Legal Protection of Dentists After Removing Wisdom Teeth Causes Death of Patients in Ngawi, East Java

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ABSTRACT
The development of dentistry to serve patients to get comfort and elegant appearance. Wisdom tooth extraction caused death in patients who were talked about in the mass media. The purpose of this study is to provide protection to dentists for handling patients and are protected by a code of medical ethics so that health services can be fulfilled properly. The method used is normative juridical by more specifically reviewing the legal case of wisdom tooth extraction against patients who cause death, analyzing based on legal standards of applicable laws and regulations. Using primary, secondary and tertiary legal data and legal products related to this study. The results of the study explained that the authority of dentists to take action on patients' teeth is part of professional, tidying, reducing the risk of respiratory tract infections and gum disease. Based on article 6 of Law No. 29 of 2004 concerning Medical Practice, it is explained that the Indonesian Medical Council has the role of regulating, ratifying, determining, and coaching doctors and dentists who practice medicine, in order to improve the quality of medical services in accordance with the code of medical ethics and free from accusations of malpractice.

INTRODUCTION
Health development aims to increase public awareness, desire and hope for a healthy life for citizens to achieve general welfare, recorded in the Preamble to the Constitution of the Republic of Indonesia Year 1945. Health service is a maintenance step in improving the degree of individual health, all health service activities are carried out on the basis of legal norms stated in a written rule. Dentists are a major element of serving health to the community, especially dental and oral health. Health workers, one of which is dentists, have the duty to carry out functions professionally. The regulations that become the basis for dentists in carrying out a medical operation to patients are medical science and skills that they have and acquire through specialize education. In general, dental services have a different role from general health services. This is the main procedure in serving patients, namely treatments carried out in hospitals or services independently such as clinics according to (Riza & Nugraheni, 2023).

In accordance with the rules of the Indonesian Medical Council Number 40 of 2015 concerning Standardization of Indonesian Dentist Competence, dentists can also provide independent clinical services that provide comprehensive dental health covering several areas, for example: oral diseases, maxillofacial. Paediatric Dentistry, Endodontics, Periodontology, Prosthetics, Orthodontics, Dental Radiology, Dental Public Health, and Forensic Dentistry play a role in maintaining the stability of teeth above the jaw. Periodontia dental treatments include bleeding gums, swollen gums, tartar cleaning, dental implants, loose teeth, and periodontal surgery. The development of dentistry along with technological developments has an impact on the availability of health services at several levels that are still constrained in upholding the quality of health services. To solve cases like this and improve the quality of health services, Indonesian Medical Council Regulation No. 48/KKI/PER/XII/2010 concerning Additional Authority of Doctors and Dentists. Other authorities given to doctors or dentists in improving their medical science specifically deal with certain diseases professionally after attending the Specialist Doctor Education Program (Iswara et al., 2023)

Understanding tooth extraction shows how much public knowledge about tooth extraction and the impact of post-tooth extraction (Fadilah et al., 2022). Various articles write about the lack of knowledge about dental and oral hygiene causing residents to prioritize pulling teeth only because it is more practical and short and does not drag on and problems with toothache are solved. The growth of information has an impact on increasing citizen knowledge so that it changes the culture of thinking about dental care. This is because

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individual mentality also changes following the development of technology in the health sector (Marzuki & Tahrim, 2024). The number of health workers according to administrative and functional requirements is limited so that the impact on the provision of facilities and the quality of health services is different, but the public’s desire for the quality of health services is expected to increase according to E. S., Sugiarito, F. A., (2023).

The news of the death of a woman named Nira in Ngawi Regency, East Java is in the spotlight. Because he died after undergoing wisdom tooth extraction or molars at an independent practice or dental clinic. Chronology of the death of Nira Pranita Ashi age 31 on April 27, 2024. The decision to remove wisdom teeth is likely to cause Nira to pass away on Saturday, March 27, 2024 at Dr. Oen Solo Regional General Hospital after several treatments at various hospitals. The incident began when Nira Pranita came to Walikukun Dental Clinic for consultation on wisdom tooth extraction because it made her sick and dizzy. At that time, Nira was advised to undergo x-rays at Sarila Husada Hospital, Sragen. Nira followed the clinic doctor’s instructions to take an x-ray first and returned to the Dental Clinic.

