

NORMATIVE JURIDICAL REVIEW OF DENTAL BEAUTY SALON SERVICE PROVIDERS IN HEALTH LAW PERSPECTIVE**Ralph Cahyo Kurniawan Tomina**Soegijapranata Catholic University
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Telp./Fax: +62 24 8441555 Email: klabat0305@gmail.com*Submitted: Oct 25, 2021; Reviewed: Dec 15, 2022; Accepted: Dec 16, 2022***Abstract**

One of the most popular beauty salons today is a dental beauty salon. This beauty salon provides a variety of services such as making veneers, installing stirrups and so on. In Indonesia itself, this illegal dental beauty salon is growing rapidly. It is proven by the increasing number of dental beauty salons that go from house to house. In order to further review the normative juridical review of dental beauty salon service providers in the perspective of health law, this is the purpose of this study. The type of normative juridical law, namely the analysis focuses on studies with the law as a view of a system rule with written or unwritten norms, is the type of research chosen by the researcher. The results showed that the existence of a dental beauty salon violated the Minister of Health Regulation No. 39 of 2014 concerning the Guidance, Supervision and Licensing of Dentists. Meanwhile, research conducted by Rusdiana (2020) in which the results of the study show that in general 85% of the people perform dental treatment in illegal dental beauty salons. The conclusion of this study is that dental beauty salons are beauty salons that are illegal and violates the Minister of Health Regulation No.39 of 2014 concerning the Guidance, Supervision and Licensing of Dentists.

Keywords: *Dental Beauty Salon; Health Law; Juridical***INTRODUCTION**

The level of globalization in the world, greatly affects the development of all countries, including Indonesia. Life-style is one of the impacts of globalization (1). Look beautiful and attractive is coveted by everyone, not only women but also men. Therefore, the number of beauty facilities is increase due to the needs of the community (2).

One of the most popular beauty salons today is a dental beauty salon where this beauty salon provides various kinds of treatments such as *veneers* and braces installation (3). To get a maximum treatment, service facilities are given to the consumers that have been provided by dental beauty salons (4).

Dental care is increasingly found in the community with various purposes such as health or just aesthetics (5).

More people visit illegal dental beauty salons, if viewed from the survey results. This situation occurs because the patient can make an appointment and will be visited at home by a mobile dental beauty salon. Braces and *veneers* are examples of treatments types that is offered by illegal beauty salons (6). There are data that mention about 108 million people who are not reached by dentists, therefore the United States pays attention to illegal dental beauty salons. However, it is contrast in the UK, where there are serious problems experienced by housewives who undergo illegal dental beauty salons (7).

Meanwhile in Indonesia, there has been an increasing number of people to the dentist after performing illegal treatments, which has caused the illegal beauty salon business grow rapidly. This practice is mostly carried out by services with minimum capital and visiting from house to house, offering low prices to high. (8).

It is easy to find a dental beauty salon in various places. The existence of a this situation proves that people are not indifferent about the importance of dental ethical values. There are examples of cases regarding the negligence of a dental beauty salon that make patient complaints through social media but no legal action was taken. This situation will create losses for patients

and beauty salons who are responsible. Dental beauty salons are still favored by the Indonesian people, because they have relatively cheap prices, although unlike dentists which have safety standards.

These dental beauty salons act like professionals even though they only have pretty knowledge or self-taught. Orthodontic services such as braces and veneers are some of the services they provide. In order to attract patients, they make a low prices even though the dental beauty salon's actions are considered not to meet the rules of medical procedures, it seen from medical practitioners. (9).

Therefore, based on the background above, the author has an interested to continuing the review of normative juridical review of dental beauty salon service providers in the perspective of health law.

RESEARCH METHODS

The type of normative juridical law, which the analysis is focus on studies with the law as a view of a system rule by written or unwritten norms, is the type of research that is chosen by the researcher. When conducting an analysis, the researcher's point of view is used in the existing approach. The following are some approaches used in this analysis:

a. *Statute Approach*

This approach is carried out by analyzing the laws and regulations regarding legal issues. In this case, legal norms and regulations related to the authority of dental beauty salons are used.

b. *Conceptual Approach*

By conducting a study of legal science, this approach is carried out. This approach is carried out by the author in order to conduct a study of a theory that is related to the legal liability of dental beauty salons.

Secondary data through various types of literature related to the purpose of writing is the type of data used by researchers.

RESULTS

The results of research conducted by Dewi (2019) showed that dental care is also carried out by dental beauty salons, not only dentists. The existence of a dental beauty salon that provides door-to-door services has violated the regulations in the Minister of Health Regulation No. 39 of 2014 concerning the Guidance, Supervision and Licensing of Dentists (9).

