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Examining dental malpractice in Indonesia through case studies*

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Abstract

Professional compatibility of dental practitioners in medico-legal practices is essential for modern healthcare, requiring alignment of competencies, ethical standards, and legal compliance to ensure effective and safe patient care. This study examines the professional and legal challenges faced by dental practitioners in Indonesia through a qualitative case study analysis of two significant dental malpractice cases adjudicated by the Supreme Court in Jakarta (2016) and Denpasar, Bali (2015). The research reviews legal documents, court rulings, and medical records, supplemented by expert consultations and comparative analysis. The findings emphasize the importance of accurate medical records, effective communication, informed consent, and adherence to professional standards. This paper highlights the implications for the Indonesian healthcare system, advocating for enhanced communication skills, continuous education, and clearer guidelines to protect patient rights and guide practitioners. These insights provide valuable lessons for improving healthcare delivery, safeguarding patient rights, and reducing medical malpractice, contributing to a more robust and patient-centric healthcare system in Indonesia.

Keywords: dental malpractice; dental negligence; forensic odontology; jurisprudence; medicolegal

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Introduction

Forensic odontology, a branch of forensic science, applies dental expertise to aid in personal identification in cases such as mass disasters and legal issues. It offers essential knowledge in individual identification and evaluating dental evidence in various legal situations (1). The professionalism of dentists in medico-legal activities has gained significant attention in Indonesia due to improvements in the area and the intricacies of the legal landscape (2,3). In this particular setting, medical misconduct arises as a crucial matter. Individuals have the right to bring legal claims against healthcare professionals accused of abusing their power and causing injury to patients. Such harm might be evident in the form of suffering, injury, physical disability, or even fatality. This legal action highlights the importance of having strict professional standards and accountability in the healthcare industry to protect patient well-being and maintain the medical profession's reputation (4).

In Indonesia, the relationship between healthcare providers and patients has become increasingly scrutinized within a medico-legal framework, especially concerning allegations of malpractice. Legal disputes involving dental practitioners serve as a significant lens through which to examine professional accountability and ethical considerations in dental practice. Prominent cases, such as those adjudicated by the Supreme Court in Jakarta (5) and Denpasar, Bali (6), highlight the legal complexities and ethical challenges faced by dental professionals. These cases underscore the need for a deeper understanding of the interplay between professional standards, patient safety, and legal accountability in dentistry.

This study aims to comprehensively assess the professional suitability of dental practitioners in medico-legal practices by examining two pivotal cases in Indonesia. By delving into the complexities of these cases, our objective is to underscore dental professionals' legal and ethical responsibilities and the impact of their professional conduct on patient outcomes. Our ultimate goal is to enhance the understanding of the medico-legal responsibilities of dental practitioners, fostering a more robust and ethically sound practice that adheres to legal mandates and prioritizes patient well-being.

Material and methods

This study utilizes a qualitative case study approach to explore dental malpractice cases in

Indonesia, aiming to provide a comprehensive examination of the legal, ethical, and professional dimensions of such cases. The methodology involves an extensive search of online medicolegal cases, specifically from the Supreme Court of Indonesia's electronic database of legal decisions, accessible at <https://putusan3.mahkamahagung.go.id/>. The search employed Indonesian keywords "malpraktik" and "dokter gigi," corresponding to "malpractice" and "dentist" in English. The selected cases comprised final and binding decisions issued between 2012 and 2022. This period was chosen to overview trends over a decade comprehensively.

A descriptive qualitative analysis was conducted in several steps. The process began with a meticulous review of legal documents to extract factual details and identify key legal and ethical issues. The analysis focused on allegations of malpractice, defences raised, judicial reasoning, and alignment with relevant legal frameworks.

Following the document review, thematic coding was employed to analyze the data systematically. This involved a manual and iterative process to identify recurring themes across the cases. Key themes included ethical obligations in medical practice, patient rights and informed consent, and implications for the Indonesian healthcare system. This approach allowed for a structured exploration of patterns and insights within the data.

To ensure validity and depth, triangulation was conducted by integrating insights from a comprehensive literature review and expert consultations. The literature review contextualized the findings within the broader discourse on medical malpractice, doctor-patient interactions, informed consent, and Indonesian legal frameworks. Expert consultations with professionals in dental practice and legal ethics provided additional perspectives, enhancing the understanding of the practical and systemic implications of the findings.

