Arrangements for Administrative Sanctions in the Field of Health Services: Analysis of the 2008-2018 Minister of Health Regulations

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Abstract:

Regulatory reform poses a challenge for the Ministry of Health in the era of bureaucratic reform. One of the challenges is the difficulty in mapping and analyzing all regulations in the health service sector for the purpose of revision, synchronization, or cancellation. The objective of this study is to evaluate the regulations issued by the Minister of Health about health services, specifically focusing on administrative sanction arrangements implemented between 2008 and 2018. The research employed a qualitative approach with a juridical-analytic descriptive design, involving the description of problems derived from collected legal materials and summarized in a legal research report to provide new insights within the legal field. The findings reveal that the regulations concerning sanctions in the health service sector still exhibit variation in terms of sanction types and the authorities responsible for imposing them. It is crucial to establish regulations regarding the imposition of administrative sanctions in the health service sector to address the evolving dynamics within society and ensure the fair application of such sanctions.

Keywords: administrative sanction; health services; regulatory reform.

Introduction

Health is one of the fields whose nomenclature is expressly stated in the 1945 Health is one of the fields whose nomenclature is expressly stated in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), namely in Article 28 H paragraph (1) which reads "Everyone has the right to live in physical and spiritual prosperity, to have a home and get a good and healthy environment and have the right to obtain health services" and article 34 paragraph (3) states "The state is responsible for the provision of proper health service facilities and public service facilities". The government regulates health service facilities and health service systems in several different types of regulations intending to achieve good health status and legal certainty and guarantee public access to the needs of services provided by health

service facilities. However, the large number of regulations can potentially overlap between one regulation and another.[1]

Since 2016 the Government has begun to show its concern for the legal agenda in Indonesia. The concrete steps taken by the Government began with reforming regulations to accelerate development, which was often constrained by regulations that were not harmonious, out of sync, and overlapped. Throughout 2017, regulatory reform was a priority program for the government and all policies/institutions that focused on improving regulations.[2] Until 2023 Indonesia has more than 58,148 regulations and around 55,403 are still valid, the rest are declared invalid.[3] In 2023 it was recorded that ministerial regulations were the second most common type of regulations after regional regulations, namely around 18,537 regulations. The Ministry of Health has issued the most regulations (855 regulations) after the Ministry of Finance (3641 regulations), the Ministry of Home Affairs (1304 regulations), and the Ministry of Transportation (1192 regulations).[4]

Regulatory reform at the Ministry of Health is one of the most challenging problems in the current era of Bureaucratic Reform. Various advances have been made by the Ministry of Health in organizing health sector legislation, but there are still some problems in structuring legislation which has become a priority agenda in Bureaucratic Reform at the Ministry of Health, namely that not all laws and regulations in the health sector are not in harmony/synchronous identified, analyzed, and mapped; efforts to revise laws and regulations that are not harmonious/out of sync have not been completed; as well as evaluation of the implementation of the control system for the preparation of laws and regulations has not been carried out periodically.[5] One of the most important arrangements of laws and regulations is the arrangement of administrative sanctions as one of the contents of several regulations that have been stipulated by the Ministry of Health.

Before Law No. 17 of 2023 concerning Health was enacted, the legal system in the health sector was regulated in 9 (nine) laws, namely Law Number 4 of 1984 concerning Outbreaks of Infectious Diseases (Law No. 4/1984), Law Number 29 of 2004 concerning Medical Practice (Law No. 29/2004), Law No. 36 of 2009 concerning Health (Law No. 36/2009), Law No. 44 of 2009 concerning Hospitals (Law No. 44/2009), Law No. 18 of 2014 concerning Mental Health (Law No. 18/2014), Law No. 36 of 2014 concerning Health Workers (Law No. 36/2014), Law No. 38 of 2014 concerning Nursing (Law No. 38/2014), Law Number 6 of 2018 concerning Health Quarantine (Law No. 6/2018), and Law Number 4 of 2019 concerning Midwifery (Law No. 4/2019). The nine laws above contain provisions for administrative sanctions against violations of legal norms in the health sector. Table

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[1] Antoni Putra, "Penerapan Omnibus Law Dalam Upaya Reformasi Regulasi," *Jurnal Legislasi Indonesia* 17, no. 1 (2020): 1–10, https://doi.org/10.54629/jli.v17i1.602.

