

## A Legal Review of Informed Consent in Plastic Surgery Practice in Indonesia

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### *Abstract*

*Informed consent, as a statement of agreement by the patient in this therapeutic agreement, is considered valid if the patient expresses his or her will freely. Therefore, when a patient expresses his or her consent in the form of informed consent, the patient must express his or her will without any coercion, error, or deception. What we want to discuss here is that sometimes patients are not honest when asked for information regarding their actual condition by the doctor. This results in the doctor in performing medical procedures having to violate the informed consent agreement because the patient's condition makes it impossible to fulfill the informed consent agreement. Informed consent in medical procedures is one of the elements that must be fulfilled and serves as the basis for justification for medical procedures, especially for invasive medical procedures. Invasive medical procedures can basically be classified as acts of abuse as regulated in Article 351 of the Criminal Code. However, this categorization is removed if the medical procedure meets three justification elements: if the medical procedure is carried out in accordance with scientific knowledge and experience in the medical field; there is a concrete medical purpose; and there is informed consent. Informed consent becomes risky when the patient is in an emergency condition. Therefore, legal protection is needed for medical personnel. Legal protection for doctors in the context of health communication is also an important consideration. When a conflict arises between a doctor's obligation to provide accurate information and the obligation to maintain the confidentiality of patient medical data, doctors are often vulnerable to potential lawsuits. Law No. 17 of 2023 and other regulations provide legal protection for doctors by establishing limits on their obligations and rights in communicating with patients. This legal protection includes protection from unfounded lawsuits, dispute resolution mechanisms through mediation, and support for doctors in more complex medical consultations. Patient dishonesty can seriously impact the quality of medical care. If patients do not provide complete or accurate information, the risk of misdiagnosis or treatment errors increases significantly. The impact of these errors not only endangers the patient's health but also places doctors at risk of lawsuits or malpractice claims.*

**Keywords:** Legal Studies, Informed Consent, Plastic Surgery.

## INTRODUCTION

Informed consent is the patient's agreement to a medical procedure to be performed by a doctor. This consent can be verbal or written. Essentially, informed consent is a communication process between a doctor and a patient to reach an agreement regarding the medical procedure to be performed. Signing a written informed consent form merely confirms the previous agreement. The purpose of a complete explanation is to ensure that the patient can make their own decisions based on valid choices, which is very difficult. Therefore, patients have the right to refuse recommended medical procedures. Patients also have the right to seek a second opinion from another doctor and their treating physician.

The process or procedure for obtaining consent for medical procedures is not clearly outlined in the Medical Practice Act. However, Article 45 of the Medical Act implicitly outlines a process or procedure for obtaining consent for medical procedures from patients or their families as follows:

1. Begins with a meeting between the doctor and the patient.
2. Balanced two-way interpersonal communication takes place between the doctor who will perform the medical procedure without representation and the patient, who is competent according to statutory provisions, or their family member, who is entitled to such treatment.
3. The communication and information established consist of the doctor providing information and explanations to the patient using language easily understood by the patient. Conversely, the patient provides complete, honest, and accurate information to the doctor regarding their complaint or illness, including asking open and free questions about any unclear explanations.
4. The information or explanation provided by the doctor to the patient should at least cover the diagnosis and procedure for the medical procedure, the diagnosis, the purpose of the medical procedure, alternative procedures and their risks, potential risks and complications, and the prognosis of the procedure.

According to Appelbaum, informed consent is not simply a consent form obtained from a patient, but rather a communication process. Reaching an agreement between the doctor and patient is the foundation of the entire informed consent process. The form merely serves as confirmation or documentation of what has been agreed upon (Yusuf & Amir, 1999). According to Faden and Beauchamp, informed consent is a relationship between a doctor and a patient based on the belief in the right to autonomy or self-determination and the existence of an agreement between the doctor and the patient (Chrisdiono, 2007).

