

Literature Review

Ethical and legal dimensions of informed consent in aesthetic conservative dentistry: A review under Indonesia's health law

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ABSTRACT

Background: Aesthetic treatments in conservative dentistry, such as tooth whitening, veneers, and composite restorations, have become increasingly popular as more patients seek to enhance their appearance. Unlike therapeutic procedures, these treatments are often elective and based on personal preferences, which brings forward important ethical and legal questions. One of the key aspects is how dentists ensure that patients truly understand the benefits, risks, and alternatives before making a decision. **Purpose:** This review aims to examine the ethical and legal dimensions of informed consent in aesthetic conservative dentistry, with particular reference to Indonesia's Law No. 17/2023 concerning Health. It explores how dental professionals are expected to balance patients' aesthetic desires with ethical responsibilities and legal duties. **Reviews:** The discussion covers core ethical principles, including autonomy, beneficence, nonmaleficence, and justice as the foundation of a meaningful consent process. It also examines the latest national regulation, which outlines patient rights and dentist responsibilities, particularly Law No. 17/2023 concerning Health. Since aesthetic procedures are not always medically necessary, they require extra care in communication and documentation to ensure proper patient care and treatment. **Conclusion:** Informed consent in aesthetic dental care should not be treated as a formality. It is a vital ethical practice that ensures patients feel respected and well-informed. For dentists, especially those involved in aesthetic procedures, it is important to apply both ethical reflection and legal awareness in every step of patient care. Following Law No. 17/2023 concerning Health, maintaining open and honest communication fosters trust and supports safe, responsible treatment.

Keywords: ethical; legal; informed consent; aesthetic; conservative dentistry; health law

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INTRODUCTION

In recent years, aesthetic procedures in conservative dentistry have experienced a significant rise in demand. Treatments such as tooth whitening, resin composite restorations, and porcelain veneers have become highly sought after by patients seeking to enhance their appearance and boost their self-confidence.¹ Unlike restorative or therapeutic interventions, these aesthetic procedures are often elective, driven by personal preference rather than medical necessity.² The practice of aesthetic dentistry is closely tied to the ethical principle of autonomy, which requires that patients make informed decisions about their healthcare. Informed consent becomes central to this ethical obligation, especially when procedures are not medically required but chosen for cosmetic reasons.³ Patients must be fully aware of the possible complications, such as

tooth sensitivity, irreversible tooth structure removal, or dissatisfaction with cosmetic outcomes. Dentists have a responsibility to ensure that patients' expectations are realistic and grounded in clinical evidence.⁴

Indonesia has responded to the evolving landscape of healthcare ethics by enacting Law No. 17/2023 concerning Health, replacing the earlier Law No. 36/2009. This new regulation underscores the importance of informed consent as both a legal and ethical regulation.⁵ The Law explicitly requires that patients be given adequate information about diagnosis, prognosis, treatment options, potential risks, and alternative therapies. Furthermore, it affirms patients' rights to refuse treatment and to receive care that respects their dignity and autonomy.⁶ This legislative shift is part of Indonesia's broader strategy to strengthen patient rights and professional accountability in healthcare. Law No. 17/2023 concerning Health mandates that informed consent must be documented

and retained in the patient's medical record, accessible to both the patient and legal authorities when needed.⁷

The nature of aesthetic procedures often amplifies the risk of ethical breaches. For instance, marketing strategies and visual advertising in aesthetic dentistry can influence patient expectations in unrealistic ways, potentially leading to overtreatment.^{2,8} Dentists must remain vigilant against succumbing to commercial pressures that may compromise professional integrity. Ethical decision-making requires a balance between respecting patient desires and adhering to the principle of nonmaleficence.³ Consent in aesthetic conservative dentistry should therefore involve shared decision-making, where patients and practitioners collaborate in the treatment planning process. This process fosters mutual trust and helps ensure that patients' choices align with their values and are based on clear, evidence-informed communication.⁹

Aesthetic procedures also introduce complexities in data management and patient privacy. Law No. 17/2023 obliges healthcare providers to maintain confidentiality while allowing patients access to their medical records, including signed consent forms.⁷ This dual obligation reflects the ethical principles of transparency and respect. Dentists must ensure secure data handling practices in compliance with national regulations while fostering open communication with patients.⁶ The Indonesian legal framework now encourages the use of electronic consent systems to improve efficiency, reduce errors, and provide traceability in the event of litigation or complaints. While this transition offers advantages, it also necessitates proper training and system security to uphold the ethical standard of informed and voluntary consent.⁵ In line with these digital advancements, the integration of digital dentistry into conservative aesthetic care further complicates the ethical and legal landscape. Digital tools, including intraoral scanners, smile design software, digital radiography, and computer-aided design and manufacturing (CAD/CAM) systems, enhance precision, efficiency, and patient satisfaction. However, they also present new challenges such as data accuracy, algorithmic bias in AI-driven diagnostics, and consent for the use of simulated treatment outcomes. Patients must be informed that digital simulations and mock-ups are predictive models rather than guarantees of final results.¹⁰

This review discusses the importance of informed consent in aesthetic conservative dental treatment from both ethical and legal perspectives. It also explores how ethical values and legal frameworks intersect in this complex field, demonstrating that informed consent, whether employed in conventional or digital settings, plays a central role in fostering patient trust, upholding professional responsibility, and shaping the future of ethical dental care.

