



LEGAL PROTECTION FOR THE USE OF TELEDENTISTRY IN DENTAL PRACTICE BASED ON LAW NUMBER 17 OF 2023 CONCERNING HEALTH

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Abstract

In the era of Society 5.0, developments in information and communication technology have brought significant transformations to the healthcare sector, including dental practice through the implementation of teledentistry. Teledentistry enables the delivery of dental health services remotely through digital media, thereby expanding public access to dental health services, especially in remote areas. Despite its convenience, the use of teledentistry raises complex legal and ethical challenges, particularly regarding the protection of patient personal data, dentists' legal responsibilities, and the quality of the doctor-patient relationship. This study aims to analyze legal protection in teledentistry practice based on Law Number 17 of 2023 concerning Health, with an emphasis on aspects of professional ethics and dentists' professional responsibilities. The method used is a normative juridical approach with an analysis of laws and regulations as well as legal literature and medical ethics. The results show that current regulations are still inadequate in regulating teledentistry practice in detail, particularly regarding digital data security, standard procedures for remote diagnosis, and online medical consent mechanisms. Therefore, it is necessary to strengthen regulations and comprehensive ethical guidelines so that teledentistry practices can be carried out safely, ethically, and responsibly in accordance with legal standards and dental professionalism in Indonesia.

Keywords: *Teledentistry, Professional Ethics, Legal Protection, Health Law.*

INTRODUCTION

In the era of Society 5.0, information and communication technology is developing rapidly and having a significant impact on various fields, including healthcare. One innovation that has been implemented in Indonesia is teledentistry. Initially, teledentistry, which is a subset of telemedicine, aimed to improve the quality of patient care, provide education on dental and oral health, and strengthen interactions between dental professionals. Teledentistry can be defined as the provision of dental and oral health services online using various platforms such as video, audio, or other multimedia media. Teledentistry offers solutions that expand public access to dental health services, reduce waiting times in clinics, and provide patients with the opportunity to receive medical care more quickly and efficiently. Teledentistry can be implemented in various forms, such as remote consultations, sending dental x-ray images or videos for further analysis, and digitally managing patient data. This allows dentists to provide diagnoses, treatment recommendations, and preventative care through digital platforms. With the increasing use of mobile devices and cloud-based applications, teledentistry is becoming an increasingly relevant solution in the world of dentistry.

Teledentistry Teledentistry utilizes digital technology to provide remote dental health services. This concept offers several advantages, such as increasing accessibility for people who struggle to access conventional healthcare services and increasing service efficiency. However, despite its significant benefits, the implementation of teledentistry also raises various legal, ethical, and professional challenges, particularly in the context of dental practice. From a legal perspective, teledentistry raises complex issues, particularly regarding legal protection for dentists who use this technology in their practices. Based on Law Number 17 of 2023 concerning Health, the use of

information technology in healthcare must comply with clear legal provisions to ensure the protection of both patients and medical personnel.

However, the concept of teledentistry remains a gray area regarding existing legal regulations in Indonesia. Teledentistry practices raise a number of significant legal issues, one of which relates to the protection of patient personal data. According to Article 274 letter c of Law Number 17 of 2023 concerning Health, all medical personnel are required to maintain the confidentiality of patient information. However, emerging legal challenges include the protection of patient personal data, the accuracy of diagnoses, and the legal responsibility of dentists for medical procedures performed through digital platforms. Teledentistry practices conducted through digital media are vulnerable to the risk of patient personal data leaks, either due to hacking or technical negligence. This issue is further complicated by the lack of clear guidelines regarding the management and security of medical data in a digital context, leading to the significant question of who is responsible for breaches of patient personal data.

