

Legal Protection for Health Workers Against Plastic Surgery Cases in Indonesian Hospitals



¹ Yuliyana Kusaeri, ² Suryo Wijoyo

¹ Universitas Presiden, Indonesia

² Universitas Kristen Indonesia, Indonesia

Email: s_yuliyana@yahoo.com

ABSTRACT

KEY WORDS

Legal Protection,
Health Workers,
Plastic Surgery,
Malpractice
Informed Consent

This paper analyzes legal protection for health workers in handling plastic surgery cases in Indonesian hospitals. The development of plastic surgery in Indonesia for both reconstruction and aesthetic purposes has led to an increase in the risk of malpractice that can have an impact on health workers. Through a review of laws and regulations, journals, and case studies, this paper outlines the regulatory framework that protects health workers, as well as the challenges in their implementation. The results of the study show that legal protection for health workers is regulated in Law No. 17 of 2023 concerning Health and related regulations, which include the right to legal assistance in dealing with alleged malpractice. However, the lack of public understanding of plastic surgery procedures, lack of informed consent, and unclear service standards are risk factors for health workers. It is recommended to strengthen legal protection mechanisms, increase the understanding of health workers about legal aspects, and the active role of professional organizations in providing assistance.

1. Introduction

Background

Plastic surgery has become an important part of modern healthcare, not only as a procedure to improve physical appearance (aesthetic) but also as a medical procedure to repair defects or damage (reconstruction) (Cadwell et al., 2022). In Indonesia, the practice of plastic surgery has experienced significant development in line with the increasing demand of the public, both for medical and aesthetic reasons.

In its implementation, plastic surgery is a procedure that has complex risks and can cause complications or results that are not in accordance with the patient's

expectations. This has the potential to trigger lawsuits or malpractice lawsuits against health workers (Veronica, 2002). Cases of plastic surgery malpractice, such as those that occurred in several hospitals in Indonesia, have been in the public spotlight and raised concerns among health workers ("10 Kasus Dugaan Malapraktik Sepanjang 2004," 2005; "7 Kasus Malapraktik Di Indonesia Yang Menggemparkan Publik," 2023; Nainggolan, 2016).

Legal protection for health workers is a crucial aspect to ensure the safety of medical practices and maintain professionalism in health services. Law Number 17 of 2023 concerning Health has regulated various aspects of legal protection for health workers, including in cases of malpractice claims (P. P. Indonesia, 2024). However, the implementation of



this legal protection still faces various challenges and obstacles in practice (Koswara, 2018).

This paper aims to analyze legal protection for health workers in handling plastic surgery cases in Indonesian hospitals, identify the challenges and obstacles faced, and formulate recommendations to improve legal protection for health workers.

Problem Formulation

1. What are the regulations and legal protection policies for health workers in plastic surgery cases in Indonesia?
2. How is the implementation of legal protection for health workers in cases of plastic surgery malpractice in Indonesian hospitals?
3. What are the challenges and obstacles in legal protection for health workers related to plastic surgery in Indonesia?
4. What is the strategy to improve legal protection for health workers in plastic surgery cases in Indonesia?

Research Objectives

1. Analyze legal protection regulations and policies for health workers in plastic surgery cases in Indonesia.
2. Examining the implementation of legal protection for health workers in cases of plastic surgery malpractice in Indonesian hospitals.
3. Identify challenges and obstacles in legal protection for health workers related to plastic surgery in Indonesia.
4. Formulating strategies to improve legal protection for health workers in plastic surgery cases in Indonesia.

2. Methodology

This study uses normative juridical research methods with a statute approach and a case approach. Primary data was obtained from laws and regulations related to health and medical practice, while secondary data was obtained from literature, scientific journals, and court decisions related to plastic surgery malpractice cases in Indonesia (*Putusan PT BANTEN 131/PDT/2015/PT BTN*, 2016; *RELAAS PEMBERITAHUAN ISI PUTUSAN PENGADILAN NEGERI TANGERANG NOMOR : 470/PDT.G/2024/PN TNG KEPADA TURUT TERGUGAT I (PT. VILLA PERMATA CIBODAS)*, 2024). Data analysis was carried out in a qualitative descriptive manner to obtain a comprehensive picture of legal protection for health workers in plastic surgery cases in Indonesia.