METHOD

This literature review was conducted using a narrative approach to analyze the ethical and legal dimensions

of informed consent in aesthetic conservative dentistry under Indonesia's Law No. 17 of 2023 concerning Health. Relevant articles published between 2017 and 2025 were identified through systematic searches in Google Scholar, PubMed, Scopus, and ResearchGate, using keywords such as ethical, legal, informed consent, aesthetic dentistry, conservative dentistry, and health law. Only peer-reviewed articles, books, and conference papers in English or Indonesian discussing ethical or legal aspects of informed consent in dentistry were included, while non-dental and inaccessible publications were excluded. Selected literature was reviewed and synthesized descriptively to identify key ethical principles and legal frameworks guiding informed consent in aesthetic conservative dental practice in Indonesia.

RESULTS

Definition and Role of Informed Consent in Dentistry

Informed consent is a communication process between health professionals and patients, where the patient receives adequate information about the diagnosis, treatment plan, risks, benefits, alternatives, and possible consequences of the proposed medical intervention.¹¹ Its main goal is to ensure that the patient can make an autonomous and well-informed decision regarding their care.¹² In dentistry, informed consent is particularly essential in distinguishing between therapeutic procedures and elective or aesthetic ones. In therapeutic procedures such as extractions or caries management, patient involvement remains important, but the urgency and clinical risks often require swift action for the patient's benefit (beneficence and nonmaleficence). Meanwhile, for aesthetic procedures such as veneers or bleaching, patients have full autonomy to accept or decline treatment, as these procedures are not medically necessary. Hence, the information conveyed must be transparent and thorough so that patient choices are truly informed and well considered.¹³

Legally, informed consent is a strict requirement before any medical procedure can be performed. Internationally, organisations like the WHO have emphasised that patients must understand and explicitly agree to any treatment they receive. In Indonesia, this is supported by Law No. 17/2023 concerning Health, which explicitly states that both medical and aesthetic treatments must be preceded by written and meaningful consent. This reinforces the understanding that consent is not merely a signature on a form, but rather a mutual, informed communication process.¹⁴ Studies have shown that effective informed consent improves the therapeutic relationship between dentists and patients.¹⁵ A study in BMC Medical Ethics indicated that properly implemented informed consent not only reduces litigation risks but also fosters trust and patient satisfaction. Honest and compassionate communication builds an environment where patients feel respected, heard, and empowered to participate in decisions about their oral Health and appearance.²

The growth of technology and digitisation has added a new dimension to informed consent. For example, the use of videos or digital simulations can enhance patient understanding of expected outcomes.¹⁶ However, these tools also introduce ethical and legal challenges, such as overreliance on technology, inaccurate assumptions about guaranteed results, and concerns about data privacy. Therefore, informed consent must include explanations about the limitations of technology and assurances regarding patient data protection, in line with Law No. 17/2023^{5,15}, Article 5, Section 15. From a legal perspective, informed consent not only protects patients but also supports dentists in the event of complaints or complications. Accurate and complete documentation, including consent forms, serves as important legal evidence. Indonesian regulations require dental professionals to store and manage patient records responsibly and to present them if needed for legal or ethical review. This strengthens clinical accountability and demonstrates that ethical and legal standards are inextricably linked.^{7,17}

In dental education, students should be taught that informed consent is not just paperwork. It is a meaningful conversation that respects patients as individuals. Future dentists need to learn how to clearly explain treatments, listen carefully to patients' concerns, and be aware of the ethical and legal guidelines that govern their profession. Law No. 17 of 2023 provides a solid foundation for integrating these values into both academic training and everyday practice.⁷

Ethical Principles in Informed Consent

Ethical principles are the foundation of informed consent in healthcare, including dental practice. They provide the moral framework that ensures every interaction between dentist and patient is guided by respect, compassion, fairness, and responsibility.¹⁸ In the context of aesthetic conservative dentistry, where many procedures are elective, these principles are even more vital. This section discusses the four primary ethical principles that underpin the informed consent process: autonomy, beneficence, nonmaleficence, and justice.³ Autonomy is the right of individuals to make their own decisions about their healthcare. It means that patients have the freedom to choose or refuse a treatment based on their values, preferences, and understanding of the information provided. In aesthetic dentistry, where patients often seek care for personal or cosmetic reasons rather than medical necessity, respecting autonomy is essential. Dentists must ensure that patients are provided with all relevant information clearly and compassionately, so they can make informed choices without pressure or influence.