Another crucial aspect of teledentistry is the dentist's legal liability for medical procedures performed remotely. A dentist's ethical responsibility also includes maintaining transparent and accurate communication with patients and providing clear information regarding the limitations of this technology. Teledentistry practices require limited interaction between the doctor and patient, and in some cases, a diagnosis can be made without a direct physical examination. This presents challenges in determining medical liability and medical errors that occur in teledentistry practices. Furthermore, Law No. 17 of 2023 concerning Health requires clear guidelines regarding physicians' responsibilities in this regard to ensure that teledentistry practices are conducted safely and in accordance with applicable standards. Misuse of technology for personal gain or a decline in service quality can damage the reputation of the dental profession as a whole. Therefore, ethical principles must always be upheld in all medical practices, including teledentistry-based services.

From a professional ethics perspective, teledentistry presents new challenges in maintaining a transparent and trusting doctor-patient relationship. In conventional dental practice, direct communication between dentist and patient is crucial for establishing an effective relationship and maintaining patient trust. However, in teledentistry, this communication is limited to digital channels, which can diminish patient understanding of the medical procedures being performed. For example, limited visual or physical interaction in teledentistry can lead to a lower understanding of the procedures being performed. This also impacts the quality of care provided, as the quality of the doctor-patient relationship significantly impacts the success of treatment. Therefore, ethical principles that prioritize clear and transparent communication must remain upheld, even though technology is the primary medium in this practice.

In an effort to address emerging legal and ethical challenges, it is crucial to immediately introduce clearer and more comprehensive regulations regarding the implementation of teledentistry in Indonesia. Current regulations are inadequate in addressing the technical and legal aspects of teledentistry, such as patient data security, professional responsibility, and ethics applicable to digital communication. Therefore, this study aims to analyze the legal protection of teledentistry in dental practice under Law Number 17 of 2023, with a focus on professional ethics and legal responsibility. This study will identify the challenges faced by medical practitioners in implementing teledentistry and propose regulatory measures necessary to provide optimal legal protection for dentists, patients, and all related parties.

Based on the description above, the author is interested in conducting a study entitled "Analysis of Legal Protection for the Use of Teledentistry in Dental Practice Based on Law Number 17 of 2023: A Professional Ethics Perspective." This study aims to analyze legal protection in the application of teledentistry in dental practice based on Law Number 17 of 2023 concerning health, with an emphasis on the perspective of professional ethics and legal responsibility. This study will also examine how existing legal regulations govern the application of teledentistry and the steps needed to strengthen regulations, to ensure optimal legal protection for dentists, patients, and all related parties. With in-depth analysis, the results of this study are expected to make a significant

contribution to the development of more comprehensive policies for the implementation of teledentistry in Indonesia. This is expected to not only prioritize aspects of technology and access, but also ensure strong legal protection and the sustainability of professional ethics in the long term.

METHOD

This study employed a normative juridical approach. The normative juridical approach is a legal research method that focuses on the study of legal norms prevailing in society. This method aims to identify, analyze, and interpret laws and regulations related to the issue being studied. This approach focuses on analyzing laws and regulations, both in terms of regulatory hierarchy (vertical) and the relationships between existing regulations (horizontal). In this study, a normative juridical approach was used to analyze legal protection in teledentistry practices for dentists in Indonesia based on Law Number 17 of 2023 concerning Health, as well as to examine the challenges of professional ethics and legal responsibilities of dentists in implementing teledentistry. The data in this study came from secondary data used for support and analysis, namely academic documents sourced from textbooks, journal articles, and legal literature discussing teledentistry practices, dental professional ethics, and regulations on the protection of patient personal data as regulated in Law Number 17 of 2023 concerning Health. In addition, the data is sourced from Government Regulations, as well as other regulations relating to the legal protection of the use of telescientistry in dental practice based on Law Number 17 of 2023 based on the perspective of professional ethics and legal responsibilities applicable in Indonesia.

This research was conducted using qualitative data analysis, namely analyzing existing legal norms, both those written in legislation and in dental practice. This approach will be used to assess whether existing regulations have provided legal protection for the use of teledentistry in dental practice based on Law Number 17 of 2023 from a professional ethics perspective. Furthermore, a critical approach is used to examine the mechanisms for strengthening regulations and technical guidelines related to teledentistry, to ensure dentists' legal responsibility in providing safe teledentistry services, in accordance with applicable professional standards, and can overcome challenges that arise in implementing teledentistry in dental practice.

