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Legal Culture and the Challenges of Ethical Enforcement: Legal Reform and Ethical Implications in the Advertising and Promotion of Healthcare Services in Indonesia

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Abstract: The promotion of healthcare services, particularly in the field of dentistry, has rapidly evolved in the digital era. However, this development has not been accompanied by adequate legal regulations, leading to various ethical and legal concerns. This study aims to examine the effectiveness of healthcare advertising regulations in Indonesia, identify violations of medical ethical principles, and propose juridical solutions for fairer and more accountable law enforcement. The findings indicate that weaknesses in oversight, ambiguous legal norms, and poor inter-agency coordination are the primary obstacles to regulatory enforcement. Additionally, a permissive legal culture and excessive professional solidarity further undermine the implementation of the dental code of ethics. Many advertisements have been found to violate principles of honesty, justice, and non-maleficence, and often manipulate consumer perceptions. To address these issues, this study recommends comprehensive regulatory reform, the adoption of digital monitoring technologies, the strengthening of independent ethical bodies, and the protection of the dignity of dental professionals. Public education and cross-sector collaboration are also essential to building a more ethical, transparent, and responsible healthcare promotion system.

Keyword: Health Service Advertising, Dental Ethics, Legal Regulation

Abstrak: Promosi layanan kesehatan, khususnya di bidang kedokteran gigi, telah berkembang pesat di era digital. Namun, perkembangan ini belum disertai dengan peraturan perundang-undangan yang memadai, sehingga menimbulkan berbagai masalah etika dan hukum. Penelitian ini bertujuan untuk mengkaji efektivitas regulasi periklanan layanan kesehatan di Indonesia, mengidentifikasi pelanggaran prinsip etika kedokteran, dan mengusulkan solusi yuridis untuk penegakan hukum yang lebih adil dan lebih akuntabel. Temuan penelitian menunjukkan bahwa kelemahan dalam pengawasan, norma hukum yang ambigu, dan koordinasi antarlembaga yang buruk merupakan hambatan utama dalam penegakan regulasi. Selain itu, budaya hukum yang permisif dan solidaritas profesional yang berlebihan semakin melemahkan penerapan kode etik kedokteran gigi. Banyak iklan yang ditemukan melanggar prinsip kejujuran, keadilan, dan tidak merugikan, serta sering

memanipulasi persepsi konsumen. Untuk mengatasi masalah ini, penelitian ini merekomendasikan reformasi regulasi yang komprehensif, adopsi teknologi pemantauan digital, penguatan badan etika independen, dan perlindungan martabat profesional kedokteran gigi. Pendidikan publik dan kolaborasi lintas sektor juga penting untuk membangun sistem promosi layanan kesehatan yang lebih etis, transparan, dan bertanggung jawab.

Kata Kunci: Iklan Layanan Kesehatan, Etika Kedokteran Gigi, Peraturan Hukum

INTRODUCTION

Health service promotion in Indonesia has developed rapidly, especially with the increasing use of digital platforms (Pudyastuti et al., 2024). In the era of globalization and information technology advancement, health service promotion has become one of the sectors experiencing significant transformation (Matijević et al., 2018). Digital platforms enable rapid and widespread access to health information, yet they also create new challenges regarding information accuracy, promotional ethics, and legal enforcement (Koh et al., 2021).

This development offers substantial benefits in raising public awareness about the importance of health (Sharma & Sharma, 2021). However, on the other hand, this phenomenon has also raised ethical and legal concerns. Many healthcare providers employ aggressive promotional strategies that even violate medical ethical norms. For example, the use of exaggerated or scientifically unsupported health claims has become a common practice in digital advertising (Alhudha et al., 2024). This not only misleads consumers but also damages public trust in the healthcare sector as a whole (Vasist & Krishnan, 2024).

In Indonesia, a country with a large population and continuously rising demand for health services, health promotion regulations must align with the principles of justice, honesty, and transparency (Pratistita & Syahuri, 2023). Although regulations such as Law Number 17 of 2023 concerning Health have been implemented, their effectiveness is often hampered by weak oversight and insufficient law enforcement (Makarim & Wijayanto, 2024). This indicates an urgent need to strengthen the existing legal system to be more responsive to the challenges of the digital era (Landers et al., 2024).

Moreover, legal culture within the health profession also plays an important role (Savu, 2025). Low legal awareness, combined with excessive professional solidarity, often hinders the enforcement of ethical codes (Gresfullah et al., 2023). For instance, excessive discount promotions have created the perception that health services are commercial goods that can be bargained, thus diminishing the dignity of the medical profession—particularly dentistry (Mulyana & Verity, 2015). In the long run, this condition may discourage younger generations from choosing this profession as a career (Dable et al., 2014).