Beneficence is the principle of acting in the best interest of the patient. It requires dentists to promote the well-being of patients by recommending treatments that offer genuine benefits. In aesthetic dentistry, this can include improving a patient's confidence or quality of life. However, recommendations must be grounded in professional expertise and tailored to the individual needs of the patient. Nonmaleficence means "not harm." This

principle obligates dental professionals to avoid procedures or recommendations that may harm the patient. In aesthetic conservative dentistry, this is especially relevant because some treatments involve altering healthy teeth. For example, preparing teeth for veneers may require the removal of enamel, an irreversible process. Dentists must weigh the benefits of cosmetic improvements against the potential damage to oral Health.² Justice in healthcare is the principle of fairness. It ensures that all patients are treated equally, with respect and dignity, regardless of their background, socioeconomic status, or other personal characteristics. In informed consent, justice requires that all patients receive the same level of explanation, support, and opportunity to make informed decisions.³

Legal Aspects of Informed Consent in Indonesia

Informed consent is not only a matter of ethical responsibility but also a legal requirement in healthcare. In the context of aesthetic conservative dentistry, where many procedures are elective and driven by patient preference, the legal foundations of informed consent play a crucial role in protecting both patient rights and the rights of dental professionals.¹⁹ This section examines the legal framework for informed consent in Indonesia, specifically under Law No. 17 of 2023 concerning Health, and its implications for dental practitioners.¹⁰

Informed consent, from a legal standpoint, refers to the process by which a patient voluntarily agrees to a proposed treatment plan after receiving sufficient information to make an informed decision. This information should include the diagnosis, the nature and purpose of the proposed treatment, the risks and benefits, any reasonable alternatives, and the potential consequences of refusing treatment. Indonesian Law No. 17 of 2023 concerning Health reinforces this definition by clearly stating that patients have the right to receive complete information and to give or withhold consent based on that information.⁶ Dental practitioners have a legal duty to obtain informed consent before carrying out any dental procedure. This includes both therapeutic and aesthetic treatments. Failure to obtain proper consent can result in legal claims, including accusations of negligence, malpractice, or even battery if treatment is performed without consent. Under Law No. 17 of 2023, healthcare professionals who fail to fulfil this obligation may face disciplinary action, civil liability, and potential criminal charges, depending on the severity of the violation.⁷

Informed consent is a legal obligation that serves to protect both patients and healthcare professionals. When a dentist fails to obtain valid informed consent before performing a dental procedure, they may be held legally accountable for violating a patient's rights. In the context of Indonesian Law, particularly Law No. 17 of 2023 concerning Health, the absence of informed consent can be classified as a breach of the patient's right to information and decision-making. This legal breach may be considered an act of negligence or even an unlawful act under civil Law.²⁰ If a patient suffers harm as a result of a treatment that was carried out without their informed consent, the

dentist may be sued for civil liability based on wrongful conduct. The legal basis can be found in Article 1365 of the Indonesian Civil Code, which allows individuals to seek compensation for losses resulting from unlawful acts. Even if no physical harm occurs, the mere failure to inform the patient can itself be grounds for a lawsuit if the patient feels that their autonomy or rights were violated. In more serious cases, particularly where the lack of consent leads to permanent injury, physical suffering, or psychological trauma, criminal charges may be filed. The act may be considered as bodily harm or abuse if it can be proven that the procedure was conducted intentionally without valid patient approval. Moreover, the dentist may also face administrative sanctions, including warnings, suspension, or revocation of their license to practice by the Indonesian Dental Council or relevant health authorities.²¹

Additionally, the absence of informed consent can become evidence in claims of malpractice or ethical misconduct. Regulatory and professional bodies may initiate disciplinary proceedings, which can affect the dentist's professional standing and future practice. Informed consent is closely tied to professional accountability. Dentists are expected to maintain high standards of care and to respect patient rights at every stage of treatment. Failing to obtain or respect informed consent not only exposes practitioners to legal risks but also damages the trust that is essential to the dentist-patient relationship.

