



## LEGAL PROTECTION FOR PATIENTS WHO EXPERIENCE LOSSES IN THE FIELD OF SERVICES MEDICAL DENTAL REVIEWED FROM THE LAW CIVIL

Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>

Faculty of Social Sciences, Universitas Pembangunan Panca Budi, Medan<sup>1,2,3,4,5</sup>

\*Correspondence Email: [irmanoviant@gmail.com](mailto:irmanoviant@gmail.com)

### Abstract

*Health services for patients by dentists are a right regulated by Law Number 36 of 2009 which has been changed to Law Number 17 of 2023 concerning Health. Patient rights are contained in Article 276 of Law Number 17 of 2023 concerning Health which aims to provide legal protection for patients, which is respected and implemented by health workers. This research aims to find out the regulations for dental health services in Indonesia, find out the legal relationship between dentists and patients in dental health services within the scope of civil law, and find out the legal protection for patients who experience losses in the dental field. services in civil law matters. The research method used in this research is normative juridical. The type of data used is secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. The results of the research show that legal regulations regarding dental health services in Indonesia have been regulated in Law Number 36 of 2009 article 58 which has been changed to Law Number 17 of 2023 concerning Health article 193 which regulates dentist services for patients, Ministerial Regulations Republic of Indonesia Health Number 1419/MENKES/PER/X/2005 concerning the Implementation of services provided in Doctor and Dentist Practices. and Minister of Health Regulation No. 20 of 2016 shows the authority to provide dental and oral health services. The legal relationship between dentists and patients in dental health services within the scope of civil law begins with a vertical paternalistic relationship pattern. The relationship between a patient and a doctor is considered an agreement known as a therapeutic transaction in accordance with Law Number 17 of 2023 concerning Health. Legal protection for patients who experience losses in the field of dental health services in terms of civil law is regulated in articles 1320, 1338, 1365, 1366, and 1367. The Civil Code provides protection for consumers in the sense of patients with the aim of protecting the interests of patients.*

**Keywords:** *Patients, Services, Dental Medical*

### 1. INTRODUCTION

In this era of globalization, technological and scientific advances are very rapid, as well as their application which has an impact on the progress of health services. The community wants health workers to provide better health services. The 1945 Constitution of the Republic of Indonesia in Article 28 H states that "Everyone has the right to live in physical and spiritual prosperity, to have a place to live and to have a good living environment and the right to receive health services". Article 34 paragraph 3 of the 1945 Constitution of the Republic of Indonesia also states that "The State is responsible for providing adequate health service facilities and public service facilities." In this case, the government is obliged to help provide better health services in curing the sick and encouraging the healthy to stay healthy. Efforts to improve the quality of human life in the health sector are a very broad and comprehensive effort, this effort includes improving public health, both physical and non-physical. Nowadays, advances in science and technology in the health sector have developed rapidly and are supported by increasingly sophisticated health facilities. This development has also influenced professional services in the health sector which are also developing from time to time. Various treatment methods have been developed so that the consequences are also greater, and the possibility of making mistakes is also greater.

*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

---

In many matters related to health problems, cases are often found that are detrimental to patients. Therefore, it is not surprising that the health profession and the protection of patients are discussed both among intellectuals and ordinary people and among health observers. Some of the patient's rights as regulated in Article 276 of Law Number 17 of 2023 concerning Health are:

- a. Get information about his health
- b. Get an adequate explanation regarding the Health Services they receive
- c. Obtain health services in accordance with medical needs, professional standards and quality services
- d. Refuse or agree to medical treatment, except for medical action necessary to prevent infectious diseases and control outbreaks or epidemics.
- e. Gain access to information contained in medical records
- f. Ask for the opinion of medical personnel or other health workers.
- g. Obtain other rights in accordance with statutory provisions.

If in a case an element of negligence is found on the part of the doctor, the doctor must be held accountable for his actions, and the patient cannot immediately sue if unexpected things happen, because evidence is needed that shows negligence. In essence, a distinction must be made between negligence and failure, if this is a risk from the action mentioned in the written agreement then the patient cannot sue.

## **2. LITERATURE REVIEW**

### **2.1 Overview of Health Services**

Health is one of the basic human needs alongside clothing, food and shelter. Without a healthy life, human life becomes meaningless, because in a sick condition it is impossible for humans to carry out daily activities well. Apart from that, people who are sick (patients) who cannot cure their own disease, have no other choice but to ask for help from health workers who can cure their disease and these health workers will carry out what is known as health efforts by providing health services.

### **2.2 Principles of Health Services**

According to Veronica Komalawati, the legal principles that apply and underlie health services can be broadly summarized as follows:

#### **1. Principle of Legality**

Article 291 of Law Number 17 of 2023 concerning Health states that "Every Medical Personnel and Health Personnel in providing Health Services is obliged to comply with professional standards, service standards and standard operational procedures". This means that medical services can only be provided if the health worker concerned has fulfilled the requirements and permits stipulated in statutory regulations by having a Registration Certificate and Practice Permit.