From a social perspective, the public often lacks sufficient knowledge to evaluate the validity of health claims in advertisements (Mackert, 2011). The information imbalance between service providers and consumers creates a risk of exploitation (Schevitz, 2010). Therefore, it is crucial for the government and professional associations to enhance public health literacy through public education campaigns (Mugo, 2024).

In an international context, Indonesia should also learn from countries that have successfully addressed similar challenges. For example, several developed countries have implemented technology-based automated monitoring systems to oversee digital advertisement content (Maaß et al., 2024). This approach not only improves efficiency but also ensures that health advertisements comply with strict ethical standards (Davis et al., 2016).

This study aims to analyze legal developments related to health service promotional advertising and their ethical implications for both society and healthcare providers. The focus

includes identifying gaps in current regulations, assessing the social impact of ethical violations in health promotion, and proposing policy recommendations that can strengthen the integrity of the medical profession. By integrating legal and ethical approaches, this research hopes to contribute meaningfully to legal reform efforts in Indonesia.

Overall, legal reform in this field is not only essential for protecting consumers but also for maintaining the integrity and reputation of the medical profession in the eyes of the public. With more comprehensive regulations and effective implementation, it is expected that health service promotion in Indonesia will become more ethical, responsible, and beneficial to the broader community.

METHOD

This study employs a normative juridical approach with qualitative analysis methods. Data was collected through literature reviews and analysis of relevant legal documents, including laws, government regulations, professional codes of ethics, and recent policy documents. Additionally, this research utilizes relevant journals and books as secondary references to provide a broader context for the phenomenon being studied. The analysis is conducted deductively by identifying legal and ethical issues, integrating relevant legal theories, and offering recommendations for legal reform that can be effectively implemented in Indonesia.

RESULT AND DISCUSSION

Existing Legal Regulations

Currently, the regulation of promotional advertisements for health services in Indonesia is governed by Law Number 17 of 2023 concerning Health and Government Regulation Number 28 of 2024 (Republik Indonesia, 2023, 2024). These regulations stipulate that health service advertisements must adhere to the principles of truthfulness, fairness, and honesty. However, the implementation and oversight of these regulations face various complex challenges, especially in the rapidly evolving digital era.

One of the main obstacles in regulatory implementation is the lack of adequate technological infrastructure (Begazo et al., 2023). In the digital context, advertising violations often occur swiftly and on a large scale, making it difficult for authorities to conduct real-time supervision (Chandra, 2025). Moreover, the limited number of supervisory personnel with specific expertise in information technology further exacerbates the difficulty. The manual monitoring that has been employed so far is ineffective in reaching the millions of contents uploaded daily on digital platforms (Chiu et al., 2024).

The ambiguity in defining "manipulative advertising" within the regulation also presents a loophole frequently exploited by business actors. This vague definition opens space for varying interpretations, causing violations to often go unpunished. For instance, some advertisements employ promotional strategies that are technically legal but still mislead consumers with claims that are not entirely accurate (González-Díaz & Quintas-Froufe, 2024).

Furthermore, the existing regulations have not fully kept pace with innovations in digital marketing. The use of influencers or content creators to promote health services, for example, often escapes regulatory scrutiny because such forms of promotion are not explicitly addressed in current regulations (González-Díaz & Quintas-Froufe, 2024). This highlights the need for regulatory updates that are more adaptive to current trends and emerging technologies (Tatlow-Golden et al., 2021).

Additionally, coordination among related institutions, such as the Ministry of Health, the Ministry of Communication and Informatics (Kominfo), and professional associations, remains weak. A lack of harmony in task division and authority often hampers the oversight

process. For example, digital platforms often do not have clear legal obligations to take down advertisement content that violates regulations, thereby undermining law enforcement.

On the other hand, consumers often lack sufficient legal and health literacy to identify manipulative advertisements. This lack of awareness makes them vulnerable to exploitation, both economically and psychologically (Strycharz & Duivenvoorde, 2021). Therefore, legal reform must also include public education efforts about their rights as consumers.

These challenges indicate that the regulation of health service promotional advertising in Indonesia requires comprehensive reform. Such reform must include the use of advanced technologies for monitoring, clearer definitions of advertising violations, capacity-building for supervisory personnel, and enhanced inter-agency coordination. These steps will allow the regulations to better protect the public while maintaining the integrity of Indonesia's healthcare sector.

