

Dental Record as A Tool of Identification and Legal Evidence In Court

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ABSTRACT: Everyone has an identity to distinguish them from others. This identity has a legal aspect. The most important, simple and immediate anticipation of these things is to fix or make a Dental Medical Record in this case a good, complete, uniform, and easy to understand odontogram, both by the medical community, paramedics, law enforcers, as well as ordinary people, using universally applicable standards (national and international). This study uses a normative juridical approach, with qualitative descriptive analysis. Odontogram medical records are indispensable as an identification tool following the Law on Medical Practices of 2004 and the Minister of Health Regulation of the Republic of Indonesia 269/Menkes/Per/2008. In the implementation of medical practice, every doctor and dentist must refer to the applicable standards, guidelines and procedures so that the public gets professional and safe medical services and can avoid legal problems. As a medical record, the odontogram can be used as evidence in court because it is categorized as evidence for expert testimony as stated in the Minister of Health Regulation No. 269/2008 article 13 states that medical records have benefits, namely evidence in the law enforcement process, medical and dental disciplines in the enforcement of medical ethics and dental ethics.

KEYWORDS - Court, Dental Records, Identification.

I. INTRODUCTION

One of the main elements in an excellent health care system is the availability of medical services by doctors and dentists whose quality is maintained following the mandate of Law Number 29 of 2004 concerning Medical Practice. In the implementation of medical practice, every doctor and dentist must refer to the applicable standards, guidelines and procedures so that the public receives professional and safe medical services. As one of the regulatory functions in the Medical Practice Act of 2004, what is meant is the regulation of medical records, namely Article 46 and Article 47. Health workers as one of the main components of providing health services to the community have a very important role because it is directly related to service quality (Kholili, 2011)

The main problem and obstacle in the implementation of medical records are that doctors and dentists are not fully aware of the benefits and uses of medical records, both in health care facilities and in individual practices, as a result, medical records are made incomplete, unclear and not timely. Currently, there are medical record guidelines issued by the Indonesian Ministry of Health, but these guidelines only regulate hospital medical records. Therefore, it is necessary to reference medical records for the implementation of medical practice related to legal aspects that apply to public, private, special hospitals, health centres, individuals and other health services. With the medical record, the role of the dentist is quite important in making data in the form of an odontogram as an identification process. Therefore, identification of a person who is personal data is very necessary, especially the teeth that are tightly attached to the jawbone, resistant to the decay process, resistant to heat up to 900 degrees Celsius, resistant to acid, resistant to abrasion and attrition, high individualistic value, Identification through Dentistry is the process of determining the unique characteristics of an individual's teeth by comparing post-mortem data with pre-death data.

Everyone has an identity to distinguish them from others. This identity has a legal aspect. The most important, simple, and immediate anticipation of these things is to fix or make a Dental Medical Record in this case a good, complete, uniform odontogram, and easy to understand, both by the medical community, paramedics, law enforcers, as well as ordinary people, using universally applicable standards (national and international). With the development of science and technology, apart from being created manually on patient cards, dental data can also be created digitally (on a computer) or electronically at an economically affordable cost.

The rise of the crime of murder is very necessary for the role and duties of the authorities including the Police from the medical element, the Prosecutor's Office and the Judiciary.

The murder was motivated by three motives, namely property or economy, power, and social relations. One of those motives could be the reason for the perpetrator to commit the murder. Murder can be caused by things that are light and spontaneous. For example, because the perpetrator's emotions were provoked so high that he darkened his eyes and committed murder.

The increase in criminal acts requires the roles and duties of the competent authorities including the Police, especially the Criminal Investigation Unit, in disclosing the reasons for the murders committed by the perpetrators requiring hard work from the Police. Apart from the Police, the other authorities are Attorney. Cooperation between the Police and the Prosecutor's Office in resolving cases plays a very important role in criminal law enforcement.

A criminal act is an act that is prohibited by a rule of law, which prohibition is accompanied by threats (sanctions) in the form of certain crimes, for anyone who violates the prohibition (Saleh, 1991). The impact of a crime/violation is criminal liability, while the definition of criminal liability is someone criminally responsible for someone who commits a criminal act or crime.

The dental medical record as a whole is written data on a card or computer containing complete and accurate information about the patient's identity, diagnosis, treatment/treatment process, dental medical action as well as documentation of examination results which are legal evidence (Shindy R. Malingkas, 2017).

Victims of homicide often have incomplete evidence, therefore the role of dental records can help as evidence for further processing.

Dental records are one of the means used to identify victims, especially victims whose condition is difficult to identify visually and using fingerprints, so it is necessary to use a dental examination method that is by the Dental Record of the National Standard of Dentistry. Teeth with individualistic properties and materials that are not easily damaged can be used to estimate age, gender, blood type, DNA, race, facial shape and other special characteristics.

II. RESEARCH METHODS

This research is normative juridical research with an approach to legal principles and legal systematics, namely to find out the applicable principles and identify the role of dental records as a means of identification and legal evidence in court. The research specification used in this research is descriptive-analytical, which describes the state of the object under study and some factors that influence the data obtained to be collected, compiled, explained, and analyzed according to the laws and regulations governing and associated with the theory. -legal theory and practice of implementation in positive law concerning the problems studied. Descriptive research is research that aims to describe something in a certain area and at a certain time.