The study also employs a comparative analysis, drawing parallels with similar malpractice cases from other jurisdictions. This analysis provides insight into how different legal systems address comparable issues and reveals the impact of cultural and regulatory differences on legal outcomes.

Strict adherence to ethical considerations was maintained throughout the research. Confidentiality and anonymity were ensured for all individuals involved in the cases, and no sensitive or private information was disclosed.

The study only utilized publicly available data, and the analysis was conducted using qualitative techniques to identify themes, patterns, and critical insights from both the case material and supporting literature.

This multifaceted analysis method enabled a comprehensive and detailed examination of dental malpractice cases in Indonesia, improving our understanding of their legal and ethical implications. This methodology provides a transparent and rigorous framework for analyzing the legal, ethical, and professional dimensions of dental malpractice in Indonesia while offering valuable insights into the global discourse on medicolegal issues in dentistry.

Results

Case number: 669/PDT/2016/PT.DKI

This case involves a male patient who underwent multiple dental implant surgeries, resulting in significant pain and complications. The patient accused the dentist of performing unnecessary procedures and falsifying medical records to conceal alleged malpractice. The patient claimed that he experienced persistent pain and complications following the surgeries, including a failed, infected implant. Furthermore, he alleged that a subsequent implant was placed without his informed consent, worsening his condition. Figures 1 and 2 describe the timeline of the dispute between the dentist and the patient.

Upon thorough review, the court found insufficient evidence to support the patient's allegations of malpractice. It concluded that the dentist had adhered to the accepted standard of care within the dental profession and had appropriately informed the patient of the potential risks associated with the treatment. As a result, the court ruled in favour of the dentist, acquitting him of all charges. The judgment underscored the critical importance of following professional standards and highlighted the importance of mutual understanding regarding treatment risks and procedures between patient and dentist.

Case number: 257/PID.B/PN.DPS/2015

This case concerns a female dentist and a patient who consented to a full denture procedure. Following the treatment, the patient developed significant discomfort, ulceration, and paresthesia, which were later linked to an improperly performed extraction of impacted teeth. The patient reported experiencing severe discomfort and paresthesia, which were attributed to residual tooth fragments and subsequent infection. These complications were

alleged to have arisen directly from the dentist's actions during the procedure. The timeline of the dispute between the dentist and the patient of case number 257/PID.B/PN.DPS/2015 is illustrated in Figure 3.

Expert Witness Statement

The inflammation and infection were attributed to the retained root fragment of the impacted tooth, which caused swelling. Impacted teeth embedded in bone or obstructed by adjacent teeth are classified as high-difficulty cases requiring an oral surgeon. In this instance, the impacted tooth was embedded in bone. For the numbness and nerve damage, consultation with a neurologist was recommended to determine the cause.

The court concluded that the dentist had deviated from the standard of care by not performing the necessary surgical extraction and failing to refer the patient to a specialist promptly. This failure to follow established medical procedures resulted in harm to the patient. As a consequence, the court found the dentist guilty of violating both medical standards and ethical obligations. The judgment was based on clear evidence of negligence, particularly the failure to adhere to standard protocols for dental extractions.

This case illustrates the complexities of dental malpractice litigation and the multiple factors courts evaluate when determining negligence. It emphasizes the paramount importance of adhering to professional standards and ethical guidelines in dental practice.

Discussion

The analysis of Cases 1 and 2 focuses on several critical themes: the legal interpretation of malpractice, the ethical responsibilities of medical practitioners, the rights of patients—including informed consent—and the broader implications for the Indonesian healthcare system. Additionally, the study provides comparative perspectives on malpractice cases from other jurisdictions, offering a global context for understanding these issues.

Ethical obligations in medical practice

Both cases emphasize the ethical responsibilities of healthcare providers to prioritize patient safety, adhere to established professional standards and maintain transparency in their clinical practice. These ethical obligations extend beyond mere legal accountability, underscoring the critical importance of ongoing professional development and regular ethical training for practitioners.