[2] Saldi Isra, "Merampingkan Regulasi," Kompas, accessed January 7, 2018, https://www.saldiisra.web.id/index.php/tulisan/artikel-koran/11-artikelkompas/630-merampingkan-regulasi.html.

[3] Direktorat Jenderal Peraturan Perundang-undangan, "Database Peraturan Perundang-Undangan Indonesia," 2023, https://peraturan.go.id/.

[4] Ibid.

[5] Asep Kusnali et al., "Analisis Efektivitas Peraturan Perundang-Undangan Bidang Pelayanan Kesehatan" (Jakarta, 2018).

1 describes the provisions for administrative sanctions in the law on health.

Table 1. Provisions for Administrative Sanctions in the Law on Health

No	Law	Subject	Type of Administrative Action	Further Provisions
1	Law No. 4/1984 Article 15 paragraph (3)	Legal entity	Revocation of business license	Additional criminal punishment
2	Law No. 29/2004, Article 69	Doctors, dentists, Indonesian Medical Council	• Written warning • Recommendation for revocation of STR or SIP (professional licenses) • Obligation to attend training in medical institutions	Regulated further by the Indonesian Medical Council
3	Law No. 36/2009 Article 188	• Healthcare personnel • Healthcare facilities	• written warning • temporary or permanent license revocation	Regulated further by the Minister of Health
4	Law No. 44/2009 Article 54 Paragraph (5)	Hospitals	• verbal warning • written warning, and/or • fines and	Regulated further by the Minister of Health
5	Law No. 18/2014 Article 31 Paragraph (2) dan (3)	Non-health sector healthcare facilities	• verbal warning • written warning • activity suspension • license revocation, or • closure	-
	Article 43 Paragraph (2)	Mental health human resources	• verbal warning • written warning, and/or • Practice or work permit revocation	
6	Law No. 36/2014 Article 82	• Healthcare personnel • Healthcare facilities	• verbal warning • written warning • administrative fine, and/or • license revocation	Regulated by Government Regulation
7	Law No. 38/2014 Article 58	Any person	• verbal warning • written warning • administrative fine, and/or • license revocation	Regulated by Government Regulation
8	Law No. 6/2018 Article 48 Paragraphs (1)–(4)	• Ship captain • Airplane captain	• warning • administrative fine, and/or • license revocation	Regulated by Government Regulation
	Article 48 Paragraph (5)	Driver or responsible person for vehicles		
9	Law No. 4/2019 Article 28 Paragraph (2)	Midwives	• written warning • temporary cessation of activities • license revocation	Regulated further by the Minister of Health
	Article 30 Paragraph (2)	Organizers of health care facilities		

Further provisions regarding the procedures for imposing administrative sanctions differ between laws, some are through Government regulations, Ministerial regulations, and regulations of the Indonesian Medical Council. In addition, an implementation regulation that specifically outlines procedures for setting

administrative sanctions has never been issued. Several implementing regulations issued by the Minister of Health contain administrative sanctions, but one implementing regulation which constitutes an implementation whose authority is delegated from the same law, has the potential to differ from one another. To find out how administrative sanctions have been regulated so far, we conducted an initial study which is still mapping out the provisions for administrative sanctions in the health service sector with limitations on the Minister of Health regulations issued in the period 2008 to 2018.

This research was conducted using a juridical-analytic descriptive design, namely describing problems from data in the form of legal materials collected and then summarized in a legal research report because of new findings in the field of law.[6] The primary legal material that becomes the unit of analysis is the regulations in the field of health services issued by the Ministry of Health of the Republic of Indonesia between 2008 and 2018. These regulations were identified based on the contents of administrative sanctions policies that were preventive and repressive, so 76 regulations were found to be analyzed for the trend of regulations containing administrative sanctions, and administrative sanction policies based on the delegation of authority and based on the type. Figure 1 is an illustration of the process of data collection to analysis in this study.

