



Legal Aspects of Dental Practice in Indonesia: A Study of Legal Protection and Professional Ethics

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Abstract

Dental practice in Indonesia plays an important role in improving the quality of public health, but faces various legal and ethical challenges. This article aims to review the regulation of legal protection and the implementation of professional ethics for dentists in Indonesia, focusing on Law Number 17 of 2023 concerning Health and the Indonesian Code of Dental Ethics (KODEKGI). Regulations such as informed consent and professional standards are important elements in providing legal protection for dentists, while the implementation of the code of ethics serves to maintain professionalism and harmonious relationships with patients. However, the implementation of these regulations and ethics still faces challenges, such as lack of legal education, economic pressures, and information imbalances between dentists and patients. This study concludes that intensive legal and ethical education, strengthening supervision, and adapting to technological developments are needed to improve the quality of safe and legally compliant dental services.

Keywords: Health Law, Dentistry, Professional Ethics

INTRODUCTION

Dental practice in Indonesia has a strategic role in supporting public health in general. As part of health services, dentists are responsible for providing services that are not only focused on medical aspects, but also based on law and professional ethics. The complexity of these responsibilities often creates challenges involving legal disputes or malpractice claims. Therefore, it is important to review the legal protections available to dentists in carrying out their profession, as well as to understand how professional ethics can be a guide to maintaining a healthy professional relationship between dentists and patients. (Hasna, Laila, and Andri 2023)

Legal protection for dentists has been regulated in various laws and regulations in Indonesia, one of which is Law Number 17 of 2023 concerning Health, which provides a legal basis to ensure the protection of medical personnel, including dentists. In practice, this legal protection covers several aspects, such as: (Mukidi 2020)

1. Informed Consent:

Dentists are required to provide an explanation to patients about the risks, benefits, and alternatives of medical actions before the procedure is performed. This aims to avoid potential legal disputes if medical complications that have been previously informed occur.

2. Compliance with Professional Standards:

Article 440 of this Law emphasizes that health workers who act in accordance with professional standards cannot be legally sued for results that do not meet patient expectations, as long as they have carried out their duties in good faith.

However, despite the availability of legal protection, many dentists do not fully understand their legal rights or do not have adequate access to legal representation. In addition, patient misunderstandings about dentists' responsibilities often trigger disputes.

In addition to the legal aspects, dentists are also bound by the Indonesian Code of Dental Ethics (KODEKGI), which is the main guideline in maintaining moral standards and professionalism. Violation of this code of ethics can have serious consequences, both for the dentist's professional reputation and for the relationship with the patient.

For example, a lack of transparency in patient communication is often at the root of ethical issues. Patients who feel they have not been adequately explained the risks of a procedure may perceive the dentist as not

being responsible for the medical treatment performed. This not only impacts patient trust but also has the potential to lead to lawsuits.

The two main issues that will be discussed in this paper are:

1. How do legal regulations in Indonesia provide protection for dentists in carrying out their practice? This issue will review the legal basis and legal protection mechanisms for dentists, including the implementation of informed consent and compliance with professional standards.
2. How are the implementation and challenges of professional ethics in dental practice in Indonesia? This discussion will highlight the importance of KODEKGI as an ethical guideline, as well as the problems that often arise due to a lack of awareness or application of the code of ethics in daily practice.

Law Number 17 of 2023 concerning Health provides a strong basis for legal protection for dentists, especially through the application of informed consent as an important element in every medical action. Article 440 of this law states that health workers cannot be prosecuted if they have acted according to professional standards and based on patient consent.

On the other hand, KODEKGI strengthens the position of dentists in facing ethical challenges, by establishing principles such as respecting patient rights and maintaining medical confidentiality. These principles not only protect patients, but also provide a moral basis for dentists to maintain their professional integrity.(PUSMILASARI 2021)

However, the implementation of this legal and ethical protection faces challenges that are not simple. The lack of public understanding of the rights and obligations of dentists is often a source of tension, especially when the results of medical procedures do not match patient expectations. Therefore, more intensive legal education is needed, both for dentists and the public, to create a more harmonious and understanding relationship.

By understanding the legal and ethical aspects of dental practice, it is hoped that dentists can carry out their duties with a sense of security and confidence. Clear regulations and consistent application of a code of ethics are the main keys to protecting dentists from legal risks, while ensuring better quality health services for the community. Legal education for dentists and the community also needs to be improved to build awareness of the rights and responsibilities of each party in the context of health services.

METHOD

This study uses a normative legal method, which focuses on the study of laws and regulations, legal documents, and legal principles relevant to legal protection and professional ethics in dental practice in Indonesia. The main data sources in this study are primary legal materials, such as Law Number 17 of 2023 concerning Health and the Indonesian Code of Dental Ethics (KODEKGI), as well as secondary legal materials in the form of legal literature, scientific articles, and related journals. The analysis was carried out with a conceptual approach to understand how law and ethics are applied in dental practice and identify challenges in their implementation.(Prasetyo 2015)

The data obtained were analyzed qualitatively using a descriptive-analytical approach. This approach aims to describe how legal regulations and codes of ethics are applied in the context of dental practice, as well as to analyze the gap between existing regulations and their implementation in the field. The results of this study are expected to provide applicable recommendations for dentists and related parties in improving legal protection and the application of professional ethics.