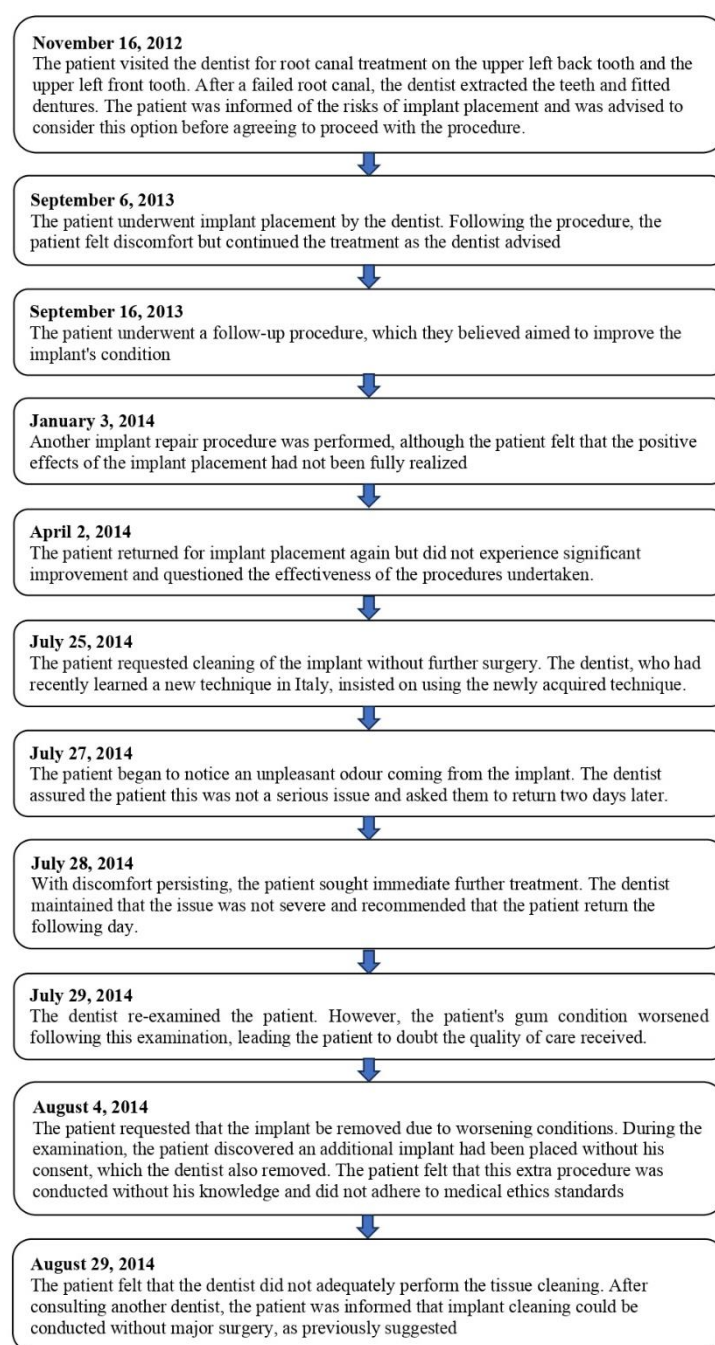


Figure 1. Timeline of events according to the patient's allegation (case 1).