In line with that, according to Cecep Triwibowo, a therapeutic agreement is an agreement made between a doctor and health worker with a patient, in the form of a legal relationship that gives rise to rights and obligations for both parties. To achieve maximum patient healing efforts by referring to the conditions for the validity of the agreement that have been explained previously. Cecep further explained that the Therapeutic Agreement must be carried out by competent people. The party receiving medical services is the patient, while the parties providing medical services are doctors and health workers. Cecep explained that the Therapeutic Agreement has an object, namely medical services or healing efforts. Because what is halal contained in the Therapeutic Agreement is where the goal of healing efforts is the

maintenance and improvement of health oriented on the principle of family, including activities to improve the quality of health (promotive), disease prevention (preventive), disease healing (curative), and health recovery (rehabilitative) (Triwibowo, 2014).

Therapeutic consent is an activity within the practice of medicine that involves individual health services, also known as medical practice services, based on expertise, skill, and thoroughness. Patients and doctors in healthcare practice have a mutually interconnected relationship. This relationship is inseparable from an agreement called therapeutic consent. This agreement is a legal relationship that gives rise to rights and obligations for both parties (Nuha, 2016).

The history of the therapeutic contract can be traced back to ancient Greece, with the discovery of the Codex of Hammurabi. Szas and Hollender divide the development of the doctor-patient relationship into three models:

1. Activity-Passivity/Paternalism, where the doctor holds a superior position and consistently ignores the patient's right to participate. This can be interpreted as a "father-child" relationship based on trust (fiduciary relationship), where a father is considered incapable of harming his child. In the Szas and Hollender model, only the medical aspect is included in the agreement;
2. Guidance-Cooperation, where the patient is involved and consulted by the doctor, but the doctor still dominates decision-making. The patient is given an explanation of the disease, treatment, or procedures to be taken, but the final decision rests with the doctor. This model introduces a legal aspect, although it is still dominated by the medical aspect;
3. Mutual-Participation, where there is equality due to the legal aspect being aligned with the medical aspect. The relationship between the doctor and the patient at this stage is formalized in a written agreement, in which the rights of both the patient and the doctor are protected by law (Ratman, 2014).

This research focuses on the application of informed consent to plastic surgery patients. The field of plastic surgery is rapidly developing within the medical industry. One of the goals of medical science is to restore a person's physical condition so they can function optimally. This aligns with the overall goal of medical science, which is to improve the quality of human life through various discoveries and research (Leenen & Lamintang, 1991). In common parlance, plastic surgery refers to altering a person's appearance through surgical means. However, in medical terms, it refers to the process of preparing a patient's body for surgery by removing excess tissue or organs and then using the material to augment the patient's existing tissue (Maghfiroh, 2015).

Medical personnel who have the necessary training and certification are the only ones authorized to perform reconstructive plastic surgery, as stated in Article 137 of Law Number 17 of 2023 concerning Health. Basically, the regulation of health services in Indonesia is implied in several laws and regulations, including Law Number 17 of 2023 concerning Health, Law Number 44 of 2009 concerning Hospitals, and Presidential Regulation Number 111 of 2013 concerning Amendments to Presidential Regulation Number 12 of 2013 concerning Health Insurance.

Although Law Number 17 of 2023 concerning Health does not clearly state the definition or understanding, requirements and procedures for reconstructive and aesthetic plastic surgery, the terms plastic and reconstructive surgery are listed as treatment methods for curing diseases and restoring health. Article 1 paragraph (3) of Law Number 17 of 2023 concerning Health emphasizes that health services are all forms of activities and/or a series of service activities provided directly to individuals or communities to maintain and improve the level of public health in the form of promotive, preventive, curative, rehabilitative, and/or palliative. Reconstructive plastic surgery and aesthetic plastic surgery are both included as therapeutic options for curing diseases and restoring health, although these terms are not defined or explained in Law Number 17 of 2023 concerning Health.