After being removed, Nira checked her teeth again at Sarila Husada Sragen Hospital so that nothing happened. Based on the previous X-ray results, the wisdom teeth were tilted to the left and located far back, so the dentist decided to remove the wisdom teeth. However, after the extraction, Nira experienced swelling in her back teeth on December 30, 2023 and was finally transferred for consultation to Panti Waluyo Hospital Solo. The results of consultation with Panti Waluyo Hospital the occurrence of swelling, indications of pain in the throat. After that it was outpatient on December 31, 2024. Health development has not been maximized and there is no improvement. On January 1, 2024, Nira was transferred for examination to Jogya International Hospital. Health improved and he was allowed to return home. The results of the examination are indications of throat inflammation. On January 3, 2024, Nira again saw a doctor and was diagnosed with an infection referred to Dr. Oen Solo Hospital. Finally took him to Jogorogo Clinic and the swelling disappeared but breathing difficulties appeared finally treated to Dr. Oen Solo Regional General Hospital. Nira was diagnosed with a lung infection. in the first week of February 2024, chest surgery, right lung membrane surgery, even though his left and right lungs were infected. After surgery, he was hospitalized in intensive care for two weeks without a ventilator. His health condition worsened and he died while being given assistance on April 27, 2024. For this incident, the Ngawi District Health Office called the dentist who gave advice and extracted Nira's teeth, also asked for information from several doctors who treated the victim before she died. A dentist who performs tooth extraction at a private clinic owned by a dentist who is also one of the doctors at the Mantingan Regional General Hospital, Ngawi Regency, East Java (Bismala et al., 2024).

Such problems can turn into medical disputes if the patient has consulted with his family or through his lawyer. The number of medical disputes tends to increase over time due to increasing awareness of the right to national health services, doubts about the misuse of health services, distrust of doctors, due to lack of rational action to deal with health disputes (Achmad et al., 2022). The need for legal protection of the medical or dental profession for legal protection and certainty to carry out health service activities for citizens, where the rules of law that are the basis for protecting doctors include: Article 50 of Law No. 29 of 2004 concerning Medical Practice Law Number 36 of 2009 concerning health and Law Number 36 of 2014 concerning health workers and Informed Consent are a must for doctors in carrying out their profession. Informed consent means that the patient and his family consent after receiving information about organ surgery on the patient and all the risks (Rama, A. F. (2023). The purpose of this study is to provide protection to dentists for handling patients and is protected by a code of medical ethics so that health services can be fulfilled properly.

METHOD

The normative juridical method more specifically examines the legal case of wisdom tooth extraction against patients who cause the patient to die, analyzing based on legal standards of applicable laws and regulations. Using primary, secondary and tertiary legal data and legal products related to this study. Legal regulation through legal investigation must be carried out at the level of legal regulation. Morris L. Cohen who agrees with Peter Machmud Marzuki stated that legal research is a process of finding laws that regulate activities in society according to Marzuki, P.M. (2005). This research case approach is a Law approach and a concept approach in a case study. According to Marzuki, the approach of the law implemented examines all rules related to the legal issues handled. The conceptual approach is based on the opinion of experts. It is necessary to conduct research on Logical Ratios and the ontological basis for the birth of the Law, then researchers know the philosophical understanding of legislation and the conclusion of whether or not there is a philosophical difference between the Law and the case under study.
RESULTS AND DISCUSSION