RESULTS AND DISCUSSION

Legal Regulations for the Protection of Dentists in Their Practice in Indonesia

Dental practice in Indonesia is not only medical, but also involves complex legal aspects. Legal protection for dentists is one of the main issues that needs attention because this profession has high legal risks.(Wibowo, Putera, and Pramono 2023)In Law Number 17 of 2023 concerning Health, dentists, as part of the health workforce, have guaranteed legal protection to ensure they can carry out their duties without worrying about baseless lawsuits. This chapter will discuss how legal regulations in Indonesia provide protection for dentists, including relevant legal mechanisms and challenges in their implementation.(Darwaman, Sidi, and Saragih 2023)

Legal protection for dentists is regulated in various laws and regulations. Law Number 17 of 2023 concerning Health is the main legal umbrella that regulates the rights and obligations of health workers, including dentists. In this law, several articles are relevant to the protection of dentists, including:

- Article 440, which states that health workers cannot be sued for medical actions that do not meet expectations, as long as the actions are carried out according to professional standards, in good faith, and based on the patient's consent.
- Article 439, which regulates the obligation of dentists to provide complete and transparent information to patients before performing medical procedures. This is known as the concept of informed consent, which serves as legal protection for dentists in facing the risk of lawsuits from patients.

In addition, Minister of Health Regulation Number 290/MENKES/PER/III/2008 concerning Consent to Medical Actions provides technical guidance on how informed consent should be carried out. In practice, this consent must include an explanation of the diagnosis, the procedure to be performed, the possible risks, the benefits of the action, and other available alternatives.(Sidi and Putra 2022)

One of the main elements in the legal protection of dentists is the application of informed consent. This concept emphasizes the importance of communication between dentists and patients. In a legal context, informed consent functions as a document that can protect dentists from lawsuits, provided that the information provided to patients is complete and easy to understand.

However, in practice, the implementation of informed consent often encounters obstacles. Many patients do not understand the information conveyed by the dentist, either due to limited medical understanding or ineffective communication. For example, in cases of high-risk tooth extraction, patients often ignore the risks that have been explained and blame the dentist if complications occur. This shows the importance of effective communication and complete documentation to protect dentists from potential legal disputes.

In addition to informed consent, legal protection for dentists is also based on professional standards. These professional standards refer to guidelines set by professional organizations, such as the Indonesian Dental Association (PDGI), as well as relevant clinical practice guidelines. Article 440 of Law Number 17 of 2023 states that medical actions carried out in accordance with professional standards cannot be used as a basis for lawsuits.

Professional standards not only protect dentists, but also ensure that patients receive quality services. For example, actions such as dental implant placement or oral surgery must be carried out in accordance with established standard procedures. If the dentist has followed these standards, then he or she is entitled to legal protection even if the results of the action do not meet the patient's expectations.

If a dispute arises between a dentist and a patient, the available resolution mechanisms include mediation, arbitration, or court. In some cases, disputes can be resolved through the Indonesian Medical Discipline Honorary Council (MKDKI), which is tasked with handling disciplinary violations by medical personnel.

MKDKI provides a forum for dentists to defend themselves if there is an alleged violation of discipline. However, if the dispute develops into a lawsuit, the dentist can use the informed consent document and evidence of compliance with professional standards as the basis for defense. This shows the importance of good documentation in every medical action.

Although legal regulations have provided adequate protection, their implementation in the field still faces various challenges. Some of them are:

- Lack of Legal Understanding by Dentists: Many dentists do not fully understand their legal rights and obligations, leaving them vulnerable to lawsuits.
- Lack of Legal Education for the Public: Patients often do not understand the limits of dentists' responsibilities, so they assume that all complications are medical errors.
- Lack of Documentation: In some cases, dentists do not have adequate documentation to prove that they have acted according to professional standards.

As an illustration, a case involving high-risk tooth extraction can illustrate the importance of legal protection. In this case, a patient with a history of diabetes mellitus experienced complications after tooth extraction. Although the dentist had provided informed consent and explained the risks, the patient still filed a lawsuit. The court finally decided that the dentist was not guilty because he had acted according to professional standards and the signed informed consent was strong evidence.