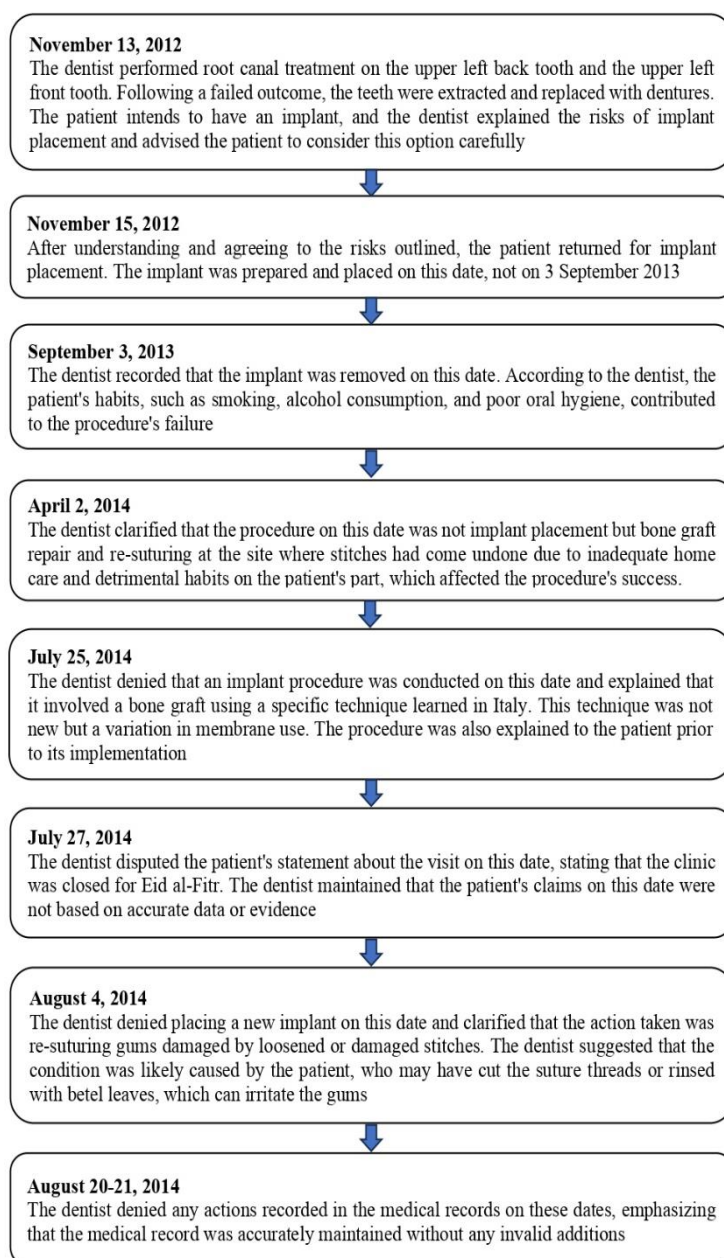


Figure 2 Timeline of events according to the dentist and response to allegations (case 1)

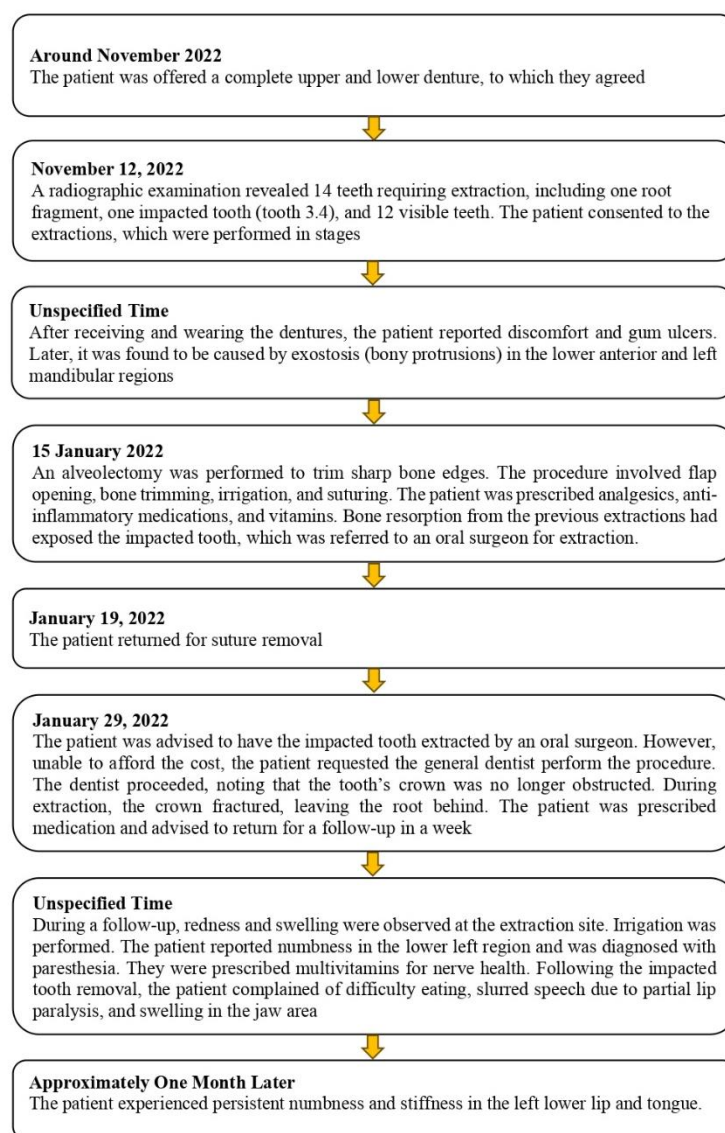


Figure 3. The timeline of the dispute between the dentist and the patient of case 2.