#### **2. Principle of Balance**

The provision of health services must be carried out in a balance between the interests of individuals and society, between physical and mental, between material and spiritual. Therefore, it is necessary to strike a balance between goals and means, between means and results and between the benefits and risks arising from the medical efforts undertaken.

#### **3. Timely Principle**

This principle is quite important because a doctor's delay in treating a patient can cause harm to the patient and threaten the patient's life.

4. Principle of Good Faith

This principle adheres to the ethical principle of doing good which needs to be applied in carrying out the doctor's obligations towards patients. This is a form of respect for patients and the implementation of medical practice that always adheres to professional standards.

5. Principle of Honesty

This principle is the basis for conveying correct information, both by patients and doctors in communicating. Honesty in conveying information will be very helpful in the patient's recovery. The truth of this information is closely related to every human being's right to know the truth.

6. Precautionary Principle

As a professional in the medical field, a doctor's actions must be based on accuracy in carrying out his functions and responsibilities, because carelessness in acting can result in endangering the patient's life.

7. Principle of Openness

Efficient and effective medical services can only be achieved if there is openness and good cooperation between doctors and patients based on mutual trust. This attitude can grow if there is open communication between the doctor and the patient where the patient obtains explanations or information from the doctor in this transparent communication.

### **2.3 Legal Regulations Regarding Dental Medical Services in Indonesia**

In Indonesia, law plays an important role in various aspects of social and state life. One of them is in the health sector, health is a human right and an element of welfare that must be realized in accordance with the ideals of the Indonesian nation as referred to in Pancasila. Law Number 36 of 2009, which has now been replaced by Law Number 17 of 2023 concerning Health, indicates that every individual, family and community has the right to obtain protection for their health, and the state is responsible for ensuring that the right to a healthy life is fulfilled for its population, including for the poor and underprivileged.

## **3. METHOD**

### **3.1 Research Specifications**

This type of research uses normative juridical research. Normative juridical research is research that provides a systematic explanation of the rules governing a particular legal category, analyzes the relationship between the rules, explains areas of difficulty and perhaps predicts future development. Normative legal research, another name for which is doctrinal legal research, is also known as library research or document study because this research is carried out or aimed only at written regulations or other legal materials. In essence, research is carried out by examining library materials or secondary data consisting of primary legal materials, secondary legal materials and non-legal legal materials.

### **3.2 Data Type**

The type of data used in this research uses secondary data. Namely data obtained from official documents, research results in the form of reports, theses and legislation.

### **3.3 Method of collecting data**

Normative juridical research as mentioned above is research by analyzing problems in research through an approach to legal principles and referring to legal norms contained in existing laws and regulations in Indonesia and using types of data from library materials which are usually called secondary data. Data collection methods are techniques or methods that can be used by

researchers to collect data, and data collection instruments are tools chosen and used by researchers in their data collection activities so that these activities become systematic and easier.

#### **4. RESULTS AND DISCUSSION**

##### **4.1 Legal Relationship Between Dentists and Patients in Dental Medical Services in the Scope of Civil Law**

###### **4.1.1 Legal Relationship Between Dentists and Patients**

Doctors as people who have knowledge in the field of medicine have the appropriate authority and permission to carry out health services and examine and treat patients who come to them according to the provisions in the field of health services law. In the practice of health services, it appears that the relationship between doctors and patients is an unequal relationship because doctors have a higher position and have knowledge in the field of medicine, while patients are helpless and do not have knowledge in the field of medical science. Thus, a balance must be sought in this case. The legal relationship between doctor and patient places the position of doctor and patient in an equal or equal position, so that everything the doctor does to the patient must involve the patient in determining whether something can or cannot be done to him. One form of balance in the legal relationship between doctors and patients is through informed consent or approval of medical procedures.

Considering that the relationship between a doctor and patient contains many risks as explained above, in order to start carrying out these actions as a continuation of that relationship, separate approval is required by both parties even though a patient actually comes to see a doctor with complaints about various illnesses he is suffering from with the main aim of obtaining healing. , is automatically willing to accept all the doctor's actions, which means he has also agreed to whatever the doctor will do in an effort to cure him. Even though these agreements tend to be hidden, in other words they are not real and cannot be proven by other parties, this does not mean that patients cannot be protected by law so that doctors can carelessly carry out medical procedures without any legal traps binding them.

###### **4.1.2 Errors and Negligence in Dental Medical Services Viewed from Civil Law**

In accordance with the development of the Indonesian people's way of thinking, which is increasingly critical of their rights, especially in health services provided by doctors or dentists, which can be seen in the problems that occur in Indonesia regarding patient claims against medical parties because patients feel disadvantaged by the service. health care is carried out by a doctor who treats the disease he is suffering from, therefore a health service agreement is required for both medical personnel or doctors and patients. This is done to deal with the possibility that an error may occur on the part of these parties. If in a case an element of negligence is found on the part of the doctor, the doctor must be held accountable for his actions, and the patient cannot immediately sue if unexpected things happen, because evidence is needed that shows negligence.

