

Enlargement of Penis Ala Mak Erot Between Law, Tourism and Health (Are There Negligence and Malpractice Elements?)

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ABSTRACT--Penis enlargement spreads in millennial times, even the advertisements on Facebook and Instagram are widely spread into daily reading. It has even become controversial with the planning of the Indonesian health minister over the implementation of a traditional Indonesian Health Tourism, one of which is Penis enlargement ala Mak Erot. On the other hand, Tompi, a plastic surgeon stated that the traditional health tourism idea besides Mak Erot such as Purwaceng, Kerokan and Tongkat Ali is good because the impact on the body is also good, but for the Mak Erot case it is still debatable for its efficacy, because it leaves less effect good on most patients penises. This paper uses the IMRaD style (Introduction - Methods - Results and - Discussion, preceded by Abstract and ended by Conclusion). This case in health law can be formulated on three: first, Does Mak Erot-style penis enlargement contain negligence and malpractice? Second, what is the legal solution for patients who are truly victims of negligence and malpractice? Third, If it is true that Mak Erot-style Penis Enlargement is safe from negligence and malpractice, can this traditional health tour guarantee legal justice for both domestic and foreign patients? Legal sociology is used as a method of answering problem formulations so as to provide three research results, first, in the medical record kept by Tompi, Mak Erot-style penis enlargement contains negligence and malpractice, because the patient requests that his penis be repaired, even in the Tukul event, as told by the successor of Mak Erot that the patient was asked to sign Approval of Medical Actions (Pertindik). Second, the legal solution that can be applied in negligence and malpractice cases is to apply alternative sentences from some of the principles of *usul fiqh* and the application of law of tort as a reinforcer for cases of penis enlargement. Third, legal justice is applied in accordance with the agreements agreed upon by the parties when carrying out penis enlargement. The discussion is divided into three topics. First, the pros and cons of the Mak Erot method in the process of penis enlargement, the pros state that penis enlargement is not done by injection, meaning the penis is safe, different from the cons who believe that the penis enlarges like a body builder in men who are injected with hormones so that it is enlarged. Second, the legal solution to traditional medicine or clinics is a long debate because patients are free to make choices without any element of coercion. Third, Traditional Health Tourism which leads to penis enlargement and the level of endurance does require moral and religious support, so that it becomes an *halal* attraction for tourists. Conclusions are: first, the need for certification of Mak Erot-style penis enlargement becomes a necessity in realizing traditional health tourism that legally guarantees both patients and alternative medicine practitioners. Second, negligence and malpractice limits must be set by the government in more detail through health and tourism regulations. Third, Traditional Health Tourism should

be socialized in all universities so as to bring up alternative medicine study programs that are certified.

Keywords: Penis enlargement, Mak Erot, negligence, malpractice, traditional health tourism

I. INTRODUCTION

The matter of enlarging and extending the penis is not a new thing in human life, because penis size is one thing that always makes men upset, let alone being a symbol of virility and pride, so that if the penis is considered small by an adult male, it will cause prolonged anxiety. It is this anxiety that brings a variety of ways, from the usual to the strange and extreme in terms of enlarging and extending this vital tool.

Enlargement of the penis in various parts of the world is done in different ways: ballast in India and Peru, being bitten by a poisonous snake in Brazil, transplanting various objects into the penis in Southeast Asia. Overall, men are convinced of the myth "*the bigger the better*", even willing to be injected with high-risk silicone in the form of inflammation, ulcers in the skin, pain and impotence[1], with no certainty of success in enlargement, but does not provide a sense of deterrent for men to keep trying it [2].

This issue is interesting and becomes more important to be investigated because in 2019, the Indonesian health minister, Terawan, wants to carry out a "Traditional Indonesian Health Tourism program" consisting of various therapies and treatments, especially those that only exist in Indonesia, such as *Kerokan*, *Purwaceng*, *Tongkat Ali* and *Penis enlargement ala Mak Erot*[3].

Tompi, the artist as well as a surgeon, has no problem with traditional health tourism in *Kerokan*, *Purwaceng* and *Tongkat Ali* launched by the minister of health. Mak Erot-style penis enlargement which he protested, though, the final goal was also something like, *Purwaceng* and *Tongkat Ali*, which both functioned in terms of duration and strength for the penis.