1. Authority of Dentists to Perform Wisdom Tooth Extraction Based on Law No. 29 of 2004 concerning Medical Practice

   a. Practice Doctors professionally

   Therapeutics is a relationship between doctors or dentists and patients if carried out independent practice or commonly called clinics and hospitals is a legal relationship that is bound to the legal rights and obligations of each individual, the emergence of a sense of obligation. As a result of professional obligations, there is a link between health care laws. The obligations of professional responsibility can be divided into three, among others a) ethical responsibility; b) disciplinary responsibility; and c) legal responsibility (Soekiswati & Absori, 2019). A doctor in professional duty through responsibilities include:

   1. Ethical responsibility

   A professional, doctor in carrying out his profession is related to medical ethics that regulate his behavior, based on Indonesian Medical Ethics with Skep.PBIDI No.111 / PB / A/ 4/ 02/ 2013. KODEKI concerning the general duties of doctors (article 1 and article 13), the obligations of doctors to patients (article 14 paragraph 17), the obligations of doctors to their cooperation article 19, and the obligations of doctors to declare themselves in articles 20 and article 21. The medical profession has made efforts to develop and unify issues of professional ethics in all practices of doctors or dentists. The beginning of ethics and legal life is a very important role in various cases related to health law, this case provides information that ethics provides information about the development of legal science, an example is medical ethics itself. "Doctor's Certificate" as a guide in court. Provide information if a doctor or dentist violates the code of ethics. The doctor profession is the Honorary Board of Doctor Ethics which is an independent body of the Indonesian Medical Association whose task is to carry out the handling of internal medicine and the development of policies, education, implementation and management of medical devices. The ethics of a specially trained doctor are centralized, spread in the regions, and in smaller branches to perform professional work in court, prioritizing professional ethics as a duty of other ad hoc positions in his position.

   The ethical responsibility of a doctor or dentist arises if the patient's family reports a case in accordance with the opinion of the patient's family is an activity that violates the profession at the Indonesian Medical Discipline Honor Council. Next will decide whether there is a violation or not. If a violation of the law is found, it can be said that there is also a violation of medical ethics, then the case will be transferred to the Honorary Board of Medical Ethics which will decide its fairness from the divisional review committee decided by the court. Implementation of the code of ethics, the Honorary Board of Medical Ethics has the task of advising for the restoration of the rights of doctors or dentists related to the legal field then providing information on evidence that the dentist committed violations or not according to law (Marzuki, P.M. (2005.).

   2. Disciplined responsibilities in service

   The factor that determines the occurrence of violations of doctor or dentist discipline is the Indonesian Medical Discipline Honor Council, through patient or family reports that are believed to have professional misconduct. When the organization provides sanctions for violations of the professional discipline of doctors or dentists through evidence in the trial of the Honorary Council recorded in Perkonsil No. 3 of 2011 concerning the organization and work procedures of the Indonesian Medical Discipline Honor Council, including the determination of whether the case violates or not. Honorary Council based on Council Number 4 of 2011 concerning the Professional Discipline of Doctors and Dentists. If the case in the organization returns to the doctor or dentist to expand the doctor's operations, as recorded in Law No. 29 for 2004 on medicine, among others:

   a. beware in the text of writing;
   b. give direction in the cancellation of the certificate of registration or its authority; and
   c. Obligation to take specialist education at medical or dental school.

   3. Legal responsibility

   Legal and medical services fall into three categories, including: a) administrative duties; b) public duties; and c) criminal activity. The law has an administrative impact between hospitals and patients related to policies on the management of health services that must be implemented in the provision of quality health services. Violation of administrative policies or regulations will cause administrative violations in the form of terminating hospital licenses or terminating the legal status of hospital licenses, doctors or dentists, including health workers reprimanding in writing, terminating licenses, withholding salaries, or temporarily dismissing ranks to higher positions. Civil liability arises due to two legal principles, namely: initially begins if you commit...
a default or default as stipulated in Article 1243 of the Civil Code. Furthermore, on the basis of unlawful acts according to the provisions of Article 1365 of the Civil Code, among others: a) administrative duties; b) civil liability; and c) criminal liability.