In carrying out their obligations, doctors may make mistakes or negligence when carrying out their profession, which is known as malpractice. Malpractice can be committed either consciously or unconsciously, both in the medical profession, and throughout all professions. The most popular malpractice in society is medical malpractice. In society's view, every practice or professional work of a doctor that causes harm, it is as if the doctor is still at fault, without assessing how the doctor's subjective (inner) factors influenced the action. However, the view of medical malpractice cannot simply assess the form of the doctor's actions and their consequences without assessing the elements of the perpetrator's inner attitude

#### **4.1.3 Dentist's Civil Liability for Patients Who Experience Losses in Dental Medical Services**

Civil lawsuits in malpractice disputes between medical personnel and hospitals dealing with patients and their families or proxies. If an error is made by the medical handler and it results in loss, the patient has the right to demand compensation for losses based on an unlawful act (Article 1365 BW). Article 1365 BW which states "Every unlawful act which brings harm to another person, requires the person whose fault it is to cause the loss to compensate for the loss" if in this case an unlawful act occurs which brings harm to another person who is responsible is the party medical.

Abdul R. Saliman said that civil liability arises from an agreement, whether based on an agreement or law, where the error or negligence of one party results in losses for the other party. This action is called a breach of contract (Article 1243 of the Civil Code) or an unlawful act (Article 1365 of the Civil Code). Default is a condition where the contents of an agreement are not fulfilled by one of the parties due to intention, negligence, or due to overwork or force majeure. According to Djaja S. Meliala, as a result of a breach of contract, the party who violates or does not fulfill the terms of the agreement must pay compensation and continue to ask for the terms of the agreement to be fulfilled (Article 1267 in conjunction with 1243 of the Civil Code). Meanwhile, Munir Fuady mentioned three causes of unlawful acts, namely on purpose (Article 1365 of the Civil Code), negligence (Article 1366 of the Civil Code), and not on purpose or negligence (Article 1367 of the Civil Code).

### **4.2 LEGAL PROTECTION FOR PATIENTS WHO EXPERIENCE LOSSES IN THE FIELD OF MEDICAL DENTAL SERVICES REVIEWED FROM CIVIL LAW**

#### **4.2.1 Legal Basis for Patients in Carrying Out Civil Lawsuits Against Dentists Who Perform Medical Dental Procedures That Cause Losses to Patients**

The implementation of health service regulations is regulated in Law Number 36 of 2009 concerning Health which is referred to as the Health Law. Health services are not mentioned in the Health Law but rather health efforts. According to Article 1 paragraph (11) of the Health Law, it explains that health efforts are activities or a series of activities carried out in an integrated manner to maintain and improve the level of health, treatment of disease and restoration of health by people or the government. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia expressly states that "the State of Indonesia is a state of law". As a rule of law, all aspects in the social, national and state sectors, including government, must always be based on law. According to Simorangkir, "A legal state is defined as a state that applies the principle of legality, namely all state actions through, based on and in accordance with the law."

#### **4.2.2 Legal Protection for Patients as Consumers Who Experience Losses in the Field of Dental Medical Services in View of Civil Law**

Legal protection is an element that must exist in a country. Every state formation must have laws to regulate its citizens. In a country, there must be a relationship between the state and its citizens. Law is a coercive regulation, but not to force something on someone but to protect human interests. Based on Law no. 8 of 1999 concerning Consumer Protection states that legal protection for victims of medical malpractice as consumers can be seen in the provisions of Article 19 paragraph (1) of the Consumer Protection Law which states in full that "Business actors are responsible for providing compensation for damage, pollution and/or consumer losses resulting from consuming goods and/or services produced or traded. A form of legal protection for victims of malpractice as regulated in Law no. 8 of 1999 concerning Consumer Protection article 19 paragraph 2, namely in the form of responsibility arrangements to provide compensation to consumers, as a result of errors or negligence in

their health services or malpractice committed by doctors as business actors as well as regulations for the application of criminal law provisions accompanied by criminal penalties. addition

#### **4.2.3 Dispute Resolution of Dentist Mistakes Carrying Out Dental Medical Procedures That Cause Losses to Patients**

Disputes in health care services provide space for parties who feel disadvantaged (patients) to take the route of resolution in court, whether civil, criminal and administrative. This is reflected in Article 66 paragraph (3) of Law no. 29 of 2004 concerning Medical Practice, namely "Complaints do not eliminate the right of every person to report suspected criminal acts to the competent authorities and/or sue for civil losses to the Court". In article 310 of Law no. 17 of 2023 concerning Health also discusses dispute resolution which states "In the event that a Medical Personnel or Health Personnel is suspected of making a mistake in carrying out their profession which causes harm to the Patient, the dispute arising as a result of the error is resolved first through alternative dispute resolution outside of court."