Ethical Implications in Promotional Advertising

Many health service advertisements employ manipulative marketing strategies, such as exaggerated claims, unsubstantiated testimonials, and misleading information presentation. These practices not only violate the law but also contravene the principles of medical ethics. The principle of beneficence is often overlooked when health service providers prioritize financial gain over patient welfare. This reflects a value conflict between the commercialization of health services and the ethical obligation to provide accurate information to consumers (Reed & Caruana, 2024).

The principle of non-maleficence is also frequently breached. Unrealistic expectations created by advertisements not only cause frustration among consumers but can also lead to poor medical decisions, ultimately harming patient health. For instance, promoting dental services with claims like “instant results” or “guaranteed risk-free” may mislead consumers into bypassing comprehensive medical consultations (Jensen et al., 2023; Magalhães et al., 2018).

Moreover, marketing strategies that disregard autonomy—the respect for patients' ability to make informed decisions—can be considered a form of information manipulation. Consumers are often not provided with sufficient information to make informed choices, especially when advertisements exaggerate benefits while concealing potential risks. In this context, violating autonomy is not just an ethical issue but also an infringement of consumer rights (Ozturk, 2025).

The principle of justice is likewise neglected in these practices. When health service advertisements target only financially capable groups, the gap in access to health information and services widens. This creates indirect discrimination that disadvantages economically marginalized communities and reinforces inequality in the health sector (Khidir et al., 2023).

This phenomenon not only damages public perception of the medical profession but also erodes trust in the healthcare system as a whole. Trust is a vital component in the relationship between healthcare providers and patients, and unethical marketing practices risk undermining it. If left unchecked, this could negatively affect the government's efforts to improve healthcare quality and accessibility.

In the long run, such practices may also harm the medical profession itself. Diminished trust in health services could reduce young people's interest in pursuing medical careers. Furthermore, a tarnished reputation of the medical profession would hinder healthcare providers from competing fairly in an increasingly competitive market. Therefore, it is essential to integrate stricter regulations with public education to promote awareness of ethical and responsible advertising.

Stronger regulations and better supervision are needed to ensure that all parties, including health service providers and advertising platforms, adhere to these ethical principles. Collaboration between the government, professional associations, and digital

platforms should also be strengthened to create an ecosystem that supports more ethical, fair, and transparent health service promotion (Adegoke et al., 2024).

Legal Culture and Barriers to Ethical Enforcement

A permissive legal culture toward ethical violations among healthcare professionals, including dentists, exacerbates the situation. Peer reluctance to reprimand or sanction those who breach the code of ethics creates an environment in which violations are normalized or even socially accepted. This phenomenon reflects weaknesses within professional organizations that lack effective mechanisms to enforce ethical rules independently and transparently (Jafree et al., 2015).

These barriers often stem from overly strong values of solidarity among peers. While collegial solidarity is important for fostering harmonious working relationships, it can hinder ethical enforcement if not accompanied by a strong sense of professional responsibility. When ethical violations go unpunished, this sets a negative precedent and undermines public trust in the medical profession. As a result, the public begins to perceive the dental profession as more profit-oriented than service-driven (Nikolaidis et al., 2024).

The widespread practice of offering excessive discounts is a clear example of the negative impact of this permissive legal culture. Such promotions, which often emphasize low prices over service quality, diminish the value of professionalism and technical competence that should be the profession's main appeal. In the long term, this perception may reduce young people's interest in pursuing dental education, as they come to see the profession as lacking both financial and social promise.

Moreover, the lack of clear reporting mechanisms and sanctions is a major reason for the ineffective enforcement of ethical codes. Many professionals are reluctant to report peer violations for fear of tarnishing the profession's image or creating interpersonal conflict. In many cases, sanctions for ethical breaches are merely symbolic and fail to serve as effective deterrents (Shaw, 2009).

To address these challenges, a shift in legal culture that supports consistent ethical enforcement is essential. This includes the establishment of an independent oversight body responsible for handling ethical violations without interference from parties with conflicts of interest. Such a body should have clear authority to investigate, sanction, and educate professionals on the importance of upholding ethical integrity.

The government and professional associations must also take an active role in promoting a healthy legal culture. This can be achieved through regular professional ethics training, the development of anonymous reporting systems, and the imposition of firm sanctions for violations. Public education campaigns about the importance of choosing quality healthcare services can also help shift public perception and restore trust in the dental profession.

Ultimately, transforming the legal culture will not only raise ethical standards within the health profession but also strengthen the position of dentistry as a dignified and respected career. This, in turn, can help rekindle young people's interest in the profession and support government efforts to produce more qualified healthcare professionals in the future.

