

**Legal Protection to Indonesian Dental Artisan: A Judicial Review Post-Constitutional
Court Decision No. 40/PUU-X/2012**

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Abstract

Dental artisan is a common and preferred profession that has been widely known amongst the general public due to its low price. However, because the job was unsafe, the dental artisan was prohibited by Legislation No. 29 of 2004 on Medical Practice and the Ministry of Health Regulation No. 1871/MENKES/PER/IX/2011 on the Repeal of the Ministry of Health Regulation No. 339/MENKES/PER/V/1989. On the other hand, the Constitutional Court, through its decision No. 40/PUU-X/2012 has re-legalized the dental artisan profession. Amongst considerations made by the Constitutional Court, the re-legalization was caused because although the profession has a high risk of security, it can be settled through teaching, licensing, and supervision, instead of prohibition. This research is juridical research that studies the existent legislation provision on the legal protection regarded to dental artisan in Indonesia. Based on this research, it was noticed that: First, under Article 6 (1) of Ministry of Health Regulation No. 39 of 2014, a dental artisan is only allowed to, (a) create a partial or complete removable dentures that are made out of heat curing acrylic, that adheres to health standard requirements, (b) install a partial or complete removable dentures that are made out of heat curing acrylic without covering the patient's left-tooth root. In the event a dental artisan conducted practice outside of the two, the City or Regency Local Government will impose an administrative sanction upon them. Second, the form of teaching, licensing, and supervision intended by the government will be given directly to the City of Regency Local Government to decide appropriately.

Keyword: *constitutional court decision no. 40/PPU-X/2012, dental artisan, legal protection*

Introduction

The existence of dental technician as jobs are initially recognized legally by the government through the Ministry of Health (hereafter, Permenkes) No. 339/Menkes/Per/V/1989 on Employment Artisan Dental, where Article 7 Permenkes quo stated in expressis verbis that authority dental technician is limited to the manufacture of part/whole of a removable denture acrylic and installation of a removable denture. Based on the Minister of Health, a dental technician who is a dental technician in question is registered and has obtained a license from the Ministry of Health through the Minister of Health Regulation No. 53/DPK/I/K/1969.

Decree No. 339/Menkes/Per/V/1989 into the entrance space increasingly opening opportunities for practicing dental technicians to be able to provide services on the manufacture and installation of a removable denture. However, along the way, many common dental technicians who practice outside of work that has been determined as the Permenkes No. 339/Menkes/Per/V/1989. Many unscrupulous dental technicians who do work outside the manufacturing and installation of the tooth, such as tooth extractions and installation of braces. The increasingly widespread phenomenon encountered because people prefer dental technician rather than a dentist. This is caused because the price offered by the dental technician in the dental treatment process is much cheaper when compared to the costs to be incurred when through a dentist. As a comparative example, the cost of installation made of acrylic teeth in a dentist is around Rp. 600,000/tooth, while the installation of dentures with the same material in dental technicians only around Rp. 200,000/tooth¹. Also, installation costs through the stirrup when the dental technician only around Rp. 1,000,000 while in the dentist Rp. 5,000,000².

Installation stirrup teeth by a dental technician, in essence, has exceeded the authority possessed by a dental technician as outlined in Permenkes. When referring to Permenkes quo, there are some restrictions for the dental technician to do, among others, namely:

It is prohibited to perform any dental fillings with fillings; Prohibited to fixed denture, crown; Prohibited from using drugs associated with permanent or temporary fillings; Prohibited conduct tooth extraction with or without injection; Prohibited to perform medical procedures; Depute prohibited work on anyone.

Dental treatment is done not by a professional (in this case is a dental technician) pose various risks to the patient. The use of the stirrup made by dental technician could potentially cause tooth distorted, even off, and make the shape of the jaw becomes disproportionate. This is because the dental technician does not know for sure count braces installed power. Besides,

mounting stirrup through dental technician not through the stages of dental x-ray as in artisan. The X-rays are needed to find the ideal tooth structure to be achieved at the end of therapy. Moreover, the fact that too often encountered is that many dental technicians who also perform dental veneers³, especially veneer installation is done not through the proper way are to stick acrylic without seeing other dental problems. The thing that will potentially lead to inflammation of the gums and chronic infection, because in this case, the dental technician does not consider how that will be erased to be coated with the coating material⁴. The various potential danger is then that underlies the government to issue Permenkes No. 1871/Menkes/Per/IX/2011 on Revocation Permenkes No. 339/Menkes/Per/V/1989. The revocation aims to protect the public from the medical services that are not under the standards as outlined in the preamble paragraph b Permenkes No. 1871 / Menkes / Per / IX / 2011, which states that the dental and oral health services can only be carried out by health authorities and not the power of the dental technician. Also, the government in issuing Permenkes foundation is based on the expertise and competencies, which the dental technician does not have a guarantee of knowledge and skill,

