

Research Article

Reconstruction of the Government's Role in a Dignity Justice-based Collegium

Abid Naufal Zakiy

Doctor of Law Program, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia

ORCIDAbid Naufal Zakiy: <https://orcid.org/0009-0004-2594-6406>**Abstract.**

The regulation of the role of the government in collegium in Law Number 17 of 2023 concerning health has a different meaning and existence and role than the previous two laws. Therefore, there is a need to reconstruct the regulation of the role of the government in a collegium based on dignity justice, so that legal certainty, its usefulness, and justice can be felt by all Indonesian people. The formulation of the problem we propose is: Why is the regulation of the government's role in collegium at this time not based on justice? What are the weaknesses of the government's role in collegium at this time? And how is the regulatory reconstruction of the role of the government in a college based on dignity justice? The conclusions we can draw are: 1. The regulation of the government's role in collegium in Indonesia at this time is not based on dignified justice. 2. Weaknesses of the Regulation of the Government's Role in Collegium in Indonesia at this time from the substance of the law, namely, still overlaps and is not and is not yet specific, so it is not based on the dignity of the judiciary. The weakness of the regulation of the role of the government in collegium in Indonesia at this time from the legal structure, with a limited knowledge and understanding of law enforcement officials. Their way of thinking and acting is still not fair so this is not based on dignified justice. The weakness of the regulation of the government's role in Collegium in Indonesia at this time from the legal culture, namely, the legal culture in Indonesia today is still thick with the culture of "ewuh pekewuh". The culture of maintaining people's feelings so that they do not dare to voice the truth even though injustice occurs in front of our eyes. In addition, the understanding and awareness of health law is still not high, so that the Government's Role Regulation in Collegium in Indonesia is currently not based on dignity justice. 3. Reconstruction of the value of the government's role Rrgulation in Collegium in Indonesia based on dignity justice is to provide balanced legal protection to all people. The reconstruction of the legal norms of Article 421 paragraph (2) part b of Law Number 17 of 2023 concerning health can result in a Regulation on the Government's Role in Collegium in Indonesia that humanizes humans so that the benefits of law, legal certainty, and the side of justice can be felt by all levels of society.

Keywords: justice dignified, reconstruction, regulation

Corresponding Author: Abid Naufal Zakiy; email: Zakiy.abid@gmail.com

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1. Introduction

Menaldi Ramin (n.d.) as an expert presented by Djohansjah Marzoeki (Applicant) in the follow-up session of testing the material of Law Number 17 of 2023 concerning Health (Health Law). He said that the Collegium should not be in the government because it is related to government politics. While the Collegium is a scientific repository that is not related to politics or government. Because the task of the collegium is to determine the competency standards of the branch of medical science; determine educational standards on how to achieve competencies; determining a person's competency achievements so that they are worthy of being considered competent, no longer competent, or not competent at all; conducting coaching in the form of education and continuous training. So that this competence must be maintained, because in medicine something is done that is directly related to the human soul and body. Therefore, the guard must be strong

Menaldi Ramin explained that the collegium is an autonomous and independent scientific body. Autonomy can mean having your own system on how to assess a science and develop competencies to achieve so that science is mastered in a good and correct way. In science, there are two basic things, namely basic science and applied science. Menaldi explained that basic knowledge is really an essential science. While applied science is its development to be used by others or several sciences that are combined so that they can be applied to others. Meanwhile, the meaning of independence is independent in making policies. Collegiate grows with the growth of specialization, so that only certain specialists understand the policies that exist and occur in the field of that branch of science. It is impossible for other branches of science to give rules and policies to other branches of science

In Article 1 number 13 of Law Number 29 of 2004 concerning Medical Practice, it is stated that what is meant by a collegium is the Indonesian Medical College and the Indonesian Dental College is a body formed by a professional organization for each branch of discipline that is in charge of supervising the branch of the discipline. Meanwhile, in Article 1 number 17 of Law Number 36 of 2014 concerning Health Workers, it is stated that what is meant by the collegium of each health worker is a body formed by a professional organization for each branch of health science discipline that is tasked with supporting and improving the quality of education in the branch of the discipline.