DISCUSSION

Informed consent serves as a critical intersection between ethical responsibility and legal accountability, particularly in the field of aesthetic conservative dentistry. As this branch of dentistry increasingly intersects with elective procedures, digital technologies, and evolving patient expectations, the consent process becomes more nuanced and essential. This discussion examines how the various principles, regulations, and challenges presented throughout this review converge to shape ethical and lawful dental practice. One of the key insights from the review is the understanding that informed consent is not merely a signed form, but a dynamic and communicative process. In aesthetic dentistry, where procedures are often initiated based on patient preferences rather than clinical necessity, this process must be handled with extra care.²²

One of the key insights from the review is the understanding that informed consent is not merely a signed form, but a dynamic and communicative process. In aesthetic dentistry, where procedures are often initiated based on patient preferences rather than clinical necessity, this process must be handled with extra care.²³ Dentists should explain the purpose, benefits, risks, and limitations of a procedure, as well as any available alternatives. Patients should also be given time and space to ask questions and consider their options.²⁴ When autonomy is respected, patients feel valued and are more likely to trust their dental provider and be satisfied with their care. Beneficence and

nonmaleficence must also be considered together.²⁵ The dentist's primary obligation is to do good and avoid harm. Aesthetic treatments, though not medically required, still carry risks such as enamel erosion, postoperative sensitivity, or psychological distress if results do not meet expectations.^{19,26} Providing thorough, balanced information on these risks is essential in upholding ethical standards.²⁷

Dentists must resist the temptation to oversell outcomes, especially when market competition or financial incentives are involved. Ethical dental practice must always prioritise patient welfare over commercial success. Justice, while often less visible in individual patient interactions, also demands attention. Every patient, regardless of their socioeconomic background or health literacy level, deserves access to the same level of information and quality of care. Informed consent processes must be inclusive and adaptable, offering language support, visual aids, or simplified explanations as needed to ensure accessibility. Ensuring justice in informed consent is not only ethically correct but also vital in building trust across diverse patient populations.²⁸

The integration of digital technology in aesthetic dentistry adds a new dimension to the consent process. Digital simulations and AI-based planning tools offer enhanced visual communication and improved precision. However, these tools also risk misleading patients if they are not properly contextualised. The ethical duty here is to explain that digital tools are aids, not guarantees. Patients must understand that biological factors, healing responses, and procedural complexities can result in differences between simulated outcomes and actual outcomes. This is particularly important in managing patient expectations and avoiding potential dissatisfaction or legal disputes.²⁹

Legally, the review highlighted how informed consent is mandated under Indonesian Law No. 17 of 2023 concerning Health. The Law strengthens patient rights by requiring healthcare providers to disclose comprehensive information and obtain voluntary agreement before proceeding with treatment. In the context of aesthetic procedures, this legal framework is critical, as it protects patients from unauthorised or inadequately explained interventions. Failure to comply with these requirements not only violates legal statutes but also undermines the ethical foundation of professional dental care. The legal consequences of failing to obtain proper informed consent can be severe. Dentists may face civil lawsuits, criminal charges, or professional sanctions if they proceed with treatment without documented patient approval. Patients have the right to claim damages for physical or emotional harm, and courts increasingly recognise the absence of informed consent as grounds for negligence or malpractice. These legal risks underscore the importance of meticulous documentation, whether in written or digital form. Consent forms should reflect not only the patient's signature but also the substance of the conversation that led to the agreement.³⁰

An additional challenge discussed is the emotional vulnerability of patients seeking aesthetic care. Unlike therapeutic procedures, aesthetic dentistry often focuses on enhancing a patient's self-image and social confidence.

This emotional context can affect a patient's ability to make objective decisions. Dentists must approach such cases with sensitivity and patience. Ethically, they should assess the patient's motivations and mental readiness before proceeding. Delaying treatment or recommending counselling can help ensure that consent is genuinely informed and not the result of emotional pressure. This review also emphasises the value of integrating structured protocols into the consent process. Standardised forms, visual aids, digital simulations, and even recorded consent discussions can improve clarity and protect both patients and practitioners. However, these tools should never replace direct communication. Consent must be a two-way interaction that fosters understanding, trust, and mutual respect.^{2,31} The growing interest in digital consent platforms offers new opportunities for efficiency and documentation, but ethical safeguards and human connection must remain at the core of their use.

Informed consent in aesthetic conservative dentistry is a vital ethical and legal practice that ensures patients are fully aware of the procedures they choose, particularly in elective treatments that are often driven by personal preferences. As digital technology transforms clinical communication and planning, dental professionals must remain vigilant in providing patients with transparent, respectful, and comprehensive information. Upholding the principles of autonomy, beneficence, nonmaleficence, and justice, while aligning with legal standards such as Law No. 17 of 2023, helps protect both patients and practitioners. Ultimately, informed consent is not only a formality but also a reflection of trust, professionalism, and a commitment to patient-centred care.³²

In conclusion, the ethical and legal dimensions of informed consent in aesthetic conservative dentistry highlight the need for a balanced approach between patient autonomy and professional responsibility. Dentists must ensure transparent communication, respect patient rights, and comply with Indonesia's Law No. 17 of 2023 concerning Health to prevent ethical and legal violations. As aesthetic procedures continue to evolve with digital technologies, continuous ethical reflection, accurate documentation, and patient-centred communication remain crucial to maintaining trust and safeguarding both patient welfare and professional integrity.

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