Challenges and Implementation of Professional Ethics in Dental Practice in Indonesia

Professional ethics is the moral and professional foundation in dental practice. As a guideline for behavior, professional ethics serves to maintain a balance between the obligations of dentists, patient rights, and the interests of society.(Tanjung and Tanjung 2023)In Indonesia, the Indonesian Code of Dental Ethics (KODEKGI) is the main reference in determining ethical standards for dental practice. However, the implementation of this professional ethics faces various challenges that have the potential to affect the quality of service and the relationship between dentists and patients.(Hasna, Laila, and Andri 2023)

The Indonesian Code of Dental Ethics establishes the main principles that must be applied in dental practice. Some of these principles include:

- **Patient Autonomy:** Respecting the patient's right to make decisions regarding care based on information provided by the dentist.
- **Non-Maleficence:** Prioritizing the principle of not harming patients in every medical procedure.
- **Beneficence:** Providing maximum benefit to patients by considering the balance between risks and results of the action.
- **Justice:** Providing fair services without discrimination against patients.

These principles are not only moral guidelines, but also have legal implications. Violations of ethics can lead to lawsuits or even disciplinary sanctions imposed by the Indonesian Medical Discipline Honorary Council (MKDKI).

Although KODEKGI provides clear guidance, its implementation in the field often faces various challenges, including:

- a. **Lack of Understanding of Code of Ethics**
Not all dentists understand the content and importance of the code of ethics in depth. This is due to the lack of structured professional ethics training, both in formal education and in professional development activities.
- b. **Economic Pressure and Competition**
In dental practice, especially in private clinics, economic pressures and competition can affect the application of ethics. Some dentists may be tempted to take steps that are not in accordance with ethical principles, such as performing unnecessary medical procedures for financial gain.
- c. **Information Imbalance between Doctors and Patients**
Patients often do not have sufficient understanding of the risks and benefits of medical procedures. This imbalance can lead to ineffective communication, which ultimately triggers patient dissatisfaction. For example, when a patient perceives that a dentist has not provided adequate information, this can be considered a serious ethical violation.
- d. **Use of Technology in Practice**
Technological advances, such as the use of telemedicine applications for dental consultations, also pose new ethical challenges. For example, the difficulty of maintaining patient privacy and ensuring accurate diagnosis through digital platforms can affect the doctor-patient relationship and adherence to ethical principles.

One relevant case is a patient's complaint regarding the installation of braces that was carried out without adequate explanation regarding the risk of complications. The patient felt disadvantaged after experiencing serious gum injury due to the treatment. In this case, the dentist was considered to have violated the principle of transparency and the obligation to provide complete information. As a result, the patient filed a complaint with a professional organization, which then gave the doctor a warning sanction.

To address these challenges, some steps that can be taken include:

- **Improving Professional Ethics Education:** Providing structured ethics training for dentists, both through formal education and continuing professional development (CPD) programs.
- **Increasing Patient Awareness:** Providing education to the public about patient rights and responsibilities in dental practice to reduce misunderstandings and dissatisfaction.
- **Supervision and Enforcement of the Code of Ethics:** Strengthening the role of professional organizations in supervising and enforcing compliance with the code of ethics, including providing strict sanctions for violations.

- Technology Guidelines in Medical Ethics: Developing ethical guidelines specifically for the use of technology in dental practice, including telemedicine and digital applications.

Ethical violations not only affect the professional reputation of dentists, but can also have legal consequences. In some cases, ethical violations can be considered a form of negligence or medical error that can be subject to sanctions in accordance with Law Number 17 of 2023 concerning Health. In addition, ethical violations related to violations of patient rights, such as the right to information, can also trigger civil or criminal lawsuits.

The implementation of good professional ethics is actually a form of legal protection for dentists. By practicing in accordance with the code of ethics, dentists not only maintain patient trust but also minimize the risk of legal disputes. For example, effective communication and transparency in providing information to patients can prevent misunderstandings that lead to lawsuits. (Sustainable 2021)

The challenges in implementing professional ethics in dental practice in Indonesia require serious attention from all parties, including dentists, professional organizations, and the government. By addressing these challenges through education, supervision, and strengthening regulations, it is hoped that professional ethics can be implemented consistently, so as not only to protect patients but also to provide adequate legal protection for dentists.

CONCLUSION

Dental practice in Indonesia faces complex legal and ethical challenges. Regulations such as Law Number 17 of 2023 concerning Health provide a clear legal basis to protect dentists in carrying out their duties, especially through mechanisms such as informed consent and compliance with professional standards. On the other hand, the Indonesian Code of Dental Ethics (KODEKGI) is an important guide to maintaining professional relationships between dentists and patients. However, the implementation of these regulations and ethics still encounters various obstacles, such as the lack of legal education for dentists, minimal public understanding, and challenges from advances in medical technology.

To overcome these obstacles, joint efforts are needed from all parties, including dentists, professional organizations, and the government. Legal and ethical education, strict supervision, and regulatory adjustments to technological developments are strategic steps to ensure safe, ethical, and legal dental practices. Thus, optimal legal protection and ethical implementation can improve the quality of services, maintain patient trust, and protect dentists from unnecessary legal risks.

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