Furthermore, in Article 51 of Law Number 36 of 2014 concerning Health Workers, it mandates that;

(1) To develop the branch of disciplines and educational standards of health workers, each professional organization can form a collegium of each health worker.

(2) The collegium of each professional staff as specified in paragraph (1) is an autonomous body within the professional organization

(3) The collegium of each health worker as intended in paragraph (1) is responsible to the professional organization

Meanwhile, in Article 1 number 26 of Law Number 17 of 2023 concerning Health, it is mandated that what is meant by a Collegium is a collection of experts from each health discipline who support the branch of science that carries out its duties and functions independently and is a fitting tool of the Council

In Article 421 of Law Number 17 of 2023 concerning Health, it is mandated that:

(1) The Central Government and Regional Governments supervise every health implementation

(2) The scope of supervision as intended in paragraph (1) includes:

(a) Compliance with the trends of laws and regulations including compliance with the implementation of norms, standards, procedures, and criteria set by the Central Government

(b) Compliance with professional standards, service standards, operational procedure standards, and professional ethics and discipline

(c) Impact of Health Services by Medical Personnel or Health Workers

(d) Evaluation of community satisfaction

(e) Accountability and feasibility of implementing health efforts and health resources; and

(f) Other objects of supervision according to the needs

(3) Supervision as intended in paragraph (1) can involve the community

Article 14 paragraph (3) paragraph (4) and paragraph (5) of Law Number 29 of 2004 concerning Medical Practice mandates that the Membership of the Indonesian Medical Council is determined by the President on the proposal of the Minister; The Minister in proposing membership of the Indonesian Medical Council must be based on the proposal of the organization and association as intended in paragraph (1).; Provisions regarding the procedure for the appointment of members of the Indonesian Medical Council are regulated by Presidential Regulation.

In Article 14 of Law Number 36 of 2009 concerning Health, it is mandated that:

- (1) The government is responsible for planning, regulating, organizing, fostering, and supervising the implementation of health efforts that are equitable and affordable by the community.
- (2) The government's responsibilities as intended in paragraph (1) are specific to public services
- (1) The government is responsible for the availability of the environment, order, and health facilities, both physical and social, for the community to achieve the highest degree of health.

Article 15

The government is responsible for the availability of the environment, order, and health facilities, both physical and social, for the community to achieve the highest degree of health.

Article 16

The government is responsible for the availability of resources in the health sector that are fair and equitable for all people to obtain the highest degree of health.

Article 272

- (1) To develop the branches of science and educational standards of Mdis and Health Personnel, each expert group of each health science discipline can form a Collegium
- (2) The Collegium as described in paragraph (1) is a fitting device of the Council and in carrying out its role is independent
- (3) Collegium has the following roles:
 - a. Developing competency standards for Medical Personnel and Health Workers; DSSN
 - (a) Developing competency standards for Medical Personnel and Health
 - (b) Compiling a standard curriculum for training medical personnel and health workers
- (4) The membership of the collegium comes from professors and experts in health sciences

From the above legal provisions, we can see that the collegium in Law Number 17 of 2023 concerning Health has a different meaning and existence than the previous two laws. Likewise, the government's role in the collegium in the new Health Law also has a different role. It is against this background that the author is interested in discussing this issue in the form of a paper entitled Regulatory Reconstruction of the role of the government in a dignified justice-based collegium.

2. Methods

Legal research method is a systematic way of conducting research. Furthermore, Soerjono Soekanto explains that “Legal research is a scientific activity, which is based on certain methods, systematics and thoughts, which aims to study one or several specific legal phenomena, by analyzing them”. This research uses normative and sociological juridical methods, with primary data in the form of interviews and field observations, normative and sociological juridical approaches with qualitative analysis.