Malpractice can occur in the field of criminal law or civil law (Thahir & Tongat, 2024). As outlined above, criminal law adheres to the principle of "criminal acts always begin with mistakes". This is the development of legal science by a living legal provision, hereinafter referred to as the cause of the end of unwritten law. The development of recognizing the existence of unwritten rules as a tool to prevent crimes from occurring since the approval of afwezigheid van alleschold by Hoge Raad in 1916 which means there is no crime without fault (Purwoleksono, D. E. (2014). All legal subjects in performing legal acts have legal consequences. If the subject of law is part of the administration, then the legal consequences are also in the field of administration. Furthermore, if the law brings a civil lawsuit, then the consequences arising will be related to the field of civil law, and if the subject of law is related to a civil lawsuit, then the consequences will be related to the field of civil law as well. Understanding that in order not to cause wrongdoing, namely by determining the consequences of legal subjects, it is necessary to divide the jurisdiction where the legal problem occurred.

b. Kewenangan Dokter gigi dalam pencabutan gigi bungsu

The legal authority over the negligence of doctors who caused the death of Nira patients that occurred in Walikukukun Ngawi Regency will be considered in three legal categories, including: administrative law category, civil law category, and criminal law category. From a regulatory point of view, the question that arises regarding the Registration Certificate and License to Practice of the dentist who handles Nira's patient is still valid. This includes the license to practice at the hospital. The authority of the hospital authority over the doctor or dentist who is sheltered can explain the mechanism when carrying out medical actions resulting in death in patients. If it falls into the civil law category, Nira's death case was caused by medical failure in lung surgery. If it falls into the category of criminal law, the death of Nira's patient does not violate the procedure, but if it is a professional violation, Nira has nothing to do because it is the responsibility of other organ specialists. If it falls into the category of civil law, Nira's death case was caused by medical failure in lung surgery. Right lung membrane surgery, even though his left and right lungs were infected. After surgery, Nira was hospitalized in intensive care for two weeks without a ventilator. His health condition worsened and he died. If it is associated with violations of the law in therapeutic transactions by doctors or dentists, the dentist who handles Nira has nothing to do because it is the responsibility of other organ specialists. If it falls into the category of criminal law, the death of Nira's patient does not violate the procedure, but if it is a professional violation, it can be categorized as an action against the law, or intense, for example, ignoring during emergency cases such as wisdom tooth extraction without indication, due to carelessness. Another example of a case with a mechanism that is not in accordance with Standard Operating Procedures on medical actions without consent of the patient and his family, usually also because of negligence during surgery on the patient's organs (Apriyani et al., 2024). Legal guidelines for health workers in providing services are guided by Law Number 29 of 2004 concerning Medical Practice and Law Number 36 of 2009 concerning Health. Both laws provide information on duties and sanctions, including:

1. Law no. 29 of 2004 concerning Medical Practice
   a. Article 75 paragraph (1): Every doctor or dentist who intentionally practices medicine without a registration certificate as referred to in Article 29 paragraph (1) shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of up to Rp. 100,000,000.00 (one hundred million rupiah);
   b. Article 76: Every doctor or dentist who intentionally practices medicine without a medical license based on Article 36 shall be punished with a maximum imprisonment of 3 (three) years or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah);
   c. Article 77 Any person who knowingly uses a status, either by title or by other means, to give the public the impression that he or she is a doctor or dentist who has held a certificate of registration or registration of dental or practice. Violation of the permit based on paragraph (1) of Article 73 is punishable by a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 150,000,000.00 (one hundred fifty million rupiah);
   d. Article 78 Whoever knowingly uses tools, or other means to provide services to the community with the aim of giving the impression that the person is a doctor or dentist who has a medical registration certificate or dental registration certificate or a license to practice according to the provisions. 73 Article paragraph (2) is threatened with a maximum imprisonment of 5 (five) years or a maximum fine of Rp. 150,000,000.00 (one hundred fifty million rupiah);
   e. Article 79: imprisonment of a maximum of 1 (one) year or a maximum fine of Rs. 50,000,000.00 (Fifty million rupiah) for a doctor or dentist who deliberately does not install a name plate as stipulated in Article
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2. Law no. 36 of 2009 concerning Health
a. Article 190 (1): The head of the hospital or the head of health workers who acts or works in a health institution and deliberately does not help patients in an accident, as referred to in Article 32 paragraph (2), or Article 85, paragraph (2) shall be sentenced to a maximum imprisonment of 2 (two) years and a maximum fine of IDR 200,000,000.00 (two hundred rupiah). Article 190 paragraph (2): If the act in paragraph (1) results in disability or death, the head of the hospital or health officer shall be sentenced to a maximum imprisonment of (10) years and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah);
b. Article 191: Whoever does not have a permit, uses tools and technology to perform traditional health services as stated in Article 60 paragraph (1), which causes property, serious injury, or death, shall be punished with a maximum imprisonment of 1 (one) year and a maximum fine of IDR 100,000,000.00 (one hundred million rupiah);
c. Article 192 Whoever intentionally trades organs or body tissues under any pretext as referred to in Article 64 paragraph (3), shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah);
d. Article 193 Whoever intentionally performs plastic and reconstructive surgery with the aim of changing the identity of a person as referred to in Article 69, shall be threatened with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah);
e. Article 195: Whoever knowingly trades blood based on one of the provisions of Article 90 paragraph (3), shall be punished with a minimum imprisonment of 5 (five) years and a maximum fine of IDR 500,000,000 (five hundred million).

Based on the explanation of Law No. 29 of 2004 concerning Medical Practice and Law No. 36 of 2009 concerning Health explains that the profession of a doctor or dentist in carrying out their professional duties is not always a suspect or perpetrator of a crime who is held criminally responsible if the patient being handled dies, as long as the doctor and dentist carry out a health service mechanism based on the standard operating mechanism of medical professional procedures. If the medical act of committing an offense in the criminal law contains an intentional or negligent element (culpa) as in articles 359, 360 of the Criminal Code, and the legislation is lex Specialist derogat lex general and all criminal requirements must contain an intentional element.

Suing the responsibility of a doctor or dentist for the medical actions of the alleged negligent because it is deliberately a complicated case, especially from an evidentiary point of view, but the matter becomes a criminal report becomes invalid. If a medical error can be proven through a medical examination according to the regulations recorded in the Introduction to Article 39 of Law Number 44 of 2009 concerning Hospitals: Performance Evaluation Model and medical examination. (Reference: Law of Medical Council Number 4 of 2011 concerning Medical Professional Discipline).

If wisdom tooth extraction by a dentist provides incorrect medical services to the patient resulting in the death of the patient, then the applicable law in Indonesia is useful to provide protection for the primacy of citizens, can impose legal obligations

2. Risk Responsibility for Wisdom Tooth Extraction in Deceased Patients
a. Responsibilities of the dentist profession
   Dentist is a profession that has legal competence based on Law No. 29 of 2004 concerning Medical Practice. The dentist profession in Indonesia uses digital technology in acquiring dentist skills. Number number
is a technique that requires a professional doctor to resolve the number of standard conditions determined by the teeth (Putranti et al., 2018).

This requirement system has several negative impacts on patients who have cases that must be resolved, for example previous congenital diseases that have been suffered by patients. An example of the case of Nira wisdom tooth extraction in Walikukun, Ngawi Regency shows that the patient removed the wisdom tooth at an independent clinic after several months suffering from lung infection and died. Given the costs incurred for treatment are so large that it seems that wasted work includes spending money, wasting time and energy as a result of which the patient dies. Starting from these cases, dentists are often unprofessional and incur costs for patients, for example delayed services and delayed medical actions (Handayani et al., 2015). The treatment of the patient is physical and the treatment is holistic. Dentists in serving patients are certainly obliged to treat patients ethnically and professionally. Dentists must prioritize ethical elements in carrying out the profession as health workers. The hope is that in the future dentists will have ethics and have a professional personality (Gresfullah et al., 2023).