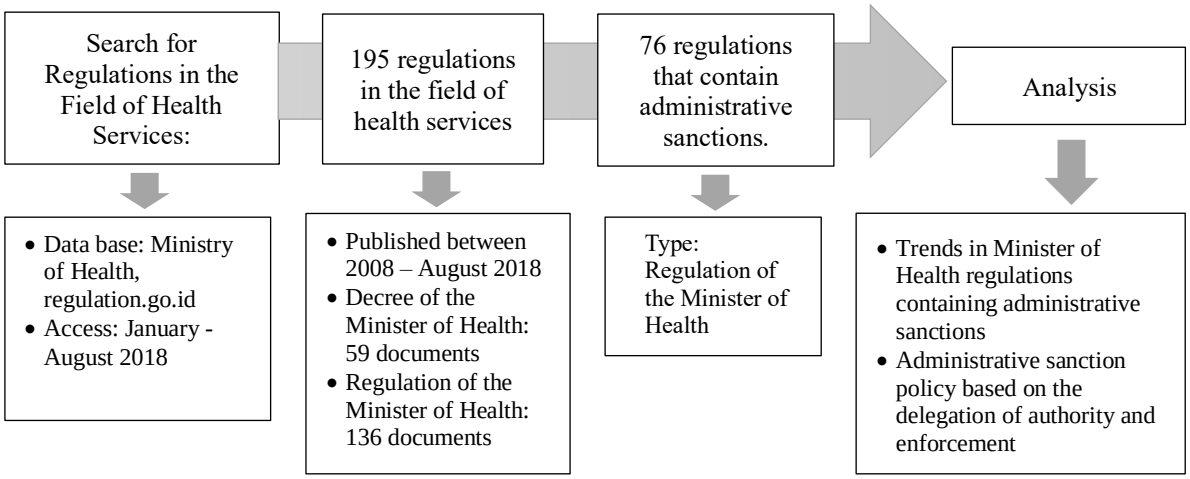

Figure 1. Method of collecting data

Result and Discussion

Overview of Administrative Sanction Arrangements

One of the content materials regulated in laws and regulations is the provision of sanctions. As one of the materials in law and regulation, the provision of sanctions is very important as a means of forcing state administration to its citizens against provisions that are orders, obligations, or prohibitions regulated by the state administration.[7] In a sociological context, sanctions are a form of law enforcement

[6] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2003).
[7] Ivan Fauzani Raharja, "Penegakan Hukum Sanksi Administrasi Terhadap Pelanggaran Perizinan," *Inovatif* 7, no. 2 (2014): 117–38.

effort that is a process to make legal desires come true.[8] Sanctions in Administrative Law are a tool of public law power that can be used by the government as a reaction to non-compliance with obligations contained in the legal norms of State administration.[9] Based on the identification results of 136 regulations, we found around 76 regulations containing provisions for administrative sanctions. Figure 2 explains that the practice of setting administrative sanctions in Minister of Health regulations in the health services sector has increased from 2008 to 2018. This indicates that enforcement of administrative law in the health services sector is urgently needed.

Based on the delegation of regulatory authority and the authority attached to the Minister of Health, it can be seen in Figure 3. The high need for administrative law enforcement based on regulations ordered by higher regulations can be seen from the increasing number of regulations in the health service sector that contain sanctions based on orders compared to regulations based on authority. The application of sanctions in the Regulation of the Minister of Health stipulated based on a higher regulatory order is also attached to the concept of delegated legislation where the formulation of provisions for sanctions may not conflict with the regulations that provide for the delegation of authority.

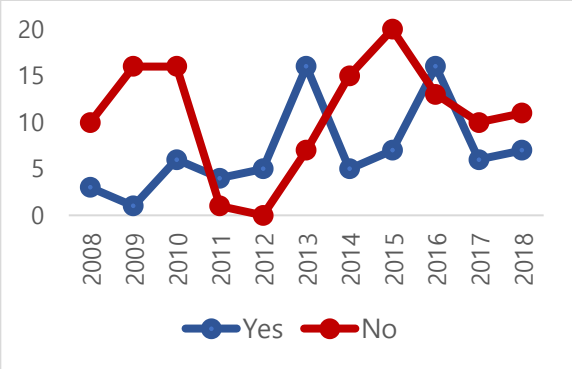

Figure 2. Number of MoH regulations in the field of health services which contain provisions for administrative sanctions 2008-2018

