

**TELAAH KRITIS PERIZINAN PRAKTIK TUKANG GIGI PASCA PUTUSAN
MAHKAMAH KONSTITUSI NOMOR 40/PUU-X/2012
DI KABUPATEN BANTUL**

ABSTRAK

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Putusan Mahkamah Konstitusi Nomor 40/PUU-X/2012, mengizinkan kembali praktik tukang gigi sepanjang tukang gigi yang bersangkutan memiliki izin dari pemerintah. Peraturan perizinan pasca Putusan Mahkamah Konstitusi adalah Permenkes Nomor 39 Tahun 2014 tentang Pembinaan, Pengawasan dan Perizinan Pekerjaan Tukang Gigi. Penelitian ini bertujuan mengetahui penyelenggaraan perizinan praktik tukang gigi pasca Putusan Mahkamah Konstitusi Nomor 40/PUU-X/2012 di Kabupaten Bantul dan mengetahui hambatan-hambatan dalam penyelenggaraan perizinan praktik tukang gigi, serta upaya Pemerintah Kabupaten Bantul dalam mengatasi hambatan tersebut.

Penelitian yang digunakan dalam penulisan tesis ini bersifat deskriptif, dengan pendekatan normatif empiris, dengan menggabungkan penelitian hukum yang meneliti data primer dan data sekunder. Bahan penelitian utama dalam penelitian ini menggunakan bahan data primer yakni wawancara dengan metode *purposive sampling* dari responden dan narasumber, dengan melihat bahan data sekunder (kepuustakaan). Metode wawancara dengan cara pendekatan *dept interview* yang dianalisis dengan metode deskriptif kualitatif.

Berdasarkan hasil penelitian didapatkan kesimpulan bahwa penyelenggaraan perizinan praktik tukang gigi pasca Putusan Mahkamah Konstitusi Nomor 40/PUU-X/2012 di Kabupaten Bantul belum berjalan sesuai dengan Permenkes Nomor 39 Tahun 2014. Hambatan internal yaitu: 1) Mispersepsi terhadap peraturan penyelenggaraan perizinan tukang gigi, 2) Pembinaan secara berkala dalam penyelenggaraan perizinan tukang gigi belum berjalan, dan 3) Pengawasan penyelenggaraan perizinan belum berjalan dengan baik. Hambatan eksternal yaitu: 1) Kesadaran hukum tukang gigi dalam penyelenggaraan perizinan masih rendah, 2) Belum terbentuknya organisasi tukang gigi di Kabupaten Bantul, dan 3) Lemahnya pengawasan masyarakat terhadap penyelenggaraan perizinan tukang gigi. Upaya yang dilakukan Pemerintah Kabupaten Bantul dalam mengatasi hambatan tersebut adalah: 1) Mengusulkan peraturan daerah yang dapat menjadi payung hukum perizinan di bidang kesehatan, 2) Melaksanakan pembinaan terhadap masyarakat secara umum, tentang standar pekerjaan tukang gigi, dan 3) Melakukan pengawasan *preventif* dengan melakukan mekanisme pendataan keberadaan tukang gigi.

Kata kunci: *Perizinan, Tukang Gigi, Putusan Mahkamah Konstitusi No 40/PUU-X/2012*

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**CRITICAL STUDY OF DENTAL ARTISAN PRACTICE PERMISSION
AFTER DECISION OF CONSTITUTIONAL COURT
NUMBER 40/PUU-X/2012 AT BANTUL REGENCY**

ABSTRACT

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Decision of the Constitutional Court Number 40/PUU-X/2012 permitted back the dental artisans as long as they held permission from government. Permission regulation after Decision of the Constitutional Court is Regulation of the Minister of Health Number 39 of 2014, on training, supervising and permission of dental artisan's work. This research aims to find out the implementation of dental artisan's practice permission after Decision of the Constitutional Court Number 40/PUU-X/2012 at Bantul regency and know the obstacles in implementation of dental artisan's practice and the efforts of Bantul regional government in solving those obstacles.

The research used in this thesis is descriptive with the empirical normative method by combining law research which observes primary data and secondary data. The main research instruments in this research is using primary data which consist of interview by purposive sampling method from respondents and informants by looking at the secondary data (literature). Interview method by using dept interview method is analyzed by descriptive qualitative method.

Based on the research result it obtained a conclusion that implementation of dental artisans' practice permission after Decision of the Constitutional Court Number 40/PUU-X/2012 at Bantul Regency has not undergone as regulation of the Minister of Health Number 39 of 2014. Internal obstacles are: 1) Misperception toward the regulation of dental artisan's practice implementation, 2) Periodical training in dental artisan's practice implementation has not run well and 3) Supervising dental artisan's practice implementation has not run well. External obstacles: 1) Awareness of Law in dental artisan's practice implementation is still low, 2) The organization of dental artisan at Bantul regency has not been made and 3) Society supervision toward dental artisan's practice implementation is still weak. The efforts done by Bantul government in solving those obstacles are 1) Suggesting the regional regulation which can be center of permission law in health field, 2) Holding training toward society in general about dental artisan's work standard, and 3) Preventive supervision by doing data mechanism of dental artisan existence.

Key word: Permission, Dental Artisan, Decision of Constitutional Court number 40/PUU-X/2012

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