

Research Article

Wederrechtelijk Study on the Treatment of Cadavers in the World of Medical Education

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Abstract: The practice of anatomical corpse (cadaver) surgery in medical education has an important value to improve the understanding and skills of medical students related to the anatomy of the human body. However, uncivilized acts of the corpse in this practice can raise legal and ethical issues. This study aims to analyze whether the practice is in accordance with the principles of law, ethics, and respect for the corpse, as well as how the act of treating the corpse uncivilized can be categorized as an unlawful act (wederrechtelijk). The research uses a normative approach with primary, secondary, and tertiary legal analysis, including the Criminal Code, Law Number 17 of 2023 concerning Health, and Regulation of the Minister of Health Number 38 of 2022. The results of the study show that there is a gap in norms related to legal uncertainty in regulating the treatment of corpses in the practice of medical education. Existing norms have not explicitly provided detailed guidance on uncivilized acts, thus opening up space for multiple interpretations. The uncivilized treatment of corpses violates the principles of respect for human dignity as stipulated in criminal law and medical ethics. Therefore, systematic legal interpretation and regulatory reform are needed to provide legal certainty, protect the rights of the corpse, and ensure that the practice of medical education runs in accordance with the principles of ethics, law, and respect for the corpse. This study provides recommendations to strengthen regulations and ethical education in the use of cadavers in order to maintain public trust in the medical profession.

Keywords: unlawful acts; Cadaver; Medical Education; Legal Certainty; Medical Ethics.

1. Introduction

Pancasila is the basis of the philosophy of the Indonesian state and includes values such as the one Godhead, just and civilized humanity, unity, the people led by wisdom in deliberation/representation, and social justice. These values provide a philosophical foundation for the protection of human rights and dignity.

The preamble to the 1945 Constitution The fourth paragraph has the meaning of the functions and objectives of the Indonesian state after independence, namely: Protecting the entire Indonesian nation and all Indonesian bloodshed; Advancing the general welfare; Educating the life of the nation; Implementing a world order based on independence, lasting peace and social justice. Then, the existence of the Constitution of the Republic of Indonesia is to affirm the independence of the Indonesian nation and its goals after independence as a State and make Indonesia a sovereign people with Pancasila as the basis of the state.

In addition, the constitution also guarantees human rights in Article 28A of the 1945 Constitution[1] "everyone has the right to live and has the right to defend his life and livelihood" then continued in Article 28G paragraph (2) of the 1945 Constitution [1] that "Everyone has the right to be free from torture or treatment that degrades the dignity of human beings..." and in Article 28I Paragraph (1) of the 1945 Constitution[1] "The right to life, the right not to be tortured...". Philosophically, humanity emphasizes moral and ethical values

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related to humanity. This view that every individual has intrinsic value and should be respected and protected regardless of factors such as race, religion, or social status. Human rights are a strong philosophical foundation for the protection of human beings. This idea states that every individual has basic rights that cannot be violated or revoked.

In legal philosophy, respect for the body is a form of respect for human dignity and dignity. This is in line with the principle of *human dignity* which is one of the foundations of criminal law and human rights law. A corpse is not only considered an object, but it still has an intrinsic value as a part of human existence that deserves respect. This thinking evolved over time and was reflected in international documents such as the Universal Declaration of Human Rights (UDHR) issued by the United Nations on December 10, 1948[2]. This confirms how highly upheld the existence of human beings is as a form of morality and a sense of appreciation for noble human values even when they have died to maintain their good name and also the corpse or corpse concerned so that it is still treated well.

The practice of anatomical corpse (cadaver) surgery is an integral part of medical education. Through this practice, aspiring doctors can study the anatomy of the human body directly and in depth. However, behind the importance of this practice, there is the potential for abuse that can degrade human dignity, namely the act of treating corpses in an uncivilized manner. Such actions are not only contrary to human values, but can also raise legal issues.

The use of cadavers or anatomical corpses in the world of health is found in the practice of students of the faculty of medical sciences as a learning method[3]. A cadaver is a human body that has died and is used for scientific or medical purposes, such as research, education, or anatomical studies. The use of corpses in medical education and research has been an important practice for centuries, providing valuable insights into how the human body works [4]. The corpse is used to train medical students and health professionals on surgical procedures, anatomy [5], and pathology of diseases [6] as the results of Bezerra et al's research in a scientific article entitled "*Ethical and legal analysis of scientific research on corpses in Brazil*" in the Journal of Revista Bioética in 2020. Furthermore, based on H. Richard Alexander Jr.'s essay entitled "*Regulatory Considerations in Human Subjects Research*" which is part of the book series: *Success in Academic Surgery* (SIAS) also states that they in this case Corpses are also used to develop new medical technologies and treatments [7].

The use of corpses as a learning tool (cadaver) in medical education aims to provide students with practical skills in understanding the anatomy of the human body. However, this practice often causes debate in society, especially related to ethics, religion, and culture. The corpse, in various traditions, is considered something sacred and all treatment of it must be treated with reverence. When corpses are used in medical education, public concerns arise about potential inhumane treatment. Therefore, it is important to ensure that this practice is carried out in accordance with the social and cultural norms of the Indonesian people who strongly uphold the values of politeness and ethics towards the body. Because philosophically, every human being has the same dignity and rights, including after death. The corpse as a former human still needs to be treated with respect. The principles of humanity and respect for human dignity are the basis of ethics in treating corpses. The act of treating the body in an uncivilized manner is a violation of these basic principles.

Law of the Republic of Indonesia Number 17 of 2023 concerning Health emphasizes the use of anatomical corpse surgery carried out by medical personnel, namely in Article 158 The act of autopsy by medical personnel must be carried out in accordance with religious norms, socio-cultural norms, moral norms, and professional ethics. However, before that, in Article 157 Paragraph (1) that every person who dies must be sought to know the cause of death and his identity in the context of law enforcement and population administration. And in Article 157 Paragraph (2) that to find out and determine the cause of death, a death audit is carried out, including a verbal autopsy, clinical autopsy, forensic autopsy, and laboratory examination and post-mortem virtual autopsy. Article 157 Paragraph (5) From this, it can be understood that in anatomical dissection for research purposes, it can be done by integrating the process to find out the cause of death. Thus, this rule provides legal standing for researchers who are within the scope of higher education in medical science. Law of the Republic of Indonesia Number 17 of 2023 regulates how medical education provides legal status for legal subjects, namely students and lecturers in carrying out activities in the world of education and research in the field of medicine by involving Cadavers as research objects.

Sociologically, practice in the world of health always intersects with humans as the object of research. Regulation of the Minister of Health Number 38 of 2022 concerning Medical Services for the Public Interest in Article 1 Number 5 states that "Anatomical Corpse Surgery is an external examination and internal examination carried out on corpses for educational

purposes in the field of medical and biomedical sciences". A body is not just an object but has a high symbolic value, reflecting respect for the deceased individual. The use of corpses for medical education purposes, such as the practice of anatomical corpse surgery, often causes polemics in society. Practices that do not conform to social and religious norms can cause anxiety, stigma, and conflict. Therefore, it is important to ensure that the practice is carried out by paying attention to the values of politeness, respect, and honor for the body so that it can be accepted by the wider community.

Medical education involving the body must be based on moral, ethical, and legal principles that ensure that the implementation of the practice does not violate human values. This principle is a guideline to ensure that every action against the body is carried out in a dignified and humane manner.