Before the enactment Permenkes No. 1871 / Menkes / Per / IX / 2011, the ban on a dental technician to practice in essence also implicit in Article 73 paragraph (2) of Law Number 29 of 2004 on Medical Practice where “every person is prohibited from using the tools, methods or other means in providing services to people who give the impression as if the person concerned is a doctor or dentist who has had a letter of registration and/or licenses to practice.” Referring to these provisions, the phrase “as if the person concerned is a doctor or dentist” indeed leads to a dental technician work. Given the dental technician as in Permenkes Number 339/Menkes/Per/V/1989 are those who do the work in the field of healing and restoration of dental health, prohibition dental technician work in the Law on Medical Practice which is then accented with Permenkes No. 1871/Menkes/Per/IX/2011, even more, a dental technician job as a job that is not legal, resulting in people who worked as a dental technician is no longer able to do his job and loss of livelihoods. That makes the dental technician felt aggrieved over the policy until then they are represented by H. Hamdani Prayogo apply for constitutional review of Article 73 paragraph (2) and Article 78 of Law No. 29 of 2004 on Medical Practice to Article 27 paragraph (2) and Article 28D (1) Constitution NRI 1945. 1871/Menkes/Per/IX/2011, even more a dental technician job as a job that is not legal, resulting in people who worked as a dental technician is no longer able to do his job and loss of livelihoods. That makes the dental technician felt aggrieved over the policy until then they are represented by H. Hamdani Prayogo apply for constitutional review of Article 73

paragraph (2) and Article 78 of Law No. 29 of 2004 on Medical Practice to Article 27 paragraph (2) and Article 28D (1) Constitution NRI 1945. 1871/Menkes/Per/IX/2011, even more a dental technician job as a job that is not legal, resulting in people who worked as a dental technician is no longer able to do his job and loss of livelihoods. That makes the dental technician felt aggrieved over the policy until then they are represented by H. Hamdani Prayogo apply for constitutional review of Article 73 paragraph (2) and Article 78 of Law No. 29 of 2004 on Medical Practice to Article 27 paragraph (2) and Article 28D (1) Constitution NRI 1945. That makes the dental technician felt aggrieved over the policy until then they are represented by H. Hamdani Prayogo apply for constitutional review of Article 73 paragraph (2) and Article 78 of Law No. 29 of 2004 on Medical Practice to Article 27 paragraph (2) and Article 28D (1) Constitution NRI 1945. That makes the dental technician felt aggrieved over the policy until then they are represented by H. Hamdani Prayogo apply for constitutional review of Article 73 paragraph (2) and Article 78 of Law No. 29 of 2004 on Medical Practice to Article 27 paragraph (2) and Article 28D (1) Constitution NRI 1945. That makes the dental technician felt aggrieved over the policy until then they are represented by H. Hamdani Prayogo apply for constitutional review of Article 73 paragraph (2) and Article 78 of Law No. 29 of 2004 on Medical Practice to Article 27 paragraph (2) and Article 28D (1) Constitution NRI 1945.

In one of the reasons his petition, the Petitioner argues that the dental technician job is not harmful to the patient, precisely the people require the services of dental technician given the price of services at very affordable compared to the costs to be incurred if they had to go to the dentist in the process of making dentures. This is proved by the data collected by the applicant when it recorded 75,000 people who choose to use the services of the dental technician. A large number indicates that the services of a dental technician are needed by the people of Indonesia, medium. Thus, when the government banned the presence of dental technicians in Indonesia.

Based on the reasons for the applicant, the Constitutional Court, in its legal considerations, stated that the various phenomena of the rampant dental technician at the time because the government is still not able to provide affordable dental services for the whole community. So that the problem is, in essence, by the Constitutional Court can be resolved through the development, licensing, and supervision. Guidance intended for dental technician has a basic knowledge of dentistry so that it can carry out the work following prevailing regulations. Surveillance is expected that the government will control the work of dental technician to carry out the work under the standards set by the government and impose sanctions on dental technician were guilty of misusing his job. The licensing is intended as a dental technician job legalization to perform work according to the ability and expertise of the dental technician.

