

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.

Keywords:

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