Juridically, the regulation regarding the treatment of corpses in Indonesian criminal law is reflected in several articles in the Criminal Code. Article 181 of the Criminal Code requires anyone who finds a body to report it to the authorities, while Article 271 of Law Number 1 of 2023 concerning the Criminal Code (new Criminal Code) prohibits inappropriate and uncivilized actions against the body, such as desecrating, damage, or treating it inhumanely. On the other hand, the use of corpses for medical education, such as in the practice of anatomical corpse surgery (cadaver), has a legal basis through medical higher education regulations that require respect for corpses, namely in Article 3 Paragraph (1) of the Regulation of the Minister of Health Number 38 of 2022 concerning Medical Services for the Public Interest (Yandokum), that in the implementation of Yandokum, one of them must apply the principle of complying with ethical and medicolegal rules.

The use of corpses as research objects must comply with the principles of complying with ethical and medicolegal rules as stipulated in Article 3 Paragraph (1) of the Regulation of the Minister of Health Number 38 of 2022 concerning Medical Services for the Public Interest. From an ethical point of view, corpses must be treated with respect for human dignity. Research should only be carried out with the prior consent of the person concerned during life or permission from the immediate family after death, to ensure there is no violation of moral values. In addition, the research objectives must be clear, useful, and scientifically accountable. From a medical legal perspective, research must be in accordance with laws and regulations, including the necessary documentation and administrative permits. This process must also ensure that there is no misuse of the body for purposes that violate the law or go against social norms. Given Indonesia's social and cultural context, where corpses have high spiritual value, research should consider societal and religious norms to avoid conflict. Research on corpses must be guided by the principles of *non-maleficence* and *beneficence*, in order to still respect human values and meet applicable ethical and legal standards.

In particular, Article 321 of the Criminal Code also prohibits the act of opening, moving, or damaging graves without permission, which shows the importance of respect for the human body after death. This positive law shows that every action related to the body must be carried out with a clear legal basis and still maintain human dignity. However, the use of this article does not indicate that there are sanctions for perpetrators who commit uncivilized acts against cadavers in medical practicum.

The use of corpses in medical education prioritizes the principle of morality of Immanuel Kant, which aims to provide the greatest benefit to humanity through the development of science and the improvement of the competence of medical personnel[8]. However, this principle must go hand in hand with respect for the dignity of the individual as a subject of law, even after death. The use of corpses in medical education prioritizes the principle of morality of Immanuel Kant, which aims to provide the greatest benefit to humanity through the development of science and the improvement of the competence of medical personnel[9]. However, this principle must go hand in hand with respect for the dignity of the individual as a subject of law, even after death. In this context, the practice of anatomical (*cadaver*) surgery must be looked at as a whole: whether the activity is really carried out within a legitimate legal corridor, in accordance with the principles of medical ethics, and upholds proper respect for the corpse. It is important to examine the extent to which the practice that takes place in medical educational institutions has met these principles, because in its implementation there are often potential violations, both procedurally and in the aspects of attitude and treatment of the corpse.

Inconsistencies in the implementation of cadaver practices such as unauthorized use, sexual intercourse with corpses, unethical documentation, or inhumane actions against corpses can be categorized as forms of uncivilized acts against corpses. In this case, not only

students as direct implementers have the potential to be legally responsible, but also supervisors and educational institutions who do not carry out adequate supervision or coaching. Uncivilized treatment of corpses is a form of violation of the principles of criminal law, socio-cultural norms, and ethical values of the medical profession. Therefore, it is important to conduct an in-depth study to assess whether the practice of cadaver in medical education has been carried out by paying attention to the principles of law, ethics, and respect for the corpse, as well as to identify forms of actions that can qualify as unlawful acts in that context. This study is expected to contribute to the formation of stricter regulations and ethical guidelines, so that the practice of medical education remains on a dignified and civilized path.

One of the key concepts in Kant's moral philosophy is the categorical imperative, which states that one must act only according to rules that can be made universal laws without conflicting moral obligations. In other words, individuals should act in a way that respects human dignity and treats others as ends, not as means to achieve other goals. In the context of Kant's thought on respect for human dignity, this means that every action, including those related to the use of a corpse or other object, must be carried out with respect for the rights and dignity of the individual, even if the individual is deceased. It emphasizes that human dignity does not depend on living or dead conditions, and that the use of a corpse in the context of medical education or research must be carried out with profound ethical principles, which respect human dignity as an entity that cannot be treated solely as an object.

This thinking is rooted in the philosophy of Immanuel Kant, who emphasized respect for human dignity as a value that cannot be ignored, including in the context of the corpse. In practice, the use of the body in medical education must also be aligned with the principle of justice, ensuring a balance between the great benefits resulting from medical education and the protection of the rights of the body as an entity that retains intrinsic honor. Thus, the process of learning through corpses is not only oriented towards the advancement of science, but also adheres to ethics, laws, and moral values that protect human dignity.

Norms that provide legal certainty for the act of treating corpses uncivilized in the practice of anatomical corpse (cadaver) surgery in veterinary education are not explicitly found in laws and regulations. So that potential actions that reflect uncivilized acts against corpses in medical education practice can occur. This is because uncivilized norms in the context of the practice of anatomical corpse surgery (cadaver) are not contained in the Law of the Republic of Indonesia Number 17 of 2023 concerning Health or in the Regulation of the Minister of Health Number 38 of 2022 concerning Medical Services for the Public Interest. Even in Law Number 1 of 1946 concerning Regulations on Criminal Law and in the Criminal Code (*Wetboek van Strafrecht*) and in the new Criminal Code (Article 271 of Law Number 1 of 2023 concerning the Criminal Code) it is only stated that the act of treating a body in an uncivilized manner can be said to be an unlawful act (*wederrechtelijk*) is sentenced to a maximum of 2 (two) years in prison or a maximum fine of category III.

This condition shows that there is a gap in norms that results in legal uncertainty in interpreting the reading of article 271 of Law Number 1 of 2023 concerning the Criminal Code) as a form of unlawful act (*wederrechtelijk*) and in interpreting Article 3 Paragraph (1) letter a of the Regulation of the Minister of Health Number 38 of 2022 concerning Medical Services for the Public Interest which states that the Yandokum Implementation must apply the principle of Comply with ethical and medicolegal rules. Thus, this norm can be said to be a *vague norm* that results in Legal Uncertainty (for the perpetrator), Abuse of Authority (in the world of tort), and Injustice (for the family of the corpse/corpse).

2. Literature Review

2.1. The Concept of Unlawful Acts (*Wederrechtelijk*)

Criminal acts are unlawful acts committed by a person and threatened with criminal penalties. According to Indriyanto Seno Adji, criminal acts involve unlawful acts that can be accounted for by the perpetrator. Van Hamel defines crime as the suffering inflicted by the state on lawbreakers. Wirjono Prodjodikoro called it a strafbaar feit or an act that can be punished. The elements of criminal acts include the subject of the law, mistakes, unlawful nature (*wederrechtelijk*), prohibitions by law, and other objective elements (time, place, circumstances). The two main elements are the subjective element (intentionality or forgetfulness) and the objective element (active act or passive omission).

Unlawful acts are an important element in criminal acts that assess whether an act violates the law objectively. *Wederrechtelijk* can be in the form of a violation of written or unwritten laws such as social and ethical norms. There are two forms: formal (contrary to written law) and material (contrary to the principle of justice). This term is more appropriate to be used than *onrechtmatig*, because grammatically and logically it is more appropriate to describe violations that are threatened with criminal penalties.

Criminal liability is a form of responsibility of the perpetrator for the criminal act committed. This requires the existence of a legal subject who can be held legally accountable. The three theories that are known are: strict liability, based on fault, and based on negligence. Van Hamel states that accountability requires psychic maturity to understand the consequences of actions, realize their mistakes, and be able to control oneself. Pompe emphasizes the thinking ability and will of the perpetrator, while Pound assesses it as an obligation to pay retribution for the losses incurred.