RESULTS AND DISCUSSION

Legal Protection for the Use of Teledentistry in Dental Practice in Indonesia According to Law Number 17 of 2023

Teledentistry Telemedicine is a form of telemedicine that uses Information and Communication Technology (ICT) to provide dental health services remotely. In this context, teledentistry utilizes various digital platforms such as video, audio, or multimedia to conduct consultations, diagnoses, and dental health education without requiring direct physical interaction. Teledentistry expands access to dental health services for people in remote locations or those with limited access to in-person healthcare. The use of teledentistry not only increases service efficiency but also reduces waiting times and travel costs for patients. The use of teledentistry includes the implementation of telemedicine, where the provision of telemedicine services is also regulated in Minister of Health Regulation Number 20 of 2019.

Teledentistry can be implemented using two main methods, namely real-time or store and forward teledentistry.

- a. In the real-time method, communication between the dentist and patient occurs directly via video conferencing, even if both parties are in different locations. This video conferencing can be conducted using a free, downloadable smartphone or computer app, allowing for direct video and audio transmission between the dentist and patient.
- b. In the store-and-forward method, clinical data or patient photos are collected, stored, and then transmitted via telecommunications devices for analysis. This method enables collaboration between general dentists and specialists in planning treatment through discussions and consultations based on the transmitted media. One of the main advantages of teledentistry is its ability to expand the reach of dental healthcare services. In many developing countries, the lack of specialized medical personnel and adequate healthcare facilities is often a major barrier to timely care. Teledentistry helps address this issue by facilitating remote consultations, allowing patients to receive diagnosis and treatment advice without having to travel long distances.

However, while teledentistry offers many benefits, its implementation also presents significant challenges. One of these is the issue of protecting patient personal data. Because this service is delivered digitally, patient medical data is vulnerable to potential leaks or misuse. Therefore, legal protection related to teledentistry must be carefully considered, in accordance with applicable regulations, such as Law Number 17 of 2023 concerning Health in Indonesia, which regulates the protection of patient personal data in the digital world.

One of the main challenges in teledentistry practice is the legal protection of patient personal data. In teledentistry, patient medical data is distributed through digital platforms that are vulnerable to the risk of leaks or hacking. Based on Law Number 17 of 2023 concerning Health, all medical personnel are required to maintain the confidentiality of patient data. Furthermore, Article 274 Letter C of Law Number 17 of 2023 concerning Health stipulates that medical and health personnel are required to maintain the confidentiality of patient health data. Furthermore, Article 193 of Law Number 17 of 2023 concerning Health states that hospitals are responsible for losses arising from medical personnel negligence. Government Regulation (PP) Number 28 of 2024 regulates the implementing regulations of Law Number 17 of 2023 concerning Health. Violations of teledentistry provisions can also be subject to administrative sanctions if evidence is found supporting the violation in accordance with the provisions of the applicable Health Law. However, the implementation of teledentistry often falls within a legal gray area. Therefore, there needs to be stricter regulations regarding the management and security of patient personal data in a digital context, including who is responsible in the event of a data breach.

Teledentistry presents new challenges to the ethical aspects of the dental profession, particularly in terms of communication with patients. Limited communication via digital media can impact the quality of the relationship between dentists and patients. Patient trust in dentists can be undermined if communication is unclear or lacking transparency. Therefore, it is crucial for dentists to maintain high ethical standards in their interactions with patients, even without face-to-face meetings. Clarity in providing information about medical procedures and the limitations of digital services is crucial to maintaining professional integrity.

