

# Legal Protection for Users of Dental Labour Services Who Work not in Accordance with their Authority

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**Abstract.** A dental laborer who working like dentist according to the Regulation of the Minister of Health Number 39 of 2014 is anyone who has the ability to make and install dentures. The reason people prefer dental treatment at a dental artisan is partly because the dental labour fees are considered cheaper and the processing time is more instant. Because they do not have a scientific basis, the actions taken by dental artisans often cause harm not only materially but also immaterially. The assignment of the dental work is to make fractional or potentially full false teeth made of intensity restoring acrylic material that meets the wellbeing prerequisites; and Introduce incomplete and additionally full false teeth made of intensity relieving acrylic material without covering the leftover roots. Its capability is as a customary treatment to help individuals, particularly those in far off regions where rehearsing dentistry is troublesome. His authority to make partial dentures made of acrylic material. Notwithstanding, in all actuality there are numerous things that dental work done external their position, for example, introducing supports or supports, performing facade on teeth, which are all the capability of the dental specialist. Legitimate assurance for individuals who utilize the administrations of dental craftsmans is directed in Regulation No. 31 of 2014 concerning lawful security, Article 1365 of the Common Code. The ideas set forward incorporate, among others, that the public authority is educated to take control regarding the acts of good dental craftsmans who practice not as per the guidelines. regulation, to regulation masters to appropriately carry out Regulation Number 29 of 2004 concerning Clinical Practice, Regulation Number 36 of 2009 concerning Wellbeing, Guideline of the Priest of Wellbeing Number 39 of 2014 concerning Direction, Management and Permitting of Dental Work, and Guideline of the Pastor of Wellbeing No. 772/Menkes/Per/IX/88 and negative. 1168/Menkes/Per/X/1999 so the general population or patients get security in the wellbeing area.

**Key word:** dental labour; dental service; regulation; legal protection; user

## 1 Introduction

The existence dental labour or dental artisans in the laws and regulations, Base on our search, which has been 'revised' through a Constitutional Court decision. For more please read the MK article: Dental Labour should be Fostered, Not Removed. Different principles with respect to dental work can likewise be found in the Guideline of the Pastor of Wellbeing Number 39 of 2014 concerning Training, Oversight and Authorizing, dental Work ("Permenkes 39/2014"). As per Article 1 number 1 Permenkes 39/2014, what is implied by a dental work is each and every individual who can make and introduce removable false teeth exclusively by encounters. All dental labour who carryout dentist work is required to register with the

district/city government or the local district/city health office to get a worked permit (Article 2 paragraph (1) Permenkes 39/2014). The dental labour permit is valid for 2 (two) years and can be extended as long as it meets the requirements (Article 2 paragraph (3) Permenkes 39/2014).

In this case, many dental labour work not according to the rules that have been determined by the government. Until on in fact, many people who have done treatment at dental labour experience losses that interfere with health and even cause defects in the inside of their mouths. Because many dental labour not only make dentures from acrylic as stipulated in the rules but they carry out many dental actions that should be carried out by dentists as health professionals who have an educational background in the faculty of dentistry with professional oaths as doctors. Based on the definition of the word dentist which has meaning According to Regulation Number 29 of 2004 concerning Clinical Practice, dental specialists are specialists, subject matter experts, dental specialists, and dental specialists who move on from clinical schooling or dentistry both at home and abroad perceived by the Public authority of the Republic of Indonesia as per legal guidelines. Locally of dental work who call themselves as a dental master, leading to the comprehension that they are specialists who have capability in the field of dentistry, despite the fact that as per the meaning of the word dental work, Dental work are "laborers who take care of business in the field of dental wellbeing without having an authority recognition from the Service of Wellbeing or from instructive establishments perceived by the Service of Wellbeing. As for other definitions of dentists regulated in Regulation of the Minister of Health No. 39 of 2014 Article 1 number 1 states that "A Dental labour is any person who has the ability to make and install removable dentures". The existence of dental labour in Indonesia is increasing day by day. Almost all regions of Indonesia can be easily found where dental labour practices with the characteristics of attached images of white teeth and fiery red gums. Dental labour provides health services in the field of dental and oral health to the community as consumers.

