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## GRATIFICATION IN INDONESIAN MEDICAL PRACTICE

**Istiana Sari<sup>1</sup>, Darwati<sup>2</sup>**

**Universitas Borobudur, Indonesia**

Email : [istianaefhaut@gmail.com](mailto:istianaefhaut@gmail.com)<sup>1</sup> , [darwati1060@gmail.com](mailto:darwati1060@gmail.com)<sup>2</sup>

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### Abstract

The medical world is not spared from the problem of gratification. In practice, a doctor does not only act as an expert in treating disease, but is also required to always update and add to knowledge in accordance with developments and advances in technology. The role of sponsors in medicine is one of the supporting media for the government's program in the Development of Continuing Professionalism Education. A doctor is not allowed to accept cash as a form of sponsorship. Doctors in Indonesia need to understand the legal arrangements regarding sponsorships provided by pharmaceutical companies. The regulation of the law regarding sponsorship given by pharmaceutical companies to doctors in the perspective of corruption refers to Articles 12B and 12C of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, which confirms that Gratification is considered corruption and is equated with a bribe if the gift is related to a position contrary to his work. The results of the study show that the Regulation of the Minister of Health Number 14 of 2014 concerning Control of Gratification and Environmental Bribery of the Ministry of Health is an operational regulation in the field even though it is administrative in nature but binding on every person or agency that obtains permission from the Minister of Health or the Health Office in Provinces and Districts/Cities (Article 188 UU K No 36/2009 concerning Health).

**Keywords** : Doctor, Doctor sponsorship, Gratification

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### INTRODUCTION

A doctor must always update science following rules that apply to the professional world of medicine that does not can be abandoned (Anggara et al., 2019). The doctor is required to follow the development program education professionalism sustainability (P2KB program) in accordance mandate of Law no. 29 of 2004 on practice medicine (Wagiran, 2015). The state budget yet fully could doctor sponsorship for the following as well as in the P2KB program, then from the allocation budget promotion drugs could help Fulfill the needs of doctors in this P2KB thing (Saputra, 2015). Needs doctor in this P2KB underlying doctor for follow various symposium and congress medicine. However, thing like this becomes a burden for doctors to prepare costs following the symposium or congress because regulation legislation made not accompanied by subsidy financials from the government for following activities. Doctors requested to prepare alone through budget personal funds (Listiyawati, 2020). This thing becomes a heavy load for doctors especially for doctor general with income that is not big because the cost of registration for a symposium medical no a little and add again if required accommodation During an activity (Einstein & Ramzy, 2020). Often symposium medical located in mother cities and towns big other so doctors in faraway areas from the center city will need cost addition again in Thing transportation. The length needs to have value-borne docs then the open possibility for enterprise pharmacies to offer sponsorship or assistance to docs associated with assist value registration, accommodation, transportation, despite degree symposium loose medication but with invitation positive for accompanied through docs. This issue subsequently placed a catch situation associated with whether or not sponsorship or help furnished is gratuities which are bribes (Tiffany, 2017).

A post from journalist Ray Minihan and published in the May 2003 issue of the British

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Medical Journal, that expenses paid to company pharmacies for pay for doctors attend scientific events related to increases in prescription drugs owned by sponsoring companies. Following the quote, the sentence: Accepting meals and expenses for travel or accommodation for sponsored educational meetings is common despite evidence that this is associated with an increase in formulary requests for and prescribing of the sponsor's drug. Most doctors attend company-sponsored events providing continuing medical education, yet evidence shows that these preferentially highlight the sponsor's drug (SKRIPSI et al., n.d.). Many professional societies rely heavily on industry sponsorship, just as their medical journals rely on drug company-funded trials, company advertisements, company-purchased reprints, and company-sponsored supplements— despite the consequent conflicts of interest and evidence that sponsored supplements are more promotional than other articles (Sudirman & Susilawati, 2017).