The Need for Legal Reform

Legal reform in the promotion of healthcare services in Indonesia has become increasingly urgent, especially in response to the challenges posed by the digital era. Several key steps are needed:

1. Accommodating Digital Technology Development:

New regulations must be designed to address challenges arising from digital media, such as the use of algorithms to detect advertising violations. These regulations should integrate advanced technologies capable of real-time monitoring of content uploaded to

digital platforms. The system must be able to identify keywords, images, or patterns that indicate violations, such as exaggerated health claims or the use of fake testimonials.

Moreover, the regulations should require digital platforms to assume greater responsibility for enforcing ethical advertising standards. Platforms such as social media and e-commerce may be mandated to implement automated filters that block violating advertisements before they are published. Blockchain technology can also be used to record all advertising transactions and uploads, thereby ensuring higher levels of transparency and accountability.

The government should also provide training for legal enforcement personnel to enhance their understanding of these new technologies. This training must include the use of analytics tools, artificial intelligence, and other relevant monitoring techniques to ensure that enforcement can be carried out effectively. In this way, the legal framework is not only strengthened but also supported by the institutional capacity to address the complexities of the digital era.

2. Tightening Supervision of Advertising Content:

A more sophisticated monitoring system is needed, including collaboration with digital platforms to ensure advertisements comply with ethical standards. This system should include technology-based mechanisms that can automatically detect potential violations, such as unverifiable claims or misleading content. Artificial intelligence-based algorithms can help identify manipulative advertising patterns that may escape human reviewers.

Additionally, clear legal obligations must be established for digital platforms to comply with and enforce advertising standards. Social media and e-commerce platforms can be required to screen content before it is published, ensuring all advertisements meet the criteria set by law. This process can involve review by human moderators equipped with detailed guidelines to avoid bias in enforcement.

Collaboration should also include training for regulators and legal personnel to improve their understanding of recent developments in technology and digital marketing strategies. This training may involve the use of analytics tools, real-time monitoring, and more advanced digital audit techniques. With this comprehensive approach, advertising oversight will be more effective in protecting consumers and upholding the integrity of the healthcare sector.

3. Imposing Stricter Sanctions on Violators:

Firm penalties—such as substantial fines or license revocation—should be implemented to create a deterrent effect. Fines can be structured progressively based on the severity of the violation and its potential impact on consumers and the broader public. Moreover, license revocation may be imposed for serious offenses, such as the dissemination of false information that directly endangers patient health.

Additional mechanisms, such as the publication of violations through official media channels, can increase transparency and serve as warnings to other actors. This public disclosure also aims to enhance public trust in regulatory enforcement within the healthcare sector. Furthermore, violators may be required to undergo retraining or obtain special certification in ethical and regulatory standards for healthcare advertising as a condition for resuming their practice.

To ensure consistent enforcement, a specialized supervisory team should be formed with expertise in health law and digital technology. This team must have access to technology-based monitoring systems to quickly detect and evaluate potential violations. With this comprehensive approach, sanctions will not only deter unethical behavior but also support behavioral reform among healthcare service providers.

4. Establishing an Independent Regulatory Organization to Enforce the Code of Ethics:

An independent regulatory organization tasked with monitoring and enforcing the code of ethics could serve as a key solution to the various obstacles commonly faced in professional ethics enforcement. This organization should consist of individuals with high integrity, drawn from diverse professional backgrounds, and free from vested interests in the profession being supervised. Furthermore, it should have the authority to investigate ethical violations, impose clear and firm sanctions, and provide anonymous reporting mechanisms to protect whistleblowers from retaliation.

The organization must operate with transparency and accountability. Every decision must be based on valid evidence and fair procedures. In addition, it should play an educational role by offering training for professionals to improve their understanding of ethical practices in daily operations. With such mechanisms in place, the conflicts of interest that often hinder ethics enforcement can be minimized, thereby preserving the standards of professionalism in the healthcare sector.

Policy Recommendations

Based on the analysis, the following measures are recommended:

1. Enactment of Specific Regulations for Digital Healthcare Advertising:

These regulations should include detailed guidelines on permissible content and monitoring mechanisms. The guidelines must clearly define what constitutes manipulative information, require that health claims be evidence-based, and restrict the use of hyperbolic language that may mislead consumers. Furthermore, monitoring mechanisms should incorporate advanced technologies such as artificial intelligence to automatically track advertisements across digital platforms. A publicly accessible reporting system should also be implemented to enhance transparency and accountability. With detailed regulations and strict oversight mechanisms, healthcare advertisements are expected to comply with ethical and legal standards while protecting consumers from potential exploitation.