The Constitutional Court also found dental artisan work can be categorized as a type of traditional Indonesian health service that should be protected by the state in a separate

regulation. Therefore, the Constitutional Court in a verdict stating that Article 73 paragraph (2) of Law No. 29 of 2004 on Medical Practice does not have binding legal force to the extent not understood “Every person is prohibited from using the tools, methods, or other ways of providing services to people who give the impression as if the person concerned is a doctor or dentist who has had a registration letter and/or the practice license, except dental technician licensed by the practice of the government. “Accordingly, since the Constitutional Court Decision No. 40/PUU-X/2012 that,

As a follow-up to the Decision of the Constitutional Court, the government issued Permenkes No. 39 of 2014 on Development, Supervision, and Licensing Dental Artisan Works. That is, through this regulation, the government is trying to ensure certainty for both consumers and the dental technician service users. However, even though the government has decided to conduct training, licensing actively, and oversight of the profession of a dental technician, they encountered a case related to the dental technician, as an example related to the situation in 29-year-old Palopo citizens. The latter did repeal two gears at once by a dental technician circumference on April 28, 2018. Then, a day after tooth extraction, the residents come to the dentist for treatment due to complaints that the blood did not stop off at the mouth after a tooth extraction performed by the roving dental technician. The citizens of the conditions at the time the doctor came already in a state of weakness. Then five days later, the bleeding is continuing, and on May 4, residents are experiencing acute anemia, and awareness continues to decline.

Until then, the patient is declared dead. The case of the death of a resident after tooth extraction on dental technician circumference certainly needs the attention of governments. Although the government has legalized the existence of dental technicians, they found too many cases of problems caused by people who use the services of dental technicians. Then five days later, the bleeding is continuing, and on May 4, residents are experiencing acute anemia, and awareness continues to decline. Until then, the patient is declared dead. The case of the death of a resident after tooth extraction on dental technician circumference certainly needs the attention of governments. Although the government has legalized the existence of dental technicians, they found too many cases of problems caused by people who use the services of a dental technician. Then five days later, the bleeding is continuing, and on May 4, residents are experiencing acute anemia, and awareness continues to decline. Until then, the patient is declared dead. The case of the death of a resident after tooth extraction on dental technician circumference certainly needs the attention of governments. Although the

government has legalized the existence of dental technicians, they found too many cases of problems caused by people who use the services of a dental technician.

There are two purposes of this research, firstly is to know whether the position of a dental artisan and a doctor in law is the same and secondly is to see the method teaching, licensing, and the supervision that was intended by the Constitutional Court No. 40/PUU-X/2012.

Research methods

This paper is a study legal arguments by focusing the primary characteristic Koran enforcement of a case with accompanying argumentation/legal considerations made law enforcement and interpretation behind the enactment⁶. To study the law of legal arguments, the type of study is a normative legal research/doctrinal, where Terry Hutchinson states related doctrinal legal researches are:

“Doctrinal research: research rooms Provide a systematic exposition of the rules governing a particular legal category, analyzes the relationship between the rules, explain areas of difficulty and, perhaps, Predict future development.”

(Doctrinal research is research that provides a systematic explanation of rules governing a particular legal category, analyzing the relationship between regulation and may explain the difficulties the region predict future development)⁷.

Based on these definitions, it can be seen that the normative legal research or doctrinal legal research was conducted with reference to the various regulations that are written.

Related to the type of research used in this paper is normative research, the approach used in analyzing the formulation of the problem is the approach of legislation (statute approach) and the conceptual approach (conceptual approach). Approach legislation (statute approach) is done by examining all the law and regulations relating to the legal issues dealt with, so that can know the ratio legis, basic ontological and philosophical foundations of regulation pertaining to the dental technician⁸.

The conceptual approach (conceptual approach) is a theoretical approach to move from the views and doctrines that developed in the jurisprudence⁹. This approach is made by understanding the concepts put forward by experts found in the literature, especially concerning the concept of the dental technician and dentist.

Legal sources used in this study were obtained from a variety of legal materials consisting of primary legal materials and secondary law. Primary legal materials are materials that have the authority of law, in this case, is in the form of legislation, the minutes in the making of rules and regulations, as well as the judge’s decision. As for the secondary legal sources used in

this paper include textbooks, journals legal, expert opinions, case law, and a variety of other materials that are relevant to the topic of writing. The legal materials in this writing are done by literature study various related laws and regulations—various laws and regulations which are then linked to the problem, which is the subject of writing.