Tompi's protest against Terawan was based on Mak Erot's patients who came to him to 'repair' their vital organs damaged by the injection. Even though then, Mak Erot generation invited Tompi to come directly to Mak Erot's place to try this therapy[4].

Mak Erot's problem has become restlessness in law, health and tourism. Legal anxiety is divided into two things, there are rules but they are not obeyed and there is

an act that is claimed to be ethically and socially violated but cannot be punished because there are no rules. Health anxiety is based on the existence of medical action and medical records that serve as a shield from the practice of treatment and therapy that harms the patient so that it cannot be reported and punished. Tourist anxiety lies in the hedonic cultural pattern oriented to sexual happiness based on the size and length of a penis that is contrary to religious behavior and eastern ethics.



Figure 1. The Pamflet of Mak Erot,

I photographed Figure 1 ad myself at a red light near RSUD Sidoarjo Jawa Timur, Indonesia

These three concerns raise three research questions: are there negligence and malpractice elements in the case of Mak Erot-style penis enlargement? What is the solution for patients who suffer losses with negligence and malpractice? And if there is no negligence and malpractice, does the Traditional Health Tour guarantee legal justice for domestic and foreign tourists?

Research approach conducted with the Sociology of Law. This approach was chosen to measure the keys of sociology to matters relating to dominance, influence and dependence on this case[5], especially on matters of dominance - influence - dependence of health and tourism laws on fitness therapy and penis enlargement in the style of Mak Erot, which is done with the shield of the Informed Consent and medical record. Sociology of Law will be used as a tool in measuring the extent of the

dominance - influence - dependence of law as a tool and procedural research in answering three research questions.

II. RESEARCH METHOD

I used Qualitative Method in this research. The selection of Qualitative methods is based on how a research object can be viewed from various points of view and open to different interpretations in each approach[6]. My current research is a review of research, which is based on the results of my interviews with two parties who have different views on the issue of penis enlargement. Other sources I get from the news published in the media about Mak Erot.

In the Research Method, as in the IMRaD structure element also includes Materials. I got Materials research in the form of a semi-open interview, as a confirmation of Tompi's statement in response to Traditional Health Tourism.

Semi-open interview contains the same two questions on two different sources. The questions are: (1) is penis enlargement really free from injections like a body builder? (2) if penis enlargement occurs in practice that is not what the patient expected, how is the treatment?

N (initials), a doctor who is also a health law teacher at the Law Faculty of Bhayangkara University in Surabaya, answered that penis enlargement, one of which, was done by injection, confirming Tompi's statement. N added confirmation of the truth of the injection as an enlarger with the case of the patient who was mistakenly injected by his wife, patient X on his penis and enlarged abysmally, thus asking that her husband's penis be back to normal. These injections vary in size and duration. The truth of the injection can enlarge the penis discovered by Dr. Norman Rowe, plastic surgeon in New York by injecting the patient's own blood as in the Botox method and athletes to be fit again.[7] The soldiers also made injections enlarging their penises while on duty and when returning to the mainland, they were forced to be taken to hospital because of enlargement that exceeded the normal limit, according to the confession of J, the ex-wife of the army.

The second answer to the interview, N said that it was true that this injection could be requested from doctors with PERTINDIK (Informed Consent) and Medical Records[8], both of which make negligence and malpractice disappear in legal cases. Confidentiality of PERTINDIK (Informed Consent) and Medical Records are highly maintained. Patients when signing PERTINDIK realize that they have the ability to bear the consequences and risks of failure, which essentially frees the doctor from lawsuits, especially civil law, which is seen from the doctor-patient relationship.[9]

K (initials), my friend and student while living in Cairo, Egypt. K now living in Bandung, once, once offered me to enlarge my penis a la Erot style as a 'reply' for the tutoring that I gave when we were both studying at Azhar University. But I refused the offer, because of mystical factors and restrictions that must be carried out during penis enlargement. I confirm K with the same two

questions. The answer is exactly the same as the answers to the successors of Mak Erot, that in Mak Erot's original penis enlargement therapy, there are no injections at all, only sequences on the penis along with the spread of secret ingredients plus spells recited by the therapeutic practitioner. Penis enlargement is also done with bamboo choices provided in various sizes.