Provisions for Plastic and Reconstructive Surgery, according to Article 137 of Law Number 17 of 2023 concerning Health, plastic surgery is regulated as follows:

1. Reconstructive and aesthetic plastic surgery may only be performed by medical personnel with the necessary expertise and authority.
2. Reconstructive and aesthetic plastic surgery must not conflict with prevailing societal norms and must not be intended to alter identity.
3. Provisions regarding the requirements and procedures for reconstructive and aesthetic plastic surgery as referred to in paragraphs (1) and (2) shall be stipulated by Government Regulation.

Health-related and medically permissible plastic and reconstructive surgery is acceptable in moderation; however, it should be avoided when used for purposes beyond these limits, such as the complete transformation of a person's identity. There are serious concerns about the ethical, safety, and privacy implications of plastic surgery and facial reconstruction performed with the intent of altering a person's identity to the point where such behavior is considered unlawful. Furthermore, the right to identity is compromised by these transformations. By undergoing identity-altering plastic surgery, a person can consciously change their appearance, erase memories, or even create a new identity. Possible outcomes include criminal activity, fraud, or other violations of the law. From a public safety perspective, the ability to undergo extensive plastic surgery to alter one's appearance can allow criminals to evade detection. Someone committing a major crime, for example, might alter their appearance through plastic surgery to evade investigators. Many situations, including resident registration, banking, international travel, and everyday life, rely on a person's physical identity to confirm their identity and build trust. The deliberate use of plastic surgery to alter one's appearance has the potential to undermine trust in identification systems and make it difficult to confirm a person's legitimacy.

All of this must comply with the provisions of Article 137 paragraph (2) of Law Number 17 of 2023 concerning Health, so that if a violation of Article 137 paragraph (2) of Law Number 17 of 2023 concerning Health is committed, criminal sanctions can be imposed in accordance with Article 433 of Law Number 17 of 2023 concerning Health which states "Any person who carries out reconstructive plastic surgery that is contrary to the norms prevailing in society and is intended to change a person's identity as referred to in Article 137 paragraph (2) shall be punished with imprisonment for a maximum of 10 (ten) years or a maximum fine of IDR 2,000,000,000.00 (Two Billion Rupiah). Surgeons who specialize in plastic surgery are trained

to treat physical abnormalities, such as abnormalities caused by congenital abnormalities or injuries caused by accidents. Those who fall into this category are professional medical personnel who have training and certification to perform cosmetic procedures. A plastic surgeon may have completed further training in a medical subspecialty. The expertise of a Plastic surgeons cover both cosmetic and reconstructive procedures. Aesthetic surgeons are doctors who specialize in non-invasive treatments for cosmetic problems affecting the skin, face, and overall body shape.

Informed consent, as a statement of agreement by the patient in this therapeutic agreement, is considered valid if the patient expresses their will freely. Therefore, when a patient expresses their consent in the form of informed consent, the patient must express their will without any coercion, error, or deception. What we want to discuss here is that sometimes patients are not honest when asked for information regarding their actual condition by the doctor. This results in the doctor in performing medical procedures having to violate the informed consent agreement because the patient's condition makes it impossible to fulfill the informed consent agreement.

## **METHOD RESEARCH**

The research method used is normative research, a legal study that focuses on analyzing law from an internal perspective as a system of norms, rather than from social or empirical perspectives within society. This research examines legislation, court decisions, legal principles, and legal doctrine to analyze aspects of applicable positive law.

## **DISCUSSION**

### **1. Regulations Regarding Informed Consent in Plastic Surgery Practice in Indonesia**

Literally, consent means agreement, or more precisely, permission. Thus, informed consent is the approval or permission given by a patient or authorized family member to a doctor to perform medical procedures on the patient, such as physical examinations, other examinations to confirm a diagnosis, administering medication, injections, assistance, assistance with childbirth, anesthesia, surgery, follow-up in case of difficulties, and so on. Furthermore, the word informed is related to information or explanation. It can be concluded that informed consent is the approval or permission given by a patient (or authorized family member) to a doctor to perform a medical procedure on him/herself, after he/she has been given complete information or explanation about the procedure. Receiving this complete explanation is one of the patient's rights recognized by law, so in other words, informed consent is consent after explanation (PSP).