III. DISCUSSION

The odontogram medical record is one part of the medical record, namely a record containing information about a person's teeth which is a reliable means of identifying teeth, especially if records of dental data during life have been made and stored properly and correctly. Because the teeth are the hardest part of the human body, which has a composition of organic matter with a small amount of water content. New teeth will ash at temperatures of 1000 F – 1200 F (538 C – 649 C), while crown inlays and amalgam fillings on teeth turn to ash above temperatures over 1600 F (871 C).

According to Alphonsus Quendangen and colleagues, personal identification is often a problem in both criminal and civil cases. Determining the exact identity of the personal odontogram is very important in the

investigation. If an error occurs, it will be fatal in the judicial process, because this medical record is the main written evidence, so it is useful in solving legal, disciplinary and ethical problems(Quendangen, 2007).

The properties of teeth that are tightly attached to the jawbone, resistant to decay, resistant to heat up to 900 degrees Celsius, resistant to acid, resistant to abrasion and attrition, high individualistic value, clear and easily recognizable shape, make teeth one of the most important materials. identification. Identification through these teeth is the process of determining the unique characteristics of teeth, the restoration of an individual's teeth by comparing data before and after death.

Identification through the teeth can determine the characteristics of a person, including Race, Gender, Age, Habits, Occupation, Blood type, Face identification. This identification can be carried out on living or dead people, inanimate objects around the crime scene, namely bite marks, saliva around bite patterns and bite marks for certain foods, or inanimate objects that can physically be considered as evidence, including teeth. partial dentures, full dentures, crowns and bridges, broken teeth from the victim and broken jaws that were separated from the upper and lower jaws.

The advantage of teeth as an object of identification is that they have a protected location from the muscles of the lips and cheeks so that if trauma occurs, they will hit the muscles first. Teeth are difficult to decay even though they have been buried unless they have been necrotic or gangrenous, while other body organs and even bones have been destroyed but the teeth are still intact and there are no human teeth in the world with a probability of one in two billion, teeth also have the following characteristics: special characteristics that can be identified according to their work and daily habits. In addition to being heat resistant to more than 649 degrees Celsius, they are also resistant to concentrated acids.

Medical records for the services of specialist doctors and specialist dentists can be developed according to the needs of medical records that are made in ambulance services or mass treatment, just as emergency medical records and medical records are stored in health facilities.

By knowing the various purposes of making odontograms as personal identification, dentists are automatically required to know, study, and comply with all provisions as applicable in the law and other regulations because the criminal sanctions are quite severe legally and administratively, as stated in article 45 concerning Informed Consent, Article 46 concerning Dental Records, Article 47 concerning Ownership of Dental Records, Article 48 concerning Confidentiality of Dental Records, and Article 79 of the Criminal Provisions of the law referred to above.

Currently, not all dentists and dental nurses in Indonesia are recording odontogram medical records correctly. There is still no uniformity in the writing procedures and terminology used in recording odontogram medical records, causing misunderstandings when the medical records are used in a legal process.

Identification in forensic dentistry is all applications of the disciplines of dentistry involved in an investigation in obtaining antemortem and postmortem data and is used to determine the authenticity and identity of victims and perpetrators for legal purposes in a judicial process and upholding the truth. Identification through the teeth can be done in the application of all disciplines of dentistry related to investigations in the public and judicial interests as well as in making expert certificates.

Identification through odontogram medical records that can support forensic dentistry. In other words, there are six criteria of changes in dental tissue due to the use of teeth according to age.

In developed countries there are many dentists in the investigative team and identification teams as members, thus dentists should know also general identification, namely the first documents contained in the victim's clothing such as ID card, driver's license, credit card, school card, student card, employee card and agency identification. Both clothing or clothing through the shape, style,

Medical records are the main written evidence, so they are useful in solving legal, disciplinary and ethical issues. Medical records as a means of proof in legal cases can be used both in criminal and civil cases. Record In fact, not all medical records can be used as evidence in court.

An odontogram medical record is a file containing records and documents, including the patient's identity, examination results, a treatment that has been given, as well as other actions and services that have been provided to the patient along with photos, radiology, imaging images. and electro-diagnostic recordings which can be made manually or digitally.

In the era of globalization and a free market with a sharp level of competition, it is necessary to have Odontogram medical record standards that can be used both nationally and internationally. With the rise of natural disasters and the number of acts of terrorism recently, there is an urgent need for uniform standards of odontogram medical records. The Indonesian National Police has developed a Standard Operating Procedure (SOP) for forensic dentistry as a reference for management when identifying disaster victims.

The utilization of electronic medical records as a means of making and sending medical information is an effort that can accelerate and sharpen the movement of medical information for the sake of accuracy of medical action.

IV. CONCLUSION

Odontogram medical records are indispensable as an identification tool following the Law on Medical Practices of 2004 and the Minister of Health Regulation of the Republic of Indonesia 269/Menkes/Per/2008. In the implementation of medical practice, every doctor and dentist must refer to the applicable standards, guidelines and procedures so that the public receives professional and safe medical services and can avoid legal problems.

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Electronic or digital odontogram medical records allow simultaneous access from various locations on earth, reduce data interpretation errors, speed up decision making, provide a varied presentation and assist data analysis. This is also following Permenkes 269/Menkes/Per/2008 in the explanation of article 46 paragraph (3) that the use of information technology is possible in recording medical records.

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