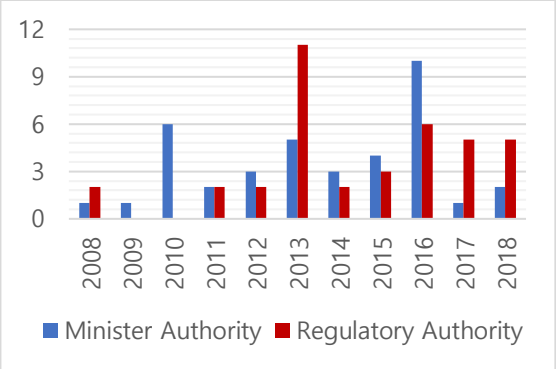

Figure 3. Number of regulations in the field of health services that contain provisions for Sanctions based on the delegation of authority 2008-2018

Enforcement of administrative sanctions by the Central Government in the formation of Minister of Health regulations in the field of health services is stipulated in various ways (Figure 4). Several regulations state that the Government has the authority to impose sanctions (10 documents), and a few also state that the Minister of Health has the authority to issue sanctions (39 documents). Apart from that, several regulations give authority to task executors at the Ministry of Health in imposing sanctions (6 documents), such as the Director General and Head of the Port Health Office (KKP).

Enforcement of administrative sanctions by the Regional Government as supervisors and supervisors in imposing sanctions. In this study, the practice of

[8] Satjipto Rahardjo, *Masalah Penegakan Hukum – Suatu Kajian Sosiologis* (Bandung: Sinar Baru, 1984).
[9] Maya S. Karundeng, "Penegakan Sanksi Administrasi Sebagai Salah Satu Instrumen Dalam Hukum Lingkungan Di Indonesia," *Lex Crimen* 5, no. 5 (2016): 159–64.

imposing sanctions will be grouped in regulations in the field of health services which are the authority of the Regional Government (Figure 5), namely 30 regulations directly state that the Regional Government has the authority to impose administrative sanctions, 11 regulations state that the Regional Head has the authority to issue administrative sanctions and 17 regulations directly appoint the Health Office which has the authority to give administrative sanctions.

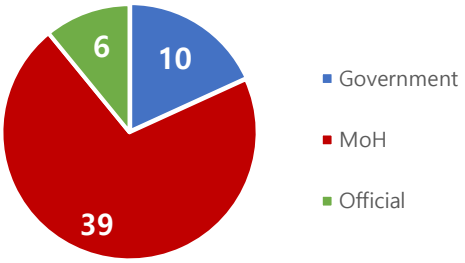

Figure 4. Number of Regulations in the field of health services based on the authority of the Central Government in imposing administrative sanctions 2008-2018

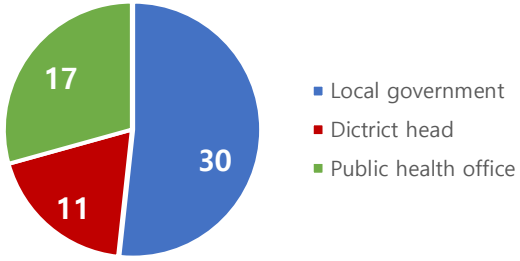

Figure 5. Number of Regulations in the field of health services based on Regional Government authority in imposing administrative sanctions 2008-2018

The transfer of the legal status of each of these levels is known as the authorized Authority, which in general can be interpreted as power over a certain group of people or the field of government based on statutory regulations.[10] The public authority consists of 2 (two) powers, namely: (1). Prealabel authority, namely the authority to make decisions without seeking prior approval from any party; and (2). Ex officio authority, namely authority in the context of making decisions taken because of one's position. According to Maria Farida Indrati S, there are 2 (two) authorities, namely attribution authority and delegation authority. The attribution authority is the granting of authority to form statutory regulations granted by the Constitution or law to a State or government agency, while the delegation authority is the delegation of authority to form statutory regulations carried out by higher statutory regulations to lower laws and regulations, whether delegation is expressly stated or not.[11]