3. Results and Discussion

3.1. Regulation of the Government's Role in Collegium at this Time

a. Regulation of the Government's Role in Collegium at Present in accordance with Law Number 29 of 2004 concerning Medical Practice

In Article 1 number 13 of Law Number 29 of 2004 concerning Medical Practice, it is stated that the Indonesian Medical College and the Indonesian Dental College are bodies formed by professional organizations for each branch of the discipline that is in charge of supporting the branch of the discipline

Article 14

(1) The number of members of the Indonesian Medical Council is 17 (seventeen) people consisting of elements derived from:

- a. medical professional organizations 2 (two) people;
- b. dental professional organizations 2 (two) people;
- c. Association of Medical Education Institutions 1 (one) person;
- d. Association of Dental Education Institutions 1 (one) person;

- e. medical collegium 1 (one) person;
- f. Dental Collegium 1 (one) person;
- g. Teaching Hospital Association 2 (two) people;
- h. community leaders 3 (three) people;
- i. Department of Health 2 (two) people; and
- j. Ministry of National Education 2 (two) people.

- (2) The procedure for selecting community leaders as referred to in paragraph (1) is regulated by the Regulation of the Indonesian Medical Council.
- (3) The membership of the Indonesian Medical Council is determined by the President on the proposal of the Minister;
- (4) The Minister in proposing membership of the Indonesian Medical Council must be based on the proposal of the organization and association as intended in paragraph (1).;
- (5) Provisions regarding the procedure for the appointment of members of the Indonesian Medical Council are regulated by Presidential Regulation.

b. Regulation of the Government's Role in Collegium at Present According to Law Number 36 of 2009 concerning Health

In Article 14 of Law Number 36 of 2009 concerning Health, it is mandated that:

- (1) The government is responsible for planning, regulating, organizing, fostering, and supervising the implementation of health efforts that are equitable and affordable by the community.
- (2) The government's responsibilities as intended in paragraph (1)(i) are specific to public services
- (3) The government is responsible for the availability of the environment, order, and health facilities, both physical and social, for the community to achieve the highest degree of health.

Article 15

The government is responsible for the availability of the environment, order, and health facilities, both physical and social, for the community to achieve the highest degree of health.

Article 16

The government is responsible for the availability of resources in the health sector that are fair and equitable for all people to obtain the highest degree of health.

Article 272

(1) To develop the branches of science and educational standards of Mdis and Health Personnel, each expert group of each health science discipline can form a Collegium

(2) The Collegium as described in paragraph (10) is the completeness of the Council and in carrying out its role is independent

(3) Collegium has the following roles:

- a. Developing competency standards for Medical Personnel and Health Workers; and:
- b. Compiling a standard curriculum for training medical personnel and health workers
- c. The membership of the collegium comes from professors and experts in health sciences

c. Regulation of the Government's Role in Collegium at this Time according to Law Number 36 of 2014 concerning Health Workers

Article 1 number 17 of Law Number 36 of 2014 concerning Health Workers states that what is meant by the collegium of each health worker is a body formed by a professional organization for each branch of health science discipline that is tasked with supporting and improving the quality of education in the branch of the discipline.

Article 51

(1) To develop the branch of disciplines and educational standards of health workers, each professional organization can form a collegium of each health worker.

(2) The collegium of each professional staff as specified in paragraph (1) is an autonomous body within the professional organization

(3) The collegium of each health worker as intended in paragraph (1) is responsible to the professional organization

d. Regulation of the Government's Role in Collegium at this Time according to Law Number 17 of 2023 concerning Health Workers

Article 1 number 26 of Law Number 17 of 2023 concerning Health mandates that what is meant by a Collegium is a collection of experts from each health discipline who are in charge of the branch of science that carry out their duties and functions independently and are the fittings of the Council

In Article 421 of Law Number 17 of 2023 concerning Health, it is mandated that:

- (1) The Central Government and Regional Governments supervise every health implementation
- (2) The scope of supervision as intended in paragraph (1) includes:
 - (a) Compliance with the trends of laws and regulations including compliance with the implementation of norms, standards, procedures, and criteria set by the Central Government
 - (b) Compliance with professional standards, service standards, operational procedures, and professional ethics and discipline
 - (c) Impact of Health Services by Medical Personnel or Health Workers
 - (d) Evaluation of community satisfaction
 - (e) Accountability and feasibility of implementing health efforts and health resources; and
 - (f) Other objects of supervision according to the needs
- (3) Supervision as intended in paragraph (1) can involve the community

e. Regulation of the Government's Role in Collegium at this Time according to Government Regulation Number 28 of 2024 Law Number 17 of 2023 concerning Health Workers

In Article 1 number 44 of Government Regulation Number 28 of 2024 Law Number 17 of 2023 concerning Health Workers, it is mandated that what is meant by a collegium is a collection of experts from each health discipline who are in charge of the branch of the discipline who carry out their duties and functions independently and are a fitting tool of the council

Article 704

- (1) In order to develop the branches of the IMU discipline and the educational standards of Medical Personnel and Health Workers, each group of Ahjli each health discipline can form a collegium

(2) The membership of the collegium comes from teachers and experts in the field of health sciences

(3) The Collegium as intended in paragraph (1) shall be ratified by the Minister

Article 705

(1) The Collegium has the following roles:

- a. developing competency standards for medical personnel and health workers; and
- b. Developing Curriculum Standards for Training Medical and Health Workers

(2) In carrying out the role as intended in paragraph (1), the Collegium is independent

(3) The Collegium as referred to in Pada Ayyat (1) has the task of developing the IKMMU disciplinary branch and the educational standards of medical and health workers

(4) In carrying out the duties as intended in paragraph (3), the collegium carries out the functions of:

- a. Preparation of FA Competency Standards and Training Curriculum Standards
- b. Involved in the preparation of national higher education standards for higher education for medical personnel and health workers which are sanctioned by the Ministry in charge of government affairs in the field of education
- c. Preparation of the Higher Education Curriculum for Medical Personnel and Health Workers with Education Providers
- d. Preparation of professional standards together with the Council to be implemented by the Minister
- e. Collaborating with higher education providers of medical personnel and health personnel to carry out competency tests
- f. Preparation of a study of types and groups of medical personnel and health workers together with a council to be determined by the Minister
- g. Overlapping Competency Arrangement
- h. Preparation of competency enhancement studies

- i. Implementation of competency evaluation of medical personnel and health workers of Indonesian citizens who graduated abroad as well as medical personnel and health workers of foreign nationals graduated abroad as ministers, ministers who are responsible for government affairs in the field of education, and councils
 - j. providing support for the preparation of requirements and standards for teaching hospitals
- (5) In carrying out the duties and functions as referred to in paragraph (3) and paragraph 94), the collegium has the authority to issue competency certifications

Article 706

The Collegium in carrying out its duties, functions, and authorities coordinates with related parties according to its discipline

Article 707

- a. The Collegium in carrying out its duties, functions, and authorities as referred to in Article 705 paragraphs (3) to paragraph (5) must coordinate with the minister in order to ensure conformity with the policies implemented by the minister
- b. In the event that the implementation of duties, functions, and authorities as intended in paragraph (1) is not in accordance with the policy set by the minister, the minister may make adjustments to the implementation of duties, functions, and authorities

Article 708

- a. In order to coordinate the implementation of the duties, functions, and authorities of the collegium, the Indonesian health collegium was formed
- b. The composition of the membership of the Indonesian health college consists of:
 - (a) 1 (one) other chairman of the board of directors
 - (b) 1 (one) vice-chairman member
 - (c) 1 (one) representative of each collegium as a member
 - (d) The Chairman of the Indonesian Health Collegium as referred to in paragraph (1) is placed as a representative in the Indonesian Health Council

Article 709

To be appointed as a member of the Indonesian health college, you must meet the following requirements;