Results and Discussion

Differentiation of dental technician profession can and dentists

One type of health services still exist in Indonesia is the traditional health care. Act According to article 1 Law No. 36 of 2009, conventional health care is the treatment and/or treatment with drugs that manner and refers to the experience and skill of hereditary empirically justifiable and applied per the norms prevailing in the society. One of the traditional health care, which is still in demand by the public, is a dental technician¹⁰. Besides, because the price is more easily accessible, especially by the middle class, when viewed from the aspect of history, the presence of dental technician also been there since the days of Dutch colonial rule, Practice dental technician at the time of Dutch colonial rule has increased in the community and even to dominate the market at the time. The existence of dentists who are very limited when it serves only a European group who settled in Indonesia. Some of the reasons are precisely what has become the basis of the Dutch colonial government established the first dental education institutions in Surabaya in 1928, namely STOVIT (School tot Opleiding van Indische Tandartsen). Furthermore, when Indonesia switch under the Japanese occupation, the Japanese established Ika Daigaku Sika Senmebu or Dental School to meet the needs of qualified dentists within singkat`. Some faculty of whom is a citizen of Indonesia, among others, Prof. Dr. Sjaaf, Dr. Zainal, Dr. M. Salih, Ir. Darmawan Mangoenkoesomo, Ir. Soemono, Dr. S. Mertodidjojo, and Dr. Moestopo. Dr. Moestopo, who then started by opening the dental technician course in Jakarta in 1952, although the practice dental technician whose skills acquired by generations already exist in Indonesia.

At that time, Dr. Moestopo, who still held the rank of Colonel, served as head of the Maxillofacial Surgery Department of the Army Hospital also runs courses Dental Health dr. Moestopo. The purpose of the establishment of the course is to enhance the capabilities and skills of dental technician throughout Indonesia, which at the time numbered nearly 2,000 people, so that they meet the minimum criteria Dentistry in terms of hygiene, nutrition, anatomy and pure as the appeal of the Minister of Health in the Congress of the Union of Doctors Indonesia (PDGI) II in 1952. Subsequently, in 1957, the course evolved into “Classes Artisan Dental Intellect” where students can gain knowledge there should be required to pass

at least junior high school and was educated at least one year¹¹. In 1958, Dr. Moestopo, which at that time had finished in a finishing school in the United States, began to establish further Dental College that the school received official recognition from the Ministry of Health. Struggle Dr. Moestopo in conducting training efforts through a variety of courses that the establishment of the dental technician by Soekarno was given special praise where Dr. Moestopo considered to have been successful in educating and spawn affordable dental health personnel by small people.

Historical development of dental technicians in Indonesia is increasingly emphasized that the presence of dental technicians in Indonesia has taken root in many people's lives, especially for the middle class. The existence of a dental technician then has gained legitimacy by the government through the issuance of Permenkes No. 53/DPK/I/C/1969 on the registration and licensing of Artisan Works Running Gear. Furthermore, the government also issued Permenkes No. 339/Menkes/Per/V/1989 Artisan Works Dental, which stipulates the obligation Permenkes dental technician who has registered and have a license to conduct the renewal of permission for three years and can be extended up to the age of 65 years.

Existence dental technician in Indonesia continues to grow along with the price of dental technician services more easily accessible by the whole society when compared to the services provided by the dentist. However, the existence of the dental technician in danger when the government passed Law No. 29 of 2004 on Medical Practice. One of the articles that threaten the existence of professional dental technician in Indonesia is Article 73 paragraph (2) which states that "Every person is prohibited from using the tools, methods, or other ways of providing services to people who give the impression as if the person concerned is a doctor or dentist which has had a letter of registration and/or license to practice. "If we analyze further, the provisions of that article leads to the profession of a dental technician. Thus, Article 73 paragraph (2) is then the basis for the issuance of Regulation of the Minister of Health No. 1871/Menkes/Per/IX/2011 on Revocation Permenkes No. 339/Menkes/Per/V/1989. That matter, which has become the basis Prayogo H. Hamdani, a dental technician in West Jakarta, to propose the constitutional review of the provisions of Article 73 paragraph (2) of Law No. 29, 2004. The underlying petition is at the time was that with the enactment of Permenkes 1871/2011, which was based on Article 73 paragraph (2) of Law No. 29 of 2004, the applicant has suffered material losses due to authority as a dental technician in Permenkes 339/1989 was annulled by Permenkes 1871/2011. Thus, one of the arguments of the applicant at the time was that the provisions of Article 73 paragraph (2) of Law No.