There are 2 forms of Medical Action Consent, namely:

1. Implied Consent (deemed given). Typically, implied consent is given in ordinary situations, meaning the doctor can obtain consent for a medical procedure from the patient's signs or actions. The same applies in emergency situations, where the doctor needs immediate action, while the patient is unable to give consent and the family is also unavailable, the doctor may perform the medical procedure deemed best based on the doctor's judgment.

2. Expressed Consent (declared): Can be given verbally or in writing. For invasive and risky medical procedures, the doctor should obtain written consent, commonly known in hospitals as a surgical consent letter.

The function of Informed Consent is:

1. Promotion of individual autonomy;
2. Protection of patients and subjects;
3. Prevention of deception or coercion;
4. Stimulating the medical profession to engage in self-reflection;
5. Promotion of rational decision-making;
6. Community involvement (in advancing the principle of autonomy as a social value and providing oversight in biomedical research).

In emergency situations, informed consent remains crucial, even though its priority is considered lower. The primary priority is life-saving measures. While informed consent is still crucial, it should not hinder or interfere with the provision of emergency care. In critical situations, doctors must act immediately without waiting for the patient to fully understand their condition and provide consent. Doctors also do not have ample time to wait for the patient's family to arrive. If the family is present and objects to the doctor's intervention, then, based on the principle of urgency, the doctor is still permitted to perform the necessary medical procedure.

The lack of informed consent can lead to malpractice by the doctor, especially when harm or intervention occurs to the patient's body. Under applicable laws in many countries, the lack of informed consent is considered negligence or ignorance. However, in some cases, the lack of informed consent can be considered an intentional act, resulting in a higher risk of culpability for the doctor performing the procedure.

Plastic surgery is a rapidly developing branch of medicine. As a science related to human life and health, medicine continues to make discoveries and research to improve the quality of life, and one of the goals of medicine is to restore a person's physical condition so that they can return to optimal health. Surgical reshaping is the general definition of plastic surgery, while medically, plastic surgery is the surgical removal of tissue or organs and the transfer of said tissue or organs from one location to another, as a material to augment existing tissue. Plastic surgery not only restores bodily function but also helps renew or enhance the patient's body image and self-esteem.

The growth of plastic surgery in Indonesia is growing rapidly, particularly among women, due to the influence of media that frequently depicts women with attractive appearances. Public interest in plastic surgery is increasing, particularly influenced by celebrities who frequently appear on television and state they have undergone plastic surgery. The field of plastic surgery is growing rapidly within the medical industry. One of the goals of medical science is to restore a person's physical condition so they can function optimally. This aligns with the overall goal of medical science, which is to improve the quality of human life through various discoveries and research. In general, plastic surgery is a procedure that changes a person's appearance through surgery. However, in medical terms, it refers to preparing a patient's body before surgery by removing excess tissue or organs and then using the material to augment existing tissue. The argument that the absence of evidence is not proof of existence does not fully prove

Nessie's non-existence, as the depth and size of the lake make finding conclusive physical evidence extremely difficult. Furthermore, the word "plastic" comes from four different languages, meaning "to change shape" in Old Dutch, *plasticos* (another language), and plastic (English). In medical research, the term is known as "surgery plastik," meaning "plastic surgery."

Tissue is a collection of identical cells with the same function, while an organ is a collection of tissues that form a unit with a specific function. Plastic surgery can be divided into two types: reconstructive plastic surgery, which aims to improve the function of a body part that is experiencing abnormalities or is affected by the removal of a tumor. Meanwhile, aesthetic plastic surgery aims to improve body parts that are less harmonious than the patient's expectations, such as body parts that are not optimal. Procedures performed by plastic surgeons are very focused on improving or changing the patient's appearance. However, this does not mean there is no possibility of something, because the absence of evidence is not always proof of its absence. The depth and large size of Loch Ness make finding adequate physical evidence very difficult (Meonadjat, Y. 2001).

