

THE URGENCY OF IMPLEMENTING PSYCHOLOGY EDUCATION AND SERVICE LAW IN PROTECTING PSYCHOLOGY PROFESSIONALS AND COMMUNITY

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Abstract: Law Number 23 of 2022 concerning Psychology Education and Services is a law that has just been passed as a government implementation in providing protection for the psychology profession and society, with this law it is hoped that it can provide legal certainty to those who need it. However, there are still deficiencies and overlapping regulations that need to be reviewed regarding the application of this law later. This study uses a normative juridical approach that functions to review laws based on scientific and relevant literature reviews. Based on the research results, there are critical points in this law, such as registration certificates for non-health psychologists and psychology education schemes that are required to conform to Law no. 23 Year 2022 in 2 years time. Based on the results of the study, researchers see the need for alignment between psychology professional organizations, the Ministry of Education and Culture, and also the Ministry of Health in solving this problem.

Keywords: *PLP Law, Psychology, Health Workers*

I. INTRODUCTION

Psychology is a field of scientific study that discusses mental structure, behavior patterns, and the human soul (Pérez-Álvarez, 2017). According to Law Number 23 of 2023 concerning Psychology Education and Services in Article 1 Paragraph 1 it states that psychology is the science of mental processes that are expressed, expressed, and displayed in the form of behavior in various fields of human life based on scientific methods based on facts. From this definition we can conclude that the field of psychology is a field of science that is scientifically studied and researched based on a scientific foundation with the aim of understanding human beings as a whole (Simonton, 2004; Märtsin, 2020). In the context of the times, the field of psychology continues to keep abreast of the times, which is the field of study of psychology trying to answer existing phenomena. The breadth of the field of psychology studies such as clinical psychology, educational psychology, organizational industrial psychology, developmental psychology, cognitive psychology, cultural psychology, forensic psychology and others requires a juridical basis that this science can be practiced properly and correctly according to the area of expertise or profession.

Indonesia itself currently has 3 professional psychology master study programs where graduates of the professional master program will get a professional degree as a psychologist. As stated in the Indonesian Psychological Association's code of ethics Chapter 1 Article 2 that experts in psychology are divided into 2, namely psychological scientists whose differences and authorities are listed in Chapter 1 Articles 3 and 4 of the Indonesian Psychological Association's Code of Ethics. At the limit of its meaning, Psychologists are individuals who take Bachelor of Psychology education and continue to Master of Professional Psychology, while Psychologists are individuals who have a background of Bachelor of Psychology and/or Master of Psychology and/or Doctor of Psychology, meaning that psychologists do not take professional education and can come from any scientific background. anywhere as long as they have a psychological educational background. Referring to Law Number 23 of 2022 concerning Psychology Education and Services in Chapter 1 Article 9 it states that a psychologist is someone who has completed a psychology professional education program both at home and abroad which is legally recognized by the Central Government.

Based on the division, we can see that the profession in the field of psychology is divided into 2 professional expertise with limits on authority and services that can be provided to the public. This difference in authority aims to enable individuals with a psychological background to provide benefits according to their expertise to the community in a concrete and professional manner. However, there are many cases of violations of the psychological code of ethics committed by psychologists, psychologists, and ordinary people who use psychology as a field to find material. For example, in 2020 it became a hot topic when one of the PhD graduates in Psychology gave intervention therapy to his clients on the pretext that he was a psychology graduate so that he could provide psychological therapy, which he should not be competent to provide therapy (Fahmi, 2020). However, there is no concrete action that can be taken by the Indonesian Psychological Association considering that the juridical basis regarding the limits of service authority that can be provided is only limited to the internal association, there is no juridical basis that can impose sanctions.