Criminal sanctions are punishments that are determined based on the law to enforce legal compliance. Sanctions can be administrative, civil, or criminal. In criminal law, sanctions are interpreted as a tool of coercion through punishment for law violators. The term sanction in English law means punishment as a means of law enforcement, while in Dutch law it includes consent as well as coercion. Therefore, the imposition of sanctions must be understood in accordance with the context of the applicable legal system and become an important part of legislation and judiciary in law enforcement.

2.2. Cadaver Concept and Practice of Anatomical Corpse Surgery

Cadavers or cadavers are preserved human corpses, generally used for the purposes of medical education and research. According to KBBI and various legal and scientific dictionaries, cadavers are an important object in learning anatomy, as stipulated in Articles 157 and 158 of Law Number 17 of 2023 concerning Health. The use of cadavers as a learning medium is an important part of medical education at the global level.

Anatomical autopsy is an external and internal examination of corpses for the purpose of medical and biomedical education, as stipulated in Article 1 number 5 of Permenkes No. 38 of 2022. This activity is different from a forensic autopsy which aims to determine the cause of death. Anatomical surgery also involves modern techniques such as MRI and CT post-mortem, which can provide more detailed information than traditional autopsies, especially in cases of advanced decomposition or special trauma.

Medical education is a formal professional program that includes both academic and professional stages, aiming to produce doctors who are scientifically and ethically competent. Hosted by an accredited medical school, this education involves a rigorous selection process and ongoing training ranging from undergraduate to specialist education. As it has evolved, its teaching approach has shifted to an evidence- and technology-based model, with an emphasis on ethics, communication, and character development of students as professional and responsible medical professionals.

2.3. Legal Theory and Concepts in the Practice of Anatomical Corpse Surgery (Cadaver)

Gustav Radbruch, a German legal philosopher, formulated the Radbruch Formula which balances three main pillars of law: legal certainty, justice, and utility. According to him, legal certainty is a guarantee that the law is certain, positive, fact-based, clear, and not easily changed. In extreme situations, when positive law is very contrary to the principle of justice, then the principle of justice must take precedence. With legal certainty, every individual can predict the consequences of his actions and obtain protection from arbitrary power, in order to guarantee justice and freedom in society.

Immanuel Kant affirmed that morality comes from inner awareness and duty, not just fear of punishment or hope for reward. Morality according to Kant must be autonomous, that is, based on the rational awareness that moral laws must be obeyed. It also places humans as dignified beings who have intrinsic value, different from other creatures. Although Kant did not obligate the ethical treatment of animals directly, he emphasized that cruelty to animals can undermine human morality in treating others.

Human rights are a fundamental right inherent in every human being as God's created being, which cannot be taken away by anyone. According to John Locke's theory, even if the individual surrenders some of his or her rights to the state through a social contract, basic rights remain inherent and should not be violated. Frans Magnis Suseno called human rights

a tool of protection against violence and violations of human values[11]. In the context of positive Indonesian law, human rights are guaranteed in the 1945 Constitution Articles 28A-28J and regulated in Law No. 39 of 1999, which emphasizes that the state and society are obliged to respect, protect, and uphold these rights in order to maintain human dignity.

3. Proposed Method

3.1. Normative Research Types

Normative law research uses the subject of legal studies, which are understood as rules or principles that apply in society and become a reference for everyone's behavior [12]. Therefore, the focal points of normative legal research are the inventory of positive laws, legal principles and doctrines, legal discoveries in certain cases, legal systematics, degrees of synchronization, and legal comparison.

3.2. Problem Approach

Relevant approaches used in this study include the statute *approach*, which is by examining the applicable regulations even though there are no explicit norms regarding the uncivilized treatment of corpses in the practice of cadaver surgery, thus giving rise to vague norms that cause legal uncertainty, abuse of authority, and injustice; conceptual approach, which is used to analyze the meaning of legal terms in order to gain a new understanding of the concepts used; and case *approach*, by analyzing court decisions such as Supreme Court Decision No. 590 K/Pid/2012, Medan District Court Decision No. 417/Pdt.G/2012, and Supreme Court Decision of the Republic of Indonesia No. 3203 K/Pdt/2017, to understand legal phenomena relevant to the issue of treatment of corpses in medical education.

3.3. Source of Legal Materials

The legal materials used in this study consist of three types. Primary legal materials include relevant laws and regulations and court decisions, Secondary legal materials include books, legal journals, and scientific articles that discuss the legal issues in this thesis. Meanwhile, tertiary legal materials are used as supporters and explanations, such as the *Black's Law Dictionary* and the Great Dictionary of the Indonesian Language.

3.4. Legal Material Collection Techniques

The method of collecting legal materials used in this study is by the literature study technique, or the method of collection through recapitulation and consultation of library materials (literature, research results, scientific journals, scientific bulletins, scientific magazines, and others).

Legal documents are collected through the procedure of inventory and identification of legal provisions, as well as through the classification and systematization of legal documents based on the problem of tracing, namely the existence of vague norms (vague norms). Therefore, the legal document collection technique used in this study is a literature study or literature study. Literature studies are carried out by reading, searching, taking notes, and searching for literature materials that are relevant to the legal certainty of the act of treating corpses uncivilized in the practice of anatomical corpse surgery (cadaver) in veterinary education is not found explicitly.

3.5. Legal Material Processing Techniques

The technique of processing legal materials in this study is carried out through three stages, namely: editing to adjust and relate the relevance of legal materials to the problem being researched; classifying to classify and reduce legal sources by type to facilitate analysis; and verifying to ensure the validity of primary legal materials, such as the validity and enforceability of the regulations used.

3.6. Legal Material Analysis

In the final stage, this study analyzes primary, secondary, and tertiary legal materials that have gone through the processing process, using systematic interpretation, namely interpreting and relating regulations to each other in an integrated manner. The analysis is carried out deductively, starting from general facts to specific facts, and is prescriptive with the aim of providing solutions to the problems found, especially related to the practice of anatomical corpse surgery (cadaver) in medical education that shows a gap in norms or vague norms.

4. Results and Discussion

4.1. Uncivilized Treatment of Corpses in the Practice of Anatomical Corpse Surgery as a Form of Unlawful Acts

Uncivilized treatment of corpses in the practice of anatomical corpse surgery can be categorized as an unlawful act (*wederrechtelijk*) that violates criminal law norms as stipulated in Article 271 of Law Number 1 of 2023 concerning the Criminal Code (new Criminal Code) prohibiting inappropriate and uncivilized acts against corpses [13]. This article regulates the insult to a corpse, including actions that are considered to degrade the dignity of the corpse. Such uncivilized treatment includes actions that morally and legally violate the principle of respect for the human body, both during life and after death.

As a form of unlawful act (*wederrechtelijk*), this act is contrary to the principles of propriety and reasonableness that are the norm in society. In the context of medical education, the practice of anatomical corpse surgery (cadaver) is indeed aimed at scientific interests. However, its implementation must still pay attention to the prevailing moral and legal values. Article 359 of the Criminal Code can also be applied if negligence in this practice causes significant damage to the rights attached to the remains.

Uncivilized acts towards the body can also be considered a violation of the principle of legal protection of human integrity that remains valid even after a person has died. This is based on the principle of non-derogation, where respect for human dignity cannot be ignored. In the practice of autopsy, the use of a corpse without the lawful consent of the family or the authorities may be considered a violation of the law.