Every government's authority must be limited by legal rules.[12] Thus, abuse of authority by administrative officials or government officials can be avoided. For this reason, there needs to be firmness regarding delegation in making regulations by state administration officials, including through: 1. Laws must establish principles that cannot be further elaborated or interpreted; and 2. Delegation is strictly determined using a. determining in the relevant article matters that can be delegated; and b. stipulates in the article of the relevant law a kind of guidelines for state administration officials.[13] Based on the opinions of the experts mentioned above, an understanding can be drawn that legislators may wish to delegate further regulation of a norm in

[10] Safri Nugraha and et.al, *Hukum Administrasi Negara* (Depok: Center For Law and Government Studies, 2007).
[11] Maria Farida Indrati Suprapto, *Ilmu Perundang-Undangan, Jenis, Fungsi Dan Materi Muatan* (Yogyakarta: Kanisius, 2007).
[12] Yhodhisma Soratha, "Pengaturan Sanksi Administrasi Atas Pelanggaran Hak Asasi Manusia Di Bidang Ketenagakerjaan" (Universitas Indonesia, 2008).
[13] Nugraha and et.al, *Hukum Administrasi Negara*.

law to a lower legal level. In other words, in the field of legislation, legislators can give further regulatory authority to administrative powers. The granting of authority to the government, in this case, the executive branch, is based on the idea that legislators are unable to pay attention to every detail of problems that arise or will arise so the government is then given the task of adjusting or forming other regulations that are closer to the law. reality in society.[14]

In addition to granting authority to further regulate provisions in law, the government can also act in dispute resolution, for example in legal settlements through administrative efforts or in the application of administrative sanctions.[15] The actions of the government or administrative officials mentioned above are characteristic of the extraordinary authority they have based on statutory regulations. There are 4 (four) distinctive elements in state administration in the public sector, namely:[16]

1. Legal action: As a legal action, state administration acts give rise to rights and obligations;
2. One-sided: State administrative actions must regulate and compel administrative legal actions to be carried out unilaterally by the government in a form determined by the force of law that binds them;
3. In the field of government: State administrative actions cannot penetrate other fields (legislative and or judicial), although in practice these three powers are difficult to separate strictly; and
4. Under extraordinary powers: The power obtained from the law is given specifically/specially to the government, not given to private bodies.

Weight to Violations of Administrative Law in Health Services

Administrative sanctions are an important part of law enforcement, including environmental law enforcement. At the end of the regulation, several types of administrative sanctions are usually explained for violations of the regulation. Because of its location at the end, scholars call administrative sanctions *in cauda venenum*, poison that is in the tail.[17] Basically, administrative sanctions are part of law enforcement.[18] This can be seen from the view of van Wijk, et al. which stated *"[a] ls het moet, kan de naleving van uit bestuursrechtelijke normen voortvloeiende verplichtingen worden afgedwongen met sancties, dat wil zeggen door het publiekrecht voorziene, belatende maatregelen die de overheid jegens een burger kan aanwenden als reactie op nietnaleving van verplichtingen die voortvloe ien uit bestuursrechtelijke normen*".[19] Van Wijk, et al. placing administrative sanctions as part of law enforcement in the context of demanding compliance with obligations based on statutory regulations.[20] By these

[14] HR Ridwan, *Hukum Administrasi Negara* (Jakarta: Raja Grafindo Persada, 2006).
[15] Ibid.
[16] Nugraha and et.al, *Hukum Administrasi Negara*.
[17] Ridwan, *Hukum Administrasi Negara*, 2006.
[18] Juliadi Rusydi, Januri Januri, and Rika Santina, "Tanggungjawab Pemerintah Dalam Penegakan Hukum Lingkungan Hidup Di Tinjau Dari Persepektif Hukum Administrasi Negara," *Audi Et AP : Jurnal Penelitian Hukum* 2, no. 01 (2023): 54–63, https://doi.org/10.24967/jaeap.v2i01.2064.
[19] H.D. van Wijk, Willem Konijnenbelt, and Ron van Male, *Hoofdstukken van Bestuursrecht* (Den Haag: Elsevier Ju- ridisch, 2008). p. 452
[20] Andri Gunawan Wibisana, "Tentang Ekor Yang Tak Lagi Beracun: Kritik Konseptual Atas Sanksi

authors, administrative sanctions are considered as a means of public law in the form of imposing burdens by the government on its people as a response to disobedience to obligations arising from statutory regulations.