In Nira's case, she was diagnosed with a lung infection. And in early February 2024, chest surgery, right lung membrane surgery will be carried out. Related to diseases in other organs of the body is certainly not the realm of dentists in handling. The focus of the dentist who handled Nira was medical treatment through wisdom tooth extraction based on previous x-ray results at the request of the dentist before performing professional action. Furthermore, medical action against Nira's patient has also received approval from the patient herself and her family, namely Nira's husband. For this case, the Ngawi District Health Office should also be guided by the results of medical records and call dentists with the principles of the Medical Profession, standard operating procedures for dentists with patients aimed at maintaining a healthy life for residents, preventing disease, and introducing a healthy lifestyle. The foundation of treating disease and restoring health all require basic principles of science, justice, humanity, and patient safety. The need for a Registration Certificate and a License to Practice including standard operating procedures refers to Work Procedures as long as the doctor performs work on the basis of his authority. Nira tooth extraction based on the Code of professional ethics and rational and professional implementation of dentistry, rules, and practices and their limitations (Syamsuddin & Pabbu, 2012). The code of ethics of the dental profession also regulates discipline during medical actions. The code of ethics must make it a reference and reference to internal standards. Ethical standards represent morals, and ability in professional competence. Its preparation is general, principled, and comprehensive on the behavior and implementation of the profession. In terms of rules, the dentist profession needs to comply with the ethical standards of the dentist profession. The aim is that dentists understand the code of professional ethics from the beginning, the hope is that it will be an integrated order while serving as a professional dentist (Zuhri S., 2012).

b. Legal Responsibility After Wisdom Tooth Removal Causes Death To The Patient

The role of medical and professional medical personnel is the Honorary Board of Medical Ethics which is an independent body of the Indonesian Medical Association which has the mission of organizing meetings on internal medicine and policy development, education, application and management of medical devices. Board of Directors: The Board of Directors or professional body may conduct internal investigations and take disciplinary action if violations of ethical or professional standards are found. Through education and training: Situations like these can encourage educational research and training for dentists to prevent similar cases from reoccurring in the future (Achmad et al., 2022).

Wisdom tooth extraction can cause many post-tooth extraction effects. Some ways to prevent problems after wisdom tooth extraction include: Blood and disease: patients should monitor the surgical site and contact a doctor as soon as possible if they experience heavy yellow or white bleeding, persistent pain or swelling, and fever, Alveolar osteitis (dry socket): The dentist will clean the tooth cavity, remove dirt from the cavity, and fill the cavity with a medicine dressing or special paste to speed healing. Then the patient is required to take nonsteroidal anti-inflammatory drugs such as aspirin or ibuprofen to relieve his pain; Painful: The doctor will give pain medication to relieve the pain. Furthermore, on the other hand, patients are required to follow the dentist's instructions to reduce the risk of swelling complications. Edema is a normal reaction to surgical treatment and goes away on its own; Paresthesia (unpleasant sensation): tingling, numbness, or itching of the jaw may occur, but usually improves within four to eight weeks; Nerve damage: the patient follows the doctor's directions to manage pain, inflammation, or swelling of the tongue, lips, gums, and cheeks; Treatment and prevention: the patient should return to the dental clinic to change the dressing at the surgical site until the pain is reduced. Your dentist will likely prescribe antibiotics if an infection is present. By following the doctor's instructions and providing proper treatment, patients can reduce the risk of post-wisdom tooth extraction complications and speed up the healing process (Dewi, 2019).
Dentists can only provide encouragement and if they get authority, advice and educational care. The problem in Nira's case is that the dentist profession is obliged to obey the code of ethics professionally. The basis in work is a medical record as a reference in surgery (Al Hilfi et al., 2018).