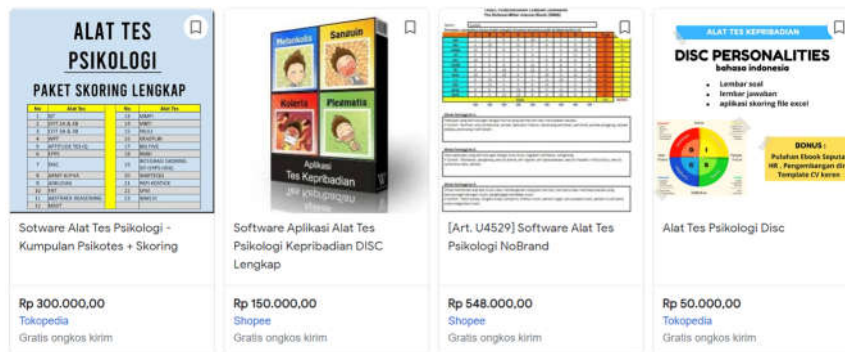


Figure 1. Buying and selling psychological test kits

In addition, buying and selling psychological test kits at low prices, easy to reach, and complete packages with questions and answer keys is a phenomenon that is now commonplace for us to see in cyberspace. Referring to the Indonesian Psychological Association's code of ethics Chapter 11 Article 62 Paragraph 2, only psychologists can provide psychological examination results. This means that if you look at these regulations, the sale of psychological test kits is a violation in the field of psychology. The use of psychological test kits must also be supervised or under the supervision of a psychologist who has a Psychologist Practice License and/or Clinical Psychologist Registration Certificate. These violations are often encountered in everyday life and it is not uncommon for us to watch information related to work procedures, scoring and interpretations on YouTube.

Cases of violation of the psychological code of ethics have occurred, in 2013 the South Jakarta District Court issued Decision Number 463 /Pdt.G/2013/PN.JKT.SEL regarding a lawsuit filed against a psychologist who was proven to have violated the psychological code of ethics by disclosing the results of a medical record. counseling conducted between the client and psychologist X. At the end of the lawsuit the judge rejected all of the defendant's exceptions and granted the plaintiff's demands so that psychologist X and the institution that overshadowed him were subject to administrative sanctions. This is proof that violations of the psychological code of ethics are real and often occur in society, but prior to the enactment of the Psychology Education and Services Act, the demands that were filed were only civil lawsuits, not criminal ones.

Apart from that, the Psychology Education and Services Act regulates the limits of services or authority granted by each psychology professional, this law also regulates how education in the field of psychology is implemented. As already explained, this law is not only about services and authority but how to organize psychology education, which in fact psychology has professional and science education, so it is necessary to regulate the education scheme, the curriculum that differentiates between professions and science, and how to get an education. In Chapter 3 Articles 5-10 it is explained that psychology education consists of academic education and professional education with 3 levels of education namely bachelor, master and doctoral.

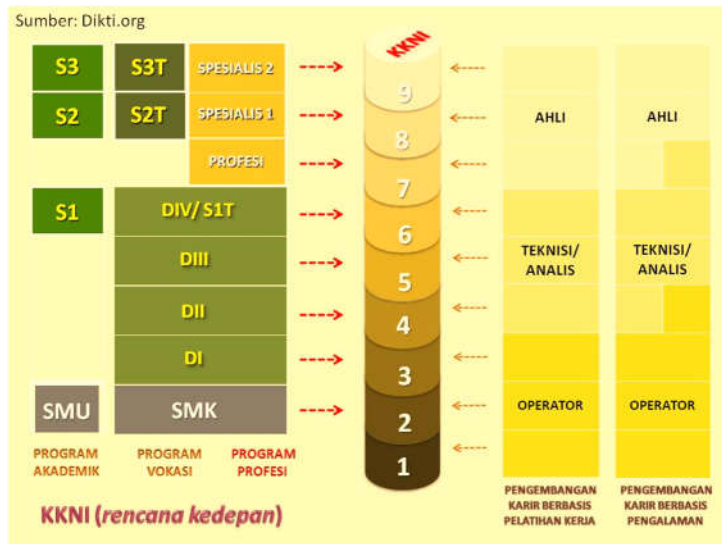


Figure 2. Indonesian National Qualifications Framework

The adjustment of the psychology education scheme with the IQF means that psychology education must improve and re-arrange its educational curriculum in order to achieve compatibility between education and this qualification framework. If referring to the KKNi for undergraduate psychology education (S.Psi), it was entered at level 6 while the profession was at level 7, before the Psychology Education and Services Act was enacted, the psychology curriculum still used the Bachelor of Psychology education scheme and continued with the Professional Masters in Psychology in order to get a Masters degree and as well as his professional degree. In the IQF between masters education and different professions, masters are equivalent to specialist 1 at level 8 while professions are at level 7. So there is ambiguity in the process or scheme of psychology education, psychology has a professional level but masters too.