Likewise Ashley Wazana MD's conclusion from the studies library he did to scientific writings in Medline regarding topics this, relationship industry Among doctor with company pharmacy influence pattern prescription the doctor concerned and also influences behavior the professional. In Indonesia, Commission Eradication Corruption (KPK) 2016 received a report from the Analysis and Transaction Center Finance (PPATK), regarding allegations of gratuity Among company Pharmacy and Doctor of Rp. 800 billion During a period of 3 ( three ) years Amount issued by the company pharmacy. So, that arise the question of how much money did the company spend? pharmacy with turnover big every year in skeleton gift sponsorship to Doctors, not yet there are exact counts and answers. [4] PT. Interbat suspected poured Rp. 131,000,000,000, - ( one hundred thirty-one billion rupiah) in 3 ( three ) years, namely from 2013 to 2015. Based on data held by Tempo, the money given to 151 houses disease spread over five provinces. Namely Jakarta, Banten, West Java, East Java, and South Sulawesi as sponsorship funds.

Aspect Relevant medicolegal with sponsorship, listed in the code of ethics Medicine (KODEKI) article 3 which reads that in To do professional medicine, a doctor no allowed affected by something that causes loss of freedom and independence profession. Article 3 Code of Ethics Indonesian Dentistry reads that the operating profession, cannot be affected by profit private. Next Article 12 states "To do her job a doctor is required to prioritize the interested patient." The doctor is powerful health that holds a role big in effort health of society. Through education, training, and expertise, a doctor becomes a profession glorious because they Fulfill the right base on humans in the field of health. In practice in the field, there is a gap that can plunge a doctor to act criminal that is act criminal gratuities.

## **METHOD RESEARCH**

The research method used in this study is a qualitative descriptive method. The type of data used in this study is qualitative data, which is categorized into two types, namely primary data and secondary data. Sources of data were obtained through library research techniques (library study) which refer to sources available both online and offline such as: scientific journals, books and news sourced from trusted sources. These sources are collected based on discussion and linked from one information to another. Data collection techniques used in this study were observation, interviews and research. This data is analyzed and then conclusions are drawn.

## **RESULT AND DISCUSSION**

### **A. Gratification In Indonesian Medical Practice**

In the Indonesian Dictionary (KBBI), gratuities have the meaning of a gift given because of service or benefits obtained. Definition gratuity can also be found in Explanation

Article 12 B paragraph (1) of Law no. 31 of 1999 jo. UU no. 20 of 2001 is a gift in a broad sense, i.e covering by giving money, goods, rebates (discounts), commissions, loans without flowers, tickets travel, facilities lodging, travel travel, treatment free, and facilities other (Rusdiansyah, 2020). Gratification is both received at home and abroad and carried out with the use means electronic or non-electronic. Gifts and alms are not related to interest in getting decisions certain, but the motive is more based on sincerity only. Gratification clear will influence integrity, independence, and objectivity decisions that will take officials/state administrators against a thing (Wazana, 2000).

In operating Duty professionally as a doctor, other than being bound by norms ethics, and norms, professional doctors are also bound by norms of discipline medicine which are established to ensure quality service so that awake dignity and nobility his profession. In Article 28 paragraph (1) of the Law Number 29 of 2004 concerning Practices Medical mentioned that : " Every " doctor or doctor practicing dentist required to follow education and training medical or medical tooth sustainably organized by the organization professions and other institutions accredited by the organization profession in skeleton absorption development knowledge and technology medical or medical teeth ." It is also supported in Article 51 letter e of the same Act which said that " In " operate practice medical this good doctor or doctor tooth have obligation add knowledge and follow knowledge development knowledge medical or medical teeth ."

Indonesian Doctors (IDI) motivate Thing the is through regulation of Unit credit Profession (SKP), where a doctor Required to collect 250 SKP in 5 (five) years. Obligation collect the SKP required doctor moment make certificate competence (Serkom) by organization profession in accordance the Article 27 of the Act Number 29 of 2004 concerning Practices Medicine and Article 21 of the Code of Ethics Indonesian Medicine (KODEKI) in 2012, where Certificate Competence ( Serkom ) is one of the requirements for getting a Doctor's Registration Certificate (STR) or doctor tooth from Council Indonesian Medicine (KKI) which has a validity period for 5 years so that can be used to get a permit Practice (SIP) from the City/ District Health Office ( Article 29 paragraph (3) letter d and paragraph (4) of Law No. 29 of 2004) (Handayani, 2021).