Against the petition, the Constitutional Court Number 40/PUU-X/2012 in legal considerations stated that the norms contained in Article 73 paragraph (2) of Law of Medical Practice that are multiple interpretations because not only prohibit doctors/dentists pseudo open illegal practices, but the formulation of that article is precisely impacting on all areas of work, especially dental technician profession. Besides, based on the historical aspect in which the dental technician before their dentist in Indonesia has become an alternative for people to get affordable dental care. Thus, several considerations underlying the Constitutional Court stated that the issue regarding irregularities by a dental technician or a lack of competency of dental technicians could be resolved through development, licensing, and supervision. Guidance is intended that the dental technician is expected to have a basic knowledge of the science of dentistry so that it can carry out the work following provisions in force. The Supervision is intended to control the dental technician so that they carry out the work following the standards set by the government and give prosecution sanction against dental technician who has strayed from his job. In connection with the licensing meant that the dental technician must have legalization, to undertake work under its capabilities and expertise. Thus, Constitutional Court stated that the provisions of Article 73 paragraph (2) of the Medical Practice Act be “conditionally unconstitutional” or conditional contrary throughout the chapter apply to a dental technician who had permission from the government.

Based on the Constitutional Court’s decision, it can be seen that, in essence, different from the dental technician dentist. Dental technician generally only learn teeth like making dentures without considering things like making dentures should be indicated removable be fixed mounted on the rest of the tooth root of the original, where these actions can cause a buildup of plaque that can occur irritation of the soft tissue, halitosis, inflammation of the gingiva. In contrast to the dentist, where dentists learn all about the teeth and mouth, including tissue supporting the teeth resulting in the manufacture of artificial teeth, dentists pay attention to the health of the network around the denture. Typically, the difference is also reflected in some legislation. One of the fundamental differences between the dental technician dentist is viewed from the aspect of the concept and understanding. Dental technician limited manner in Article 1 paragraph 1 Permenkes No. 39 2014 is defined as any person who can create and install a removable denture. While the dentist, as well as in Article 1 paragraph 2 of the Medical Practice Act, is defined as dentists and dental specialists who graduated from medical or dental education both at home and abroad are recognized by the Government of the Republic of Indonesia by the legislation.

Pulling from a review of these definitions, it can be seen that to become a dental technician, is not required if he should have a background in dental education or not. That is, as long as it has the expertise in delivering services in general dental technicians that the skills acquired by generations, then he can practice as a dental technician. Instead, to become a dentist, then one of the conditions is that he must have a background in education dentist. Thus, a dentist must require more formal education than the dental technician whose expertise is generally obtained from generation to generation.

Minister of Health Regulation No. 39 of 2014. In terms of the scope of the authority of the dental technician is limited to the manufacture and installation of some or all removable denture, as in Article 6 paragraph (2) which states in expressis verbis that:

“Artisan Works Dental referred to in paragraph (1), only in the form:

Creating a removable denture partial and/or full made of heat curing acrylic material that meets the provisions of the health requirements; and

Installing removable denture partial and/or entirely made of heat curing acrylic by not covering the rest of the tooth root.”

In contrast to the authority possessed by the dentist, Article 35 paragraph (1) of the Medical Practice Act mentions in full any relevant authority which is owned by a dentist who has had a registration letter, where the authority is broader than the scope of authority possessed by the dental technician. Aside from the scope authority, the fundamental difference is also evident from the ability and expertise. Apart from a few differences, one being the dividing line between the dental technician dentist its associated permissions.

One form of licensing in Administrative Law is permitted (*Deiegenlyke*). The significance of the license is that the things that are covered by the permit have been placed under government supervision for further controlling him¹². Both dentists and dental technicians have also required the license to practice. They were the license between the dentist with a dental technician different. Permits for the dentist is in the form of Permit Practice. Still, earlier, to obtain a Permit Practice, every dentist should have a dentist registration letter signed by the Chairman of the Council of Dentistry¹³. In contrast, the license for the dental technician is in the form of Licensed Plumbers Dental¹⁴. The authorities issued the license or permit is District/City Government or the District Health Office/City of Licensed Plumber's teeth and the health authorities in the district/city for Practice License.

In addition to some of the above aspects, the fundamental difference between a dental technician dentist is an obligation between them. The most notable difference other than in terms of the delivery of services within the scope of its authority is that dentists are required

to provide emergency assistance on humanitarian grounds, in contrast to the dental technician, where the dental technician does not have the power to do things outside as the authority and the work that has been stipulated in the legislation. So that the dental technician has no obligation, even not authorized to provide emergency relief though, given the skills and abilities that only dental technician is limited because generally these skills acquired by generations and not through dental education. The next difference is the obligation for a dental technician to perform the registration service made in an exceptional accounting and reporting periodically every 3 (three) months to the Head of District Health Office / City, which includes the number of service users dental technician and the action taken. Another difference is that the dentist is also required to increase knowledge and keep abreast of dentistry, which related to the dental technician has no obligation to increase the knowledge he had.

