


Enforcement Of Administrative Sanctions For Violations Relates To Health Care Advertising And Publication

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ARTICLE INFO	ABSTRACT
<p>Article history</p> <p>.....</p> <p>Received 20 Maret 2025 Revised 21 Maret 2025 Accepted 22 Maret 2025 Published 26 Maret 2025</p> <p>Keywords</p> <p>enforcement of administrative sanctions advertising and publication violations health services</p> <p></p> <p>License by CC-BY-SA Copyright © 2025, The Author(s).</p>	<p>This research aims to understand the enforcement of administrative sanctions related to health promotion in Indonesia. This research is motivated by the increasing number of cases of the spread of misleading health information in the digital era, which can be detrimental to society, one of which is excessive claims made on TV broadcasts. These clinics are the White Herbal Clinic (aired on Jak TV), Zona Therapy Clinic (Elshinta TV and Jak TV) and Tramedica Clinic (Jak TV). Other violations in the advertisement include excessive claims that they are able to cure various types of diseases just by following therapy and consuming the medicine provided, using healing methods through herbs or medicines and actions whose benefits and safety have not been proven, apart from that it also presents testimonials from patients that appear to be If you managed to recover after following therapy and taking certain herbal medicines. It is clear that this case violates the Regulation of the Minister of Health of the Republic of Indonesia Number 1787/MENKES/PER/XII/2010. The method used in this research is normative juridical with a conceptual approach and analysis of applicable laws and regulations. The research results show that enforcing administrative sanctions against health service advertisements and publications requires synergy between various related agencies, such as the Food and Drug Monitoring Agency (BPOM), the Ministry of Health, and law enforcement officials. Coordination between these institutions is needed to overcome the challenges of monitoring health information, especially on digital platforms, as well as providing strict sanctions against perpetrators who are proven to have violated them. In addition, this research also found that public education about consumer rights in the health sector is an important key in creating safe and responsible health advertising and promotion.</p>

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Introduction

This rapid development has also had an impact on the world of medicine, faced with the emergence of new technology that makes it easier for doctors to practice in virtual spaces. Current technological developments make it easier to work such as providing health promotion through the internet, storing employment data, and people can also easily search for information on the internet. Not only does it make work and information easier, the internet can also be entertainment when tired of work such as watching funny videos or even capturing moments in using the internet (Karisma & Simbolon, 2023).

Today, the sophistication of medical and health technology is shown in various ways. One of them is Artificial Intelligence (AI). AI used in the world of medicine is expected to have a significant impact on the world of health. There are two types of artificial intelligence in medicine, namely virtual and physical. Virtual types for example applications such as electronic medical records and neural network-based technology as a reference in determining the type of treatment (Santoso dkk., 2023).

Health advertising acts as a strategy to increase public understanding about the importance of maintaining health and preventing disease. Promotion is the direction of information to direct a person or organization toward an action that creates an exchange in marketing. The purpose of advertising is to persuade consumers to make purchasing decisions. advertising is more than just sharing or conveying information; It seeks to foster an environment or situation where customers feel motivated to choose and purchase products.

Health advertising is a process of empowerment, increasing health status, and providing knowledge to the public about health (First Hadiano, 2022). The implementation of health advertising has a crucial role in increasing public understanding and awareness through an approach to daily lifestyle, which is reflected in changes in people's knowledge, attitudes and behavior in dealing with health issues. In influencing people's health behavior, several efforts are needed in health advertising. Where the delivery of information from health advertisements must be effective, able to stimulate a person's thoughts, feelings and will so that it can encourage the learning process.

Health advertising media is a means and effort to display information or messages that the communicator wants to convey with the aim of increasing knowledge in order to change health behavior for the better. The media commonly used in health advertising can be visual, audio and audio-visual media. An example of audio visual media is video which can be broadcast via television or smartphone. In audio media, for example, messages can be heard from the radio. Meanwhile, visual media is in the form of printed media that can be installed in public places, such as posters, booklets, flipcharts, slides, magazines and leaflets. (Sugiarto et al., 2018).

In accordance with the mandate of Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, every person has the right to obtain health services. Apart from that, Article 34 paragraph (3) states that the state is responsible for providing adequate health service facilities and public services. Health is recognized as a human right and an important aspect of prosperity that must be achieved in line with the ideals of the Indonesian nation as outlined in Pancasila and the Preamble to the 1945 Constitution. Therefore, all activities and efforts aimed at improving public health must comply with the principles of non- discrimination, participation, protection and sustainability which are important for the development of human resources in Indonesia. (Sugiarto et al., 2018).

In general, health services in the field of advertising and publication aim to support efforts to prevent and treat disease, including the provision of medical services based on personal relationships between doctors and patients who need treatment. The development and discovery of sophisticated and complex medical equipment is starting to be widely used in modern hospitals, not only the discovery of information media to speed up delivery for patients. Likewise, the development of knowledge about how to cure a disease has given rise to the general view that doctors can cure all diseases (Indika & Aprilia, 2017).