Medical personnel who have the necessary training and certification are the only ones authorized to perform reconstructive plastic surgery, as stated in Article 137 of Law Number 17 of 2023 concerning Health. Basically, the regulation of health services in Indonesia is implied in several laws and regulations, including Law Number 17 of 2023 concerning Health, Law Number 44 of 2009 concerning Hospitals, and Presidential Regulation Number 111 of 2013 concerning Amendments to Presidential Regulation Number 12 of 2013 concerning Health Insurance.

Although Law Number 17 of 2023 concerning Health does not clearly state the definition or understanding, requirements and procedures for reconstructive and aesthetic plastic surgery, the terms plastic and reconstructive surgery are listed as treatment methods for curing diseases and restoring health. Article 1 paragraph (3) of Law Number 17 of 2023 concerning Health emphasizes that health services are all forms of activities and/or a series of service activities provided directly to individuals or communities to maintain and improve the health of the community in the form of promotive, preventive, curative, rehabilitative, and/or palliative. Reconstructive plastic surgery and aesthetic plastic surgery are both included as therapeutic options for curing diseases and restoring health, although these terms are not defined or explained in Law Number 17 of 2023 concerning Health. Provisions for Plastic and Reconstructive Surgery, according to Article 137 of Law Number 17 of 2023 concerning Health, plastic surgery is regulated as follows:

1. Reconstructive and aesthetic plastic surgery may only be performed by medical personnel with the necessary expertise and authority.
2. Reconstructive and aesthetic plastic surgery must not conflict with prevailing societal norms and must not be intended to alter identity.
3. Provisions regarding the requirements and procedures for reconstructive and aesthetic plastic surgery as referred to in paragraphs (1) and (2) shall be stipulated by Government Regulation.

A reformulation of the text is as follows: Health-related and medically permissible plastic surgery and facial reconstruction are acceptable in moderation; however, their use should be

limited, especially when used for purposes beyond these boundaries, such as the complete transformation of a person's identity. There are serious concerns regarding the ethical, security, and privacy implications of plastic surgery and facial reconstruction aimed at changing a person's identity, resulting in actions deemed unlawful. The right to identity can also be compromised by these transformations. By undergoing identity-altering plastic surgery, a person can consciously change their appearance, erase memories, or even create a new identity. Possible outcomes include criminal activity, fraud, or other violations of the law. From a public safety perspective, the ability to perform extensive plastic surgery to alter one's appearance can help perpetrators avoid detection. For example, someone committing a major crime could easily change their appearance to cover their tracks. On the other hand, the fact that no definitive physical evidence is found does not necessarily mean that a person does not exist, especially given the depth and size of the Loch Ness lake, which makes finding physical evidence extremely challenging. Furthermore, processes such as registration, banking, international travel, and everyday life rely on a person's physical identity to confirm their identity and build trust. The deliberate use of plastic surgery to alter a person's appearance has the potential to weaken trust in the identification system and complicate the confirmation of a person's identity.

All of this must comply with the provisions of Article 137 paragraph (2) of Law Number 17 of 2023 concerning Health, so that if a violation of Article 137 paragraph (2) of Law Number 17 of 2023 concerning Health is committed, criminal sanctions can be imposed in accordance with Article 433 of Law Number 17 of 2023 concerning Health which states "Any person who performs reconstructive plastic surgery that is contrary to prevailing norms in society and is intended to change a person's identity as referred to in Article 137 paragraph (2) shall be punished with imprisonment for a maximum of 10 (ten) years or a maximum fine of IDR 2,000,000,000.00 (Two Billion Rupiah).