Highlights from the above explanation, it can be concluded that basically, dental technicians and dentists are two similar though different jobs; however, they still cannot be equalized. As obligations between dental technician dentist are various, it is only natural when the Constitutional Court then gave the different rights between the dental technician with the dentist, where the one that is not owned by the dental technician is that the dentist has the right to provide medical services per professional standards and standard operating procedures. That is that all any action related to dental health services for professional standards and under standard operating procedures the dentist is entitled to provide such services in contrast to the dental technician, where the dental technician is not qualified to take any action beyond the authority, and the work set out in the legislation. Rights are, born because of the differences in the obligations between them, which can be practiced to provide dental health services legally, a person would have to have been studying dentistry. Those requirements differ from dental technicians were to be able to drill into a dental technician, a person is only required to have the ability to create and install a removable denture, without having to first pass of dental education. Based on this, the dental technician only logical when given the right to practice the provision of dental services in only two things, as also confirmed by the Constitutional Court Decision No. 40/PUU-X/2012, which is only limited to the manufacture and installation of removable denture partially and/or wholly made of heat curing acrylic.

When analyzed further, the distinction between the dental technician with the dentist is mostly in line with the theory of equal justice (distributive justice), as stated by Aristotle. In this case, Aristotle's justice differentiates into two, namely distributive justice and commutative justice.

Distributional justice is where something is said to be fair if everyone gets what they are entitled proportionally according to their position in society¹⁵. As for the perspective of commutative justice, something is said to be honest if everybody gets their rights equally between each other, in simple words, something is said to be equally fair to each taste¹⁶. When linked with the problem of dental technician and dentist, the existing regulations mainly reflect the distributive justice that you want to target, such as justice proportionality. Buoyed by the authority given to the dental technician following its portion, which is only in the manufacture and installation of artificial teeth, given the capabilities and skills of dental technician are not based on dental education, but only acquired hereditary. Thus, it would be an injustice if the dental technician allowed to perform other dental care practices outside the installation and manufacture of dentures. Besides affirmed in the legislation, as do interpretations of the original intent¹⁷, it can be seen that the Constitutional Court has never equated between dental technician dentist. The Constitutional Court recognized the distinction precisely regulating this matter. Also, the Constitutional Court stated in its legal considerations linked the need for licensing, supervision, and monitoring for the dental technician so as later able to resolve the issue regarding dental technicians in Indonesia.

Settings related Government Guidance, Control, and Licensing of the Artisan Dental post-constitution Court Decision No. 40/PUU-X/2012. One of the mandates of the Constitutional Court Decision No. 40/PUU-X/2012 is related to the organization of training, licensing, and oversight of the profession of a dental technician. The mandate further implemented in the Ministry of Health Regulation No. 39 of 2014 on Development, Supervision, and Licensing Artisan Dental. Coaching means business and the actions and activities carried out efficiently and effectively to obtain better results. More broadly, coaching is an effort to formal and non-formal conscious, planned, directed, organized, and responsible for introducing, cultivating, guiding and developing a basic-basic personality balanced, whole and harmony, knowledge and skills according to their talents, tendencies/desires and his capabilities as a provision, for further on his mighty add, improve and develop themselves, each other and the environment towards the achievement of dignity, quality, and optimal human capability and independent person. Pulling off some of these definitions, then coaching is the effort made regularly and targeted to achieve the goals effectively. The Constitutional Court means the guidance against the dental technician is intended to have basic knowledge of dental science that can run the job according to applicable regulations. Such development as in Permenkes No. 39 of 2014 made either by the Minister, the Governor, Regent/Mayor, local device, and/or dental technician organizations in the form of supervision and guidance and/or counseling regularly.

In practice, the coaching of dental technician has not yet been carried out in all cities in Indonesia. Even in some cities, guidance to the dental technician has been implemented by local governments concerned. One example of an area that has to guide the dental technician is Denpasar. The Health Office of Denpasar City does the coaching by collecting the entire dental technician in Denpasar for socialization and guidance given¹⁹. However, several local governments do not guide the dental technician as an example in the city of Semarang. Three years after the adoption Permenkes No. 39 of 2014 that gave birth to the obligations of coaching by the local government concerned, the Office of Semarang until the end of 2017 was still not running coaching and periodic supervision of the dental technician in Semarang because of lack of human resources in the Health Office of Semarang City to conduct fieldwork in guidance to the dental technician periodically²⁰. Also, the lead did not commit leadership to the dental technician is because the dental technician is not a basic program that is not urgent program Maternal and Child Health, or Prevention of Infectious Diseases so that the practice of dental technician falls within program development the Health Office of Semarang City that is not urgent, so no need to be developed immediately.