Normatively, Article 181 of the Criminal Code states that anyone who does not have the right to exhume or move a body can be punished. In this case, if the practice of anatomical surgery is carried out without a clear legal basis or in a way that does not respect the remains, the act can be classified as an offense. This treatment includes actions that involve physical or symbolic humiliation of the corpse. The practice of cadaver surgery must also meet the requirements of administrative formalities according to positive law [14]. For example, written permission from the deceased's family or the responsible authority.

Article 181 of the Criminal Code which consists of the following elements: (1) Legal Subject: Anyone who commits an act as stipulated in this article. Not limited to certain professions such as medical officers or the police; (2) Legal Object: The corpse or part of the corpse that is the subject of the action; (3) Acts: Includes taking, moving, concealing, taking away, or damaging a corpse or part of a corpse; and (4) Purpose/Purpose: To conceal or obstruct a legitimate investigation. In relation to Unlawful Acts (*Wederrechtelijk*), in this article are actions that are carried out without legal rights or authority, and are contrary to applicable legal norms or obligations.

The use of a corpse or body part for a specific purpose, such as medical education (anatomical surgery), may be considered unlawful if legal procedures, such as family permission or authorized authorities, are not met. In the context of medical education, the use of cadavers must go through strict legal procedures. The concealment or disappearance of a body from the forensic legal process, even for educational purposes, can be considered a violation of Article 181 of the Criminal Code. Anatomical cadaver surgery is often performed for medical education or research. However, if the body is used without a valid permit or violates the rights of another party (e.g. the family of the deceased), this may violate Article 181.

The relevance of Article 181 of the Criminal Code to Medical Ethics and Law, medical ethics requires respect for the body, including in the educational process. Violations of procedures can create legal conflicts that could potentially be subject to criminal sanctions. This article also protects the public interest and privacy of the family of the deceased by ensuring that the body is not misused for unlawful purposes. Article 181 of the Criminal Code emphasizes the importance of respect for the dead body in the legal and educational process. In the context of anatomical dissection, a violation of this article may occur if:

1. The process of getting the body was not in accordance with legal procedures.
2. Actions against the body hinder investigations, for example in criminal or forensic law cases.
3. There is no valid permission or approval from the authorities or the family of the deceased.

Furthermore, in the Old Criminal Code, namely in Article 222 of the Criminal Code concerning preventing or thwarting the examination of forensic corpses, it can be analyzed in the context of unlawful acts (*wederrechtelijk*) related to the practice of anatomical corpse surgery (*cadaver*) in medical education as follows:

1. Unlawful Acts (*Wederrechtelijk*):
Wederrechtelijk means contrary to the applicable law, whether explicitly regulated by the law or the norms applicable in society. In the case of Article 222, the action in question includes the prevention, obstruction, or thwarting of the examination of forensic corpses that are part of the legal process.
2. The Practice of Mortuary Surgery in Medical Education
 Anatomical dissection in the context of medical education is usually carried out with certain legal and administrative approvals, including family permission or management in accordance with health law. If this practice is carried out without meeting the legal requirements, such as without the permission of the family or an authorized authority, it may be considered an unlawful act. Thus, the relevance of Article 222 of the Criminal Code, that this Article does not directly regulate medical education, but can be the basis if a person deliberately thwarts a legitimate forensic examination, for example, by manipulating access or evidence.

In the context of educational mortuary surgery, unlawful acts can arise if there is an attempt to cover up the facts or violate legal procedures in the use of the body. In addition to Article 222, other relevant rules include regulations on health and honor of the body. The Health Act also regulates the use of cadavers for educational and research purposes. This article emphasizes the importance of fulfilling legal procedures in the use of corpses, whether for education, research, or forensic examination. Violation of this rule, if it relates to the dissection of a corpse, may be considered an act contrary to the principle of *wederrechtelijk* and may be subject to criminal sanctions.

The morality aspect in respect for the body has become one of the elements that is indirectly regulated by the Criminal Code. Although the old Criminal Code did not explicitly cover offenses related to medical practice, an uncivilized act against a corpse can be categorized as an insult to human dignity as described in Article 310 paragraph (1) which regulates insult in a broad form. However, this still cannot fully cover how uncivilized acts are the form of uncivilized acts towards corpses in the practice of anatomical corpse surgery (*cadaver*).

Actions that are not in accordance with procedures in the practice of post-mortem surgery may reflect a violation of the principle of duty of care. This is important because the corpse, although no longer alive, is still considered a subject of high symbolic value in law and society. Violations of this principle can be considered unlawful because they are contrary to the principles of justice. From the point of view of medical education, the uncivilized treatment of the corpse can create a bad precedent for the application of professional ethics. The Criminal Code as a general criminal law regulates the protection of corpses so that they do not become objects of morally or symbolically detrimental exploitation.

This action also involves criminal liability for the perpetrators, both individually and institutionally. Articles 55 and 56 of the Criminal Code can be applied if there are parties who are directly or indirectly involved in the unlawful act. This shows that the law gives serious attention to the uncivilized treatment of corpses in a variety of contexts, including education. Uncivilized treatment of corpses in the practice of anatomical corpse surgery can be categorized as an unlawful act according to the old Criminal Code. The norms in the Criminal Code provide a legal basis to protect the dignity of the body and ensure that the practice of medical education continues to run in accordance with the legal, ethical, and moral principles that apply in society.

The act of treating corpses uncivilized in the practice of anatomical corpse surgery (*cadaver*) in medical education can be qualified as an unlawful act (*wederrechtelijk*) based on the new Criminal Code (KUHP) regulated in Law Number 1 of 2023. In Article 271 of the new Criminal Code, it is emphasized that anyone who deliberately treats a body in an uncivilized manner can be subject to criminal sanctions, namely imprisonment for a maximum of 2 (two) years or a maximum fine of category III. This provision affirms that human dignity must still be respected, even after death, as part of the protection of human values in criminal law[15].

To declare that the act is against the law, of course, it must first be proven that the party who committed an uncivilized act against the body had awareness of his unlawful and malicious act (*mens rea*). *Mens rea* is an important element in criminal law that shows the perpetrator's awareness or intention of the consequences of his actions. In this context, proof of *mens rea* must be carried out by looking at whether the perpetrator is aware that his actions not only contradict ethical and moral norms, but also violate the provisions of the applicable law.

This element of awareness requires evidence that the perpetrator understands that his treatment of the corpse is not in accordance with the principles of respect required by law, for example by treating the corpse as an object of entertainment or joke outside the context of learning or a form of action that degrades human dignity such as harassing the corpse/corpse. If the perpetrator commits the act intentionally or without a valid justification, then *mens rea* can be considered fulfilled[16].

In addition, malicious intent (*mens rea*) is not only seen from the direct actions of the perpetrator, but also from his motives[17]. For example, if the perpetrator's actions aim to insult, degrade the dignity of the corpse, or create harm to another party (e.g. the family of the deceased), then this indicates an unlawful intent. In proof, evidence such as speech, actions, or recorded events can be used to show the perpetrator's intentions. Motive is not always the main element in criminal liability, but its existence can strengthen *mens rea* proof, help determine the degree of guilt, and affect the severity or severity of the crime. Motives that reflect hatred, contempt, or intent to harm another party may be considered aggravating circumstances. Conversely, if the perpetrator's motive is based on an understandable reason (e.g. for the sake of education but done without knowingly breaking the law), then this can be considered a mitigating circumstance.