Because it does not directly address plastic surgery, the author concludes that Article 137 paragraph (3) of Law Number 17 of 2023 concerning Health cannot provide legal certainty. Therefore, there are no official government regulations establishing basic rules for plastic and reconstructive surgery. The current legal framework for plastic and reconstructive surgery is likely based on a therapeutic transaction or agreement regarding medical procedures leading to healing. Therapeutic agreements have unique objectives and characteristics that distinguish them from general societal agreements. The unique character of the agreement lies in the purpose and nature of the therapeutic transaction. The nature of the therapeutic transaction is inspanning verbintenis, with the goal of the doctor's health care being the patient's recovery. One way to view the doctor-patient interaction is as a commercial partnership (inspanning verbintenis). Based on a therapeutic transaction, the law assumes legal responsibility for both the doctor and the patient due to their equal status.

Every agreement can be made either by agreement or by law, according to Article 1233 of the Civil Code. When considering the legal basis for a therapeutic transaction, it is important to remember that obligations can arise from an agreement in two ways: directly from the agreement itself or as a result of the nature of the agreement, which is governed by law. The legal obligations arising from a therapeutic transaction require us to draw on both sources, which are distinct but complementary. Although a therapeutic transaction is technically a service-providing agreement, the nature of the relationship between the parties makes it more

similar to a medical assistance relationship based on trust and a desire to provide support. The doctor-patient relationship is based on the idea of providing assistance, meaning that the patient retains the rights of a recipient of care, but does not completely cede control to the doctor, who possesses expert knowledge and skills in the medical field.

## **2. Legal Protection for Medical Personnel Regarding False Statements from Patients When Obtaining Informed Consent**

Rapid advances in the healthcare sector require broader regulations, including regulations related to health law. These regulations aim to legally protect the rights of medical workers, both medical and healthcare workers. The distinction between medical and healthcare workers is regulated in Law Number 17 of 2023 concerning Health ("Health Law"). Article 1 paragraph (6) states that "Medical personnel are any person working in the healthcare sector who possesses professional attitudes, knowledge, and skills acquired through education in medicine or dentistry." They have the authority to carry out health-related activities. Meanwhile, Article 1 paragraph (7) of the Health Law explains that "Health personnel are any person who dedicates themselves to serving in the healthcare sector and possesses professional attitudes, knowledge, and skills through higher education, which, for certain types, requires the authority to carry out health-related activities."

Medical and healthcare workers are at the forefront of providing healthcare services. They play a crucial role, but also face significant risks. Therefore, legal protection must be provided to them to maintain the quality of healthcare services and prevent abuse of their positions. The right of medical and health personnel to legal protection is regulated in Article 273 paragraph (1) letter a of Law Number 17 of 2023 concerning Health, which states that medical and health personnel have the right to legal protection in carrying out their work as long as they carry out their duties in accordance with professional standards, service standards, standard operational procedures, and professional ethics, as well as the health needs of patients.

The health services provided by medical and health personnel should ideally create a harmonious environment. However, in practice, many disputes or disputes still arise in health care. In addition to the rights and protections that patients must receive in medical disputes, medical personnel also have the right to protection in accordance with positive law in Indonesia. Legal protection for medical and health workers in Law Number 17 of 2023 concerning Health is regulated in Article 310, which states: "In the event that a medical or health worker is suspected of committing an error in carrying out their profession that causes harm to a patient, the dispute arising from such error shall first be resolved through alternative dispute resolution outside the courts."

The best resolution of medical disputes for medical workers is through ethical channels, where the Disciplinary Examination Panel will review alleged violations stemming from medical and legal backgrounds. Decisions such as suspension or temporary suspension of practice permits still provide an opportunity for medical workers to continue practicing their profession without losing their reputation, because disciplinary hearings are conducted in private. The implementation of Article 310 of Law Number 17 of 2023 concerning Health demonstrates efforts to provide legal protection for medical and health workers in resolving disputes, namely by prioritizing alternative dispute resolution outside the courts. The Central Government is obliged to provide legal protection for medical and health workers, as regulated

in Article 723 paragraph (1) letter b of Government Regulation Number 28 of 2024 concerning Health ("PP Health"), that legal protection as referred to in Article 721 letter a is provided by the Central Government, Regional Government, and the heads of Health Service Facilities, which includes legal protection for medical personnel and health workers who face legal problems.