In addition to coaching, one thing that is mandated by the Constitutional Court Decision No. 40/PUU-X/2012 is subject to control. This means viewing supervision and custody. As in theory, according to Henry Fayol, surveillance is testing if everything went according to plan has been determined by the instruction that has been outlined to determine the weaknesses and errors to fix and prevent reoccurrence²¹. When linked with the dental technician, supervision as the Constitutional Court Decision No. 40/PUU-X/2012 is intended to control the dental technician job to carry out the work by standards established by the government and sanctioning dental technician who infringe or misappropriate the work. The purpose is also then accented in Permenkes No. 39 In 2014, as in Article 10 paragraph (4), namely that the dental technician does not do work outside the authority stipulated in the Permenkes.

Similarly, guidance, oversight of the dental technician is still not implemented in the whole of Indonesia. The associated control has been successfully carried out is in the city of Denpasar, in which the surveillance is carried out by a visit to the whole dental technician in Denpasar regularly as many as 20 times a year. In performing its oversight, the Health Office of Denpasar City in coordination with the Consumer Dispute Settlement Board Denpasar (Denpasar BPSK) to protect the public to avoid losses arising from the practice of dental technician services in Denpasar. However, not all Local Government to supervise the dental technician because all regional governments are coaching as mentioned above that one of the cities that still have not implemented until three years coaching the ratification Permenkes No.

39 of 2014 in Semarang. Thus, supervision is also mandated by the Constitutional Court Decision No. 40/PUU-X/2012, and Permenkes No. 39 of 2014 is not implemented by the local government concerned.

Besides the city of Semarang, the local government also still carries out the mandate of the Constitutional Court's decision and the Minister of Health Regulation No. 39 of 2014 related to coaching, supervision, and licensing of a dental technician in Bandar Lampung²². Based on the survey, of the 58 dental technicians scattered in Bandar Lampung, 7 of them did not have permission from the local government practices. The number of dental technicians who do not have the authority to prove that the Health Office of Bandar Lampung has not done the monitoring of the practice of dental technicians. So it is still the omission of the dental technician to carry out the practice. As a result, dental technicians perform work beyond the limits of the authority that has been determined as in legislation.

In addition to Semarang and Bandar Lampung, many areas are also not to supervise the dental technician. As a result, many dental technicians who do work outside the authority as defined in the legislation. This is proved by the fact that many dental technicians who not only create and install a removable denture but also evolved from pulling teeth, making the teeth of porcelain materials, dental fillings until the installation of braces. The number of dental technicians who perform work outside of the authorities stipulated in the legislation cannot be separated from society itself factor. In addition to the price of services by a dental technician who is much more easily accessible, yet the prevalence of health knowledge in the community is also one that encourages people to increasingly use dental technician services²³. That is, the knowledge society is not yet even they are the reason the public perception that the profession of dental technician together with the dentist. Thus, people prefer to pay a visit to a dental technician to get much cheaper services.

In addition to coaching and supervision, one of which is also mandated by the Constitutional Court is related to the licensing. Licensing of dental technician legalization meant as a dental technician to perform the work according to the capabilities and expertise of the dental technician. Licensing of a dental technician in effect for the first time stipulated in the Ministry of Health Regulation No. 53/DPK/I/C/1969 on the registration and licensing of Artisan Works Running Gear. In the Minister of Health, dental technician workers are allowed to enroll to get permission from the government. Subsequently, in 1989, through the issuance of Ministry of Health No. 339/Menkes/PERN/1989 Employment Artisan Dental, government reforms, and renew the license for the dental technician who already has a license by Ministry of Health Regulation No. 53/DPK/I/K/1969 with a maximum age limit of 65 years. It means that

at that time, the government never permitted the filing of a new application for the dental technician since 1969. Furthermore, the presence of a dental technician is legitimized by the government through the Minister of Health No. 1871/Menkes/Per/IX/2011. However, after the Constitutional Court Decision No. 40/PUU-X/2012, as recognition of dental technician returned, the government then follow the decision of the Constitutional Court in the Minister of Health No. 39 of 2014.

