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The Urgency of Establishing Special Regulations Regarding the Promotion and Advertising of Dental Services Based on Ethics and Consumer Protection

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Abstract: Promotion and advertising of dental services are increasingly common, especially through digital media, but have not been balanced with specific and adequate legal regulations. Currently, regulations regarding advertising dental services are still general and spread across various regulations, such as the Medical Practice Act, the Consumer Protection Act, and professional codes of ethics. The absence of specific regulations that specifically regulate the limitations, forms, and supervision of dental promotions raises the potential for ethical violations, medical misinformation, and consumer losses. This study aims to analyze the urgency of establishing specific regulations that can comprehensively regulate the advertising of dental services by considering legal aspects, professional ethics, and consumer protection. The method used is a normative legal approach with an analysis of laws and regulations, literature studies, and comparisons of practices in several other countries. The study results indicate that the legal vacuum in regulating dental advertising can cause legal uncertainty and reduce public trust in the dental profession. Therefore, regulations that are firm, adaptive to technological developments, and in line with the principles of medical ethics are needed.

Keyword: Dental Promotion, Medical Advertising, Legal Vacuum, Professional Ethics

Abstrak: Promosi dan periklanan jasa kedokteran gigi semakin marak terutama melalui media digital, namun belum diimbangi dengan peraturan perundang-undangan yang spesifik dan memadai. Saat ini, peraturan mengenai periklanan jasa kedokteran gigi masih bersifat umum dan tersebar dalam berbagai peraturan perundang-undangan, seperti Undang-Undang Praktik Kedokteran, Undang-Undang Perlindungan Konsumen, dan kode etik profesi. Belum adanya peraturan perundang-undangan khusus yang mengatur secara spesifik batasan, bentuk, dan pengawasan promosi kedokteran gigi menimbulkan potensi terjadinya pelanggaran etika, misinformasi medis, dan kerugian konsumen. Penelitian ini bertujuan untuk menganalisis urgensi pembentukan peraturan perundang-undangan khusus yang dapat mengatur periklanan jasa kedokteran gigi secara komprehensif dengan mempertimbangkan aspek hukum, etika profesi, dan perlindungan konsumen. Metode yang digunakan adalah

pendekatan hukum normatif dengan analisis peraturan perundang-undangan, studi pustaka, dan perbandingan praktik di beberapa negara lain. Hasil penelitian menunjukkan bahwa kekosongan hukum dalam mengatur periklanan kedokteran gigi dapat menimbulkan ketidakpastian hukum dan mengurangi kepercayaan masyarakat terhadap profesi kedokteran gigi. Oleh karena itu, diperlukan peraturan perundang-undangan yang tegas, adaptif terhadap perkembangan teknologi, dan sejalan dengan asas etika kedokteran.

Kata Kunci: Promosi Kedokteran Gigi, Periklanan Kedokteran Gigi, Kekosongan Hukum, Etika Profesi

INTRODUCTION

In a digital era like today, the promotion and advertising of health services, including dental practices, are growing rapidly (Binarti, 2025). The development of information and communication technology, especially through social media such as Instagram, TikTok, and YouTube, opens up great opportunities for medical personnel and health facilities to introduce their services directly to the public (Harto, 2023). Now, promotion is no longer limited to conventional media but is moving towards something faster, more interactive, and more visual so that it can reach more people in a short time (Digdowiseiso, 2023).

This phenomenon is seen in the increasing number of dental clinics and dentists who actively use social media to introduce the various services they have (Daryono, 2024). Forms of promotion that are often encountered include offering discounts for certain procedures, sharing patient testimonials showing treatment results, displaying "before and after" photos of treatment, and collaborating with influencers to reach a wider community. These strategies have indeed proven effective from a marketing perspective, but are not necessarily fully in line with the principles of caution and professional ethics in the health sector.

The high intensity of this promotion is also inseparable from the economic motives behind it (Maulana, 2022). The increasingly tight competition between dental service providers, especially in big cities, encourages health service providers to appear more aggressive in attracting patient interest (Bharmawan, 2022). In such situations, commercial aspects are often more prominent than moral and professional responsibilities towards patients. This condition raises concerns that promotions that are not properly regulated can mislead the public and even lower the dignity of the dental profession.

The lack of specific regulations that clearly regulate the promotion and advertising of dental services makes the current regulations seem fragmented and scattered across various laws and codes of professional ethics. There is no single legal umbrella that specifically regulates the limitations, forms, or mechanisms for monitoring dental promotions (Wahyudi, 2024). As a result, when violations occur, such as misleading information, excessive promises, or seeking profitable promotions, law enforcement, and ethics become difficult to implement (Wahyuningsih, 2024).