- a. Indonesian Citizen
- b. Physically and spiritually healthy
- c. Fear of God Almighty and noble character
- d. Behave well
- e. Maximum age of 65 (sixty-five) years at the time of appointment
- f. For medical personnel and health workers, have been professional for at least 10 (ten) years and have DSTR
- g. Never and never currently undergoing discipline, ethical, and legal sanctions; dam
- h. Not concurrently holding positions that have potential conflicts of interest

Article 710

- a. The Minister of Health selected prospective members of the Indonesian Health Collegium by involving the ministries that organize government affairs in the field of education for the establishment of the Indonesian Health Collegium
- b. The membership of the Indonesian Health collegium is appointed and dismissed by the Minister
- c. The term of membership of the Indonesian health college is 4 (four) years and can be reappointed for 1 (one) subsequent term as long as it meets the requirements as intended in Article 709

f. Regulation of the Government's Role in Collegium at this time according to the Regulation of the Minister of Health of the Republic of Indonesia Number 13 of 2024 concerning the Organization and Work Procedures of the Secretariat of the Indonesian Health Council, the Indonesian Health College and the Professional Discipline Council

In Article 1 number 2, it is mandated that which means the Indonesian Health Collegium is an organ of the Collegium that originates from each Collegium and is formed

in order to coordinate the implementation of the duties, functions, and authorities of the Collegium

Article 3

The Secretariat has the task of providing technical and administrative support to the Indonesian Health Council, the Indonesian Health College, and the Professional Disciplinary Council.

g. Regulation of the Government's Role in Collegium at this time according to the Regulation of the Minister of Health of the Republic of Indonesia Number 12 of 2024 concerning Selection Mechanisms, Procedures for Appointment and Dismissal, and Work Procedures of the Indonesian Health Council, the Indonesian Health Collegium, and the Professional Discipline Council

In Article 1 number 6, it is mandated that what is meant by the Collegium is a collection of experts from each health discipline who are in charge of the branch of the discipline who carry out their duties and functions independently and are the fittings of the council.

Article 18

- a. The Minister selects prospective members of the Indonesian Health College by involving the ministries that carry out government affairs in the field of education for the determination of the Indonesian Health Collegium.
- b. To carry out the selection as intended in paragraph (1), the Minister shall establish a selection committee.
- c. The selection committee as intended in paragraph (1) is tasked with conducting an open selection, including:
 1. prepare the schedule and place of the selection;
 2. organizing the selection; and report the results of the selection

Article 19

To be appointed as a member of the Indonesian Health College, you must meet the following requirements:

- a. Indonesian citizens;
- b. physically and spiritually healthy;
- c. fearing God Almighty and having noble character;

- d. behave well;
- e. A maximum age of 65 (sixty-five) years at the time of appointment;
- f. For Medical Personnel and Health Workers, have practiced professionally for at least 10 (ten) years and have a STR;
- g. has never and is not undergoing discipline, ethical, and legal sanctions; and not concurrently holding positions that have potential conflicts of interest.

Article 23

- (1) The Indonesian Health College has the task of coordinating the implementation of the roles, duties, functions, and authorities of each health discipline in accordance with the policies set by the Minister.
- (2) In carrying out the duties as intended in paragraph (1), the Indonesian Health College carries out the following functions:
 - a. coordination of the implementation of the duties, functions, and authorities of the collegium of each health discipline;
 - b. evaluation and monitoring of the implementation of the duties, functions, and authorities of the collegium of each health discipline; and
 - c. coordination and preparation of activity plans of the Indonesian Health College and the collegium of each health discipline

3.2. Weaknesses of the Government's Role in Collegium Regulation at this Time

a. Weaknesses of the Government's Role in Collegium Regulations at this Time from Legal Substance

In the theory of the Legal System, Lawrence Meir Friedman argues that law is a set of written or unwritten rules or norms about a right and wrong, behavior, duties, responsibilities and rights. Law is considered as something independent or as something that is independent of the social order of life. Furthermore, Friedman stated that the legal system consists of three components, namely structure (legal structure), substance (legal substance), and culture (legal culture) (Stephanie Lesmana, n.d.).

