

**THE PROSPECTIVE OF LAWS IMPLEMENTATION REGARDING
THE CRIMINAL ACT OF COMMERCIALIZATION OF POST TOOTH
EXTRACTION IN PADANG**

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ABSTRACT

The Law Number 29 of 2004 concerning the medical practice in Article 45 and 52 regulates about the approval of medical acts and patient's right. The dentistry students in Padang to be exact buy the tooth to make it as the practice material. It can be found in hospitals, clinics, public health center, private medical clinic and even from seniors by buying it with the various price around Rp. 50.000,00 to Rp. 100.000,00. The formulations of the problem are (1) how the application of the criminal law policy toward the criminal act of the commercialization of post tooth extraction in Padang, (2) how the prospective of the laws implementation regarding the criminal act of the commercialization of post tooth extraction in Padang. The research method used was socio legal approach. The data collecting technique were interview and document study. The data was analyzed qualitatively. The results of the research were; 1. The application of the criminal law policy toward the criminal act of the commercialization of post tooth extraction in Padang has not been applied as regulated in Article 64 section (3) of the Law Number 36 of 2009 concerning the health, 2. The implementation of criminal law according to Law of health has not been implemented maximally. Those are caused by the lack of awareness and understanding had by public that tooth is a human organ which is forbidden to be traded. Therefore, socialization is needed to inform to public about the human organ. If this matter is not followed up, any other cases will keep being done.

Keywords: Prospective, Commercialization, Tooth, Extraction.

**PROSPEKTIF PENERAPAN HUKUM PIDANA TERHADAP TINDAK
PIDANA KOMERSIALISASI GIGI POST EKSTRAKSI
DI KOTA PADANG**

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ABSTRAK

UU No. 29 Tahun 2004 tentang Praktik Kedokteran, Pasal 45 dan Pasal 52 mengatur tentang persetujuan tindakan medis dan hak-hak pasien. Mahasiswa kedokteran gigi khususnya di Kota Padang membeli gigi untuk bahan prakek. Gigi didapatkan berbagai tempat di Kota Padang seperti rumah sakit, klinik-klinik, puskesmas-puskesmas, praktek pribadi dan senior dengan cara membeli dengan harga bervariasi berkisar Rp.50.000,00 sampai Rp.100.000,00. Rumusan masalah (1). Bagaimanakah aplikasi kebijakan hukum pidana terhadap tindak pidana komersialisasi gigi post ekstraksi di Kota Padang. (2). Bagaimanakah prospektif penerapan hukum pidana terhadap tindak pidana komersialisasi gigi post ekstraksi di Kota Padang. Metode penelitian yang digunakan adalah yuridis sosiologis. Teknik pengumpulan data adalah wawancara dan studi dokumen. Data dianalisis secara kualitatif. Hasil penelitian; 1. Aplikasi kebijakan hukum pidana terhadap tindak pidana komersialisasi gigi post ekstraksi di kota Padang belum terlaksana sebagaimana yang diatur dalam Pasal 64 Ayat (3) UU No. 36 Tahun 2009 tentang kesehatan. 2. Penerapan hukum pidana menurut UU Kesehatan belum berjalan maksimal, yang disebabkan karena masyarakat kurang mengetahui bahwa gigi merupakan suatu organ manusia yang tidak boleh diperjualbelikan. Oleh karena itu harus adanya sosialisasi kepada masyarakat tentang organ tubuh. Jika hal tersebut tidak ditindaklanjuti maka kejadian seperti ini akan terus menerus berlanjut.

Kata Kunci: Prospektif, Komersialisasi, Gigi, Ekstraksi.