Some regulations have indeed touched on the promotion of dental services. Law Number 5 of 1999 concerning Consumer Protection (hereinafter referred to as UUPK) prohibits business actors from advertising services with false or misleading information, including promises that are not in accordance, claims of safety without scientific basis, or belittling other services (Jati, 2025). Law Number 17 of 2023 concerning Health (hereinafter referred to as the Health Law) only states that the promotion of health services must follow applicable regulations, but does not provide a more detailed explanation of the procedures for promotion, especially in the field of dentistry (Meidiawati, 2024). In terms of professional ethics, KODEKGI does provide moral guidelines (Kusuma, 2025). Dental practices must comply with service standards and humanitarian principles and are prohibited from

promoting for personal gain. However, this code of ethics is more of a moral guideline, not a directly binding legal rule, so its implementation is highly dependent on individual awareness and the internal mechanisms of professional organizations (Lubis, 2020).

The absence of specific regulations governing the promotion of dental services opens up opportunities for violations of professional ethics. Many promotions are carried out in a manipulative or misleading manner, for example highlighting “before-after” photos without explaining the medical risks or making promises of results that cannot be scientifically guaranteed. This contradicts Article 3 of the KODEKGI which emphasizes that dentists must not be influenced by considerations of personal gain in carrying out their profession (Rembet, 2020). When promotions are carried out unethically, the values of professionalism that should be upheld are eroded.

Promotions that are not properly regulated can lead to disinformation in the community about the effectiveness and safety of medical procedures. Information spread through social media or digital advertising is often not accompanied by complete and scientific medical explanations so prospective patients can misunderstand. As a result, the public can choose actions based on false hopes formed by promotions, not based on rational and objective medical considerations. In this case, Article 9 of the UUPK is relevant because it prohibits the misleading or excessive information regarding the services offered (Sari, 2024).

The losses experienced by consumers due to this disinformation are not only in the form of material losses, such as paying for services that do not meet expectations but can impact their physical and psychological health (Pranda, 2022). If consumers feel deceived by unethical promotions, public trust in the dental profession can decrease. When medical promotions prioritize commercial aspects without professional integrity, the dignity of the dental profession is also threatened. Therefore, clear and integrated regulations are critical so that promotions are carried out responsibly, and ethically to protect consumer rights (Ridha, 2025).

This study aims to examine the existence of a legal vacuum in the regulation of dental service advertisements in Indonesia, which are currently still regulated generally and spread across various regulations without any specific comprehensive regulations. The void has various impacts, both in terms of professional ethics and consumer protection. Therefore, this study also wants to emphasize the importance of creating special regulations that completely regulate the promotion and advertising of dental services. In addition, this study seeks to formulate the direction and basic principles in the preparation of these regulations so that they remain in line with the code of ethics of the dental profession and to provide fair and proportional protection for consumers.

METHOD

This study uses a normative legal method, namely an approach that focuses on the analysis of applicable positive legal norms, especially those related to the practice of advertising dental services. By using a statute approach, this study examines various regulations such as Law Number 17 of 1999 concerning Health, Law Number 5 of 1999 concerning Consumer Protection, and the Indonesian Dentistry Code of Ethics. The aim is to see to what extent these regulations are able to regulate and accommodate the development of dental service promotion. In addition, the study also uses a conceptual approach to understand more deeply the basic concepts such as professional ethics, consumer rights, and the principle of caution in promoting health services. In this way, this analysis can formulate the direction of legal policy that is not only based on formal legal aspects but also reflects the values of justice and social responsibility.

RESULT AND DISCUSSION

Legal Void Regarding Promotion of Dental Services in Indonesia

Currently, Indonesia does not have a specific regulation that completely regulates the promotion or advertising of dental services. As a result, the existing regulations are scattered across various laws and professional codes of ethics that are not fully aligned with each other. This condition creates disharmony between regulations that ultimately confuse dentists and open up opportunities for violations, both in terms of law and ethics.

UUPK prohibits business actors from advertising products or services in a misleading manner. Article 9 paragraph (1) states that business actors are prohibited from offering or advertising services with incorrect or excessive information, such as using the words "safe", "harmless", or "without side effects" without adequate explanation. In dental services, this violation can occur if there are no technical regulations that distinguish between educational information and commercial promotions.

The Health Law stipulates that the promotion of health services must comply with applicable provisions. Article 138 paragraph (4) emphasizes that the promotion of pharmaceutical preparations and medical devices must meet the standards set by laws and regulations (Harahap, 2020). Article 191 letter g also states that hospitals may only promote their health services by applicable regulations. However, this regulation does not specifically regulate promotion by independent dental practices or private clinics, thus creating a legal vacuum for individual practices outside of hospital institutions.