Furthermore, Article 723 paragraph (1) states that legal protection as referred to in Article 721 letter a is provided by the Central Government, Regional Government, and the leadership of Health Service Facilities. This legal protection aims to prevent Medical Personnel or Health Personnel from committing violations, as well as providing legal protection to Medical Personnel and Health Personnel who face legal problems. In addition, every Medical Personnel and Health Personnel must also feel safe in carrying out their duties. Violence and criminal acts that continue to emerge are a concerning issue in the Indonesian health world. Medical personnel and health personnel have the right to receive protection against occupational safety, health, and security, as regulated in Article 273 paragraph (1) letter d of Law Number 17 of 2023 concerning Health. Article 273 paragraph (1) letter f also states that they have the right to receive protection against treatment that is not in accordance with human dignity, morals, decency, and socio-cultural values. Article 731 paragraph (1) of the Health Regulation also stipulates the right to protection against treatment that is inconsistent with human dignity, morals, ethics, and socio-cultural values, as referred to in Article 721 letter f, including acts of violence, harassment, and bullying, whether originating from patients, their families, coworkers, management, or leaders of health care facilities. The Central Government, Regional Governments, and leaders of Health Care Facilities provide protection to Medical Personnel and Health Care Workers who discontinue health care services when receiving treatment inconsistent with human dignity, morals, ethics, and socio-cultural values, including acts of violence, harassment, and bullying, in accordance with their duties, functions, and authorities.

The legal protection provided to doctors in the context of health communication is an important matter that requires attention. When a conflict arises between a doctor's obligation to convey information accurately and the obligation to maintain the confidentiality of a patient's medical data, doctors are often vulnerable to lawsuits that have no legal basis. Law Number 17 of 2023 and other regulations provide legal protection to doctors in communicating with patients. This form of legal protection includes protection from unlawful claims, dispute resolution mechanisms through mediation, and assistance with more complex medical consultations.

Patient dishonesty can seriously impact the quality of healthcare services provided. If patients fail to provide complete or accurate information, the risk of errors in diagnosis or treatment increases. These errors not only impact the patient's health but can also lead to lawsuits or malpractice claims against the doctor. In this regard, the legal protection stipulated in this article provides a strong basis for doctors to demand patient compliance. This protection also helps doctors reduce the likelihood of facing legal risks.

Informed consent is the foundation of every medical procedure. However, this foundation can be weakened if the patient and/or their family are not honest with the doctor and hospital about their health condition. To reduce the risk of medical disputes in the medical process, the principle of Patient Safety is applied, consisting of two main elements: maximum effort in

accordance with standards (such as medical service standards, professional standards, and standard operating procedures) and informed consent. Informed consent is the primary foundation of every medical procedure. In general, every medical procedure performed in a hospital must obtain the consent of the patient or the patient's family. This consent is based on sufficient information and is understood by the patient. The provision of information must meet standards because medical information is a right of the patient and/or the patient's family and serves as the basis for the patient and/or the patient's family to provide consent to the medical procedures performed by the doctor and the medical services provided by the hospital.

Physicians providing medical services are responsible for providing care that prioritizes patient safety. Most problems in the medical field arise from a lack of informed consent. Some possible causes include the doctor and/or hospital providing information, but the patient and/or family ignoring or failing to understand it. Another possibility is that the doctor and/or hospital conveying information in a language the patient and/or family don't understand. However, the patient and/or family ultimately consent despite not understanding what has been explained. Generally, the most common obstacles are misunderstandings between the doctor and the patient and/or family, as well as the persistent perception of the doctor-patient relationship as one of results rather than effort.