However, in practice, various challenges arise, including violations that hinder health advertising efforts. Violations in this context can take the form of fraud related to health products, dissemination of false information, or violations of health regulations that can harm the public. Not only that, in reality there are still many advertisements and health publications that provide false knowledge to attract public attention for targeted marketing. To distance ourselves from things that consumers don't want, it is necessary to increase consumers' awareness, knowledge, concern, ability and independence in protecting themselves. Not only consumers, health service businesses/advertisers have an obligation to guarantee the safety of something advertised/promoted so that it does not cause harm to consumers.

The goods and services used to meet human needs are increasingly sophisticated, giving rise to misunderstandings regarding the correctness of information and consumer responsiveness. With the weak position of consumers, producers or business actors will easily advertise health, goods and/or services without paying attention to consumer rights.

The profits between business actors and consumers are indeed good. However, this can also have a negative impact because it creates harmony between business actors and consumers, where business actors are in a dominant position as providers, while consumers are in a weaker position. Thus, consumers as business objects to reap maximum profits, business actors use advertising tricks and sales procedures that are detrimental to consumers. Thus, the Consumer Protection Law is quite representative as long as it can be understood by all parties involved. This law guarantees legal certainty for consumers while encouraging improvements in the quality of goods and services to support the termination of businesses that produce them. It also focuses on consumer health, comfort, safety and security, fostering greater awareness, ability and independence in self-protection. In addition, this step aims to respect the dignity of consumers by protecting them from the negative impacts of using goods and services, as well as empowering them to be able to effectively choose, demand and fight for their rights.

The government and related agencies need to formulate clear and firm regulations in dealing with health advertising crimes. This includes strong law enforcement, community education, and interagency collaboration. Apart from that, it is also important to provide education and increase health literacy in the community so that people can differentiate between correct information and incorrect information. With a good handling mechanism, it is hoped that it can encourage the creation of a healthier environment, where correct and accurate information about health can be accessed by all levels of society. This not only protects the public from harmful practices, but also strengthens overall health advertising efforts (Kesuma et al., 2021).

Materials and Methods

In this paper, the author uses a normative juridical research method using a conceptual approach and a legal and regulatory approach (Marzuki, 2022).

Results and Discussions

In addition to providing benefits, it turns out that this information technology equipment also has a negative impact on its users. The negative impact given by the advancement of internet technology is that children are more likely to play cellphones and forget to study, children find it difficult to blend in because they tend to be happy with *online* life, internet crime, online scams. Online crime and fraud usually occur in media that promote goods or services that trick consumers into attracting consumers' attention to buy the promoted product. In the era of rapid information, disinformation and hoaxes related to health are often widely circulated, causing confusion among the public. For example, health products that promise instant healing without scientific evidence can ensnare people who do not have adequate knowledge. This drives the need for effective coping mechanisms to address harmful irresponsible practices.

Conveying correct, clear and honest information is a consumer right that must be fulfilled by business actors in the advertising sector. The information conveyed must be understandable to consumers so that they can make appropriate decisions. (Turisno, 2012) Regulations related to health advertising in Indonesia are basically regulated through Law Number 36 of 2009 concerning Health and Law Number

8 of 1999 concerning Consumer Protection. Both laws aim to protect the public from health information that could be detrimental or harmful. This law requires business actors to ensure that the information submitted to consumers is accurate and in accordance with accountable medical standards. The Food and Drug Supervisory Agency (BPOM) has an important role in supervising advertising of health products and supplements, issuing distribution permits, and providing administrative sanctions for violations that occur.

The advertising action carried out by traditional health workers violates Government Regulation Number 103 of 2014 concerning Traditional Health Services and Minister of Health Regulation Number 61 of 2016 concerning Empirical Traditional Health Services, which prohibits traditional health workers and health homes from advertising or publishing health products and services. traditional empirics they offer.

Other violations in ads that often appear in the form of health speech titles include exaggerated claims that they can cure various diseases just by following therapy and taking the drugs offered, using herbal healing methods or drugs whose safety and benefits have not been proven, and displaying testimonials from patients who appear to be cured after taking certain therapies or taking herbal medicines.

In accordance with the Minister of Health Regulation Number 1787 of 2010 concerning Advertisements and Publications of Health Services, advertisements or publications of health services are not allowed if they contain information that is untrue, false, deceptive, or misleading, as well as publishing new methods, drugs, tools, or technologies whose safety and benefits are still doubtful and have not been proven. In addition, in the Indonesian Broadcasting Commission Regulation Number 2/P/KPI/03/2012 concerning Broadcast Program Standards, it is stated that advertisements are prohibited from displaying information that can hide, mislead, or confuse consumers.

Clear and firm rules are essential to avoid misleading promotions, such as unfounded exaggerated health claims. Strict regulations in licensing as well as medical advertising requirements aim to ensure that only products that are proven to be safe and effective can be promoted. However, the main challenge in this regulation is the circulation of information through various digital platforms that are difficult to supervise, especially social media which is often a medium for health promotion without permission or scientific evidence.