KODEKGI provides moral and professional guidelines that must be upheld by every dentist. Article 2 emphasizes that dentists are required to carry out their profession by science, service standards, and humanitarian principles. Article 3 emphasizes that dentists must not be influenced by motives for seeking personal gain. Meanwhile, Article 17 regulates the obligation of doctors to provide honest medical information to patients. In promotional practices, these ethical standards can conflict with marketing strategies that prioritize public exposure and commercial gain.

The disharmony of this regulation is increasingly apparent due to unclear technical instructions on how dental service advertisements should be carried out, for example, whether it is permissible to include prices, patient testimonials, or before-after photos, and how to supervise promotions on social media. It puts dentists in a dilemma between complying with the professional code of ethics and meeting market demands while existing supervision has not been well integrated. Therefore, it is critical to immediately formulate specific regulations that are harmonious and detailed, technically and ethically regulating the promotion of dental services so that there is no legal confusion or violation of consumer protection.

The phenomenon of health service advertisements, including dentistry, that use excessive or manipulative claims has become a serious problem. For example, advertisements that promise 100% success often make patients have unrealistic expectations. Claims like this are contrary to the principle of non-maleficence in medical ethics, which requires medical personnel not to harm patients (Himawan, 2024). If a service is promised to always provide perfect results without risk, patients may ignore the possibility of complications or side effects, which ultimately makes their medical decisions not based on reality and correct science. It contradicts the dentist's obligation to provide honest services based on scientific evidence.

The use of patient testimonials that are not supported by medical evidence also has the potential to be misleading. In advertisements, testimonials are often used as proof of success, but if there is no clear medical validation, the information disseminated can be wrong. Patients who see these testimonials may feel convinced without understanding the risks, thus violating the principle of patient autonomy which requires them to get complete and accurate information to make the right decision. This phenomenon is increasingly prevalent on social

media, where clinics or individuals use influencers to spread testimonials that can mislead the public. The using before-after images in advertisements without a explicit explanation of the procedure and realistic results can also lead to misunderstandings. Without honesty about the limitations and possible results, prospective patients can build expectations that are far from reality. It is contrary to the principle of beneficence, which requires doctors to act in the best interests of patients by providing a realistic picture of the treatment results (Arthanti, 2024).

A real example of this problem is often seen on social media, where a dental clinic advertises a whitening procedure with the promise of "100% perfect" results without side effects. In reality, the procedure can cause gum irritation or even tooth decay if not done properly. Patients who are tempted by advertisements like this can choose treatment without careful consideration, and face complications that are detrimental to their health. Practices like this not only harm patients but can also reduce public trust in the dental profession and damage the reputation of health services in general.

In Indonesia, there is no single supervisory institution that is specifically and integrated responsible for monitoring dental service advertisements. Supervision of medical advertisements is still divided among various institutions and professional associations, which unfortunately do not have full authority to supervise advertisements on various platforms, especially on social media. For example, the Indonesian Medical Discipline Honorary Council (MKDKI) is indeed tasked with supervising medical practices but does not focus specifically on supervising dental service advertisements. Likewise, the Dental Professional Association and the Ministry of Health, whose responsibility is more on supervising medical practices, not monitoring advertisements.

This condition makes the supervision of advertisements on social media less effective. Many advertisements on platforms such as Instagram and Facebook do not go through a strict verification process, making it difficult to ascertain whether the advertisements meet ethical and legal standards. MKDKI and professional associations generally focus more on supervising the professional behavior of their members in daily practice, while commercial and digital advertisements are often neglected because they do not yet have the authority to directly control online marketing.

The sanctions given for violations of dental service advertisements tend to be administrative and less firm. Usually, violators only receive a warning or reprimand that does not provide a deterrent effect. As a result, violations of non-standard advertisements continue without significant consequences. Existing sanctions have not been able to keep up with the speed of the spread of digital advertisements that can go viral quickly. Without clear and firm sanctions, manipulative or misleading advertising practices will continue to occur without significant obstacles.

Urgency of Regulations that Can Guarantee the Promotion of Doctors' Services in Accordance with Ethical Principles and Consumer Protection

The importance of creating special regulations governing dental service advertisements is very important to avoid overlapping and inconsistencies in the various regulations that are currently spread. Currently, the regulation of medical service promotions, including dentistry, is still regulated generally in several regulations such as the UUPK, the Health Law, and KODEKGI. However, these regulations do not discuss in detail advertising or special promotions of dental services, thus causing confusion and potential violations.