Basically, dental labour services provide many benefits to the community in Indonesia even though conventional health services, especially in remote areas, are very difficult to reach and there are no dentists. But in fact, in urban areas people also prefer to do treatment at dentists, this can happen because the maintenance costs they charge to their consumers are relatively cheaper than treatments carried out by dentists. The difficulties of today's society, especially dental patients, are expensive health financing, because this makes people switch to services from dental labour even with risks that can endanger their health just to meet lifestyle trends.

Dentistry actions carried out by dental labour who have no educational basic in the field of dentistry can certainly cause procedural errors in the actions and materials used are not appropriate, so that they can cause treatment failures with adverse effects experienced by the dental service users and this condition has no legal protection for service users who experience treatment failures and are very influential on the health of their teeth and mouths Rush to the dentist to ask the dentist for help dealing with the problems they are experiencing.

For example, the condition of patients who experienced losses due to failure of dental actions carried out by non-dentists was conveyed by one of the eight dentists who were admins of the Instagram account @korbantukanggigi, drg. Rifqie Al Haris explained, dental veneers basically aim to change the color of defective teeth or repair gummed teeth to return to normal with artificial layers. The installation of veneers must be in accordance with medical indications and pay attention to aspects of benefits that are certainly risky.<sup>5</sup> "When you want to install veneer, the original teeth must be eroded, the thickness and distance of the veneer layer must also be considered so that the shape and natural arrangement of the teeth Not lost. If you don't understand the knowledge, just wait for the time bomb," he said, as quoted from detik.com. He also explained, often finding cases of fake veneers.

### **Formulation of the Problem**

1. What are the duties, functions, and authorities of the dental labour based on Permenkes No. 39 of 2014 concerning the Development, Supervision and Licensing of Dentist Jobs compared to the work of dentists according to Law No. 29/2004 concerning Medical Practice.
2. How is the legal protection for the community of dental service users who experience health losses due to the work of dental labour who work not according to their authority.

## **2 Research Method**

As per the title and issues that will be examined in this exploration and to give valuable outcomes, this examination is done with standardizing juridical exploration (regularizing lawful exploration techniques). Regulating juridical examination strategies are writing regulation exploration directed by inspecting library materials or simple auxiliary information.

Regulating lawful examination doesn't necessarily indicate an investigation of juridical standards. By and large, juridical standard exploration is perceived to be just legitimate examination that restricts the standards contained in the regulations and guidelines. In the interim, standardizing legitimate examination is more extensive. As indicated by Johnny Ibrahim, regulating regulation examination is a logical exploration method to find reality In view of logical rationale from the standardizing side. The standardizing side here isn't restricted to regulations and guidelines.

This is as said by Peter Mahmud, legitimate examination is regularizing research however not simply investigating positive regulations. Standards are not just deciphered as certain regulations, in particular guidelines made by lawmakers who have a higher situation as expressed by John Austin or rules made by rulers as expressed by Hans Kelsen, as per legitimate standards or lawful standards. Accordingly standards are likewise deciphered as rules for conduct.

## **3 Discussion**

As to issue of legitimate assurance for patients clients of dental administrations in rehearses that are not their capability, then patients who are buyers, as per article 4 of the Customer Assurance Regulation reserve the privilege to solace, security, and wellbeing in consuming products or potentially benefits; the option to pick merchandise and additionally benefits and get these products and additionally benefits as per the conversion scale and conditions and certifications guaranteed; the option to address, Get promotion, insurance, and endeavors to determine shopper security questions fittingly; the option to get purchaser improvement and training; the option to be dealt with or served appropriately and truly and non-unfair; the right to remuneration, pay as well as repayment, if the products and additionally benefits got are not as per the understanding or inappropriately; freedoms specified in While the dental work as a business entertainer has a commitment. Such pay can be as discounts or substitution of comparable or identical merchandise or potentially administrations, or medical services as well as remuneration as per the arrangements of appropriate regulations and guidelines (Article 19 passage (2) of the Shopper Security Regulation). The giving of pay is completed inside an