Of course, this qualification level scheme is not new, in several professional fields such as medicine, which has a bachelor's degree in Medicine with a S.Ked degree and a professional degree, Dr. Even in the field of law, those who are not from the health sciences family have the title of professional advocate which is separated from the master level where advocates must take a Bachelor of Laws and then take the Advocate Professional Education or as an accountant education which requires them to take a Bachelor of Accounting and continue their Professional Accountant Education. If you look at how the level of professional education in other fields of science is indeed separated between undergraduate level education, profession,

Psychology itself as a science that stands alone requires a clear juridical basis on how the educational scheme will be given. As medical education already has a legal basis as stated in Law Number 20 of 2013 concerning Medical Education which regulates the division of educational levels, requirements for the implementation of education, and other regulations which form the basis of various agencies that wish to open or are currently opening medical study programs. Psychology, which has stages of professional and scientific education, also requires a clear foundation on how the educational scheme, the output of the education passed,

Therefore, based on the phenomenon that the Psychology Education and Services Law which is important to be implemented immediately requires a comprehensive review in order to see implementation in the field, implementation constraints, and how this Law can fill the existing legal vacuum so that the role of the Law is This law could protect the psychology profession. Through this juridical review, research will examine the urgency of implementing the Law on Psychology Education and Services as well as related issues that become obstacles

and how this Law will be implemented in society. In addition, this study also looks at how the review of the Law on Psychology Education and Services is based on juridical aspects by adhering to other supporting data.

II. METHOD

The method in this research is normative juridical. Normative juridical research is based on a literature review by taking secondary data, while secondary data includes personal letters, books, and official documents issued by the government (Soekanto & Mamudji, 2015). Meanwhile, according to Muzakki (2019) normative juridical research is a legal research approach that focuses on research studies based on library materials by paying attention to legal principles and legal doctrine to answer the legal issues being studied. According to Sonata (2015) normative legal research is research that tends to assess law as a prescriptive discipline in which law is seen from the point of view of its norms only.

Based on the research method used, researchers will review Law Number 23 of 2022 based on legal materials that researchers have found with the aim of answering the urgency of implementing the Psychology Education and Services Law in Indonesia. In addition, researchers use secondary legal materials obtained from books, national or foreign journals, opinions of scholars, legal cases, and symposiums conducted by experts.

III. RESULT & Discussion

Psychology As a Science

According to Ashley Montagu, an American anthropologist argues that science is a knowledge that is arranged in a system derived from observation, study, and experimentation to determine the nature of the principle about which is being studied. In Hegel's book *The Science of Logic*, he said that the stages of a hypothesis being recognized as a theory require 3 stages, namely thesis, antithesis, and synthesis (Hegel & Giovanni, 2015). At the beginning of the development of psychology, the scope of understanding of psychology was limited to behavior and the soul until in 1879, during the heyday of psychology, the first psychology laboratory was established by Wilhem Wundt who was a doctor. Wundt studied psychology in depth and wrote a work in the form of a book entitled *Principles of Physiological Psychology* in 1874 and became the first scientific book to examine aspects of human consciousness such as feelings, emotions, ideas, and introspection (Alan, 2022). Currently, in modern times, we can find many branches of psychology such as biopsychology, psychology of children with special needs, school psychology, and others, which of course are based on concrete theoretical studies.

This is the basis for the argument that psychology is not an pseudoscience but a science based on a scientific approach. As stated in Law Number 23 of 2022 concerning Psychology Education and Services in Article 1 Paragraph 1 it is explained that psychology is Psychology is the science of mental processes that are expressed, expressed, and displayed in the form of behavior in various fields of human life based on scientific methods based on fact. That is, the foundation of psychology as a science goes through a long stage so that psychology can be applied, studied, and implemented by society today.

Psychology as a science is not just a one-sided narrative echoed by psychologists because psychology has always struggled to refute accusations that psychology is an pseudo-science that has no scientific basis. Not infrequently the science of psychology is equated with astrology, iridology, palmistry, and other pseudo sciences, of course psychology is not part of these pseudo sciences. Based on Law Number 23 of 2022 Chapter 2 Article 3 it is explained that the principles of psychology education must have fundamental principles or foundations, there are 9 principles and the very first is the principle of scientific truth. This emphasizes the

position of psychology as a scientific science that must be evidence-based research or according to scientific truth.

The same is true in the field of law, according to the researcher if we talk about dynamics then law is a very dynamic science, as the Anglo Saxon legal system focuses on a legal system based on jurisprudence, namely the decisions of previous judges will become the basis for decisions of future judges. In future, this legal system is considered to be more dynamic because it prioritizes customs or is in line with the dynamics of society (Nurhardianto, 2015). Returning to the principle that is being debated is that dynamics being the basic principle of psychology cannot defend its scientific truths is not quite right because basically almost all social sciences are very dynamic following the pattern of community development, such as sociology which must be dynamic in observing the pattern of community development.

The argument that because of the dynamism of a science makes that science fail to become a field of scientific knowledge is an argument that needs to be straightened out. It's the same with medicine, even though medicine looks like a static field of science because disease A is definitely a cure for A, of course it can't just maintain static, the pattern of disease development will be different in every era so medicine needs to see, adapt, and keep studying more phenomena in the community so that they can be more responsive in providing the best service to the community.