## **5. CLOSING**

### **5.1 Conclusion**

Based on the results of the analysis that has been carried out, the researcher can draw the conclusion that:

1. Legal regulations regarding dental medical services in Indonesia have been regulated in Law Number 36 of 2009 which has been changed to Law Number 17 of 2023 concerning Health which regulates dental services for patients, Regulation of the Minister of Health of the Republic of Indonesia Number 1419/MENKES/ PER / and mouth.
2. The legal relationship between dentists and patients in dental medical services in the scope of civil law begins with a pattern of vertical paternalistic relationships. The relationship between a patient and a doctor is considered an agreement known as a therapeutic transaction. A therapeutic transaction relationship is a transaction between a doctor and a patient to seek or find therapy as an effort to cure the patient's illness by the doctor.
3. Legal protection for patients who experience losses in the field of dental medical services in terms of civil law is regulated in Articles 1320, 1338, 1365, 1366, and 1367. The Civil Code provides protection for consumers in the sense of patients with the aim of protecting the interests of patients and protecting the patient in matters unlawful acts and breaches of contract committed by perpetrators/medical personnel, which can harm patients. Law Number 17 of 2023 concerning Health article 193 states that the Hospital is legally responsible for all losses incurred due to negligence committed by the Hospital's Health Human Resources.

### **5.2 Suggestions and Acknowledgments**

1. Researchers suggest that dental medical personnel deepen their understanding of the regulations governing practice in the Republic of Indonesia Minister of Health Regulation No. 20 of 2016, Law Number 36 of 2009 which has been changed to Law Number 17 of 2023 concerning Health, and Republic of Indonesia Government Regulation No. 32 1996 concerning Health Workers, to provide quality services in accordance with government standards and patient human rights. It is also important for dentists to pay attention to the aspect of informed consent, namely written consent from the patient after a complete explanation of the medical procedure. In this way, dentists will ensure active patient participation, increasing trust and quality of service.
2. Dentists need to improve their understanding of the civil legal relationship between dentists and patients, which started from a vertical paternalistic relationship pattern to a therapeutic transaction. Dentists need to be given training and education regarding professional ethics and

*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

---

legal rights and obligations towards patients, including in the context of therapeutic transaction agreements and legal responsibility for negligence in medical services. The importance of this aspect is especially related to the implementation of informed consent, where the dentist must ensure that every medical procedure is carried out after obtaining written consent from the patient after a clear explanation of the procedure, risks, benefits and available alternatives. By understanding and applying these principles, dentists will be able to improve the quality of service and ensure the protection of patient rights.

3. To strengthen legal protection for patients who experience losses in dental medical services, as regulated in the Civil Code and Law Number 36 of 2009 which has been changed to Law Number 17 of 2023 concerning Health, it is necessary to take steps such as strengthening the implementation of regulations. existing ones, increasing the accessibility of the justice system for patients who wish to file claims and providing strict sanctions for violations of professional ethics or patient rights. Apart from that, it is also important to integrate the principle of informed consent in every dental medical procedure, where the dentist must ensure that the patient has been given a clear explanation of the procedure, risks, benefits and available alternatives before giving written consent.

## REFERENCES

- Ali, M. Hatta, *Harmonization of Justice and Certainty in Law*, Sinar Graphics, Bandung, 2014.
- Asyhadie, Zaeni, *Aspects of Health Law in Indonesia*, Rajawali Pers, Depok, 2017.
- Barakullah, Abdul Halim, *Legal Protection System for Consumers in Indonesia*, Tirta Buana Media, Jakarta, 2014.
- Bawengan, Gerson, *Law in Theory and Practice*, Pradinya Paramita, Jakarta, 2015.
- Chandrawila, Supriadi Wila, *Medical Law*, Mandar Maju, Bandung, 2011.
- , *Medical Law*, Mandar Maju, Bandung, 2001
- Fuady, Munir, *Acts Against the Law*, Citra Aditya Bakti, Bandung, 2002.
- Gani, Erizal, *Theoretical and Applied Scientific Writing*, Rineka Cipta, Yogyakarta, 2015.
- , *Therapeutic Agreement Between Doctors and Patients*, Uwais Inspirasi Indonesia, Pulung, 2019.
- Gusman, Delfina, *Law and Human Rights*, Raja Grafindo, Jakarta, 2018.
- Guwandi, *Doctors, Patients, and Law*, Publishing House, Faculty of Medicine, University of Indonesia, Jakarta, 2016.
- , *Doctors, Patients and the Law*, Faculty of Medicine, University of Indonesia, Jakarta, 1996.
- , *Alleged Medical Malpractice and Draft RPP: Therapeutic Agreement Between Doctors and Patients* 2nd printing, University of Indonesia, Jakarta, 2009.
- Hadjon, Philipus M., *Legal Protection for the People in Indonesia*, Peradaban, Bandung, 2017.
- Hanifuddin, *Fines and Compensation*, Citra Pustaka, Makassar, 2018.
- Hatta, Moch, *Health Law & Medical Disputes*, Liberty, Jakarta, 2013.
- Isa, Alexander, *Ethics and Law in Health Services*, Citra Pustaka, Bandung, 2018.
- Isfandyarie, Anny, *Malpractice & Medical Risk*, In *Criminal Law Studies*, First Printing, Achievement Pustaka Publisher, Jakarta, 2005.
- Kusuma, Endang, *Therapeutic Transactions in Medical Services in Hospitals*, Citra Aditya Bakti, Bandung, 2016.