Based on the type of violation in the administrative law used (Figure 6), 63 regulations contained light administrative sanctions containing warnings or warnings both in writing and verbally, 14 regulations contained moderate administrative sanctions containing temporary suspension, suspension, postponement or temporary revocation and 59 regulations contains severe administrative sanctions including sanctions such as revocation of license to practice, revocation of operating license, discontinuation of product distribution, recommendations for revocation of license and revocation of stipulation. In Administrative Law, permission is a juridical instrument used by the government to influence citizens to follow the recommended method to achieve a concrete goal. As a legal instrument, permits function as spearheads or tools that aim to direct, control, engineer, and design a just and prosperous society. through permits, it can be seen how the picture of a just and prosperous society is realized, which means that the requirements contained in the permit are the controllers for the functioning of the permit itself.[21] With such use, each permit limits individual freedom. Thus, limiting authority should not violate the basic principles of a rule of law, namely the principle of legality. Based on such a theory, the authority to grant permits is the authority granted by laws and regulations. The authority is given to achieve concrete goals. The juridical aspects of licensing include (1) Prohibition to carry out an activity without a permit, and (2) the authority to grant permits from State Administrative Agencies or Officials.[22]

We found 13 regulations of the Minister of Health in the field of health services which regulate sanctions in stages starting from light, moderate to heavy administrative sanctions. While 63 other regulations regulate the content of administrative sanctions in a non-level manner, there are stages of sanctions that are skipped, including 44 regulations governing the content of light administrative sanctions and heavy administrative sanctions, 1 regulation governing the content of light administrative sanctions and moderate administrative sanctions, 1 regulation that regulates the content of moderate administrative sanctions and heavy administrative sanctions, 1 regulation that directly regulates the content of heavy administrative sanctions, and 3 regulations that regulate the content of light administrative sanctions. The practice of light and heavy administrative law enforcement is quite high compared to moderate administrative law enforcement. This illustrates that law enforcement against severe administrative sanctions can be imposed without going through the imposition of moderate administrative sanctions.

Administratif Dalam Hukum Lingkungan Di Indonesia," *Jurnal Hukum Lingkungan Indonesia* 6, no. 1 (2019): 41–71, https://doi.org/10.38011/jhli.v6i1.123.

[21] Ridwan, *Hukum Administrasi Negara* (Yogyakarta: UII Press, 2003). p. 160

[22] N. Asiyah, "Strategi Implementasi Perizinan Dan Sanksi Administratif Sebagai Pembatasan Terhadap Kebebasan Bertindak," *Jurnal Hukum Samudra Keadilan* 12, no. 1 (2017): 123–35.

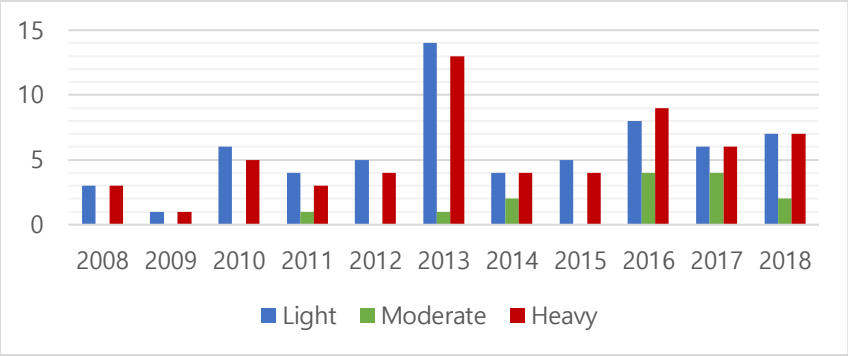

Figure 6. Number of regulations in the health service sector by type of violation in the administrative sanction, 2008-2018