Critical Points of Psychology Education

In the closing provisions of Article 56 the time limit given to issue an Implementing Regulation is 2 years, meaning that psychological organizations must readjust all aspects of their education as soon as possible, but are these 2 years sufficient time to compile, formulate, disseminate, debate, and aligning the ideas of all tertiary institutions in Indonesia so that they can jointly adapt this curriculum change. In addition, the level of psychology education based on Articles 5-8 divides the stages of academic and professional education with a professional level that is intended for graduates of psychology undergraduate programs and is equipped with specialist and sub-specialist programs, while the implementation is returned to tertiary institutions in collaboration with the parent professional association association. psychology.

In Law Number 12 of 2012 concerning Higher Education it is explained in Article 17 that professional education is the level of education after undergraduate and in Article 19 it is explained that Masters education is the advanced stage of an undergraduate or equivalent program. Prior to the enactment of Law Number 23 of 2022 concerning Psychology Education and Services, psychology education still included the profession in the master's education program or what is known as the Professional Masters which deals with the clinical psychology profession, the educational psychology profession, and the organizational industrial psychology profession. The existence of Masters in Professional Psychology education is certainly not in accordance with Law Number 12 of 2012 concerning Higher Education which stipulates that professional and undergraduate education is different from master education. Based on the existing provisions, there should be no psychology professional master's degree education because there are already provisions in Law Number 12 of 2012 concerning Higher Education. In contrast to Law Number 30 of 2004 in conjunction with Law Number 2 of 2014 concerning the Position of Notary Public, which requires a notary to hold the title of Magister of Notary.

The existence of Law Number 23 of 2022 concerning Psychology Education and Services provides legal certainty, especially in the field of psychology education which requires cleaning and restoring the education system in accordance with existing statutory regulations. Apart from that, this law makes it clear that the subject of profession means that later there will be a level of profession with specific expertise so that it can have a broad impact and be beneficial to society. However, this application must be well prepared and studied in depth considering

that changes in psychology education levels will have an impact on the opening of psychology study programs where the curriculum provided must have good standardization so that it can be applied and become a frame of reference for psychology education.

Critical Points for Granting Registration Certificates

In Law Number 23 of 2022 concerning Psychology Education and Services in Article 15 paragraph 1 it is explained that every professional education graduate gets a Registration Certificate (STR) then in Regulation of the Minister of Health Number 83 of 2019 concerning Registration of Health Workers Article 1 paragraph 1, it is explained that those who the right to obtain a Registration Certificate only applies to health workers, based on Law Number 36 of 2014 concerning Health Workers Article 11 paragraphs 1 and 3 it is explained that health workers are clinical psychologists. Referring to Regulation of the Minister of Health Number 83 of 2019 concerning Registration of Health Workers and Law Number 36 of 2014 concerning Health Workers, only clinical psychologists are included in the category of health workers.

Furthermore, in Law no. 22 of 2022 Article 24 explains that the provisions regarding registration and practice permits for psychologists who provide psychological services in health care facilities are carried out in accordance with the provisions of the laws and regulations in the health sector, in the appendix explaining that what is meant by Law no. 22 of 2022 Article 24 is a clinical psychologist. Looking at Law no. 22 of 2022 Article 15 paragraph 1 that every professional graduate gets an STR will create confusion for the psychology profession itself because it is explained that which professional education graduates refer to Law no. 22 of 2022 are individuals who are undergoing undergraduate education and continuing to the professional level, while individuals who are taking this professional level do not necessarily practice in health facilities or will continue specialist programs in clinical psychology. There will be another confusion, namely individuals who graduate with a bachelor's degree and profession get an STR and then continue their specialist education in the field of education, whether the STR they already have will be revoked considering that referring to Law 36 of 2014 that health workers in the field of psychology are only clinical psychologists other than that they are not part of the from health workers.

If we review it again in Law no. 22 of 2022 and Law no. 36 of 2014 there is a contradiction in the understanding of who the Registration Certificate is intended for, whether all psychology graduates are continuing to the professional level, all psychologists both clinical and non-clinical, or referring to Law no. 36 of 2014 is only given to health workers in this case clinical psychologists. Of course, this needs to be reviewed so that there is no confusion as a result of Law No. 22 of 2022 which is considered to contradict Law No. 36 of 2014.