In the current position law in Indonesia there is already a regulation on the role of the government in collegium at this time. However, the legal substance of the government's

role in collegium at this time which is in the current positif law in Indonesia is still very varied with considerable variations. The provisions in several laws and regulations that are currently in force in Indonesia, there is not a single word and there is no overlap. At the same time, there is hardly a single law and regulation that explicitly and completely regulates its legal provisions.

In Article 421 of Law Number 17 of 2023 concerning Health, it is mandated that: The Central Government and Regional Governments supervise every health implementation. The scope of supervision as referred to in paragraph (1) includes: Compliance with the provisions of laws and regulations including compliance with the implementation of norms, standards, procedures, and criteria set by the Central Government. Compliance with professional standards, service standards, operational procedure standards, and professional ethics and discipline.

As stated in Law No. 36 of 2004, it is mandated that; To develop the branches of knowledge and educational standards of Medical Personnel and Health Personnel, each expert group of each health discipline can form a Collegium, Collegium as described in paragraph (1) is a fitting tool of the Council and in carrying out its role is independent.

Furthermore, it was conveyed that the Collegium has a role: Compiling competency standards for Medical Personnel and Health Workers; compiling a standard curriculum for training medical personnel and health workers, Collegium membership comes from professors and experts in health sciences midwifery.

From the description above, it can be seen that the problem of regulation of the government's role in collegium at this time is very large, which is very different from the legal provisions in the previous laws and regulations. So that it makes the collegium no longer independent as in the regulations in the law =Law No. 29 of 2004 and Law No. 36 of 2014.

However, with so many regulations on the role of the government in collegium among the positive laws that apply in Indonesia one to another, it will certainly make legal certainty difficult to obtain. So that the implementation of regulations on the role of the government in the collegium will not be easy. The absence of a uniform and concrete legal substance in the positive law that is still in force in Indonesia today will result in the absence of legal certainty, the difficulty of obtaining justice and also the benefits of the law for all Indonesian people will be difficult to obtain. Thus, it can be said that the regulation of the government's role in collegium in Indonesia is currently not based on dignified justice.

b. Weaknesses of the Government's Role Regulation in the Current Collegium of the Legal Structure

Friedman stated that the legal system consists of three components, namely structure (legal structure), substance (legal substance), and culture (legal culture). Legal structure is an institution created by the legal system with various functions in order to support the functioning of the system. This component makes it possible to see how the legal system provides services for the regular processing of legal materials (Stephanie Lesmana, n.d.).

The journey of the legal system in Indonesia is still faltering and must struggle hard to build and achieve a clean, competent and accountable legal system. The continued abuse of authority by law enforcement officials, the flourishing practices of the legal mafia, and the numerous human rights violations in the law enforcement process, are proof that the reform of the legal system in Indonesia faces systematic and quite complex challenges ([htt1](#)).

In addition, the legal structure that exists in Indonesia today, especially that of the National Police of the Republic of Indonesia which is directly related to the justice seeking community, generally comes from high school graduates who then undergo police education at the State Police School. Education at the State Police School lasted for approximately 7 (seven) months. After they graduate from the State Police School, these law enforcement officers will later become investigators and investigators in the police. They are also the ones who handle and run the legal system related to the implementation of legal protection regulations for medical personnel over the disclosure of medical secrets in Indonesia today.

Legal structures that are not equipped with complete knowledge and understanding of health law, including those related to confidential medical issues, will certainly not be able to understand, let alone animate what exists or is contained in the health law and how to implement the provisions in the health law in the field or in their respective workplaces.

