

Crime Prevention Through Non-Penal Means in Traditional Health Services Provided by Illegal Dental Technician

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Abstract: Combatting criminal acts within traditional health services provided by illegal dental technician is imperative due to its impact on victims. The approach to combating these acts should not be confined to penal means, which are often deemed ineffective. Instead, non-penal means should be explored to identify conducive factors for criminal acts, enabling the development and implementation of preventative measures. This research aims to investigate the prevention of criminal acts by illegal dental technician using non-penal means. This socio-legal research adopts an interdisciplinary approach, examining not only legal norms but also their contextual implementation. The objective is to enhance knowledge in addressing criminal acts by illegal dental technician through non-penal methods. The research findings reveal that criminal acts by illegal dental technician are not solely attributed to the practitioners but are also influenced by social conditions. Therefore, addressing these acts through non-penal means involves not only providing guidance and supervision but also training for illegal dental technician. Additionally, influencing public perceptions regarding potential crimes in dental practices, promoting proper dental and oral care, and managing mental health are essential. The author recommends training programs for illegal dental technician and community outreach or education initiatives on crime prevention and appropriate dental and oral health services.

Keywords: *Crime Prevention, Illegal dental technician, Health Services*

1. Introduction

Dental and oral health constitute a crucial aspect of overall well-being (Asyhadie, 2017). Maintaining teeth and mouth health is essential, given its potential impact on the overall health of the body (Husna & Prasko, 2019). However, dental and oral care must adhere to medical guidelines and health conditions to prevent risks associated with a lifestyle-oriented approach. Health workers, including illegal dental technician, play a vital role in providing dental and oral care services. Illegal dental technician, often considered a convenient and traditional health service, are easily accessible, sometimes operating under different titles such as dental experts offering affordable services.

While illegal dental technician are regulated by Minister of Health Regulation No. 39/2014, they often perform additional treatments like orthodontic procedures, tooth fillings, denture creation, crown installation, teeth whitening, and tooth extraction. Inadequate skills and expertise in these procedures can lead to risks, including loose teeth, dental structure damage, and potential harm to general health (Dewi et al., 2020). Maintaining a hygienic environment with proper equipment is essential for dental care. The lack of knowledge among illegal dental technician can result in disturbances or health risks for dental service users, categorizing such

actions as criminal acts according to applicable laws and regulations. Therefore, preventing criminal acts in traditional health services provided by illegal dental technician is crucial to avoid potential victims.

Policies for dealing with criminal acts are grouped into two types, namely by means of criminal law (penal policy) and means outside criminal law (non-penal policy) (Dewi et al., 2020). In dealing with criminal acts, non-penal means are very necessary because the capacity of criminal law in controlling criminal acts in society is very limited. This limitation is evident in the existence of criminal sanctions that have been in place for centuries but have not optimally prevented crime. The repressive (coercive) nature of criminal law policy can only address the symptoms of criminal acts, and non-penal means are essential and strategic for preventing and overcoming crime by identifying and eradicating the root causes of crime (Priamsari, 2022). Therefore, the author is interested in conducting a study on the prevention of criminal acts using non-penal means in traditional health services provided by illegal dental technician.

2. Methods

This research utilizes socio-legal research, an interdisciplinary approach aimed at combining disciplinary perspectives from the fields of science, social sciences, and law into a single approach. Socio-legal research seeks to explore a problem simultaneously with studying related legal theory and thoroughly examining how legal rules are applied (Banakar & Travers, 2005). It is an interdisciplinary approach that not only looks at the study of norms or norm doctrine but also considers the context of norms and their implementation (Wiratraman, 2008). Through this research, it is hoped that a new model for dealing with criminal acts by illegal dental technician in traditional health services using non-penal means can be developed.