Protection of the Psychological Profession Through Law no. 23 of 2022

As the intent and purpose of ratifying this law is based on the consideration that Indonesia needs quality human resources to support national development, it sees the need to involve psychologists to develop Indonesian human resources by upholding the values of professionalism and responsibility, and in an effort to make this happen requires arrangements related to psychology education and psychological services which previously did not specifically have a juridical basis. In terms of the intent and purpose of Law no. 23 of 2022 provides legal certainty for the psychology profession so that in carrying out services there are clear lines of authority as stated in Law no. 23 of 2022 Articles 28-30. The existence of this provision will have a positive impact on preventing malpractice or committing acts against the law by providing psychological services that are not based on educational competence. Apart from that, this Law also reinstates the psychology education scheme as Permendikbud Number 73 of 2013.

However, this law does not yet regulate violations committed by the general public who provide psychological services. This law is still focused on regulating violations committed by individuals with psychology professions where this law is still specific to certain legal objects. Meanwhile, violations of the psychological code of ethics such as disseminating psychological test kits, providing psychological intervention services, and other violations committed by the general public do not yet have a specific legal basis governing them so that criminal sanctions cannot be imposed.

UU no. 23 of 2022 will have great potential for the development of psychology and the psychology profession in Indonesia, with the presence of the Law it can provide legal certainty for all psychology professions that the services provided are based on legal principles that guarantee every action taken. In addition, this law is the basis for the practice of psychology education which must prioritize scientific truth as stated in Law no. 23 of 2022 Article 3 paragraph 1. After this law is promulgated, it is considered that there is still a need for implementing regulations in the form of related ministerial regulations, especially the Minister of Education and the Minister of Health in order to harmonize the law with more specific implementing regulations.

In the case of the health sector, the Ministry of Health is required to provide certainty regarding the STR that will be given, who has the right to get and have it, if indeed all psychology profession education, both the educational profession and the organizational industry, will also receive how to obtain it, and what about statutory regulations related to this change if indeed the change is implemented. Therefore, implementing regulations are needed immediately in responding to Law Number 23 of 2022 so that this new law can be fully implemented properly so that its implementation can be directly felt by the psychology profession.

Protection for the General Public Through Law no. 23 of 2022

In 2013 there was a case of violation of the psychological code of ethics which occurred in Jakarta and was tried at the South Jakarta District Court with decision number 463/Pdt.G/2013/PN.JKT.SEL, the plaintiff is aware of the element of violation of the code of ethics in Article 1365 The Civil Code states that every person who commits an unlawful act is required to compensate for losses arising from his mistakes, with this principle the plaintiff sues Defendant II who is a psychologist with a lawsuit in the form of material. Based on the evidence provided by the plaintiff, that convincingly, Defendants 1 and 2 violated the psychological code of ethics Article 24 concerning maintaining the confidentiality of client data. In the end, the defendant's request was partially granted by the judge and rejected all of the exceptions submitted by Defendants 1 and 2.

Interestingly, in this case, Defendants 1 and 2 questioned the position of the Psychological Code of Ethics whether it is a binding law or not, because basically this Psychological Code of Ethics serves as a guide for psychologists in Indonesia, but in this case the psychologist who violated this code of ethics was a doctoral degree graduate. Psychology Abroad but practicing in Indonesia. The existence of this kind of thing is of course an issue that must be considered related to how the regulations for psychologists graduated abroad practicing in Indonesia, whether it will be made like medicine where foreign medical graduates must take part in re-equivalence education in Indonesia or whether psychologists graduated abroad can directly apply for permits the practice.

With the Law no. 23 of 2022 it becomes clearer how the regulations govern how to sanction violations if a psychology profession commits malpractice, how to protect clients who use psychological services, and provide a sense of security and trust for clients to come to psychological services because there are already existing regulations regulate the rights that

the client will get. Of course, this law is a form of government and psychological organization's efforts to provide protection to people who use psychological services.

CONCLUSION

Based on the results of a study of Law no. 23 of 2022 concerning Psychology Education and Services, there are several critical sections related to education and registration of licenses to practice psychology so that these critical points can be studied further so that they become considerations in making changes or making implementing regulations. UU no. 23 of 2022 is also the implementation of protection for the psychology profession in terms of maintaining professionalism and the value of responsibility pinned on the psychology profession. Apart from that, this law is also a form of protection for consumers who use psychological services in order to protect their rights. However, this study is still limited to a number of articles and aspects that are assessed so that it requires further study in other articles. Furthermore,

With the research and review related to Law no. 23 of 2022 concerning Psychology Education and Services can be one way for the government to protect psychology scientifically and as a profession. This is the government's concrete step in providing legal certainty to the psychology profession and society, guaranteeing the legal needs of individuals who work in psychology, and answering the community's need for regulatory guarantees governing the services that can be provided by the psychology profession.

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Law Number 23 of 2022 concerning Psychology Education and Services

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