This will certainly result in the running of the legal system related to the regulation of the role of the government in collegium in Indonesia, which will certainly not be able to succeed as if the legal structure understands and controls the provisions in health law, especially in terms of medical secrets. A legal structure like this is certainly a weak point in the implementation of regulations on the role of the government in the collegium. In other words, the regulation of the government's role in collegium at this time is not based on dignified justice.

c. Weaknesses of the regulation of the role of the government in the current collegium From the Legal Culture

In legal system theory, Lawrence Meir Friedman argues that legal culture is a central element of a successful legal reform. Legal culture is the 'source of law—the norms it possesses create legal norms'. Changes in legal consciousness can be influenced by external factors such as economic, political and social events. Legal culture is an interrelated variable. Social forces make laws, but they don't make them directly. On the one hand, legal awareness changes the legal culture, the legal culture changes the legal system, and the legal system affects the socio-economic and political system in a wider scope. And on the other hand, socio-economic and political pressures greatly affect legal awareness (Stephanie Lesmana, n.d.).

The legal culture of the Indonesian nation that upholds moral, religious, and cultural values is reflected in the precepts of Pancasila as an ideology rooted in noble values upheld and lived by the Indonesian nation. Law has a reciprocal relationship with its society, where the law itself is a means or tool that regulates society in social life.

The legal culture that lives in Indonesian society is still thick with the culture of “*ewuh pekewuh*”, the culture is too guarded by people's feelings so that they do not want to voice the truth even though violations of the law are in front of our eyes, and occur everywhere. The legal culture of law enforcement officials in Indonesia is still used to waiting for orders from superiors, the culture of the father is happy, and even a culture that is destructive such as a culture of corruption, collusion and nepotism. With the condition of the legal culture that is still like this, especially the legal culture of law enforcement officials which is still not good, of course it will be very difficult to be able to expect the legal system to run well. So that legal certainty will be very difficult to create, and on the other hand the legal benefits for the community will be very far from expectations. As a result, it will certainly be difficult to get a sense of justice in the community.

This is certainly a weak point in the legal system related to the regulation of the government's role in collegium at this time that exists in Indonesia today. So it can be said that the regulation of the government's role in collegium at this time in Indonesia is not currently based on Dignity Justice.

3.3. Reconstruction of the Government's Role in Dignity Justice-Based Collegium

Philosophical / Value Reconstruction

According to Gustav Radbruch Justice, legal certainty, and usefulness are the three main pillars in the implementation of the law in general. These three pillars are always one unit that cannot be eliminated to get one of the other things. If one of them is defeated to win the other, the existing balance will be lost and will be felt to be uncomfortable. These three pillars or three basic values must receive serious attention from law enforcers. Of these three basic values, it is the basic value of usefulness that will direct the law to consider the needs of the community at a certain time, so that the law really has a real role for the community (Radbruch, 1996).

The principle of justice is one of the three pillars of justice that takes precedence when we choose which one, with the aim of making it a challenge so that the law always develops and catches up with changes in society, while the principle of justice is prioritized from the principle of usefulness because in many ways politically the benefits are more accessible to the elite than to the general public. In fact, often the sense of justice of the general public is hurt by the interests or benefits of this elite society, sometimes for the sake of upholding legal certainty, they actually ignore the benefits and justice itself (Anjawani, n.d.). Legal regulations that are in accordance with the aspirations of the community, law enforcement officers who are professional and mentally tough or have commendable moral integrity, and the last is the legal awareness of the community so that the law can be implemented (Baharuddin Lopa, 1987).

The theory of dignified justice is a concept of legal theory understood down to the essence, essence, or substance that is thought of. Law in the perspective of the theory of dignity justice is not just seen, or understood through sensory or physical knowledge alone, but deeper than just legal understanding through sensory knowledge, the theory of dignity justice traces and captures with the true legal knowledge, namely legal knowledge that underlies all sensory knowledge (Teguh Prasetyo, 2015).