*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

---

- Manullang, Fernando, *Legalism and Legal Certainty*, Raja Grafindo, Jakarta, 2013.
- Meliiala, Djaja S. *Civil Law from a BW Perspective*, Nuansa Aulia, Bandung, 2014.
- Momon Sudarma, *Criminal Law in Medical Practice*, Salemba Medika, Jakarta, 2008.
- Vomiting. *Criminal Law, Malpractice Accountability and Criminal Abolition*, Sinar Graphics, East Jakarta, 2017.
- Nasution, Bahder Johan, *Health Law; Doctor's Accountability*, Rineka Cipta, Jakarta, 2005.
- Rochmawati, Ida, and Ade Risna Sari, *Minimum Health Service Standards Policy at the Border, NEM*, Pekalongan, 2022.
- Sadi, Muhammad, *Health Law Ethics, Theory and Application in Indonesia*, Second Edition, Kencana Prenada Media, Jakarta, 2017.
- Saliman, Abdul R., *The Essence of Indonesian Business Law*, Kencana, Jakarta, 2004.
- Santoso, Agus, *Law, Morals and Justice, A Study of Legal Philosophy*, Sinar Media, Yogyakarta, 2019.
- Sarwono, Jonathan, *Quantitative and Qualitative Research Methods*, Citra Ilmu, Bandung, 2015.
- Satria, Beni, & Sidi, Redyanto, *Medical Criminal Law and Malpractice (Aspects of Criminal Liability Against Doctors in Health Services)*, CV. Cattleya Darmaya Fortuna, Deli Serdang, 2022.
- Setiawan, Otong, *Guidelines for Writing Theses and Dissertations*, Gramedia Pustaka, Jakarta, 2016.
- Sidi, Redyanto, *Human Rights in the Perspective of Health Law in Indonesia*, Perdana Publishing, Medan, 2021.
- Siswati, Sri, *Health Ethics and Law*, Raja Grafindo Persada, Jakarta, 2013.
- Soekanto, Soerjono, Dan Mamudji, Sri, *Normative Legal Research; A Brief Overview*, PT Raja Grafindo Persada, Jakarta, 2013.
- Soekanto, Soerjono, *Introduction to Legal Research*, UI Press, Jakarta, 2009.
- Soeprapto, Fahmi, *Ideals of Law Enforcement*, Main Media, Jakarta, 2012
- Soeroso, R. *Introduction to Legal Studies*, Sinar Graphics, Jakarta, 2011.
- Soewono, Hendrojono, *Limits of Legal Liability for Medical Malpractice in Therapeutic Transactions*, Srikandi, Surabaya, 2007
- Suganda, Munandar Wahyudin, *Medical Law*, Alfabeta, Bandung, 2017.
- Sutarno, *Health Law: Euthanasia, Justice and Positive Law in Indonesia*, Setara Press National, Malang, 2014.
- Syachrul, Machmud, *Law Enforcement and Legal Protection for Doctors Suspected of Committing Medical Malpractice*, Karya Putra Darwati, Bandung, 2012.
- Triwibowo, Cecep, *Health Ethics and Law*, Nuha Medika, Yogyakarta, 2013.
- Wibowo, Basuki, *Certainty and Justice of the Rule of Law*, Pustaka Reza Cipta, Malang, 2016.
- The 1945 Constitution of the Republic of Indonesia
- Law of 1999 Number 8 concerning Consumer Protection
- Law of 2004 Number 29 concerning Medical Practice
- Law of 2009 Number 36 concerning Health
- Law of 2023 Number 17 concerning Health
- Civil Code (Burgerlijk Wetboek)
- Criminal Code
- Regulation of the Minister of Health of the Republic of Indonesia of 2015 Number 89 concerning Dental and Oral Health Efforts
- Regulation of the Minister of Health of the Republic of Indonesia of 2016 Number 20 concerning Licensing and Implementation of Dental and Oral Therapist Practices for Dental and Oral Health Care Services
- Regulation of the Minister of Health of the Republic of Indonesia Number: 290/MENKES/PER/III/2008 concerning Approval of Medical Procedures