With the existence of special regulations, a clear and directed standard will be created, so that every form of dental service promotion can run by the principles of professional ethics, not mislead consumers, and remain within the applicable legal corridor. The regulation will also help harmonize various existing regulations, such as the UUPK, the Health Law which prohibits misleading advertisements and regulates medical practice standards, and KODEKGI which emphasizes humanitarian values and professionalism.

Harmonization of these regulations is important so that promotions carried out by dentists do not cause confusion between the consumer's right to obtain correct information and the dentist's obligation to maintain professional ethics. In addition, special regulations will provide legal certainty for practitioners and consumers, reduce the potential for conflict, and increase public trust in the dental profession. Thus, the promotion of dental services can be carried out responsibly and transparently, maintaining the dignity of the profession while protecting consumer rights.

The development of technology and social media brings major challenges to the Indonesian legal system, especially in regulating the advertising of dental services. Currently, social media is the main place for dentists to promote their services, but existing regulations are not yet fully able to regulate this fast and dynamic digital marketing. Many advertisements on social media are uncontrolled, often excessive, or even misleading, such as claims that are difficult to prove and the use of invalid testimonials. This condition opens up legal loopholes that can be exploited for misleading promotions and harm consumers.

To overcome this, special regulations are needed that regulate the advertising of dental services on digital platforms. These regulations must be able to balance the freedom of dentists to promote services with consumer protection so that they do not receive false or misleading information. With clear regulations, marketing practices can be more controlled and by medical ethics standards, so that the potential for misuse of technology for irresponsible promotion can be minimized. It is also essential to maintain the reputation and integrity of the dental profession in Indonesia so that the public continues to trust it.

Special regulations governing the advertising of dental services are very important to maintain the reputation and honor of the dental profession in Indonesia. With clear and strict rules regarding how promotions or advertisements may be carried out, the dental profession can ensure that every advertisement distributed is by applicable ethical standards. This regulation will help prevent abuse by individuals who may use manipulative advertisements or advertisements that are not by correct medical principles so that this profession remains respected and trusted by the public.

The regulation will also strengthen a healthy relationship between dentists and patients by emphasizing the importance of professional and ethical services. Advertisements that comply with the rules not only reflect the abilities and expertise of dentists but even ensure that promotions are carried out transparently and do not only focus on profit. That way, patients will get clear, accurate, and non-misleading information, while dentists still adhere to the principle of non-maleficence, which is not to harm patients in every action taken.

The formation of special regulations for advertising dental services is very important to protect patients from inaccurate or misleading information. With clear and strict rules, advertisements can be monitored so that they do not contain excessive claims or unrealistic promises, such as promising 100% success or showing "before-after" photos without proper medical explanation. Consumer protection is the main focus of this regulation so that patients are not trapped in promotions that prioritize profit over their welfare. This regulation will also regulate how advertisements are published so that they are by relevant medical ethics and legal standards.

This regulation will emphasize the importance of transparency and accuracy of information in dental service advertisements. By providing clear information about medical procedures, risks, and possible outcomes, this regulation will maintain the integrity of the dental profession and prevent unethical promotional practices. The regulation must also include a strict sanction mechanism for violators, such as spreading false or misleading information, to protect consumers from material and health losses. With proportional

sanctions, it is hoped that promoters will be more aware and careful in carrying out marketing practices ethically and professionally.

CONCLUSION

Currently, Indonesia does not have specific regulations that comprehensively regulate the advertising of dental services, so existing regulations are spread across various laws and codes of ethics that are not fully aligned, causing confusion and opportunities for violations of law and ethics. UUPK prohibits misleading advertisements, while the Health Law regulates the promotion of health services in general without regulating in detail the practice of promotion by independent dentists or private clinics. KODEKGI emphasizes the obligation of dentists to carry out their profession with scientific and humanitarian standards and prohibits promotions that are oriented toward personal gain. However, the disharmony of these regulations is exacerbated by the absence of clear technical instructions regarding the content and supervision of advertisements, especially on social media, so dentists face a dilemma between ethics and market demands.

The importance of specific regulations governing the advertising of dental services is crucial to overcome the overlapping and inconsistencies of regulations that are currently spread across various laws and codes of ethics, thus creating clear and directed standards in the promotion of dental services. The regulation will align legal provisions such as the UUPK which prohibits misleading advertising, the Health Law which regulates medical practice standards, and KODEKGI which emphasizes the principles of humanity and professionalism, thus maintaining a balance between consumers' rights to obtain accurate information and dentists' obligations to maintain professional ethics.

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