elegance time of 7 (seven) days after the date of the exchange (Article 19 passage (3) of the Customer Security Regulation. Albeit the dental work has given remuneration, the allowing of pay doesn't dispense with the chance of criminal indictment in view of additional proof of the presence of a component of blunder (Article 19 passage (4) of the Buyer Assurance Regulation). In any case, the terms of remuneration don't matter on the off chance that Business entertainers can demonstrate that these slip-ups are the missteps of purchasers. Moreover, assuming that the training surpasses his capability as a dental work to make injury or even passing due carelessness (his misstep) can be accused of the Lawbreaker Code article 359, specifically any individual who for his culpability (carelessness) makes someone else bite the dust, is compromised with a most extreme detainment of five years or a greatest detainment of one year.<sup>106</sup> While in article 360 anybody whose shortcoming (carelessness) makes others be truly harmed, is undermined with a greatest detainment of five years or a greatest detainment of one year. In article (2) anybody who for his responsibility (carelessness) makes others be harmed so that disease or obstacle to doing office work or quest for a specific time frame, compromised with a greatest detainment of nine months or a most extreme detainment of a half year or a greatest fine of 4,000 500 rupiah. Then, at that point, article 361 assuming that the wrongdoing depicted in this section is perpetrated in doing a position or search, then the punishment is punished by 33% and the blameworthy can be denied of their entitlement to do a pursuit where the wrongdoing is carried out and the appointed authority can arrange that the decision be reported. Giving Assurance for each understanding for an impact that emerges both genuinely and non-truly because of mistakes or carelessness of wellbeing laborers. This security is vital on the grounds that because of carelessness from the specialist it might cause agony, injury, or harm to the body. In deciding how much remuneration that should be paid, it is fundamentally important to hang on the rule that pay that should be paid any place potential makes the misfortune party got back to its unique position on the off chance that there is no misfortune or as such the misfortune puts quite far the individual who is hurt in a place that ought to be assuming that the understanding is completed appropriately or there is no unlawful demonstration. In this manner remuneration should be given as per the genuine misfortune regardless of the components that are not straightforwardly connected with the misfortune, like the capacity/abundance of the party concerned Lawful Connections in Dental Wellbeing Administrations In regards to the legitimate relationship in dental wellbeing administrations, it is firmly connected with wellbeing laborers and administration beneficiaries Wellbeing. Wellbeing laborers can be situated as business entertainers too while wellbeing administration beneficiaries can be situated as customers. The meaning of wellbeing laborers is controlled in Article 1 number 1 of Regulation Number 36 of 2014 concerning Wellbeing Laborers is any individual who is given to the field of wellbeing and has information and additionally abilities through schooling in the wellbeing area which for specific kinds expects power to complete wellbeing endeavors. Article 1 number 1 of Regulation Number 36 of 2014 concerning Wellbeing Laborers implies that wellbeing administration beneficiaries are any individual who counsels about wellbeing to acquire the vital wellbeing administrations, either straightforwardly or by implication to wellbeing laborers. In wellbeing regulation, the legitimate connection between wellbeing laborers and medical services beneficiaries when gone into the clinical world, this relationship begins from an example of paternalistic vertical connections, for example, among father and child what begins from the guideline of "father knows best" which brings forth paternalistic connections. Lawful connections emerge when the patient contacts the specialist as a wellbeing laborer since he feels that something he feels is jeopardizing his wellbeing. His psychobiological state gave an admonition that he felt debilitated, and for this situation the specialist he considered had the option to help him and give assistance. Thus, the

place of the specialist is viewed as higher by the patient and his job is a higher priority than the patient. In day to day practice, it tends to be seen that different things that cause a connection between the patient and the specialist, the relationship happens fundamentally in light of multiple factors, including in light of the fact that the patient himself goes to the specialist to request help treating the aggravation he endures. Under these conditions there is an understanding of will between the two gatherings, implying that the gatherings have completely consented to go into a lawful relationship. In day to day practice, it tends to be seen that different things that cause a connection between the patient and the specialist, the relationship happens for the most part in light of multiple factors, including on the grounds that the patient himself goes to the specialist to request help treating the aggravation he endures. In this present circumstance there is an understanding of will between the two gatherings, implying that the gatherings have completely consented to go into a lawful relationship. The connection between the patient and the specialist is remembered for the extent of the arrangement (remedial exchange) due to the capacity of the specialist to make progress toward the patient's wellbeing or recuperation, going against the norm the patient consents to the helpful measures taken by the specialist. Helpful arrangements have extraordinary properties and elements, Not equivalent to the nature and qualities of the understanding by and large, the nature or attributes of the remedial understanding as referenced in the Preface to the Indonesian Clinical Set of principles, as follows:

- a. Special agreement transactions regulate the relationship between doctors and patients.
- b. The relationship in this agreement transaction should be carried out in an atmosphere of mutual trust (confidential) which means that the patient must trust the doctor who is doing therapy or treatment, and vice versa the doctor must also trust the patient. Therefore, in order to take care of each other.