If the perpetrator's motive reflects a clear purpose to harm another party, such as insulting the dignity of the corpse or degrading human values, then this can strengthen the proof of *mens rea*. For example, in the case of uncivilized treatment of the corpse, motives such as a desire to create entertainment in an inappropriate way or insult to the family of the deceased can be used to show that the perpetrator has unlawful intentions.

The element of legal awareness can also be linked to the professional responsibility of the perpetrator, especially if he or she is in a medical education environment. As individuals involved in the learning process, the perpetrator is expected to understand the ethical and legal norms related to the use of the corpse. Therefore, if the perpetrator is a student or teaching staff, this violation reflects a failure to comply with the ethical standards that have been taught in medical education, thus reinforcing the evidence of malicious intent.

Thus, to declare that the act is unlawful, the court must thoroughly assess the *mens rea* element based on the facts and evidence available. This includes an analysis of the perpetrator's awareness, motives, and actions taken. Without proof of this element, it is difficult to state that the act is an unlawful act in the sense of criminal law.

The use of cadavers in the context of medical education is a legitimate part of academic practice. However, any action against the cadaver must meet the principle of respect for the dignity of the corpse. If the surgical act is performed unethically, such as treating a corpse in a derogatory manner or making it the subject of a joke, then the act not only violates medical ethics, but can also be categorized as a criminal act. In this case, the act can meet the element of "unlawful" as stipulated in Article 271 of the new Criminal Code, considering that such treatment is contrary to legal norms and moral values of society.

Aspek wedderrechtelijk dalam kasus ini merujuk pada ketidaksesuaian tindakan dengan applicable legal provisions. Although the remains used in the practice of anatomical surgery have been permitted, the uncivilized treatment of them violates the rights of the remains that remain guaranteed by law. Article 271 of the new Criminal Code also stipulates that the act of insulting or treating a dead body inappropriately can cause legal consequences, including for educational institutions if it is proven to be negligent in supervising the practice[18].

In addition, this kind of action can involve aspects of criminal responsibility for the perpetrator as well as moral and administrative responsibility for institutions that provide medical education. Educational institutions are obliged to ensure that any action against the cadaver is carried out respectfully, according to procedures, and is strictly supervised. Failure in this regard can be considered negligence that has legal consequences and hurts public trust in educational institutions.

Therefore, there is a need for strict supervision and strict policies in medical education to prevent uncivilized treatment of corpses. The integration between medical ethics norms, criminal law, and administrative arrangements is expected to ensure that the use of cadaver

as a learning tool is not only academically beneficial, but also in line with the principle of respect for human dignity as mandated by the new Criminal Code.

In connection with the discussion above, there are examples of cases that can be analyzed based on the problems in this study. The cases are as follows:

1. Decision of the Supreme Court of the Republic of Indonesia Number 3203 K/Pdt/2017

The case involved medical malpractice in oral surgery. The Supreme Court ruled that the defendant had committed an unlawful act against the plaintiff and was sentenced to pay compensation of Rp100,000,000 in compensation for material and moral damages. In the Decision of the Supreme Court of the Republic of Indonesia Number 3203 K/Pdt/2017, the Court decided a civil case related to medical malpractice in oral surgery, which was ultimately considered a form of unlawful act as stipulated in Article 1365 of the Civil Code. The Panel of Judges was of the opinion that the defendant's actions had violated the principles of prudence and ethical standards of the medical profession, resulting in material and moral losses to the patient, so that the defendant was obliged to pay damages of Rp100,000,000. Although this case does not directly touch the practice of medical education on corpses (cadavers), this decision has an analogous relevance to the practice. In the context of medical education, if the use of cadavers is carried out unethically, not in accordance with legal procedures, or does not respect the dignity of the body, then this action has the potential to meet the elements of unlawful acts. This is strengthened by the substance of the ruling which emphasizes that the medical profession is obliged to uphold the rights and dignity of the subjects who are the object of medical action, including in this case the corpse that is treated as part of the educational process. Thus, this ruling provides an argumentative foothold that the practice of anatomical dissection carried out without consent, without legal procedures, or by treating corpses in an uncivilized manner, can be qualified as a form of unlawful act.

2. Medan District Court Decision Number 417/Pdt.G/2012

This case is related to a medical malpractice lawsuit based on unlawful acts. The Medan District Court punished the doctors and hospitals for being found guilty of unlawful acts and ordered them to pay compensation of Rp200,000,000 to the patient. In this case, the Medan District Court handled a civil lawsuit filed by the plaintiff for malpractice committed by doctors and hospitals. The plaintiff postulates that there has been serious negligence in medical actions that caused the loss, both physically and psychologically. In its legal considerations, the Panel of Judges considered that the defendant did not carry out his duties in accordance with proper medical procedures and had ignored the principle of *lex artis* (medical professional standards). The court finally declared that the act was an unlawful act and sentenced the defendants to pay damages of Rp200,000,000 to the plaintiff. This ruling affirms the importance of legal responsibility in medical practice and emphasizes the rights of individuals to the protection of their bodies, including the right to professional and humane medical care.

3. Supreme Court Decision Number 590 K/Pid/2012

This case involves the crime of murder due to forgetfulness committed by a doctor. The Supreme Court considered that the defendant was negligent in carrying out his obligations so as to cause the death of the patient, and ruled that the defendant must be legally held accountable for his actions. This verdict is rooted in a criminal case involving a doctor who was found guilty of causing the death of a patient due to his negligence in medical procedures. In its deliberations, the Supreme Court stated that the defendant's negligence had exceeded the limits of ordinary professional negligence and was included in the category of gross negligence (*culpa lata*) that could be criminally liable. This action is considered not only to violate the professional code of ethics, but also to meet the elements of criminal acts as stipulated in Article 359 of the Criminal Code concerning causing death of a person due to negligence. The Supreme Court affirmed that in the medical profession, any act that causes serious loss or loss of life due to lack of caution can be subject to criminal liability. This ruling expands the scope of legal liability of doctors, not only in the civil context (compensation), but also in the criminal dimension.

The three above decisions, both civil and criminal, reflect a consistent pattern in the enforcement of legal principles for the medical profession, namely that medical actions carried out outside the limits of procedural and ethical standards can be qualified as unlawful

acts, both in the civil and criminal senses. In the context of thesis research that raises the practice of anatomical cadaver surgery in medical education, although no such cases have been explicitly found, the legal principles contained in the three rulings can be used as an analogous argument.

The treatment of corpses in medical education must uphold human values, ethics, and applicable regulations. If the practice is carried out without the lawful consent of the family or heirs, or if the body is treated inappropriately (e.g. being the object of ridicule, symbolic violence, or not being returned in accordance with custom and law), then the act may meet the element of *wederrechtelijk* as outlined in the three rulings. In other words, the unethical treatment of cadavers in the world of medical education can be subject to legal liability, because it concerns the rights of the corpse and its family which are protected by law.

The Supreme Court of the Republic of Indonesia's decision No. 3203 K/Pdt/2017 shows that medical actions that are not in accordance with procedures, even in the context of education or scientific practice, can still be subject to legal liability if they cause harm[19]. This becomes relevant to assess actions in the practice of cadaver surgery that are carried out without a clear legal and ethical basis. Meanwhile, the Medan District Court Decision Number 417/Pdt.G/2012 strengthens that negligence in the implementation of medical measures, including in the context of education, can be held legally accountable[20]. In the practice of anatomical dissection, negligence in maintaining the dignity of the corpse also has the potential to fall into the category of unlawful acts.

In addition, the Supreme Court decision No. 590 K/Pid/2012 provides a criminal dimension for negligent medical actions[21]. In the context of the practice of autopsy, ethical and legal violations in treating corpses can also give rise to legal liability, not only civil but also criminal, especially if it has an impact on the rights of families or heirs.