*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

- Minister of Health Regulation of 2016 Number 20 concerning Licensing and Implementation of Dental and Oral Therapist Practices
- Decree of the Minister of Health of the Republic of Indonesia Number HK.02.02/MENKES/62/2015 concerning Practical Clinical Guidelines for Dentists
- Aini, Mutia Sezia Nur and Arief Suryono, "The Legal Effects of Malpractice on Doctors Viewed from Civil Law," *Journal of Private Law*, Vol. 8, no. 2, 2020: 287.
- Akbar, Fajri, Yeni Triana, and Indra Afrita, "Legal Responsibility of Dentists to Consumers for Actions Performed Outside of Their Authority," *Tambusai Health Journal*, Vol. 5, no. 1, 2024: 936–973.
- Alamsyah, Muhammad Nur, Vazrie Avicenna, and Gusti Yosi Andri, "Civil Liability of Doctors Based on Their Profession as Beroep and Bedrijf," *Alliance: Journal of Law, Education and Social Humanities*, Vol. 1, no. 2, 2024: 294–304.
- Al-Hayy, Fadila Najmus Mahbub and Nina Herlina, "Judicial Analysis of the Practice of Installing Dental Veneers by Beauty Salons in View of Article 73 Paragraph (2) of Law of the Republic of Indonesia Number 29 of 2004 Concerning Medical Practices (Studies at Ciamis Eyelash Salons)," *Journal of Engineering Research*, Vol. 02, no. 1, 2023: 305–323.
- Anindito, Teguh, "Just Settlement of Health Service Disputes for Hospital Patients," *Cakrawala Hukum*, Vol. 12, no. 1, 2020: 95–110
- Arfin, Yuliani, *Criminal Responsibility of Dentists for Malpractice Victim Patients*, Jember University, 2022.
- Arinanda, Dhea Nisa, Miranda Aurelia, and Chelsia Salsa Bernadita, "Medical Dispute Resolution in Indonesia," *Aerospace Law Scientific Journal*, Vol. 11, no. 2, 2021, : 1–22.
- Azwar, Tengku Keizerina Devi, Redyanto Sidi, Bambang Fitrianto, *Regulation and Legal Protection for Medical Tourism Patients in Indonesia: Challenges and Opportunities*. JIIP - Scientific Journal of Educational Sciences, 6(9), 7175-7182. <https://doi.org/10.54371/jiip.v6i9.2859>
- Belantara, Mega Orceka Depera Senja, Yeni Triana, and Bahrin Azmi, "Requirements for a Practice License for Doctors in Health Services Based on Law Number 17 of 2023 concerning Health," *Tambusai Health Journal*, Vol. 5, no. 17, 2024: 798–805.
- Budiastuti, Dian Kristanti, Ardiansah, and Yeni Triana, "Responsibility of Dentists for Negligence to Patients," *Law, Development & Justice Review* Vol. 5, no. 1, 2022 : 115–27
- Budiman, Arif, "Ideal Construction of the Use of Health Laws in Health Services in Hospitals Based on Justice Values," *Res Justitia Journal: Journal of Legal Sciences*, Vol. 4, no. 1, 2024, : 101–116.
- Busro, Achmad, "Legal Aspects of Informed Consent in Health Services," *Law & Justice Journal*, Vol. 1, no. 1, 2018: 1–18
- Christanto, Eunike Aryaningrum, Yuyut Prayuti, and Arman Lany, "Legal Protection for Patients Victims of Medical Malpractice in a Civil Law Perspective," *Justitia Nusantara Media Law Journal*, Vol. 14, no. 1 (2024): 53–66.
- Estrada, David, "Legal Protection for Doctors in Practicing Medicine Related to Alleged Disciplinary Violations Which Have an Impact on Malpractice," *ALADALAH: Journal of Politics, Social, Law and Humanities*, Vol. 2, no. 2, 2024 : 137–153
- Faiha, Yumna Adelia, *Legal Protection for Patients as Consumers of Dental Services and Practical Services in Semarang City*, Sultan Agung University Semarang, 2017.
- Gresfullah, Akhmad Zaida, Joko Purwoko, and Hari Pudjo Nugroho, "Ethical and Legal Dimensions of Medical Actions in Health Services by Dentist Profession Students (Case Study of the Sultan Agung Islamic Dental and Oral Hospital Semarang)," *SOEPR: Journal of Health Law*, Vol . 9, no. 2, 2023, : 277–288
- Irawati, Arista Candra, "Alternative Mediation for Resolving Medical Disputes in the Political and Legal Perspective of The New Normal," *Lawnesia Journal*, Vol. 1, no. 1, 2022, : 42–53