3. Results And Discussion

According to the international agreement of the UN Congress on The Prevention of Crime and the Treatment of Offenders, the principal strategy for crime prevention should focus on eliminating the factors and situations that encourage crime. Thus, the strategic policy in dealing with crime lies in integral, preventive, and eliminative policies that address causal factors, emphasizing causative prevention policy. Although penal policies are repressive, they contain a preventive element due to their deterrent effect. Penal policy remains necessary in overcoming crime, serving as a means of social policy to channel "community dislike" or social censure/hatred, expected to provide social protection. (Barda Nawawi Arief, 2018)

However, overcoming criminal acts by illegal dental technician as a traditional health service using penal policies, such as implementing articles in the Criminal Code and the Health Law, is partial, repressive, and symptomatic. It is not a strategic policy and needs to be complemented with countermeasures using non-penal means. (Barda Nawawi Arief, 2018)

Efforts to deal with crime or criminal acts using non-penal means are more preventive in nature, focusing on identifying correlated and potential factors that can cause crimes or criminal acts. Non-penal efforts prioritize prevention, deterrence, or control before a crime or criminal act occurs (Ravena & SH, 2017). The main target is to address conducive factors that cause crimes or criminal acts, such as social conditions that directly or indirectly contribute to crimes or criminal acts (Ravena & SH, 2017). Additionally, the 6th United Nations Congress in 1980 in Caracas, Venezuela, stated that the causes of crime in many countries were social inequality, racial and national discrimination, low standards of living, unemployment, and the preponderance of illiteracy or ignorance among some large populations (Ravena & SH, 2017). Overcoming criminal acts using non-penal means is carried out by traditional dental health services through existing policies, specifically Minister of Health Regulation No. 39 of 2014

concerning Guidance, Supervision, and Licensing of Dental Work (hereinafter referred to as Minister of Health Regulation No. 39/2014). These efforts are conducted primarily through the guidance and supervision provided by dental craftsmen, as outlined in Article 10 of Minister of Health Regulation No. 39/2014:

Ministers, Governors, Regents/Mayors, regional officials, and/or dental artisan organizations bear the responsibility of providing guidance and supervision for the work of dental artisans within their respective authorities.

The development mentioned in paragraph (1) aims to ensure protection for the community. Coaching mentioned in paragraph (1) takes the form of:

- a. Regular supervision
- b. Regular guidance and/or counseling

Supervision as intended in paragraph (1) aims to ensure that dental technicians adhere to the work authorized by this Ministerial Regulation.

The primary goal of these non-penal efforts is to improve specific social conditions, indirectly contributing to a preventive effect on crime. From the perspective of criminal politics, all non-penal preventive activities hold a strategic position and should be intensified and made effective. (Muladi, 2010)

Based on case studies addressing dental crimes using non-penal means, conducted in two districts in Indonesia (Boyolali Regency and Sukoharjo Regency), as well as case studies from electronic mass media (Instagram, articles), the following observations were made:

The prevention of non-penal criminal acts in Boyolali Regency and Sukoharjo Regency, carried out by the local Health Service based on Minister of Health Regulation 39/2014, involving coaching and supervision of dental artisans, has not been fully or optimally implemented. This is due to a low number of dental artisans applying for dental practice permits, coupled with limited human resources and budget allocation for guidance and supervision, which are shared with other traditional health services (Results of interviews with the Boyolali District Health Service and the Sukoharjo District Health Service). Additionally, users of dental services in Sukoharjo Regency and Boyolali Regency often prefer seeking treatment from a illegal dental technician after previous dental treatments were unsuccessful as expected (Results of interviews with dental service users in Boyolali Regency and Sukoharjo Regency).

A illegal dental technician victim account, followed by the majority of the Indonesian population, contains posts and comments detailing experiences with dental and oral care. These accounts, shared on Instagram @korbuatkanggigi, often complain about dental care that does not comply with medical rules and results in injuries (such as treatments for tooth extraction, filling, braces installation, etc.). Consequently, victims prefer repairing their teeth and mouth through treatment from a illegal dental technician (Instagram @korbantukanggigi. 2023). This highlights a lack of understanding among people who use dental services regarding the dangers of receiving dental and oral care from inappropriate health workers or without considering the abilities and expertise of the health service. Despite illegal dental technician being capable of providing dental and oral care, the public must also consider the authority granted to illegal dental technician by laws and regulations regarding the specific procedures they can perform. Efforts to overcome criminal acts through the application of means outside criminal law (non-penal policy) are concretely carried out by making several improvements in various aspects or areas, including economic factors (poverty), social and cultural factors, environmental factors, factors influencing the possibility of committing crimes, factors related to the desire for quick profits or benefits, legal factors, psychological factors, and other factors. According to the author, the factors causing criminal acts by illegal dental technician, as a traditional health

service, can be improved in this aspect or field, allowing efforts to be made to address criminal acts using methods outside of criminal law (non-penal policy), including:

3.1 Economy

Economics involves demand and supply dynamics. When demand for a product or service is high, the corresponding supply will also be high (Kadarisman & Marsela, 2015). In the context of dental practice, there is a reciprocal need between illegal dental technician and service users. Illegal dental technician offer dental and oral care services at relatively affordable and rapid rates, catering to the demand for accessible dental and oral care. Economic status influences decisions about dental and oral care, with family income being a crucial indicator. Higher income correlates with better healthcare access and a willingness to spend more on health services (Muchlis, 2020). Although economic factors drive dental technicians to perform work beyond making removable dentures to meet living needs, such work is prohibited by statutory regulations. Illegal dental technician must adhere to existing regulations, ensuring no risk to the health of dental service users, even as economic factors motivate illegal dental technician in their work.

3.2 Socio-cultural

The environment encompasses conditions that influence human development and behavior, including socio-cultural factors. The social environment involves interactions between individuals and groups, forming a system of norms that shape behavior. Meanwhile, the cultural environment represents the cultural value system, customs, and way of life of society. The socio-cultural environment influences attitudes and behavior in information reception. Culture, a way of life passed down through generations, plays a significant role in shaping habits and behaviors, particularly in the context of dental and oral care by illegal dental technician (Muchlis, 2020). Despite regulations like Minister of Health Regulation 39/2014, which cannot be comprehensively implemented due to Indonesia's vast territory and limited accessibility to professional health services like illegal dental technician in many areas, the community still relies on traditional health services. The socio-cultural factors influencing this choice stem from long-standing trust in and familiarity with dental care services. Although illegal dental technician are available in cities, urban residents may still prefer illegal dental technician, believing in the quick and effective results provided by traditional health services. Addressing socio-cultural factors requires careful consideration from both the community and illegal dental technician. The community should prioritize expertise, ability, and authority in choosing a place for dental and oral care, not solely relying on trust. On the illegal dental technician's side, attention to authority and cautious provision of dental and oral health services is crucial.

3.3 Psychology

Psychology is a scientific discipline used to understand people's feelings, collect and analyze data, form ideas and opinions, and take action. Attention to certain things and the urge to carry out an activity is the definition of interest, which is a psychological aspect. Based on this psychological understanding, concerning the practice of illegal dental technician, it is related to the behavior of users of dental services and illegal dental technician.

The current attitude or behavior of society towards dental and oral care often treats it as a lifestyle without paying attention to other factors. Service users may not consider whether the work carried out by the illegal dental technician is permitted according to the applicable legal regulations, focusing solely on the final results of the dental and oral treatment. Additionally,

insufficient knowledge on the part of illegal dental technician regarding dental work as regulated by statutory regulations can lead to dental technicians performing work outside the scope of making and installing removable dentures. The lack of knowledge on dental and oral care not based on medical rules can result in dental service users becoming victims of dental and oral care by dental technicians.

People who choose a place for dental care carelessly may be at risk of experiencing dental and oral disorders, such as dental malfunction, dental and oral infections originating from the use of non-sterile tools, and the shaping of teeth that is not suitable due to inadequate analysis (Rskasihh, n.d.). Therefore, the psychological factors of people using dental services and illegal dental technician must be improved by emphasizing the understanding that dental and oral care aim to improve health status, not just to satisfy personal preferences or lifestyle.

