criminal law encompassing health violations within the framework of general criminal regulations.

(Source: Author's Analysis)

This table provides an overview of the similarities and differences in health criminal law between the two countries. Indonesia tends to be more detailed and has specific regulations in the health sector, while Algeria tends to rely more on the general criminal code with a more limited focus on the health sector.

From the above description, it can be concluded that Indonesia has shown progressive steps in developing more specific health criminal law, with a focus on enhancing patient protection and enforcing medical professional ethics. Through continuously evolving regulations, Indonesia strives to ensure that healthcare services remain safe, of high quality, and up to standard amidst technological advancements. Meanwhile, Algeria regulates health criminal law through a legal system based on the Civil Law tradition, where health regulations are mostly covered in the general criminal code as well as laws such as the *Loi sur la santé* and the *Loi sur les médicaments*. This country also pays attention to ethical violations,

malpractice, and the use of illegal drugs. Although Algeria's approach is still more common compared to Indonesia, the country continues to update its laws to address the dynamics and complexities of the modern healthcare sector. Both Indonesia and Algeria have the same goal, which is to protect patients' rights and ensure the quality of healthcare services through criminal law. However, there are differences in terms of legal structure, the level of regulatory specificity, and the role of supervisory institutions in the enforcement of sanctions against medical violations. Indonesia is more detailed in regulating the health sector comprehensively, while Algeria tends to rely on the criminal justice system and general regulations. Overall, this comparison shows that the adjustment of health criminal law to the times is very important to ensure justice, patient safety, and accountability of medical professionals in both countries.

2. Future Regulation of Health Criminal Law in Indonesia in Realizing the Protection of Health Rights for the Community

Health criminal law plays an important role in protecting the rights of the community related to health and safety. This law regulates various actions that can endanger public health, including medical negligence, malpractice, and abuse in the provision of healthcare services (Puspitasari & Budi Pramono, 2023). The main objective of health criminal law is to ensure that individuals or organizations responsible for health do not cause harm or danger to the community (Via Dianti et al., 2024) (Thahir & Tongat, 2024).

Health criminal law imposes sanctions on medical personnel who commit negligence or errors in providing healthcare services. Thus, the public is protected from the potential risks or losses caused by incorrect or unprofessional medical

actions (Irawan et al., 2021). Health criminal law also includes regulations that govern the safety of drugs and other medical products. The abuse or counterfeiting of drugs that endanger public health can be punished with criminal sanctions. Health criminal law protects the right of the community to live in a healthy environment. Environmental violations, such as pollution that harms public health, can also be subject to criminal sanctions.

The individual's right to receive fair and non-discriminatory healthcare services is also protected by criminal law. Abuse of power in medical practice or discrimination against patients can be subject to criminal sanctions. Health criminal law regulates the conduct of medical research to ensure that research subjects are not exploited or abused (Baharudin, 2020). Medical research that violates ethical principles or endangers subjects may face criminal sanctions. With the existence of criminal law regulating violations in the health sector, individuals or organizations that harm the community or patients will receive appropriate punishment. This provides a deterrent effect and prevents further violations. Health criminal law serves as a tool to protect the basic rights of the community in terms of health and safety. By imposing criminal sanctions on violations occurring in the health sector, this law aims to ensure that healthcare services are provided in a safe, fair, and standard-compliant manner (Yusyanti, 2021). The success of protecting the rights of the community greatly depends on the effectiveness of the implementation of this law as well as the awareness and accountability of all parties involved in the health sector.

The issues of health criminal law in Indonesia encompass various aspects related to efforts in law enforcement in the health sector (Amir & Purnama, 2021). Some of the main issues that often arise in the context of health criminal law include

medical malpractice, which refers to negligence or errors in medical practice that cause harm to patients. Criminal law can be applied if the medical actions taken by healthcare professionals violate professional standards or applicable medical procedures and cause injury or even death to the patient (Haiti, 2023). However, the prosecution process often requires strong evidence and expert evaluation to determine whether the action was indeed a medical error or not. The misuse of drugs or medical devices, whether by medical personnel or others, can lead to criminal legal issues (Fernandus Siregar & Syaiful Asmi Hasibuan, 2023). One example that can be encountered is the practice of administering prohibited drugs without the appropriate prescription or using medical devices that do not meet the standards. Cases like this often involve legal violations that can harm public health.