2. Public Education on Healthcare Consumer Rights:

Public awareness campaigns can help individuals identify manipulative advertisements and make more informed decisions. This education should address various aspects, including how to recognize unrealistic claims, understand their rights as consumers, and the importance of seeking additional information from healthcare providers. The government, professional associations, and digital platforms should collaborate to implement digital literacy programs aimed at improving the public's ability to critically assess health information. For instance, distributing simplified guides via social media or educational platforms could effectively reach a wider audience. Additionally, involving community leaders and influencers in these campaigns could enhance the appeal and relevance of the educational messages. Consequently, the public can become more independent in making responsible health decisions and minimizing the negative impact of unethical advertisements.

3. Collaboration between Government, Professional Associations, and Digital Platforms:

This partnership is essential to ensure effective oversight of healthcare service advertising. The government should act as the main regulator by establishing clear policies and regulations. Professional associations, such as the Indonesian Dental Association (PDGI), are responsible for ensuring their members comply with established codes of ethics and professional standards. Meanwhile, digital platforms, including social media and websites, must facilitate transparent and effective reporting systems and monitor the content of advertisements on their platforms. This collaboration could also involve the formation of a joint monitoring team composed of representatives from the government, professional associations, and digital platforms. The team may utilize AI-based technologies to detect advertisement violations in real-time. Moreover, joint training for advertisement monitors and public education on the importance of ethical advertising can serve as preventive measures to

reduce violations. A well-established partnership among these three parties will provide a holistic approach to overseeing healthcare service advertising while fostering a more transparent and accountable environment.

4. Provision of Incentives and Protection for Dentists

Policies supporting the welfare of dentists should be comprehensively designed to cover various aspects, such as educational subsidies, tax incentives, and improved remuneration for healthcare professionals. Educational subsidies can reduce financial burdens on dental students, thereby encouraging more individuals to pursue the profession. In addition, tax incentives for dentists working in remote areas or those offering affordable services can promote more equitable distribution of healthcare workers. These policies should also include adequate legal protections, including safeguards against threats, economic pressure, or harmful interference with the dental profession. With these measures in place, the appeal of the dental profession is expected to increase while ensuring the well-being of healthcare workers to support better-quality services for the public.

CONCLUSION

Legal reform in the advertising of healthcare services in Indonesia is crucial to protect public interests and uphold the integrity of the medical profession. More comprehensive regulations and effective implementation will ensure that the promotion of healthcare services is conducted ethically, responsibly, and in accordance with the principles of justice. Weak regulatory oversight, lack of clear definitions, and a permissive legal culture have become major challenges requiring immediate attention. Collaboration between the government, professional associations, and digital platforms is key to the success of this reform. In addition, collective efforts to change the legal culture among medical professionals can support consistent ethical enforcement and help restore public trust in the dental profession. Through these strategic measures, the dental profession can preserve its dignity, increase its appeal to younger generations, and make a significant contribution to improving public health in Indonesia.

Recommendations

1. **Revision of Existing Regulations:** The government should revise and update regulations on healthcare advertising to include more detailed provisions, particularly in the context of digital technology. This includes clearer definitions of manipulative advertising, standards for evidence-based promotion, and the responsibilities of digital platforms in filtering advertisement content.
2. **Strengthening Oversight:** Oversight of healthcare service advertising must be enhanced by utilizing technologies such as artificial intelligence to detect violations in real-time. The government should also establish a specialized supervisory team with expertise in health law and digital technology.
3. **Public Education:** Public campaigns on digital and health literacy are essential to improve public awareness of manipulative advertising. The government, professional associations, and digital platforms should collaborate to provide accessible and relevant information to the public.
4. **Provision of Incentives for Medical Professionals:** To increase the appeal of the dental profession, the government should provide incentives such as educational subsidies, tax benefits, and competitive remuneration—particularly for dentists working in remote areas.
5. **Establishment of an Independent Regulatory Organization:** An independent regulatory organization should be established to monitor violations of the professional code of ethics. This organization must provide transparent, anonymous, and impartial reporting mechanisms.

6. Publication of Violations: To create a deterrent effect, violations of ethical and legal standards should be publicly disclosed through official media channels, while maintaining fairness and due process for the offenders.
7. International Collaboration: Indonesia should learn from best practices in other countries in managing healthcare advertising, including technology-based monitoring systems and adaptive regulatory approaches.

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