A comprehensive understanding of medical ethics is as vital to the practice of medicine as clinical competence, as it fosters trust, guides decision-making, and ensures the provision of high-quality care (7).

Patient rights and informed consent

A key theme emerging from both cases is the pivotal role of informed consent. The analysis demonstrates that informed consent is not simply a legal obligation but a fundamental patient right and a cornerstone of ethical medical practice. It requires clear and effective communication of the

risks, benefits, alternatives, and potential outcomes of medical procedures. These cases also highlight the importance of respecting patient autonomy and raising concerns when this principle is compromised.

As medical science has advanced, so too has the understanding of the physician-patient relationship, evolving toward the recognition of patients as active participants in their healthcare decisions. This shift underscores the ethical imperative to empower patients, ensuring they are fully informed and able to make autonomous choices about their treatment options (8).

Implications for the Indonesian healthcare system

These cases highlight broader systemic challenges within the Indonesian healthcare system, particularly in balancing patient rights, practitioner accountability, and the inherent uncertainties associated with medical practice. The rise in malpractice litigation underscores the need for clearer guidelines and standardized protocols—not only to safeguard patient rights but also to provide a structured framework that allows healthcare providers to practice without the constant fear of unreasonable legal repercussions.

The findings suggest an urgent need for enhanced communication training for medical practitioners, emphasizing the importance of establishing a strong therapeutic alliance with patients. Effective communication fosters trust, mitigates misunderstandings, and enhances patient satisfaction. Patients reported feeling emotional reassurance when healthcare providers demonstrated competence, confidence, and empathy in their interactions. This sense of trust was strengthened through personal connections established via regular, meaningful interactions, prompt responses to patient needs, transparent and honest sharing of information, and the use of nonverbal communication such as eye contact and attentive listening. Verbal communication, including casual conversations and words of encouragement, further contributed to building rapport and alleviating patient anxiety.

The study underscores the critical role of both verbal and nonverbal communication in improving patient-provider relationships and ultimately enhancing the quality of care within the Indonesian healthcare system (9).

Comparative perspectives on malpractice cases in other jurisdictions

A comparative analysis of dental malpractice cases across various jurisdictions reveals both common challenges and distinct differences shaped by cultural, legal, and systemic factors unique to each country. Key issues such as the interpretation of standard care, the role of informed consent, and the impact of doctor-patient communication are recurring themes. Insights drawn from international studies, including those from Iran, Romania, Taiwan, Portugal, and Japan, provide a broader global context that enhances our understanding of malpractice cases in Indonesia.

The study from Mashhad, Iran, highlights a significant number of complaints against dentists, with a notable portion resulting in convictions. A key finding was the higher conviction rate for male dentists, with most complaints initiated by female patients. Complaints frequently centered around endodontic treatments, with issues of failed or incomplete procedures being prominent. This echoes the Indonesian cases, where questions of competency and decision-making were at the forefront. The Iranian findings underscore the importance of improving clinical skills in complex procedures and the necessity for general dentists to refer patients to specialists when needed (10).

In contrast, the Romanian study focuses on legal compliance, revealing that less than half of dental practices adhered to regulatory standards. This lack of compliance highlights a critical gap in knowledge and awareness of legal requirements, a situation mirrored in the Indonesian context. Both jurisdictions underscore the need for educational interventions to improve dentists' understanding of legal and ethical standards, advocating for reforms in professional training programs (11).

The Taiwanese study provides an examination of criminal convictions in dental malpractice cases, emphasizing the legal gravity of malpractice and the areas most susceptible to litigation, such as implant dentistry. The study also reveals the role of local clinics in malpractice cases and the importance of professional peer evaluations in court proceedings. This finding suggests that incorporating expert testimony and peer reviews could enhance the fairness and accuracy of malpractice adjudications in Indonesia (12).

In Portugal, the focus is on patient safety and professional liability, particularly in distinguishing between iatrogenic risks and malpractice. The Portuguese study categorizes risks, which are often associated with orthodontic treatments, and more severe malpractice cases, such as those leading to neurological deficits. This differentiation between inherent risks and malpractice is crucial in evaluating dental cases, as seen in the Indonesian examples, where legal outcomes depend on the nature and severity of harm caused (13).