Procurement of goods and services in the health sector can also become a means for corruption practices, involving officials or hospital managers in budget misuse or the procurement of inappropriate medical equipment. This can lead to poor quality of healthcare services and even increase the burden on the community. Hospitals, as healthcare service institutions, sometimes face issues related to criminal acts that occur within them, such as violence against medical staff, patient neglect, or negligence that causes injury to patients. In this case, the enforcement of criminal law must involve both medical law and general criminal law. In cases such as the spread of HIV/AIDS, hepatitis, or other contagious diseases, criminal law can be applied to individuals who intentionally transmit these diseases to others. Although there is still debate about the application of the law, some parties argue that this should be regulated more clearly. In addition to the criminal aspect, the protection of patient rights is also an important concern. For example, in the case of informed

consent, patients have the right to receive clear and complete information about the procedures they will undergo. Violations of these rights can lead to legal issues that require resolution. One of the major challenges in health criminal law in Indonesia is that law enforcement is not yet fully optimal. Many health cases end with inadequate decisions, either due to limited evidence or a lack of expertise in evaluating medical crimes. In addition, the role of authorities, such as the police and prosecutors, in handling health-related criminal cases is often considered still lacking. Overall, although Indonesia already has several regulations governing the health sector and criminal law, there are still many challenges in effective implementation and fair sanctions. Improvements in the health law system, medical education, and legal awareness among the public and medical personnel are crucial to rectify this situation.

Future regulatory efforts for health crimes in Indonesia need to involve a number of strategic steps that can improve the health criminal law system, enhance patient protection, and ensure more effective law enforcement. One of the efforts being made is to harmonize the legal provisions between health criminal sanctions in Articles 427 to 448 of Law No. 17 of 2023 on Health (Health Law) with the New Criminal Code. including the existence of more detailed special regulations on malpractice, including investigation procedures, evidence, and criminal sanctions against medical personnel who are proven to be negligent or intentionally commit medical errors. This will provide legal certainty for patients and medical personnel. Another important aspect is the supervision of practicing medical personnel, which is very crucial. Therefore, professional certification and stricter supervision by professional organizations, such as the Indonesian Medical Association (IDI), are

very necessary to ensure that medical practices are conducted according to the appropriate standards. Another important point to consider is that the enforcement of health criminal law requires specialized expertise, as it involves medical aspects that demand a deep understanding. Therefore, there is a need for training for law enforcement officers, such as police and prosecutors, in handling health criminal cases. With adequate knowledge of medical aspects, they can handle cases more accurately. In malpractice cases or other cases involving medical aspects, the role of medical experts is very important to provide objective testimony and assist in the proof process. Therefore, there is a need for regulations that ensure the availability of independent and credible medical experts to provide opinions in legal proceedings.

C. CONCLUSION

Health criminal law can be said to be the main instrument for maintaining and ensuring health rights for the community. Regarding its regulation, the main difference between Indonesia and Algeria lies in how health criminal law is regulated and applied. Indonesia has more detailed and specific regulations in addressing issues of malpractice, medical negligence, and the health sector in a more holistic manner. Whereas Algeria tends to regulate this within a more general framework, following the existing penal code.

Future regulatory efforts for health crimes in Indonesia need to involve a number of strategic steps that can improve the health criminal law system, enhance patient protection, and ensure more effective law enforcement. One of the efforts being made is to harmonize the legal provisions between health criminal sanctions in Articles 427 to 448 of Law No. 17 of 2023 on Health (Health Law) with the New Criminal Code. Including the existence of more detailed special regulations on

malpractice, including investigation procedures, evidence, and criminal sanctions against medical personnel who are proven to be negligent or intentionally commit medical errors. This will provide legal certainty for patients and medical personnel. Another important aspect is the supervision of practicing medical personnel, which is very crucial. Therefore, professional certification and stricter supervision by professional organizations, such as the Indonesian Medical Association (IDI), are very necessary to ensure that medical practices are conducted according to the appropriate standards. Another important point to consider is that the enforcement of health criminal law requires specialized expertise, as it involves medical aspects that demand a deep understanding. Therefore, there is a need for training for law enforcement officers, such as police and prosecutors, in handling health criminal cases. With adequate knowledge of medical aspects, they can handle cases more accurately. In malpractice cases or other cases involving medical aspects, the role of medical experts is very important to provide objective testimony and assist in the proof process. Therefore, there is a need for regulations that ensure the availability of independent and credible medical experts to provide opinions in legal proceedings.

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