The three decisions above show a consistent legal approach to medical practices that do not comply with procedures or violate ethical standards, both in the civil and criminal realms. Although all three do not explicitly regulate the practice of anatomical corpse surgery in medical education. The treatment of the corpse in the context of education is not only part of academic practice, but also concerns the right to the integrity of the corpse, honor, and compliance with positive social and legal norms. If the practice of cadaver surgery is carried out without consent, without legal procedures, or without considering human values, it has the potential to be an unlawful act as interpreted in Article 1365 of the Civil Code, and has the potential to be subject to criminal liability if there is an element of forgetfulness that has a serious impact on other parties.

Thus, these three rulings cumulatively strengthen the argument that legal protection does not only apply to living persons, but also to the body as a legal object that must be treated with respect and in accordance with the law. This is a strong basis for building a legal framework for the practice of cadaver surgery in the world of medical education in Indonesia.

Praktik bedah mayat anatomis (cadaver) dalam pendidikan kedokteran yang dilakukan secara tidak beradab, baik disengaja maupun akibat kelalaian, tidak hanya menjadi isu etis, tetapi juga masuk dalam ranah hukum sebagai bentuk perbuatan melawan hukum (*wederrechtelijk*). Dalam konteks ini, tindakan memperlakukan jenazah secara tidak manusiawi dapat dikenai pertanggungjawaban pidana, administratif, hingga etik sebagaimana dibawah ini:

1. Medical Students

Medical students as direct perpetrators who interact with corpses have the main responsibility for the actions they take during the practicum. If a student commits an act that degrades the dignity of the corpse, such as abusing the body, having intercourse with the corpse for sexual gratification, taking personal documentation without permission, or ignoring learning procedures, then these actions can qualify as a form of unlawful act. In this case, students can be asked to: (1) Academic accountability, in the form of reprimands, coaching sanctions, suspensions, and even dismissal from educational programs; (2) Ethical accountability, if the actions are contrary to the basic values of medical ethics instilled in the curriculum; (3) Criminal liability, if the act violates the provisions of the law, such as Article 271 of Law Number 1 of 2023 concerning the New Criminal Code, which regulates the prohibition of treating corpses inhumanely, with a threat of imprisonment of up to 2 (two) years.

2. Lecturer or Practicum Instructor as Academic Responsible

Supervisors or instructors who are in charge of cadaver practicum sessions also have supervisory responsibilities. If there is an uncivilized act that is allowed or not prevented, then the lecturer can be held liable for negligence in his position (*culpa in vigilando*). The form of accountability includes: (1) Administrative sanctions by the

institution, such as performance evaluation, reprimands, or coaching; (2) Professional ethical accountability, especially if the person concerned is a doctor bound by the Indonesian Medical Code of Ethics (KODEKI); (3) In certain circumstances, passive criminal liability may be imposed if its negligence results in severe legal consequences, based on the principle of omission or neglect.

3. Medical Education Institutions as Practicum Organizers

Medical education institutions as legal entities can be held institutionally liable if the practice of cadaver surgery is not carried out in accordance with ethical standards and laws and regulations. Institutions may be subject to administrative sanctions, such as reprimands from the Ministry of Education or the Ministry of Health, to the revocation of operational licenses, accreditation evaluation by the Independent Accreditation Institute; criminal report, if the family of the deceased commits it on the basis of violation of the rights of the deceased or an uncivilized act.

The family of the deceased as the Injured Party, has the legal right to obtain information, approve the use of the body, and ensure that the body is treated with dignity. If there is a violation, the family can report to the police on the basis of an alleged violation of Article 271 of the New Criminal Code, and complain to professional organizations, such as the Indonesian Doctors Association (IDI) or the Honorary Council of Medical Ethics (MKEK).

4.2. Legal and Ethical Implications in Medical Education in Using *Cadaver* as a Practicum Object

Ethics in medical education plays an important role, especially in the use of cadavers as part of learning. Cadavers or corpses used in anatomy practicum function as a learning medium for medical students to understand the structure of the human body in real terms. However, despite its high educational value, the use of cadavers poses ethical challenges that cannot be ignored.

The basic principles of medical ethics emphasize respect for human dignity, including the corpse. In the legal and cultural traditions of various countries, corpses are considered to have certain rights that must be respected, such as the right to be treated with dignity and not to be abused. Therefore, the practice of using cadavers requires an approach that is not only lawful but also aligned with universally recognized ethical values.

The importance of ethics in the use of cadavers in medical education is also related to its potential impact on the families of the deceased. Neglect of ethical principles, such as the uncivilized treatment of corpses, can cause emotional trauma to families who have donated the remains for educational purposes. In addition, unethical actions in the use of cadavers can undermine public trust in medical educational institutions and the medical profession as a whole.

On the other hand, medical education has a moral obligation to ensure that every individual involved in learning to use a cadaver understands the importance of respect for the corpse. This includes the development of internal ethical guidelines, training for students and educators, and strict supervision of practices involving cadavers[22]. Ethics in medical education not only serve to protect the dignity of cadavers, but also to establish the professional integrity of aspiring doctors. The application of strict ethics ensures that medical education can run in a balanced manner, respect human rights, and still produce competent and civilized medical personnel. Law Number 17 of 2023 concerning Health regulates various aspects of health services and education, including the use of cadavers in medical education. In Article 2 of the Health Law, it is stated that medical education aims to produce health workers who are professional, ethical, and respect human values. Therefore, the use of the cadaver as an object of practicum must be carried out in accordance with legal and ethical principles to guarantee respect for human dignity, even after death[23].

Acts against criminal law in treating corpses in an uncivilized manner have serious legal implications. Based on Permenkes No. 38 of 2022, this kind of action is considered a violation of the principle of respect for human dignity as stipulated in Article 3 paragraph (2). In addition, if the act is carried out deliberately and meets the elements of *mens rea*, the perpetrator can be subject to criminal sanctions based on the new Criminal Code (KUHP) and other related regulations.

Article 271 of the new Criminal Code stipulates that anyone who deliberately damages, insults, or mistreats a body can be punished. Such acts include acts that disrespect the corpse, such as making it a joke or using the body outside the context of legitimate medical learning.

The perpetrator can be sentenced to a criminal penalty in the form of imprisonment or a fine, depending on the degree of the offense and the impact caused.

In addition to criminals, perpetrators who engage in uncivilized treatment of corpses can also be subject to administrative sanctions. Article 27 of Permenkes No. 38 of 2022 requires health workers to report findings of suspected criminal acts during the mortuary process to investigators. If healthcare workers fail to meet these obligations, they may be subject to administrative sanctions, including revocation of practice licenses.

Institutions involved in violations can also be held legally accountable. Article 34 paragraph (1) of the Permenkes requires educational institutions to supervise and ensure that the practice of anatomical corpse surgery is carried out in accordance with legal and ethical standards. If the institution is negligent or proven to have facilitated the violation, the institution may be subject to administrative sanctions and become legally liable.

Acts against criminal law in this context also have ethical and disciplinary implications. Professional organizations, such as the Indonesian Doctors Association (IDI), can impose ethical sanctions on medical personnel or educators involved, including revocation of professional membership. This sanction aims to maintain the integrity and image of the medical profession in the eyes of the public.

Another legal implication is the reputational impact on medical educational institutions. Violations of laws and ethics in the use of corpses can hurt public trust in the institution, ultimately affecting new student admissions and public support for medical education activities.