#### **4 Conclusion**

The attributes of the dental work practice authority are lawful when as per the legitimate premise of crafted by dental work, it has been controlled by the public authority, in particular the Guideline of the Pastor of Wellbeing Number 53/DPK/1/K/1969 and the Guideline of the Clergyman of Wellbeing Number 339/MENKES/PER/V/1989 concerning Dental specialist Work. The standards direct the power, preclusion and permitting of dental work. Understanding dental work in the Guideline of the Clergyman of Wellbeing Number 339/MENKES/PER/V/1989 are the people who take care of business in the field of mending and rest speaking dental wellbeing who don't have training in light of dentistry and don't have the authorization of the pastor of wellbeing to go about their responsibilities. Per Menkes Number 399 of 1989 additionally controls the power of the denial of dental work specified in Per Menkes Number 339 of 1989, specifically filling teeth with any fillings, making and introducing deft false teeth/Crowns/pouring spills and so forth, utilizing drugs connected with dental fillings both for a brief time and forever; eliminating teeth, either by infusion and without infusions, going to clinical lengths including giving meds. With the goal that the attributes of the dental work practice authority are viewed as unlawful while rehearsing past his position. The obligation of the dental work regulation on the off chance that he rehearses outside his power can be explored from criminal, common, managerial, and wellbeing regulations. Dental work can be accused of the Lawbreaker Code Articles 359, 360, 361, in particular anybody who in view of his error (carelessness) makes others be harmed, genuinely handicapped, and even

bite the dust. Moreover, Buyer Assurance Regulation No.8 of 1999 Article 4 of the Purchaser Assurance Regulation has the option to solace, security, and wellbeing in consuming merchandise and additionally benefits that can be utilized. Though in the Common Code - Common Regulation can be forced Articles 1365, 1366, and 1367 with respect to unlawful demonstrations, which carry damage to other people. The presence of managerial authorizes, for example, composed criticizes, denial of impermanent and extremely durable permits.114 as far as wellbeing regulation Article 58 of Regulation Number 36 concerning Wellbeing, which can guarantee pay against Wellbeing suppliers who make misfortunes due blunders or carelessness in the wellbeing administrations they get. The qualities of the power of unlawful dental work practices can be forestalled by socialization to dental work, the local area, and neighborhood legislatures to be more cautious and conform to positive regulations in Indonesia. In the wake of knowing the dangers to infringement did by unlicensed dental work, general society ought to be more cautious and it is trusted that public mindfulness will be in picking the best wellbeing administration for the soundness of one another's lives. It is trusted that the public authority and existing wellbeing laborers can hold advising to the local area about what dental work can do and the dangers. Furthermore, can endeavor to give more reasonable dental and oral wellbeing administrations to the general population. In the event that you keep on abusing regulations and guidelines, dental work can be arraigned from positive regulations in Indonesia. The absence of oversight from the public authority additionally affects the numerous dental work rehearses that surpass their position. The Service of Wellbeing and the area/city wellbeing office ought to be more focused in carrying out different regulatory assents, for instance as censures recorded as a hard copy, the disavowal of brief licenses remains with the goal that dental work on as per material regulations and guidelines.

Based on the results of research on "Legal Protection for Users of Dental Labour Service Who Work Not in Accordance with Their Authority" it can be concluded as follows:

- a. Per Menkes No. 39 of 2014 concerning the Development of Supervision and Licensing of Dental Labour Work. Judging from the point of view of the Law of Health, it is very inadequate if this Per Menkes is used for the process and procedure of regulating a dental labour. In addition to Per Menkes which is incomplete because it does not register a dental labour, Per Menkes also does not regulate the details of what can and what dental labour should not do in their work as a dental labour.
- b. Public legal protection of the consequences caused by the work of dental labour can essentially be said to be half-hearted protection, because neither Per Menkes nor other laws and regulations place protection on the safety and health of people who use the services of dental labour.

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