Code of Conduct Indonesian Medicine (KODEKI) issued by the Code of Ethics Council Medical 2001, at points Obligation General Article 3 states that in To do her job a Doctor no can be influenced by something that affects freedom and independence profession. Next in explanation Article 3 is detailed that the deed following seen as contrary to ethics :[9] (1 ) alone or together apply knowledge and skills medical in all form (2) Receive reward besides than worthy, appropriate with services, except with sincerity and knowledge and or will patient (3) Make bond or accept a reward from company pharmaceutical/drug company tool health/medicine or other bodies that can affect profession doctor (4) Engaging self by direct or no direction for promoting medicine, tool or other materials use interests and benefits of a personal doctor. Based on the points above is obvious that cooperation doctors with company pharmacy violate the code of ethics in medicine. Action taken by a doctor could be suspected as an act of criminal gratuities. Gratification Sponsorship contains values conflict of interest when a doctor gives the recipe to the patient.

## **B. Sponsorship Relationship And Gratification To Indonesian Doctors**

Meaning from Sponsorship according to Minister of Health Regulation (Permenkes) Number 58 of 2016 concerning Sponsorship for power health is a gift. Support in skeleton enhancement knowledge and skills of power health from a company pharmacy, or company tool health and can be responsible by transparency and accountability. Arrangement Sponsorship for Health Workers in the Ministerial Regulation that aimed to support the enhancement of knowledge and skills as well as the development of Professionals Health.

Sponsorship could be given to Health Workers, Institutions, Organizations facility service health, and/ or Organizations Profession as the organizer (Kurniawidjaja & Ok, 2012).

Gratification according to Article 12B and Article 12C of Law Number 31 of 1999 as already stated changed with Constitution Number 20 of 2001 concerning Eradication Follow Criminal Corruption are : (1) Giving money, goods, rebates (discounts), commissions, loans without flowers, tickets travel, facilities lodging, travel travel, treatment free, and facilities others, both those received domestically and abroad and those carried out \_ with use means electronics or without means electronics (2) Receiver gratuity the must status as a civil servant or state administrators (3) In touch with position (4) Opposite with obligation or task (5) No report the gratuity he received to Commission Eradication Follow Criminal Corruption (6) Submission report by recipient gratification no later than 30 ( three twenty ) days work counted since date gratuity the accepted.

Thereby sponsorship relationship with the Gratification doctor could be analyzed as the following : (1) elements of gratuities. Receipt of funds or facility in the form of sponsorship provided by a company pharmacy to individual doctors is a form of gratuity by the definition according to law, that is giving money, goods, rebates (discounts) or commission, and so on. receipt of funds or facility could be entered as a gift commission, which according to the law, a doctor should only get salary and fees service on the service it provides. With thereby element gratuity fulfilled (2) elements receiver gratuity or address gratuity according to Constitution is a civil servant or state administrator. As the explanation above, a doctor's profession could be qualified as a civil helper. With thereby element receiver gratification is also fulfilled (3) related to his position. As well as the explanation above, a doctor is something profession and also the position that runs state duty in field health, or by simple profession, the doctor is long inner country hands field health. With thereby element related to position according to Constitution fulfilled (4) elements opposite to obligation or his job. Doctors who receive funds or facilities in the form of sponsorship provided company pharmacy to individual doctors clear no by obligation or his job and of course outside income should acceptance, which would be very possible will cause conflict interest, because the doctor on duty to give public service in the field of health (Wardana, 2013). And of course consequence, other would be very possible give impact party others in a particular patient. Due to could pay sponsorship the company pharmacy would be very possible sell the medicines needed. Public as a patient, doctors with the high price for subsidized cost Doctor's sponsorship that. So that element ' opposite with obligation or his job to be fulfilled (5 ) "no" element report the gratuity he received to Commission Eradication Follow Criminal Corruption". The element is fulfilled because doctors receive gratuity the During this no once give report reception the gratuity the to commission eradication corruption (6) concerning element fifth, then the segment delivery report by recipient gratification no later than 30 ( three twenty ) days work counted since date gratuity the accepted is also met.[11] If receipt of funds or facility in the form of sponsorship provided company pharmacy to the doctor has fulfilled the element of gratuity, can confirm that receipt of funds or facility in the form of sponsorship provided company pharmacy to the doctor is an act of criminal corruption in form gratuities.