Wisdom tooth extraction can cause many complications that must be anticipated and overcome. The death of Nira's patient after wisdom tooth extraction had significant legal implications. Any issues must be resolved carefully, including thorough investigations and legal processes to determine responsibility and provide justice to the families of deceased patients. Dentists should always try to minimize risks and act in accordance with professional and legal standards.

Graceg’s professional responsibilities (medical malpractice): Negligence: If the dentist is found to have performed wisdom tooth extraction without following applicable medical standards or made an error that resulted in the death of the patient, then the doctor may be charged with medical malpractice; Informed consent: The dentist must ensure that the patient or his/her family has given consent after receiving an adequate explanation of the risks and benefits of the procedure. If proper consent is not given or the information submitted is incomplete, this can be the basis for criminal prosecution.

c. Dentist Professional Procedure in Wisdom Tooth Extraction

In independent practice a dentist is subject to Law No. 29 of 2004 concerning Medical Practice, based on the analysis of the author argues that the legal protection provided related to health services can be explained by the completeness of administration among others:

a. Valid Registration Certificate and Power of Attorney;
b. Clinical Ethics and Legal Committee;
c. Have standard operating procedures;
d. Professional training guidelines with details of the rights, rules, regulations and restrictions of the dental profession;
e. There is a recognized consent form; and
f. Existence of patient health files

Crime in Indonesia adheres to a two-factor system with the intention of if a crime and mistake occur. According to Moeljatno, criminal cases must meet the following requirements: a) the existence of a person's actions that meet the meaning of the law, this requirement is related to the socialization of article 1 paragraph (1) of the Criminal Code; and b) transgression is a propriety related to respect for the doctrine of lawlessness. Negligent doctors must be proven by several pieces of evidence not only of the patient who died, but also in carrying out the duties of the Doctor or dentist in practicing medicine independently or through health care institutions such as hospitals, or private clinics. If a doctor or dentist opens a practice, it is necessary to have a Registration Certificate and a License to Practice including standard operating procedures for health service business actors must have an implementation letter based on the regulation of the Minister of Health No. 1438 / MENKES / PER / IX / 2010 concerning medical work regulations referring to Work Procedures as long as doctors carry out medical work on the basis of their authority, rules of the medical profession, and comprehensive work regulations. Furthermore, as medical personnel, doctors also get legal protection from the state.

CONCLUSION

In the profession as a doctor or dentist has the obligation to carry out his duties professionally based on the Law on the code of medical ethics and the Law on health. Performing medical actions on patients must have knowledge, skills they have and obtained through specialized education for doctors or dentists. In general, dentistry services have a different scope from general health services, namely treatment can be done independently through private clinics, but doctors who open practices are required to have a Registration Certificate and a Practice License to fulfill public health services. In the medical profession make efforts to develop and unify professional ethical issues in all practices of doctors or dentists. The beginning of ethics and legal life is a very important role in various cases related to health law, the case of Nira's wisdom tooth extraction in Walikukun, Ngawi Regency shows that the patient removed wisdom teeth in an independent clinic after several months suffering from lung infections and died. Given the costs incurred for treatment are so large that it seems that wasted work includes spending money, wasting time and energy as a result of which the patient dies. If the medical act performed qualifiably violates the criminal law, contains elements of willfulness or negligence (culpa), all criminal provisions are subject to penalties, confinement, and fines.

Dentists are obliged to minimize risks and act in accordance with professional and legal standards. Medical malpractice responsibility or intentional negligence through a dentist proven to have wisdom tooth
extraction without following applicable medical standards or making a mistake that results in the patient's death, then the doctor can be charged with medical malpractice. Dentists must also ensure that patients or their families have given consent after receiving an informed explanation of the risks and benefits after medical treatment, so that medical cases can be avoided and the achievement of health services to the community is fulfilled properly.

REFERENCE