*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

---

- Klau, Ricardo Goncalves, Muhammad Saiful Fahmi, and Gusti Ayu Utami, "Civil Legal Liability of Hospitals for Medical Actions of Partner Doctors That Harm Patients," *Yustisia Community Journal*, Vol. 5, no. 3, 2022: 490-497.
- Lasimpala, Farida, Nuraisyah Nuraisyah, and Filo Leonardo Tinggogoy, "Quality of Dental Health Services at the Bulili Community Health Center, Palu City," *PARADIGMA: Journal of Public Administration*, Vol. 1, no. 1, 2022: 28-42.
- Maisyarah, Jambi Luna, Hasnati, and Indra Afrita, "Responsibilities and Authorities of Dental Nurses in Carrying Out Medical Procedures," *National Conference on Social Science and Religion Journal*, Vol. 1, no. 1, 2022: 545-350.
- Maksum, Enisah, "Dental Care and the Incidence of Dental and Oral Diseases in School-Age Children at the Cijagra Lama Health Center," *Health Scientific Journal*, Vol. 01, no. 1, 2023: 1-9.
- Maryam, Siti, "Legal Protection for Patients Victims of Medical Malpractice from a Civil Law Perspective," *Journal of Significant Humanities*, Vol. 2, no. 3, 2021: 1-12.
- Mende, Maarthen Y. Tampanguma Jeveline, Ronny A. Maramis, "Legal Protection for Inpatients as Consumers of Health Services," *Lex Administratum*, Vol. 12, no. 5, 2023: 1-12.
- Mohamad, Irwansyah Reza, "Legal Protection of the Right to Obtain Health Services Viewed from the Human Rights Aspect," *Scientific Journal of Science and Technology Publication Media*, Vol. 8, no. 1, 2019: 78-94
- Muniri, Muhammad Sajjran, *Legal Protection for Patients in Medical Services Performed by General Surgeons*, University of Indonesia, 2009.
- Nerito, Prima, Sutarno, and Lufsiana, "Judicial Analysis of the Authority of Dental and Oral Therapists After the Ratification of Minister of Health Decree No. 671 of 2022," *Journal of Darma Agung*, Vol. 31, no. 3, 2023: 395-406.
- Nuryanti, "The Relationship Between Service Quality and Dental and Oral Poly Patient Satisfaction in Hospitals (Literacy Study)," *Journal of the Health Sciences Cluster*, Vol. 4, no. 1, 2024: 216-221.
- Nuryanti, "The Relationship Between Service Quality and Dental and Oral Poly Patient Satisfaction in Hospitals (Literacy Study)," *Journal of the Health Sciences Cluster*, Vol. 4, no. 1 (2024): 216-221
- Pasamai, Syamsuddin & Anzar Vicky Novriansyah, "Responsibility of Doctors Due to Medical Malpractice from a Civil Law Perspective," *Journal of Lex Generalis (JLS)*, Vol. 2, no. 3, 2021: 957-971.
- Prabowo, Kukuh, Abdul Rokhim, and Akhmad Syaifuddin, "Legal Protection for Patients Who Received Medical Refusal in the Perspective of Health Law and Human Rights," *Journal of Legal Dynamics*, Vol. 29, no. 1, 2023: 7734-7748
- Pratama, Widhy Andrian, "Legal Protection for Patients Victims of Medical Malpractice," *SEIKAT: Journal of Social, Political and Legal Sciences*, Vol. 3, no. 2, 2024: 115-124.
- Pudjiastuti, Diah, "Legal Certainty of Health Service Guarantees for People Tested Positive for Covid 19 in the Context of Human Rights Protection," *Journal of Legal Dialectics*, Vol. 3, no. 2, 2021 : 130-157
- Rahmawati, Ayu Kristin and Sarsintorini Putra, "Responsibilities of General Dentists in Fixed Orthodontic Treatment (Braces)," *Indonesian Legal Cita Journal*, Vol. 1, no. 3, 2023 : 140-157.
- Ramadhan, Fhirman, Didin Muhafidin, and Darto Miradhia, "Quality of Health Services at Ibum Community Health Center, Bandung Regency," *JANE - Journal of State Administration*, Vol. 12, no. 2, 2021: 58.
- Ricky, "Legal Aspects of Medical Practitioners Carrying Out Medical Procedures That Are Not within Their Professional Competence," *Lex Renaissance*, Pg. 2, no. 5, 2020: 403-419.