The second answer, K states that if all terms and conditions are followed and prohibitions and restrictions are avoided, then the therapy will be ensured successful. K assured me that he had practiced his own penis enlargement, and succeeded as he hoped. K added that justifying the existence of PERTINDIK (Informed Consent) and Medical Records in the form of signs and actions. Even in the program Tukul Empat Mata, which invited Mak Erot directly when he was alive, 12 years ago, was uploaded by barrock81 to Youtube and divided into 8 sections, that in protecting his medical practice, Mak Erot asked his patients to also do PERTINDIK (Informed Consent) and also by doing Medical Records with two packages, Package I and Package II according to the detik.com report which was also uploaded on Youtube with the title "Being 19 cm in the Mak Erot Clinic"[10]

III. FINDINGS AND DISCUSSION

Findings in this study, from the point of view are two views on Mak Erot-style penis enlargement, both the views of doctors and the views of Mak Erot-style penis enlargement practitioners. The results of the researchers who answered the Research Question are as follows: First, Negligence and malpractice are not found in penis enlargement a la Erot style because legally that the practice of penis enlargement is fortified with PERTINDIK and Medical Records. Second, the patient's loss when things go wrong are the negligence on the part of the patient himself because the patient has never been forced to come to Mak Erot's practice location and the patient's willingness to do PERTINDIK either in writing or not in writing. Third, if it is associated with traditional health tourism, then foreign tourists can be guaranteed not to be able to sue Erot-style penis enlargement practitioners to court because it is protected by PERTINDIK and supported by the secrecy of the Medical Record.

I present this research discussion focusing on the application of the principles of Usul Fiqh and Law of Tort that can be used as an alternative legal solution, because in principle of legality, the law cannot ensnare Mak Erot's penis enlargement practitioners.

The two rules of Usul Fiqh that can be discussed are La Dharar wa La Dhirar (Do no harm to oneself and do no harm other than oneself) and al-Dharurat tuqaddar biqadriha (things that are made aware of with emergency levels)[11]. Both of these rules relate to the size of Dharar and Dhirar on penis enlargement and any matters that include levels of emergency. Dharar are all things that endanger yourself. Dhirar is anything that is dangerous besides yourself. Qadriha is the size and level of things in which there is caution in the form of its implementation

and has a significant impact and can result in loss and even death if the process is not successful.

Mak Erot-style penis enlargement is included in the frame of these two rules because the levels of danger to oneself and harm besides yourself is in penis enlargement, which then becomes a discussion that raises the pros and cons, whether penis enlargement needs to be done so that a patient avoids danger, or even conversely, when penis enlargement will it be dangerous for the patient and for the patient's partner? Self-harm and danger to non-self is a discussion that is measured by the size of each according to the background and life experiences experienced by each person. For those who pro state it is fine to enlarge the penis if the danger is greater if it is not done. For those who contradict penis enlargement is something that endangers yourself and other than yourself, because the enlargement process seems to reject God's destiny.

Law of Tort as a discussion in the solution offers that the attitude of a person that results in other people being injured and having an accident due to carelessness and violating community rules can negotiate non-litigation in solving problems. If there is no agreement in the matter of non-litigation, the victim can demand compensation in court[12].

The conclusion is Mak Erot-style Penis Enlargement cannot be punished in court for refuge in PERTINDIK and Medical Records in accordance with the principle of legality, but the burden of social and religious sin can follow the practice of penis enlargement practices with negative intentions and intentions of patients and their practice in the effort to perpetuate the success of prostitutes male (gigolo) and increasing the number of cases of infidelity, especially in areas that are visited by many foreign tourists.

Two implications that I suggest, first for the government to immediately open a penis enlargement study program in public and private universities in order to develop traditional health tourism that is launched at this time. Secondly, for religious leaders to be able to provide fatwas relating to penis enlargement is something that was born from Indonesian culture and is not at all contrary to religion that is adopted in Indonesia.

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