Professional ethics medical have meaningful awareness and guidelines governing moral and ethical principles in doing activity professional medicine, so quality and quality professional doctors permanently awake in an honorable way. The etiquette arrangement set the manners of a doctor in relationships with patients, families, communities, friends colleagues, and partners. Doctor collaboration with company pharmacy is set in the Code of Ethics Indonesian Medicine (KODEKI) Article 3: "To do profession the medicine a doctor no can influence by something that causes loss freedom and independence profession."

According to the thought of the Chairman of PB IDI Daeng Muhamad Faqih Coverage

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from the chapter, they are :

1. Doctors who work full and/ or beak time for industry pharmacy/tool/product health and/ or goods/products other Required explain position/job status when he gives lecture or information about or related with goods/products the to doctor or Public common people. Likewise every doctor at the facility service health for services.
2. In his presence at the meeting scientific every doctor prohibited tie self from promoting/prescribing goods/products and services certain whatever form of help sponsorship.
3. Doctors could accept help from sponsors for necessary opt-in meet scientific covers registration, accommodation, and transportation naturally in accordance ethics code.
4. Providing sponsorship to a doctor must be limited to reasonableness and stated clear purpose, type, time, and place.
5. Activity scientific the as well as clarity allotment gift that and by periodically reported to Leader organization profession local to continue to National Leader of the Association Indonesian Doctor.
6. Every doctor is prohibited accept payment for compensation practice or cost addition other in connection with participation in meet scientific.
7. Giving help financially from sponsors for participants to educate medically Required distributed through institutional education medicine and leadership institution education should be reported the giver and receiver names to organization professional local.
8. Doctors are prohibited accept help whatever from the company or the product body goods/services contrary to principle health like cigarettes, drinks alcohol, and alike.

Based on the points above is obvious that cooperation doctor with a company pharmacy is violate the code of ethics in medicine ([Indonesia & Indonesia, 1945](#)).

Indonesian Medical Association (IDI), the Association of Indonesian Dental Association (PDGI), together with Indonesian Pharmacists association (GP Pharmacy ) with this confirm back on “Mutual Agreement Between Indonesian Medical Association (IDI), the Association of Indonesian Dental Association (PDGI), together with Indonesian Pharmacists association” as following:

*SUPPORT HELP*: Support Help is funding solely for P2KB (Professional Education Development Program Sustainable) & P3KGB (Education and Training Professionalism Sustainable Dentistry). Support just help for P2KB & P3KGB and activities other scientific related with profession , given or accepted no related with position as office State Administrator or Apparatus State Civil ; no is indicated gratuities bribe (a) Giving Support help conducted by voluntary , transparent and accountable for destination of P2KB and P3KGB (b) Recipient Support help are Medical Personnel, and Organizations Profession ; including Association Profession (c) P2KB and P3KGB Programs, which are implemented planned in accordance needs profession , organized by the Other Organization of professions and institutions accredited by the Organization Profession in structure absorption development knowledge knowledge and technology medicine and medicine tooth (d) In gift Support help, industry pharmacy no can offer gifts/awards, incentives, donations financial or in other similar forms which are associated with writing recipe or suggestion in using drug/product industry pharmacy certain (e) mandatory P2KB and P3KGB always conducted with based on the Code of Ethics Indonesian Medicine (KODEKI), Code of Ethics Indonesian Dentistry , and the Code of Ethics Marketing of Indonesian Pharmaceutical Business ([Sibuea & Saimima, 2021](#)).

*DONATION*: Donate is activity Promotion Industry Pharmacy in form activity scientific for spreader area information medication given to institutions in the scope of IDI

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and PDGI. (a) In Thing gift donation, industry pharmacy no can offer gifts/awards, incentives, donations financial or in other similar forms, which are associated with writing a recipe or suggestion use drug/product company certain (b) Donating company pharmacy only allowed for organization profession medicine/treatment teeth, and no given to doctor individually .

*SPONSORSHIP*: Sponsorship is the activity Promotion of medications by Industry Pharmacies and Merchants Big Pharmacy, form activity scientific for dissemination of information cures for interest service health Public involving power medical. (a) Medical personnel in To do profession his no can influence by something that drives loss of freedom and independence. Professional parties prohibit lead patient for use product certain (b) any sponsorship granted Industry pharmacy for promoting something product, none can be required/associated with obligation for use or prescribe product referred to (c) Industry pharmacy prohibited giving honorarium and or pocket money to a power medical for attending education medical sustainable / promotion product industry pharmacy, except power medical the domiciled as a resource person or be a moderator.