Based on its nature, administrative sanctions need to be distinguished into remedial/remedial sanctions (*herstelsancties*), punitive sanctions (*bestraffende sancties*), and regressive sanctions (*regressive sancties*). First, recovering Sanctions (*Herstel-/Reparatoire Sancties*) Van Wijk et al. states that based on Article 5:2 *Algemene wet btruursrecht* (hereinafter referred to as Awb)[23] *herstelsancties* can be "*een bestuurlijke sanctie die strekt tot het geheel of gedeeltelijk ongedaan maken van een overtredging, tot het voorkomen van een overtreding, and wel tot het wegnemen of beperken van de gevolgen van een overtreding*".[24] This means that this sanction can be a sanction partially or wholly intended to restore/repair violations, prevent violations from occurring, eliminate or minimize the consequences of violations. Because of that, the *herstelsancties* group is also called reparatory sanctions. According to van den Brekel et al., *herstelsancties* are sanctions aimed at recovering violations of the law (*gericht op herstel van de inbreuk op de rechtsorde*). Examples of these sanctions are orders followed up by government coercion (*last onder bestuursdwang*) and orders followed up with forced money (*last onder dwangsom*).[25]

Regarding punitive sanctions, Article 5:2 paragraph (1) letter c of Awb states that punitive sanctions are "*een bestuurlijke sanctie voor zover deze beoogt de overtreder leed toe te voegen*", administrative sanctions aimed at adding to the suffering of the offender. An example of this sanction is an administrative fine (*bestuurlijke/ administratieve boete*).[26] For example, if someone is late paying taxes, in addition to having to pay their tax debt, that person must pay an additional amount of money. This additional money is called a fine and can be said to be a form of punishment.[27] According to *Heldweg and Seerden*, punitive sanctions are imposed not to force the violator to stop his violation but are imposed solely because someone has committed an unlawful act. With reasons for imposing sanctions like this, theoretically, sanctions will still be imposed even when the violator improves his behavior, for example stopping the

[23] Wibisana, "Tentang Ekor Yang Tak Lagi Beracun: Kritik Konseptual Atas Sanksi Administratif Dalam Hukum Lingkungan Di Indonesia."
[24] van Wijk, Konijnenbelt, and van Male, *Hoofdstukken van Bestuursrecht*. p. 459
[25] P. M. van den Brekel, E.M.J. Hardy, and N.J.A.P.B. Niessen, *Bestuursrecht* (Den Haag: Boom Juridische uitgevers, 2007). p. 118
[26] Ibid. p. 118
[27] van Wijk, Konijnenbelt, and van Male, *Hoofdstukken van Bestuursrecht*. p. 459

violation.[28]

For regressive sanctions, van den Brekel et al stated that these sanctions aim to return to conditions as before favorable legal conditions occurred.[29] For example, revocation or changes to favorable decisions such as revocation of permits. If a decision is revoked, the legal condition is returned to the condition it was before the favorable decision was issued. In Broring and Keulen's view, license revocation is a reparatory sanction. The two authors refused to revoke the license as a punitive sanction. According to him, revocation of permits will only be punitive if it is explicitly stated that the sanction is meant to add to the suffering of those who violate it.[30] This means that revocation of permits basically cannot be imposed more than actions that can proportionately correct/recover violations. The above view was also expressed by Boeve, et al, who considered that because revocation of a permit is a reparatory sanction, this sanction can only be imposed if previously given to the violator to comply with regulations or stop violations within a certain period.[31] From the description above, the revocation of a favorable decision is a return to the situation before the favorable decision was made. This type of sanction can be reparatory or punitive.

On the one hand, the nature of reparation can be seen if the sanction for revoking a decision is given because there is incorrect information provided by the recipient of a favorable decision. Had this information been known in advance, such a favorable decision would not have been made. Revocation of a decision can also be reparatory in nature if the revocation is done solely to stop the violation or the impact of the violation, and not to increase the suffering of the offender.[32] Heldeweg and Seerden said that sanctions for revocation of favorable decisions could be imposed if the official found the following conditions:[33] a) There was an incorrect statement relating to the basis for issuing a permit. b) Do not perform actions under the permit. c) Failure to perform an act under the terms of the permit or the provisions in the permit. d) Not taking any action related to the laws and regulations that apply to the permit holder.