Meanwhile, the analysis conducted by Rusdiana (2020) where the results of the study show that generally 85% of the people do dental treatment in illegal dental beauty salons. This situation is due to the

short and long term effects that are not understood by the public. Dental beauty salons that able to come to the house, as well as relatively affordable costs are the main reasons why people choose dental beauty salons (10).

The Law No. 29 of 2004, Article 73 paragraph (2) state, *"Everyone is prohibited to use tools, methods or other in providing services to the community that gives the impression as if the person concerned as a doctor or dentist who already has a certificate of registration and/or practice license"*. Article 78 stated *"Every person who intentionally uses tools, methods or other in providing services to the public that gives the impression as if the person concerned as a doctor or dentist who already has a doctor's registration certificate or a dentist's certificate practice permit as referred to Article 73 paragraph (2) shall be sentenced imprisonment maximum of 5 (five) years or a maximum fine of Rp. 150,000,000.00 (one hundred and fifty million rupiah)*. In the article it is explained that anyone who does not have dental education is prohibited from opening a practice which also includes a dental beauty salon. There is imprisonment or a fine if this continues. By Hamdani Prayoga later, this matter was submitted to the Constitutional Court under Article 73. The Court granted

the application for review of Article 73 paragraph (2) and Article 78 of Law no. 29 of 2004 concerning Medical Practice. The two articles are conditionally unconstitutional, said the Court.

DISCUSSION

In Indonesia, there are more issues regarding illegal dental beauty salons, people outside of dental education are those who usually set up dental beauty salons. In order to get cheap dental care, ordinary people who do not understand the risks will maintain to choose a dental beauty salon. (11). According to the survey, the general public is more likely to choose illegal dental beauty salons due to the lack of public knowledge about this,.

Therefore, attention should be paid to the problems of this dental beauty salon (12). In this case, the public is tempted by the cheap prices in promotional advertisements.

Patients who are consumers concerned with the problem of legal protection for patients who use services in Article 4 of the Consumer Protection Law have the right to comfort, safety, and protection for the promised services and have the right to advocacy and legal protection in accordance with statutory regulations. Meanwhile, dental beauty salons as business

actors have obligations as stated in Article 7 of the Consumer Protection Law, which is providing the comfortable, safety, and provide honest explanations in accordance with statutory regulations.

Compensation must be given to the patient, when at any time during the installation of braces there is a loss to the patient. Adapted to Article 19 paragraph (1) of the Consumer Protection Law, stated "*Business actors are responsible to provide compensation for damage, pollution, and/or consumer losses due to consuming goods and/or services produced or traded.*" The compensation referred to is the replacement of goods or services and commensurate with the price (Article 19 paragraph (2) of the Consumer Protection Law). 7 (seven) days after the transaction date is the grace period for giving compensation (Article 19 paragraph (3) of the Consumer Protection Law).

Further claims are likely to be continued even though the dental beauty salon has provided compensation (Article 19 paragraph (4) of the Consumer Protection Law). However, if there is evidence that it is the consumer's fault, the indemnity provisions do not be in force.

Book Of Criminal Law (KUHP) Article 359 or Article 360 can be given when a beauty salon causes injury or even death

due to negligence. Article (2) states that there is a maximum imprisonment of six months or a maximum fine of four thousand and five hundred rupiahs, when the mistake can make illness or an obstacle that is unable to carry out its work.

Then article 361, the penalty is added by a third and the guilty can be deprived of their work rights when there is a crime in carrying out a job.

In order to provide protection for patients, both physical and non-physical, the right to claim compensation is carried out. Since negligence cause a pain or damage to any part of the body, this protection is very important. The amount of compensation is determined in accordance with the principle that compensation must as far as possible return the victim to his original position in accordance with the legal agreement. In this sense, compensation must be adjusted to the actual loss, regardless of the ability of the parties concerned.

CONCLUSION

Dental beauty salons are beauty salons that are illegal and violate the provisions of Law Number 29 of 2004 concerning Medical Practices. So, dental beauty salons are considered legally responsible

when practicing outside their authority, legal action may be taken. Dental beauty salons can be charged with KUHP articles 359, 360, 361, due to negligence which able to cause injury to death. In addition, the Consumer Protection Law No. 8 of 1999 Article 4 of the Consumer Protection Law has the right to the safety of the services used. While the Civil Code can be in Articles 1365, 1366, and 1367 regarding unlawful acts that harm others. In terms of health law, Article 58 of Law No. 36 concerning Health can be sued for providing compensation due to negligence in the service received by the victim.

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