### **C. Legal Regulations Regarding Sponsorship Provided By Pharmaceutical Companies To Doctors In Indonesia**

There are 7 (seven) types act criminal corruption as listed in Constitution Number 31 of 1999 as amended Becomes Constitution Number 20 of 2001 concerning Actions Criminal Corruption that is Loss of State Finance, Extortion, Bribery, Conflict of Interest in Procurement Goods/Services, Misuse of Authority, Action Cheats, and Gratuities. Gratification is something gift in a broad sense. One of the gratuity fields booming medicine talked about is gratuity Sponsorship by company pharmacies. The gratification of Sponsorship is suspected as one reason for the expensive price of medicine in Indonesia.

In 2016 the Minister of Health issued Minister of Health Regulation Number 58 of 2016 concerning Sponsorship for Health Workers which regulates sponsorship arrangements for power health for support enhancement knowledge and/or skills, as well as the development of professional power to poor health, can influence independence power health in giving service health. If occur offer from the company pharmacy nor Request Doctors who don't by Permenkes Number 58 of 2016, is given a penalty as listed in Article 12 (1). Sanctions are given in the form of penalty administrative and given by the Minister, governor, regent/guardian city as well as service health local. The sanctions are given in the form of warning oral, written, and revocation letter permission practice. The penalty related to indicated gratuities bribes in the form of criminal imprisonment and fines, fine for the receiver nor the giver. The receiver gratuity bribe gets a penalty more heavily punishment compared to the giver gratuity bribe, as stated in Article 12 of Law Number 31 of 1999 in conjunction with Act Number 20 of 2001. Independence service health must be free from conflict of interest in giving treatment or action to patients.

Doctor sponsorship provided by the company pharmacy is all form help or activity in skeleton increase knowledge doctor as power health usually something deed is something normal and not there is a relationship with what a wrong thing as unlawful act law. However, if it contains hope and personality promise in Constitution Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning the Eradication of Follow Criminal Corruption so-called "Gratification or bribe". So that clear that sponsorship activities carried out for support activities and knowledge doctor no can accompany hope and promise from any party.

### **D. Sponsorship That Meets Elements Of Corruption**

Based on Law No. 20 of 2001 concerning the Eradication act criminal corruption, mentioned some elements act criminal corruption as follows:

1. Actions oppose the law.
2. Enrich oneself or someone else or something corporation.
3. Disadvantage state finance or the country's economy.

Minister of Health Regulation Number 14 of 2014 which was ratified on 27 March 2014 regulates the Control of Gratuities in the Environment Ministry of Health. Permenkes it is also explained Category Gratification, Unit of Control Gratification (UPG), and Mechanism Reporting Gratification. In Article 1 number 3 is stated the notion of gratification, namely "Gratification" is giving money, goods, rebates (discounts), grants loans without flowers, tickets travel, facilities lodging, expedition, treatment, and facilities other both accepted domestically and abroad and what to do with means electronic or without means related electronics with position or authority."

Minister of Health Regulation Number 58 of 2016 concerning Sponsorship for Health Workers regulates sponsorship arrangements for health workers power health for support enhancement knowledge and/ or Skills as well as development profession power poor health can influence independence power health in giving service health.

## CONCLUSION

Arrangement corporate sponsorship law was given pharmacy to doctor not yet codified by comprehensive so that still confusing and can give opportunity happening gratuities. That's why Settings this need for quickly done. Arrangement of the law on sponsorship provided company pharmacy to doctor in perspective corruption refers to Articles 12B and 12C of the Act Number 31 of 1999 junto Law Number 20 of 2001 concerning the Eradication of Follow Criminal Corruption, which emphasizes that Gratification considered as Tipikor and equated with a bribe if gift relates to the position opposite with his job. Regulation of the Minister of Health Number 14 of 2014 concerning Control Gratuities and Bribes environment The Ministry of Health is Regulation operational in the field even though character administrative however tie everyone or the institution that obtains permission from the Minister of Health or office of Health in Provinces and Districts /Cities ( Article 188 of Law K No 36/2009 on Health).

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