Based on these factors, overcoming criminal acts by illegal dental technician using non-penal means is necessary to prevent criminal acts occurring in dental practices. The prevention of criminal acts by illegal dental technician in traditional health services using non-penal means is examined using criminal politics. Rational efforts to tackle crime with non-penal means aim to address social problems and community mental health issues that contribute to crime (HARJANA & NPM, n.d.). According to Sudarto's theory, aside from using crime, other ways to protect the community involve "Managing Community Mental Health (Mental Hygiene)" (Sudarto & Pidana, 1981). Managing community mental health encompasses mental/spiritual health, cultural health, and the values of the community's way of life. (Hendra, 2016)

Addressing mental health as an integral part of health management strategies is also the focus of the UN Congress. In consideration of resolution No. 3 of the 6th Congress of 1980, regarding "Effective Measures to Prevent Crime", it is stated: (Barda Nawawi Arief, 2016)

a. That crime prevention depends on the human person himself (that crime prevention is dependent on man himself).

b. That crime prevention strategies must be based on efforts to awaken/increase the human spirit or spirit and efforts to strengthen confidence in the ability to do good.

Based on Effective Measures to Prevent Crime, the emphasis on preventing criminal acts is to instill and convince everyone that doing good for oneself is the same as doing good for others. By instilling and believing that goodness is for all, and crime can be prevented through oneself, it is hoped that the management of the community's mental health can prevent criminal acts from occurring.

Managing public mental health through education and the media requires the right strategy so that the role of education and various forms of outreach media can be effective in preventing criminal acts. Through effective education/education and counseling, it is not only hoped that a healthy family and a healthy social environment will be fostered, but also a healthy culture and values of a healthy social outlook. This means that the management of public health or a healthy social environment (as one of the non-penal efforts in the criminal political strategy) is not only oriented towards a religious approach but is also oriented towards a national cultural identity approach (Barda Nawawi Arief, 2016). In this way, overcoming criminal acts using non-penal means in the form of managing community mental health involves education/education and counseling for individuals as well as every member of society, along with cultural health and the values of a healthy social outlook on life.

Community mental health management for dental artisans is conducted by the local Health Service, providing understanding or education regarding dental and oral health care for dental artisans. This includes compliance with applicable laws and regulations, medical conditions, medical rules, as well as guidance and supervision of the artisan's tooth practices. Meanwhile, management of public mental health for users of dental services involves education or

counseling to the public regarding proper dental and oral care and potential criminal acts in dental practices. The management of community life is executed through regular education, moral education, guidance, counseling, and supervision.

In addition to providing guidance and supervision and managing community mental health, non-penal means of dealing with criminal acts necessitate training for dental technicians. This training aims to equip dental technicians with the necessary knowledge and skills to ensure that dental and oral care provided to users of dental services does not pose a risk to their health but contributes to improving their health status.

The training provided to illegal dental technician includes modules and procedures for making removable full or partial dentures (Wijaya & Vitasari, 2020). This training, preferably carried out by the government in collaboration with illegal dental technician in the Health Service's work area, must be clear regarding implementation, attendance, training period, and post-training assessment. According to Robbins, Stephen P, training is a learning method that aims to change cognitive, affective aspects, and the results of skills/expertise (Louisa et al., 2021). Thus, training for dental technicians is crucial for enhancing their ability to carry out their work. Training methods must adhere to principles such as motivating participants to learn new skills, demonstrating desired skills, teaching interpersonal skills, and providing opportunities for practice and skill expansion. (Louisa et al., 2021)

The aim of the training is to enhance the individual abilities of dental technicians in performing their work.

4. Conclusion

Overcoming criminal acts in traditional health services by illegal dental technician is accomplished through a non-penal approach involving guidance and supervision, as per the policy outlined in Minister of Health Regulation No. 39/2014. This ensures that traditional health services adhere to established standards, reducing the risk of legal violations and providing protection to the community. Factors such as economic, socio-cultural, and psychological aspects must be addressed to prevent criminal acts in dental practices. Management of community mental health, through education and effective counseling, not only aims to foster a healthy family and social environment but also encourages cultural health and societal values. Additionally, providing training for illegal dental technician is essential to impart adequate knowledge and skills, minimizing the risks associated with dental and oral treatment. The training's objective is to create conditions where dental technicians, in their work, comply with medical rules, medical conditions, and applicable legal regulations.

5. Suggestion

A suggested recommendation from the author is the need for changes to Minister of Health Regulation No. 39/2014, as it may no longer be relevant to the current societal conditions. The author proposes the addition of training requirements for dental technicians, along with outreach or education to the public about the importance of proper dental and oral care.

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