According to Teguh Prasetyo, justice is a matter of humanizing human beings (nguwong ke uwong). The law that creates a dignified society is a law that is able to humanize human beings, meaning that it is a law that treats and upholds human values according to the nature and purpose of life. This is because humans are noble creatures as the creation of God Almighty as stated in the 2nd precept of Pancasila, namely a just and civilized humanity, which has the value of recognizing the dignity and dignity of human

beings with all their rights and obligations and providing fair treatment to humans, to themselves, the environment and to God (Prasetyo, 2016)

4. Conclusion

From the description above, the author can conclude as follows: 1. Regulation of the Government's Role in Collegium in Indonesia at this Time Is Not Based on Dignity Justice 2. The weakness of the regulation of the role of the government in collegium in Indonesia at this time from the substance of the law, namely, the legal substance still overlaps and is not and is not yet specific, so it is not based on dignified jurisdiction. The weakness of the regulation of the role of the government in collegium in Indonesia at this time from the legal structure, namely, there is still limited knowledge and understanding of law enforcement officials in health law so that the way of thinking and acting is still not fair so that this is not based on dignified justice. The weakness of the regulation of the government's role in Collegium in Indonesia at this time from the legal culture, namely, the legal culture in Indonesia today is still thick with the culture of “ewuh pekeuwuh”, the culture of maintaining people's feelings so that they do not dare to voice the truth even though injustice occurs in front of our eyes. In addition, the understanding and awareness of health law is still not high, so that the Government's Role Regulation in Collegium in Indonesia is currently not based on dignity justice 3. Reconstruction of the value of the Government's Role Regulation in Collegium in Indonesia based on dignity justice is to provide balanced legal protection to all people. The reconstruction of the legal norms of Article 421 paragraph (2) huruf b of Law Number 17 of 2023 concerning Health can result in a Regulation on the Government's Role in Collegium in Indonesia that humanizes humans so that the benefits of law, legal certainty, and the side of justice can be felt by all levels of society.

References

- [1] Lopa B. Problems of Construction and Law Enforcement in Indonesia. Jakarta: Bulan Bintang; 1987.
- [2] Radbruch G. Introduction to Law, K.F. Koehler, Stuttgart. Satjipto Rahardjo, 1996. Bandung: Legal Science, Citra Aditya Bakti; 1996.
- [3] Agus Santoso M. Law, Morals & Justice A Philosophical Study. Jakarta: Kencana; 2014.

- [4] Prasetyo T. Dignity Justice. Legal Theory Perspective, Nusa Media Bandung; 2015.
- [5] Teguh Prasetyo, Pancasila Legal System, (Legal System and Formation Laws and Regulations in Indonesia) Perspective of Justice theory Berdignityat nusa media; 2016.
- [6] Law No. 29 of 2004 concerning Medical Practice
- [7] Law Number 36 of 2009 concerning Health
- [8] Law Number 36 of 2014 concerning Health Workers
- [9] Law Number 17 of 2023 concerning Health Workers
- [10] Government Regulation Number 28 of 2024 Law Number 17 of 2023 about Health Workers
- [11] Regulation of the Minister of Health of the Republic of Indonesia Number 13 of 2024 About the Organization and Work Procedures of the Secretariat of the Indonesian Health Council, the Indonesian Health College and the Professional Discipline Council
- [12] Regulation of the Minister of Health of the Republic of Indonesia Number 12 of 2024 Regarding the selection mechanism, appointment procedures and Dismissal, and Work Procedures of the Indonesian Health Council, the Indonesian Health College, and the Professional Disciplinary Council Maintaining the independence of the collegium from the political influence of the government, <https://www.mkri.id/index.php?page=web.Berita&id=21943&menu=2>
- [13] <https://icjr.or.id/masalah-penahanan-pra-persidangan-masalah-sistemik-dan-complex-in-reformasi-law-in-indonesia/>
- [14] Lesmana S, Friedman LM. Legal System In the Perspective of the Social Sciences, <https://nusaputra.ac.id/article/pokok-pokok-mind-lawrence-meir-friedman-law-system-in-the-social-science-perspective/>
- [15] Anjawani AK. Memorandum to the Judicial Commission, <http://lenterahukum.com/?p=24,downloaded28-9-2011>.