Consequently, the patient and/or family ignore the information provided by the doctor and/or hospital and focus solely on the outcome of the medical procedure. In a paternalistic relationship, the ingrained mindset in the patient and/or family is that the doctor and/or hospital must cure the patient. Another possibility, often overlooked but potentially leading to medical disputes, is the persistent paternalistic relationship between the doctor and patient. In several court decisions, patients or their families felt they had not received adequate information or that informed consent had not been properly obtained. This is evident in Court Decision Number 97/Pdt. G/2013/PN. Plg, Court Decision Number 85/PDT/2014/PT. PLG, and Cassation Decision Number 2811 K/Pdt/2012. Informed consent in medical procedures is an important element that must be fulfilled and serves as the basis for justification for medical procedures, especially for invasive medical procedures. Invasive medical procedures can essentially be categorized as acts of abuse as regulated in Article 351 of the Criminal Code. However, this categorization can be removed if the medical procedure fulfills three justification elements: the medical procedure is carried out based on medical knowledge and experience, has a concrete medical purpose, and there is informed consent. Informed consent carries risks when the patient is in an emergency condition. According to the Regulation of the Minister of Health of the Republic of Indonesia Number 290/MENKES/PER/III/2008 concerning Consent to Medical Procedures, emergency situations cannot necessarily be categorized as informed consent. This is because emergency situations make it difficult to provide information or carry out informed consent procedures. Arguments regarding the absence of evidence are not proof of absence, as the depth and size of Loch Ness make finding conclusive physical evidence extremely difficult. Furthermore, patients and their families still have the right to receive adequate information.

Disputes can escalate if emergency medical procedures require extended surgery. In some medical procedures, extended surgery is performed to address emergencies and save the patient's life. Extended surgery has the potential to create disputes or medical disputes between the patient and/or the patient's family, the doctor, and the hospital. Informed consent is often

followed up by the patient or the patient's family with a refusal of medical treatment. This is called informed refusal. Sometimes patients refuse (informed refusal) to medical procedures after receiving information from the doctor and/or hospital. It should be noted that informed refusal is an implementation of one of the basic human rights in the health sector: the right to self-determination. Informed consent and informed refusal are like two sides of the same coin. Both have one thing in common: they are implementations of the basic human right in the health sector: the right to self-determination. The majority of medical disputes begin with informed consent. Knowledge and understanding of informed consent should be instilled, because its existence is very important. Informed consent is a learning achievement and competency that doctors must possess in addition to medical procedures and medical services.

### **Conclusion**

There are no official government regulations establishing the basic rules for plastic and reconstructive surgery. The current legal framework for plastic and reconstructive surgery is likely based on a therapeutic transaction, or an agreement regarding a medical procedure that leads to healing. Therapeutic agreements have unique purposes and characteristics that distinguish them from general societal agreements. The process or procedure for obtaining consent for medical procedures is not clearly outlined in the Medical Practice Law. However, Article 45 of the Medical Law implicitly outlines a process or procedure for obtaining consent from patients or their families.

Informed consent in medical procedures is one of the elements that must be fulfilled and serves as the basis for justification for medical procedures, particularly for invasive procedures. Invasive medical procedures can essentially be classified as acts of abuse as regulated in Article 351 of the Criminal Code. However, this categorization is removed if the medical procedure meets three justification elements: the medical procedure is carried out in accordance with scientific knowledge and experience in the medical field; there is a concrete medical purpose; and informed consent. Informed consent becomes risky in the case of a patient in an emergency. Therefore, legal protection for medical personnel is necessary. Legal protection for doctors in the context of health communication is also a crucial consideration. When a conflict arises between a doctor's obligation to provide accurate information and the obligation to maintain the confidentiality of patient medical data, doctors are often vulnerable to potential lawsuits. Law No. 17 of 2023 and other regulations provide legal protection for doctors by establishing limits on their obligations and rights in communicating with patients. This legal protection includes protection from unfounded lawsuits, dispute resolution mechanisms through mediation, and support for doctors in more complex medical consultations. Patient dishonesty can seriously impact the quality of medical care provided. If patients do not provide complete or accurate information, the risk of misdiagnosis or treatment errors increases significantly. The impact of these errors not only endangers the patient's health but also places doctors at risk of lawsuits or malpractice claims.

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