Legal protection is an effort to guarantee the rights of individuals or groups in a society so that they are not harmed by actions that violate the law or that are inconsistent with their rights. In this context, legal protection for patients in dental education practices refers to efforts to ensure that patient rights are protected in the educational process that involves students as the implementers of medical procedures. This legal protection also involves regulations governing the responsibilities of medical personnel, both those with professional status and those still in education. Legal protection for patients is an important aspect of the healthcare system. Patients, as recipients of medical services, have the right to receive protection from potential errors or negligence that could harm them. This protection can include the right to medical information, consent to medical procedures, and the right to receive safe services in accordance with established standards.

Professional ethical challenges faced by dentists in implementing teledentistry in dental practice

In the context of teledentistry, it is important to understand the professional ethics of dentists regarding medical procedures performed through digital platforms. Teledentistry allows dentists to make diagnoses without a direct physical examination, raising questions about applicable professional standards and the potential for medical errors. Based on Law Number 17 of 2023, dentists remain responsible for every medical procedure performed, even through digital media. Therefore, clear technical guidelines need to be developed to ensure that dentists can carry out teledentistry practices safely and in accordance with applicable standards.

In addition, Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) in Indonesia serves as the legal basis governing various aspects related to the use of information technology, including in teledentistry practices. Although the ITE Law does not specifically address teledentistry, several provisions in this law are highly relevant to its implementation, particularly those related to the protection of personal data and electronic transactions that occur during consultations or the digital transmission of medical information.

Article 26 of the ITE Law regulates the protection of personal data in electronic systems. In the context of teledentistry, patient medical information sent electronically must be kept confidential, both by healthcare providers and electronic system organizers. Misuse or leakage of patient personal data can be subject to sanctions in accordance with the provisions of the ITE Law. Furthermore, Article 32 of the ITE Law also regulates that teledentistry involves electronic transactions, whether in the form of sending medical data, video consultations, or other transactions. These articles ensure that electronic transactions conducted, including in teledentistry, are recognized as legal and accountable, as long as they meet applicable requirements. Furthermore, Article 15 of the ITE Law concerns the responsibilities of electronic system organizers. This article stipulates that electronic system organizers are responsible for ensuring the security and confidentiality of data managed in their electronic systems. Teledentistry platform providers are required to maintain the integrity and security of their systems to prevent patient data from falling into the hands of unauthorized parties.

Current regulations regarding teledentistry in Indonesia do not sufficiently detail patient data management, professional responsibility, and ethical communication in teledentistry practice. Clearer and more comprehensive regulations, along with adequate technical guidelines, are needed to ensure that teledentistry practices can be carried out safely and in accordance with legal and professional standards. Clear regulations will provide better legal protection for dentists, patients, and other stakeholders in the application of this technology. This is valuable for the development of clearer regulations and guidelines for safe and ethical teledentistry practice.

CONCLUSION

1. Conclusion

- a. Teledentistry expands access to dental healthcare services but still lacks specific regulations. Teledentistry offers a practical solution for expanding the reach of dental services, especially in remote areas. However, this practice still operates within a legal framework that is not fully clear and comprehensive, particularly regarding professional responsibility, patient data protection, and the limitations of medical diagnosis.
- b. Legal protection for patient personal data remains weak and poses ethical risks. The use of digital platforms in teledentistry increases the potential for medical data leaks. Although Law Number 17 of 2023 and the Electronic Information and Transactions (ITE) Law stipulate the obligation to maintain data confidentiality, their implementation is not yet supported by technical systems such as encryption, security audits, and digital platform certification.

2. Suggestion

1. Specific regulations regarding teledentistry need to be established immediately. The government, in conjunction with professional organizations such as the Indonesian Dental Association (PDGI) and the Indonesian Dental Association (KKI), needs to develop detailed regulations that include digital practice licensing, standard operating procedures (SOPs) for remote diagnosis, and a digital informed consent mechanism to ensure teledentistry practices are carried out legally, safely, and professionally.
2. Strengthening data security systems and digital platforms is mandatory. Every teledentistry service must use an encrypted and certified system. Patient medical data management must be supported by clear digital security protocols, as well as regular audits and oversight by regulators to prevent data misuse.

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