Article 157 Paragraph (5) of Law Number 17 of 2023 concerning Health stipulates that the implementation of efforts to determine the cause of death can be combined with research, education, and training, including anatomical autopsy and/or clinical autopsy. This provision provides a legal basis for the use of corpses in scientific activities and medical education, with the aim of supporting scientific progress, improving the quality of medical education, and the competence of medical personnel. However, the implementation of these provisions must comply with applicable law, such as obtaining family leave or related authorities, and following administrative procedures and professional ethics.

If the execution of funeral activities is carried out without complying with legal requirements, it can be categorized as an unlawful act (*wederrechtelijk*). In addition, acts that degrade the honor of the body or are carried out in an uncivilized manner may violate Article 271 of the new Criminal Code, which prohibits disrespectful treatment of the body. These violations can be subject to criminal sanctions, so it is important for educational and research institutions to ensure that any action against the body is carried out humanely, professionally, and in accordance with applicable social norms. In this case, respect for the dignity of the body must be the main principle so as not to cause legal or ethical conflicts.

Article 157 Paragraph (1) of Law Number 17 of 2023 concerning Health states that for the sake of law enforcement and population administration, every person who dies must be tried to find out the cause of death and his identity. This provision affirms the state's obligation to ensure that each death has clarity both in terms of the cause of death and the identity of the body. This is important to support related legal processes, such as criminal investigations, population administration records, and vital data management.

In this context, the process of determining the cause of death and the identity of the body must be carried out in accordance with legal procedures, using a scientific and professional approach. If this process is carried out in a way that does not respect the body, such as treating the body in an uncivilized manner, then the action may violate Article 271 of the new Criminal Code. The article prohibits unlawful acts that include disrespectful treatment, degradation, or destruction of the body.

The relationship with criminal law is that any attempt to find out the cause of death or the identity of the body, such as forensic surgery or handling of the body, must still respect human dignity. Inhumane, unethical, or unlawful treatment may be classified as unlawful acts and subject to criminal sanctions. Therefore, every effort to determine the cause of death and the identity of the body needs to be carried out with strict legal standards and compliance with applicable social, cultural, and religious norms.

Thus, Article 157 Paragraph (1) provides a legal basis for efforts to determine the cause of death and the identity of the body, but its implementation must maintain the honor of the body and not violate the provisions of criminal law related to the treatment of the body. This emphasizes the importance of harmony between the goals of law enforcement and respect for human dignity, even after death.

Therefore, the legal implications for perpetrators of criminal acts in treating bodies uncivilly include criminal, civil, administrative, ethical, and reputational impacts. Strict law enforcement is needed to prevent similar violations and protect the dignity of the body and the integrity of medical education.

In order to provide legal certainty against unlawful acts (*wederrechtelijk*) in the practice of anatomical *cadaver* surgery in medical education, the legal system must have clear, firm, and consistent rules governing the use of corpses for medical education purposes, as well as ensuring the protection of the rights of individuals involved in the process[24]. Unlawful acts can occur if the corpse is used without valid consent, for example, if the body is taken without the family's permission or without going through appropriate legal procedures. This could have implications for violations of human rights and respect for the dignity of deceased individuals.

However, apart from the above, acts in the practice of anatomical corpse surgery if analyzed based on systematic interpretation, then acts that are considered uncivilized towards corpses cannot be classified because norms that provide legal certainty for the act of treating corpses uncivilized in the practice of anatomical corpse surgery (*cadaver*) in veterinary education are not found explicitly. This condition shows the existence of a gap in norms and this norm can be said to be a *vague norm*.

Radbruch's theory is that legal certainty cannot always be the primary goal when existing law is highly unjust or contrary to basic moral values. On the contrary, the principle of justice must take precedence, because laws that are applied definitively but are very unjust can damage the social order. Therefore, to be able to create true justice, it is necessary to carry out the written rules to reform the criminal law specifically that regulates uncivilized actions against corpses/corpses. Because legal certainty is one of the big challenges, especially in terms of consistent and fair law enforcement. Although there are clear rules, there is often uncertainty in their implementation, such as the existence of multi-interpretation norms and resulting in injustice in their implementation. Thus, legal certainty is a very important element in the modern legal system, but it cannot stand alone without striking a balance with the principles of justice and utility as emphasized by Radbruch's theory.

The practice of anatomical corpse (*cadaver*) surgery in medical education can be an unlawful act (*wederrechtelijk*) if it is carried out without complying with applicable legal rules or violating established principles of medical ethics. In this case, an unlawful act can occur if the corpse is used without the legitimate consent of the family or the authorities, or if the procedures applicable to the use of the cadaver are not followed correctly. For example, the use of a corpse taken illegally or without the explicit permission of the right party can be classified as *an act of wederrechtelijk*, which means it violates individual rights and ethical values. This kind of practice raises legal and moral problems because it goes against the basic principles that protect human dignity, even after death. In practice, there is often a conflict between justice and legal certainty. Radbruch proposed that in extreme cases, justice should take precedence. However, in normal situations, legal certainty should be a top priority.

Gustav Radbruch's theory of legal certainty provides an important perspective in looking at this unlawful act[26]. Radbruch emphasized that legal certainty should be the basis of the legal system, but in certain situations, legal certainty cannot be taken for granted if the law applied is not in accordance with the principles of justice and utility. In the context of the practice of cadaver surgery, although the law may provide certainty that the cadaver can be used for medical educational purposes, the use of the cadaver without a valid permit or in a manner that violates medical ethics is contrary to the principle of justice espoused by Radbruch. Clarity and order of the law must be maintained, but laws that provide certainty without considering justice and human rights can be considered immoral and illegitimate.

According to Radbruch's theory, although an act can be considered legitimate within a positive legal framework (e.g., the existence of regulations regulating the use of corpses for education), if the procedure is carried out in an unfair manner, such as without valid consent or violating human dignity, then it can be considered an unlawful act[27]. Legal certainty that is too rigid without considering the elements of justice and benefits can actually cause injustice. In this regard, the law must always put moral and ethical values first to ensure that any action, even if legally legitimate, still respects individual rights and human values. Therefore, the practice of dissecting corpses carried out in violation of fundamental rights or without legitimate procedures can be considered an unlawful act in view of Radbruch's theory of legal certainty.

The use of cadavers (human corpses) as practicum objects in medical education has complex legal and ethical implications. As an educational tool, cadavers play an important

role in learning anatomy and developing medical skills. However, its implementation must comply with applicable legal provisions and maintain professional ethical standards. The use of cadavers for medical education in Indonesia is regulated in Article 157 Paragraph (5) of Law Number 17 of 2023 concerning Health. In addition, more specific regulations such as health ministry regulations or academic guidelines can regulate the technical management of cadavers. The cadaver used must be obtained legally, through the consent of the party concerned (voluntary body donation) or his family. Without this consent, the act of taking or using a cadaver can be considered unlawful and violates Article 181 of the Criminal Code, which prohibits the removal or concealment of a corpse without a legal basis.

The use of cadavers in education should be done with respect for the remains. If the treatment of the cadaver does not meet the standard of honor, such as actions that degrade the dignity of the corpse, it can violate Article 271 of the Criminal Code which prohibits uncivilized treatment of the corpse. This includes actions such as ethical neglect, abuse of cadavers, or uses that are incompatible with educational purposes. Medical ethics require respect for the body as a symbol of respect for human life. Medical students and faculty must understand the importance of dignified treatment during practicums. Body donation or use of a cadaver must be done with consent that is clearly informed to the donor or his or her family. Transparency about the purpose of using the cadaver is essential. The learning process using cadavers must be integrated within an ethical educational framework. Activities such as pranks, unauthorized photography, or actions that are not relevant to the learning objectives may be considered unethical and undermine the integrity of the profession.