*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

---

- Riza, Mela Karina Maya and Ninis Nugraheni, "Legal Responsibility of Dentists for the Risks of Placing Dental Implants in Patients," *Ners Journal*, Vol. 7, no. 2, 2023: 1040–1054.
- Rizafaza, Dicky Nur Oktaviano and Yovita Arie Mangesti, "Legal Protection of Dental Service Users Against Alleged Malpractice," *Indonesian Journal of Law and Social-Political Governance*, Vol. 2, no. 3, 2022: 660–674
- Sabatini, Stefy, Lumbaraja Mail, and Hasdiana Juwita Bintang, "Unitary Law Analysis of Civil Liability in Protecting Patients Against Doctor's Dianosis Resulting in Death in Hospital," *NUSANTARA: Jurnal Ilmu Ilmu*, Vol. 10, no. 10, 2023: 4919–4929
- Sani, Kyagus Badius, "Legal Review of Dental Professional Education in the Implementation of Health Services," *Journal of Health Law and Ethics*, Vol. 2, no. 1, 2022: 15–31.
- Setiyowati, Ani, Fajar Rachmad Dwi Miarsa, and Djasim Siswojo, "Judicial Analysis of Telemedicine Services in Hospitals Based on Legal Regulations in Indonesia," *Journal of Social Science Research*, Vol. 4, no. 2, 2024: 1135–1146
- Sinaga, Niru Anita, "Medical Dispute Resolution in Indonesia," *Aerospace Law Scientific Journal*, Vol. 11, no. 2, 2021: 1–22.
- Sofyana, Cut Rohana, Juliandi Harahap, and Umar Zein, "Qualitative Analysis of Patient Satisfaction with Dental Health Services at the Dental and Oral Clinic at Tgk Chik Ditiro Sigli Hospital," *Journal of Healthcare Technology and Medicine*, Vol. 6, no. 2, 2020 : 1221.
- Susetiyo, Weppy and Anik Iftitah, "The Role and Responsibilities of the Government in Health Services After the Implementation of the Job Creation Law," *Supremasi Journal*, Vol. 11, no. 2, 2021: 92–106.
- Sushanty, Vera Rimbawani, "Legal Review of Doctors' Collusion with Medical Representatives (Detailers) in the Context of Pharmaceutical Supplies, Medical Devices, and Pkrt (Household Health Supplies) Based on Law Number 17 of 2023 concerning Health," *Journal of Studia Legalia*, Vol . 5, no. 1, 2024: 26–33
- Syahputra, Rinaldi, "Judicial Review of the Validity of Therapeutic Agreements and Legal Protection for Patients," *Indonesian Multi-Disciplinary Scientific Journal*, Vol. 1, no. 9, 2022: 1278–1285.
- Syahputra, Rinaldi, H Ardiansah, and Bagio Kadaryanto, "Policy for Issuing Doctor's Practice Licenses in Indonesia," *POSITUM Law Journal*, Vol. 7, no. 1, 2022: 67–82
- Triana, Yeni, "The Relationship between Legal Protection for Patients in Health Services in General Hospitals," *Journal of Education and Counseling*, Vol. 5, no. 1, 2023: 1274–1279
- Ujito, Marsono Budi and Wijaya Wijaya, "Doctors' Legal Responsibility for Patient Lawsuits in Hospital Health Services," *JURISTIC Journal*, Vol. 1, no. 01, 2020: 52
- Utami, Gusti Ayu et al., "Legal Review of Medical Records as Evidence of Malpractice," *Justisia Community Journal*, Vol. 5, no. 3, 2022: 498–503.
- Widjaja, Gunawan and Reza Sutrianingtyas Rahayu, "Legal Rules for Applications and Protection and Responsibilities of Doctors Through Applications," *Journal of Law and Nation (JOLN)*, Vol. 1, no. 2, 2022: 138–147.
- Widjaja, Sutono, "Legal Protection for Patients as Consumers Against Malpractice in the Health Sector," *Rechtens Journal*, Vol. 9, no. 1, 2020: 39–52.
- Yudistira, I Made Ari, I Nyoman Putu Budiarta, and I Made Minggu Widyantara, "Legal Protection for Consumers of Dental Services Against Compensation Based on Law Number 8 of 1999 concerning Consumer Protection," *Das Sollen: Journal of Contemporary Law and Society Studies* , Vol. 1, no. 02, 2023: 265–270.
- Yuhanna and Muhammad Irfan, "Patients' Legal Protection of Doctors' Online Consultation Practices on the Halodoc Application," *Private Law Journal, Faculty of Law, University of Mataram*, Vol. 3, no. 3, 2021: 686–694

<https://dspace.uin.ac.id/bitstream/handle/123456789/2407/05.3%20bab%203.pdf?isAllowed=y&sequence=9> Accessed Wednesday, December 13 2023, at 00:06 WIB

**LEGAL PROTECTION FOR PATIENTS WHO EXPERIENCE LOSSES  
IN THE FIELD OF SERVICES MEDICAL DENTAL REVIEWED  
FROM CIVIL LAW**



*Irma novianti<sup>1</sup>, Dahlan<sup>2</sup>, Tamaulina Br. Sembiring<sup>3</sup>, Sumarno<sup>4</sup>, Siti Nurhayati<sup>5</sup>*

---

[https://www. Hukumonline.com/kamus/g/ganti-kerugian](https://www.Hukumonline.com/kamus/g/ganti-kerugian) Accessed on Wednesday, December 13 2023 at 00:18 WIB

<https://pid.kepri.polri.go.id/pengertian- Hukum-perdata/> Accessed on Wednesday, December 13 2023, at 00:29 WIB

<https://kumparan.com/berita-hari-ini/sistematika-tulisan-sresiden-cepat-umum-dan-penjualannya-1yP3389ya0I> Accessed on Thursday 23 November 2023 at 18:09 IWST