They are licensing in Permenkes No. 39 of 2014, regulated explicitly in Chapter II. In these regulations, any dental technician must register for local governments to get a permit Artisan Dental. Against the dental technician who has received Permit before the enactment of Artisan Dental Permenkes No. 39 of 2014 must register back to the local government or local health department. However, even normative superbly set out their obligation to register for dental technician services practices to obtain a permit Tukan Dental, many dental technicians do not have permission from the government. In practice, the dental technician who will open dental practice services must join the United Plumbers Dental Indonesia (STGI), which will aid in STGI, a dental technician will be taught to make, install and remove the dentures.

Furthermore, the dental technician is doing an internship in the practice of dental technician who is experienced in learning more mature again what has been gained in STGI. Within one year, if the dental technician has been able to install and remove the dentures without guidance or supervision, the dental technician must come to the Chairman STGI. If the dental technician has been declared fit, then he will get a certificate as a sign that the dental technician is permitted to open a dental practice services²⁴. The certificate then into recommendations for the dental technician to the one submitted to the Department of Health

At the time of application for a license to the Department of Health's why many dental technicians who then undergo various barriers so then they decided not to continue the process in the Health Service and the direct use of STGI certificate as a basis for open practice. Besides being a long process, many dental technicians that no permit is also not independent of the actions of certain elements. As an example, in Jakarta, where the dental technician licensing process must go through the One-Stop Services (OSS) that the process is taken care of at the district level. The process at the district level requires dental technician must have a Building Permit (IMB)²⁵. Many dental technicians who just rented the place to be a place to practice. Worse, the terms must have a permit that was made by officers PTSP district level. It then becomes an obstacle to the dental technician to take care of related permissions in the local health service.

Licensing, Development, and Supervision of the dental technician are the fundamental things that must be considered by the government. Because, when analyzed from the perspective of business law, the dental technician work included in the regime of consumer protection laws. In this case, a dental technician businesses that provide services such as dental health services to consumers. Relating to consumer protection explicitly set out clearly in the Act No. 8 of 1999 on Consumer Protection.

One principle in implementing consumer protection, as provided for in Article 2, is the principle of security and safety. That is that the operations should provide guarantees for the security and safety of consumers both in the use, handling, and use of goods and/or services used. This was confirmed as in Article 7 that one of the obligations of businesses is a good faith belief in the operation. Furthermore, Article 8 states that business operators are prohibited from producing and/or trading goods and/or services that do not comply or do not comply with the required standards and the provisions of the legislation. Draw a line from both conditions. It can be concluded that the dental technician as businesses must provide dental health services per the authority set out in the legislation, which was limited to the installation and manufacture of dentures.

Furthermore, Article 19 paragraph (1) states that business operators responsible for providing compensation for damage, contamination, and/or loss of consumers from consuming goods and/or services produced or traded. The compensation does not eliminate the possibility of criminal prosecution under further evidence of the existence of an element of error. That means that even dental technician will be charged with a criminal for doing work outside the authority as to be appointed by legislation, however, when there are consumers who are demanding compensation for what had happened, the dental technician is obliged to provide compensation for the losses that have been experienced by consumers.

Conclusion

Referring to the various laws and theories about the dental technician and the doctor, then basically, in terms of multiple aspects, the dental technician cannot be said to be the same job with the dentist. The dentist must have broader authority than a dental technician in terms of dental health services. Indonesia's government regulation related to coaching, supervision, and licensing of a dental technician is now regulated under the Ministry of Health Regulation No. 39 of 2014 on Development, Supervision, and Licensing Dental Artisan Works. Nevertheless, various provisions of the regulation have not yet been able to be implemented optimally in all regions of Indonesia.

To fix the various problems concerning dental technician practice in Indonesia can be done by performing repairs and improvements to the dental technician. As has been explained that one of the causes of the many dental technicians who do work outside the authority set out in the legislation is still not optimal guidance and supervision carried out by the government, especially the Department of Health. Thus, as a solution in the future, it is necessary to set the guidance and supervision of dental technicians as a basic program that must be implemented. Also, if necessary, the District Health Office/City made a special team to conduct fieldwork in the formation of the dental technician periodically. Thus, there is a definite field staff in fostering.

Furthermore, the implementation of licensing, it is necessary further to review the permissions associated application at every level, so that the licensing requirements in each stage throughout the area are the same. As to dental technicians, the government needs to be more assertive in enforcing surveillance. That is, if there is a dental technician who worked outside the authority as stipulated in the regulations, then the government should explicitly impose sanctions as it has been set.

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