The use of cadavers must also take into account local social and religious norms. For example, some religious groups have specific rules about how bodies should be treated, which need to be respected by educational institutions. In an effort to mitigate legal and ethical implications, namely compliance with regulations, medical education institutions need to ensure that all activities involving cadavers comply with legal regulations and academic standards. Ethics training programs should be an integral part of the curriculum to ensure that students and staff understand the importance of respect for cadavers. The use of cadavers in medical education is a legitimate and important need, but it carries a great responsibility in meeting legal obligations and ethical standards. Educational institutions must ensure compliance with applicable regulations and integrate an approach that respects the dignity of the remains. Thus, this process not only supports the advancement of medical science but also maintains harmony between law, ethics, and human values.

The theory of legal certainty put forward by Gustav Radbruch provides a very important perspective in looking at unlawful acts, especially in the context of acts that degrade human dignity, such as in the practice of anatomical dissection[28]. Radbruch, a German legal philosopher, developed a theory that emphasized three main values in law: justice, utility, and legal certainty. In his view, these three values should take precedence in the application of the law, and if there is an imbalance between these values, then a law that is unjust or inconsistent with moral principles will lose legitimacy[29]. Radbruch argues that legal certainty, namely compliance with existing legal rules, is indeed very important, but it should not override the values of justice and morality. Radbruch states that in certain circumstances, laws that are unjust or violate moral principles should be rejected, even if they are technically legal and enforceable. This is known as "legal tolerance of injustice", where although a law may be legally acceptable, if it contains a clear injustice, then it can be considered an unlawful act.

The connection of Radbruch's theory to the practice of anatomical corpse surgery is that although there is legal certainty in the regulations governing the use of cadavers for medical education, any practice involving the use of corpses must always be viewed in a moral and ethical perspective. If the practice degrades human dignity or is carried out without lawful consent, then even if it follows the applicable legal procedures, it can be considered an unjust unlawful act, and contrary to moral principles and human rights.

In other words, according to Radbruch's theory, unlawful acts in the practice of anatomical dissection that degrade human dignity, even in accordance with existing legal procedures, can still be considered a violation of the law if they do not meet high moral and ethical standards. This emphasizes the importance of justice and respect for human dignity in the application of the law, especially in matters involving the human body, both during life and after death.

Legal reform in the context of uncivilized acts, especially related to the practice of anatomical corpse (cadaver) surgery, is indispensable to ensure that the law prioritizes not only legal certainty, but also justice and morality. According to Gustav Radbruch's theory of legal certainty, although legal certainty is important, the value of justice and morality must take

precedence so that the law not only becomes an instrument that regulates the execution of procedures, but also ensures that such practices are carried out with respect for human dignity. In the context of anatomical dissection, practices that degrade the dignity of the corpse, such as the use of a cadaver without valid consent or for unethical purposes, should be avoided.

Therefore, legal reform needs to emphasize the principle of written consent, either from the individual during his or her lifetime or from his or her family, before the cadaver is used for medical education. In addition, these reforms should also include the establishment of stricter ethical standards to ensure that the use of cadavers is only for legitimate purposes, such as teaching anatomy or training medical skills, and not for commercial interests or exploitation of the human body. Strict enforcement of sanctions against ethical violations is also very important, so that perpetrators who degrade the dignity of the body receive appropriate punishment.

Further, stricter supervision of medical educational institutions that use cadavers is needed to ensure that every step taken complies with medical laws and ethics. Finally, respect for the family's right to manage the remains must be ensured, by giving them the full right to decide whether a cadaver should be used in medical education. Thus, legal reform that integrates justice, morality, and legal certainty will ensure that the practice of anatomical corpse surgery is carried out with high ethics and does not degrade human dignity, in accordance with the principles put forward by Gustav Radbruch in his theory of legal certainty.

Analysis of legal interpretation and legal reasoning in the context of legal reform related to the practice of anatomical corpse surgery (cadaver) must consider how the law is applied fairly and in accordance with the moral values that apply in society. Legal interpretation refers to the way of understanding and interpreting existing legal provisions, while legal reasoning is the process of drawing legal conclusions based on existing facts and norms. In this context, law is not only seen in terms of formal texts or regulations, but also in terms of justice, morality, and respect for human rights.

First, the interpretation of the law in the case of anatomical corpse surgery practices requires a more holistic approach, which does not rely solely on legal texts, but also takes into account the social and moral context. Although the Regulation of the Minister of Health Number 38 of 2022 regulates the use of cadavers for medical education, a more in-depth interpretation of the law needs to ensure that any action against the body is carried out with respect for human dignity. This interpretation may include an interpretation of the provision regarding the consent of the corpse, for example, to assert that such consent must be given clearly and consciously, and not the result of coercion or ignorance of the parties involved. In addition, the interpretation of existing norms must involve moral considerations, such as the right of the family to decide on the use of cadavers, as well as the prohibition against the use of corpses for commercial or exploitative purposes.

Furthermore, legal reasoning in this context involves a reasoning process that relates legal norms to the facts in the field. Legal reasoning is not only based on what is written in laws or regulations, but also on broader values of justice. In this case, correct legal reasoning would have taken into account whether a surgical practice of anatomical corpses was actually carried out for legitimate purposes, such as medical education and research, or if there were elements that degraded the dignity of the corpse, for example, if the cadaver was used without valid consent or for unethical purposes. Legal reasoning will also consider the relevance of ethics in every decision taken by the parties involved, be it medical education institutions, the families of the deceased, or the wider community.

In terms of legal reform, legal reasoning also plays a role in determining whether existing legal norms reflect the principles of justice and morality. For example, if the practice of autopsy is carried out without regard for the principle of respect for human dignity, then legal reasoning should urge that the existing legal rule be updated to further emphasize respect for human dignity and the legitimate consent of the family. In addition, legal reasoning should also focus on the importance of prevention against cadaver abuse, such as corpse trafficking, which undermines the true purpose of medical education. In this regard, legal interpretation and reasoning must work together to ensure that the legal norms applied not only regulate certainty, but also protect human rights and maintain moral integrity in medical practice.

Thus, in the practice of anatomical dissection, legal interpretation and legal reasoning must complement each other to enforce a law that is not only formally valid, but also substantially just. The law must be understood and applied with due regard to moral values and human rights, so that acts that degrade the dignity of the corpse can be avoided, and the

practice of medicine is still carried out in accordance with the principles of justice, ethics, and respect for human dignity.

5. Conclusions

Forms of Unlawful Acts (*Wederrechtelijk*) in the Practice of Anatomical Corpse Surgery, i.e. the uncivilized treatment of corpses in the practice of anatomical corpses, such as use without valid permission or violations of ethical norms, can be categorized as unlawful acts (*wederrechtelijk*). This action violates Article 271 of the Criminal Code (KUHP) and can be subject to criminal sanctions. However, existing regulations have not explicitly regulated the details of the forms of action that are considered uncivilized, thus opening up space for interpretation and potential abuse.

The use of cadavers in medical education needs to be regulated in a more comprehensive, ethical, and transparent manner through the involvement of various parties. The government has an important role in revising regulations, ensuring law enforcement, and providing public education and facility support. Medical education institutions are obliged to ensure the management of cadavers in accordance with legal and ethical standards, establish ethics committees, and instill the values of respect for corpses to students. Professional associations are expected to develop strict ethical guidelines, while the community and the families of the deceased need to be involved in the decision-making process through informed and transparent consent. Collaboration and alignment between parties are key to creating dignified and responsible medical education practices.

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