The Japanese study centers on the critical importance of informed consent and patient communication. A substantial number of malpractice cases involved failures to explain procedures adequately, a theme that strongly resonates with the Indonesian cases. The study highlights the need for dentists to not only obtain

consent but also to provide thorough explanations of procedures, risks, and outcomes, reinforcing the necessity of transparent and comprehensive communication in dental practice (14).

The examination of two notable dental malpractice cases in Indonesia—669/PDT/2016/PT.DKI and 257/PID.B/PN.DPS/2015—provides key lessons for both the medical and legal communities. These cases reveal the complexities of medical malpractice, the dynamics of patient-provider relationships, and the balance between legal, ethical, and professional standards in healthcare. In Case 1, the importance of maintaining comprehensive and accurate medical records became evident. The dentist's acquittal was largely due to the presentation of detailed records, which emphasized the necessity for meticulous documentation of procedures, communications, and informed consent. This case also highlights the challenges patients face in proving malpractice, underscoring the need for clear and substantial evidence to support claims. Moreover, Case 1 demonstrates the critical role of effective communication. A lack of clear discussions about treatment risks and expectations can lead to misunderstandings and disputes, reinforcing the need for healthcare providers to ensure patients are adequately informed.

Case 2 emphasizes the consequences of deviating from standard medical procedures and the importance of adhering to professional guidelines. The dentist's decision to perform a procedure beyond her expertise led to patient harm and legal ramifications. This case serves as a reminder for healthcare professionals to recognize their limitations and refer patients to specialists when necessary. Additionally, it underscores the legal and ethical implications of failing to follow standard operating procedures, highlighting the need for continuous education and training to stay current with evolving practices and protocols.

Both cases underscore the centrality of informed consent in medical practice, highlighting the need for healthcare providers to ensure patients fully understand their treatment options. By fostering transparency and trust in the doctor-patient relationship, informed consent serves as a critical mechanism for reducing disputes and improving the quality of care. These findings collectively point to the necessity for enhanced communication skills, stricter adherence to professional standards, and comprehensive

documentation in preventing malpractice and ensuring ethical dental practice.

This study acknowledges several limitations, including the availability of incomplete information and the potential for interpretive bias in the analysis of legal judgments. Additionally, as the research is based on only two cases within the specific context of Indonesia, the generalizability of the findings to other jurisdictions or healthcare systems may be limited. Despite these constraints, the study offers valuable insights into the complexities of dental malpractice in Indonesia, enhancing our understanding of medical liability and ethical challenges in dental practice. Furthermore, it contributes meaningfully to the broader discourse on medical law, ethics, and the evolving standards of care in healthcare.

Conclusion

The examination of malpractice cases in Indonesia underscores the critical importance of comprehensive medical documentation, effective communication, adherence to professional standards, and respect for informed consent in dental practice. These elements are essential for protecting patient rights, enhancing treatment quality, and reducing malpractice complaints. The study highlights the need for systemic improvements in healthcare practices and policies to foster better patient outcomes and create a more resilient healthcare system. An integrated approach that includes honest communication, ethical behavior, compliance with care standards, and a robust legal framework is crucial for building trust, reducing conflicts, and improving healthcare delivery in Indonesia. Practitioners should prioritize thorough documentation of informed consent and maintain clear, compassionate communication to protect patient autonomy and trust. Continuous professional development in communication and medicolegal skills is essential for ethical practice. Policymakers should develop national standards for informed consent, create accessible malpractice reporting systems, and require regular legal and ethical training for license renewal. Public education initiatives should improve understanding of patient rights and available remedies, especially for marginalized communities. Educators should incorporate medicolegal training, case studies, and simulation-based learning into dental curricula to prepare future practitioners for complex clinical and ethical decisions. Collectively, these measures can enhance patient-provider

relationships, reduce malpractice disputes, and foster a more ethical and legally sound healthcare system in Indonesia.

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Declaration of Interest

None

Author Contributions

BNR, AK, and AZZA contributed to the study's conceptualization. BNR, BFWRP, AZZA, AC, MK, and FMA contributed to case analysis and writing the original draft of the manuscript. AK, AZZA, and AM are the study supervisors. All authors have contributed and approved the final draft of the manuscript.

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