Health advertising violations can take many forms. First, advertising without permission, many business actors promote health products without obtaining permission from BPOM or the Ministry of Health. This has the potential to harm consumers, especially if the product contains inappropriate ingredients or has not been clinically tested. Second, excessive claims about a product's health benefits, such as "instant healing effect" or "prevents all diseases" without being supported by scientific evidence, can harm consumers and give rise to unrealistic expectations. Claims like this are often found in supplement products or alternative therapies whose effectiveness has not been proven. Third, there were also several violations in the form of fraud involving health promotion through multilevel marketing (MLM) sales schemes. In this case, consumers are promised great health benefits but do not get the promised benefits. The factors causing these cases are generally related to a lack of public education about health and the inability to access correct information.

Law enforcement of health administrative sanctions is carried out through cross-agency collaboration between the police, prosecutor's office, BPOM and the Ministry of Health. Law enforcement steps begin with investigations which are often triggered by public complaints or reports from the authorities regarding alleged violations. In handling cases, law enforcement officials must collect adequate evidence, such as advertising materials, product distribution permits, clinical test results, and

testimonies from consumers who have been harmed. This evidence is very important to support legal cases because many violations involve unfounded health claims.

Legal and Administrative Sanctions imposed under the Health Law and the Consumer Protection Law, proven violations can be subject to criminal sanctions, ranging from fines to imprisonment, depending on the impact of the violation on the community. Administrative sanctions that include revocation of distribution permits or prohibitions of promotion can also be applied. Not only that, BPOM has an important role in supervising health advertisements, especially those disseminated through digital media. BPOM also plays a role in providing administrative sanctions and ensuring that the products in circulation meet the applicable health standards.

Even though regulations and law enforcement have been attempted, there are several major challenges in handling criminal cases regarding health advertising, including the rapid development of technology which facilitates the spread of inaccurate information via digital platforms. This situation is a challenge for BPOM and law enforcement officials in monitoring and preventing the spread of information regarding health products. The low level of public education regarding health makes consumers easily influenced by excessive advertising. Many people do not understand the importance of BPOM permits or safety certification marks on health products. Health administrative sanctions often take a long time because they need to involve many parties and scientific evidence that supports the claim or demand.

The administrative sanctions mechanism for advertising and publication violations in health services aims to regulate and enforce compliance by business actors so as not to distribute advertisements that spread or do not comply with applicable regulations. In Indonesia, this provision is regulated through various statutory regulations involving a number of government institutions, such as the Ministry of Health and the Food and Drug Supervisory Agency (BPOM). The following is a detailed explanation of the administrative sanctions mechanism for perpetrators of advertising and publication violations in health services. The mechanisms are written warnings, cessation of advertising, suspension of business permits, revocation of business permits, administrative fines.

Ministry of Health The Republic of Indonesia stated why advertising (treatment traditional) must be supervised, nothing else to protect the public from misleading information, keep customers away from dangers and negative impacts as well material losses due to service unsafe health and not quality.(Kementerian Kesehatan RI., 2016)

New Broadcasting Law give authority to produce a Code of Conduct, which shows that self- regulation in Indonesia yet fully implemented.(Wahyuni, 2013) Prevention is an important step to minimize cases of legal violations in health advertising. Public education is key to building awareness of consumer rights in the health sector, including the ability to recognize valid and misleading advertising. Educational campaigns, both through social media and directly to the public, can help people become more critical of the information they receive. The government and BPOM also need to strengthen regulations regarding the supervision of health products, especially those advertised digitally. Preparing special regulations for monitoring the promotion of health products on social media can help tighten supervision and impose sanctions on promoters who violate the rules.

Public awareness must exist emerges through sharing experience between them. Now mediation to share experiences it's already very big in the hand they. There are almost no individuals in a society that doesn't connect via social media (social media). In each other's hands understand any information and from anywhere by phone the grip you have. Facts that have happened prove social mobilization in certain cases it is successfully knitted via social media.(Panuju, 2017).

Conclusion

Handling cases related to health advertising and publications requires cross-agency coordination, strong scientific evidence, and the application of administrative sanctions in accordance with Government Regulation Number 103 of 2014 concerning Traditional Health Services, Minister of Health Regulation Number 61 of 2016 concerning Empirics. Traditional Health Services, Minister of Health Regulation Number 1787 of 2010, and Indonesian Broadcasting Commission Regulation Number 2/P/KPI/03/2012. Despite existing regulations, challenges such as technological developments that accelerate the spread of misinformation and low levels of public health education are significant obstacles. Therefore, a comprehensive approach is needed, including strengthening regulations and wider educational efforts so that the public is more critical in responding to health advertising and publications. Digital surveillance and public education must be addressed through a comprehensive approach, including strengthening regulations and educating the public to be more critical. With these efforts, it is hoped that a climate for responsible health advertising and publications can be created in accordance with applicable legal principles.

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