The application of administrative sanctions to the same object varies greatly across healthcare regulations. This can be understood because administrative sanctions are a reaction carried out by an administrative body, a dimension of unilateral administrative decision-making power. This power is the power to decide, implement, and enforce sanctions against individuals who violate administrative law norms (public order). These administrative legal sanctions constitute an independent authority, not dependent on other organs[34]. Government bodies and/or officials are thus given exclusive authority to enforce administrative law norms

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[28] Michiel A Heldeweg and René J.H.G. Seerden, *Environmental Law in the Netherlands* (Alphen aan den Rijn: Wolters Kluwer, 2012).
[29] van den Brekel, Hardy, and Niessen, *Bestuursrecht*. p. 119
[30] H.E. Broring and B.F. Keulen, *Bestraf- Fende Sancties in Het Strafrecht En Het Bestuursrecht* (Zutphen: Uitgeverij Paris, 2017). p. 61-62
[31] van den Brekel, Hardy, and Niessen, *Bestuursrecht*. p. 125
[32] L.J.A. Damen and et al, eds., *Bestuursrecht Deel 1: Systeem, Bevoegdheid, Be- Voegdheidsuitoefening, Handhaving, 2de Druk* (Den Haag: Boom Juridische uitgevers, 2005). p. 670-671
[33] Heldeweg and Seerden, *Environmental Law in the Netherlands*. p. 194
[34] W. Riawan Tjandra, *Hukum Administrasi Negara* (Yogyakarta: Sinar Grafika, 2018). P. 218

without relying on other institutions such as the courts.

Free authority (*vrijebevoegdheid*) is a form of government freedom (*vrij bestuur*). According to N.M Spelt & J.B.J.M ten Berge as cited by Philipus M Hadjon distinguishes 2 (two) types of freedom of government (vrij bestuur)[35], namely "*de vrij die een wettelijke regeling aan een bestuursorgaan kan laten bij het geven van een beschikking wordt wel onderscheiden in "beleidsvrijheid" en "beoordelingsvrijheid*" (The freedom that legislation allows for government organs to make decisions can be differentiated into "freedom of discretion and freedom of judgment").

N.M Spelt & J.B.J.M ten Berge in Susanto's article[36] state that freedom of discretion is discretionary authority in the narrow sense - when legislation grants certain authority to a government organ, while the organ is free to (not) use it even though the conditions for its legal use are met. Meanwhile, freedom of judgment is a discretionary authority in the sense that it does not actually exist, as long as according to law it is left to government organs to assess independently and exclusively whether the conditions for the legal exercise of an authority have been fulfilled. However, the use of administrative punishments cannot be divorced from broader policies aimed at restoring order, providing legal certainty, and protecting everyone's rights from disruption. The authority of the state administration to correct infractions by acting and applying administrative sanctions is known as the enforcement of administrative law standards.

Conclusion

The practice of setting sanctions in regulations in the field of health services has increased since 2008. The types of sanctions that are more widely applied are light and heavy administrative sanctions. The regional government has more authority to impose sanctions than the central government, but there is also authority given to other institutions in carrying out their supervisory and supervisory functions, such as the BPOM, independent accreditation agencies, the Hospital Oversight Agency, Health BPJS, the National AIDS Mitigation Agency, and the Chairperson of the Council Indonesian Medicine. Based on its nature, the administrative sanctions applied in the regulation of the Minister of Health as the object of this research are regressive. In the future, it is necessary to build and develop the concept of administrative legal sanctions unique to the health services sector in Indonesia based on applicable administrative law principles and make comparisons with other countries as a comparison.

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[35] Philipus M Hadjon, Government According to Law (wet en rechtmatig bestuur), Papers - Administrative Law Training Materials, Collaboration between Utrecht Universitiet and Airlangga University, 1992, p. 3. See also Philipus M Hadjon, Pemerintahan Menurut Hukum (Wet-en Rechtmatig Bestuur), in Juridika Journal, Surabaya, 1992, p. 6-7

[36] Sri Nur Hari Susanto, "Karakter Yuridis Sanksi Hukum Administrasi," *Administrative Law and Governance* 2, no. 1 (2019): p. 135.

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