3. Literature Review

Plastic Surgery Concept

Plastic surgery is a surgical specialty that deals with the reconstruction or repair of deformed parts of the human body, whether caused by congenital abnormalities, trauma, disease, or for aesthetic reasons. The term "plastic" comes from the Greek "plastikos" which means "to shape or print" and has nothing to do with plastic materials.

Plastic surgery is divided into two main categories:

1. **Reconstructive plastic surgery** Reconstructive plastic surgery aims to repair parts of the body that are damaged or deformed due to trauma, disease, or congenital abnormalities. Examples are post-accident facial reconstruction, cleft lip repair, post-mastectomy breast reconstruction, and burn repair.
2. **Aesthetic Plastic Surgery** Aesthetic plastic surgery aims to improve a person's appearance by changing parts of the body that are considered less than ideal by the patient. Examples include rhinoplasty (rhinoplasty), facelift, liposuction, and breast implantation.

In Indonesia, the practice of plastic surgery is regulated in Law Number 17 of 2023 concerning Health, which emphasizes that reconstructive and aesthetic plastic surgery can only be performed by

medical personnel who have expertise and authority, and must not contradict the norms that apply in society and are not aimed at changing identity (R. Indonesia, 2023).

Plastic Surgery Regulations in Indonesia

Regulations on plastic surgery in Indonesia are regulated in several laws and regulations, including:

1. Law Number 17 of 2023 concerning Health This law stipulates that reconstructive and aesthetic plastic surgery is one of the efforts to cure diseases and restore health, which can only be done by medical personnel who have expertise and authority. Plastic surgery should not go against the prevailing norms in society and is not aimed at changing identity (R. Indonesia, 2023).

2. Law Number 29 of 2004 concerning Medical Practice This law regulates the practice of medicine, including plastic surgery, by emphasizing the importance of professional standards, standard operating procedures, and professional ethics in the implementation of medical procedures (R. Indonesia, 2004).

3. Government Regulation Number 28 of 2024 concerning Health This regulation is an implementing regulation of the Health Law that regulates in more detail the implementation of reconstructive and aesthetic plastic surgery, including the authority of medical personnel, service standards, and protection for patients and health workers (HILALA, 2025).

4. Regulation of the Minister of Health of the Republic of Indonesia Number 269/Menkes/Per/III/2008 concerning Medical Records This regulation regulates medical records which are important documents in the implementation of medical procedures, including plastic surgery, as evidence that can be used in legal proceedings in the event of alleged malpractice (P. P. Indonesia, n.d.).

The Concept of Medical Malpractice

Medical malpractice is an act of negligence or error committed by health workers in implementing

professional standards, standard operating procedures, and professional ethics that results in losses for patients. Medical malpractice can occur due to:

1. Negligence Health workers do not take actions that should be done or do actions that should not be done, causing losses to patients.

2. Lack of Skill Health workers perform medical procedures without having adequate expertise or skills in accordance with professional standards.

3. Violation of Law Health workers commit actions that violate laws and regulations, such as performing plastic surgery without a permit or performing plastic surgery to change identity (Veronica, 2002).

In the context of plastic surgery, malpractice can occur due to a variety of factors, such as a lack of informed consent, procedures that do not meet standards, or results that do not meet the patient's expectations. To prove the existence of malpractice, it is necessary to meet four elements, namely: the existence of a duty, a breach of duty, a loss, and a causal relationship between the breach of duty and the loss (causation) (Pakpahan et al., 2021).

Legal Protection for Health Workers

Legal protection for health workers is an effort to provide security guarantees and legal certainty in carrying out the profession. This legal protection is important to encourage health workers to work professionally without fear of unfounded lawsuits (Koswara, 2018).

Legal protection for health workers includes:

1. Preventive Protection Preventive protection aims to prevent disputes or lawsuits. The form includes clear regulations, professional standards, standard operating procedures, and professional ethics that are guidelines for health workers in carrying out their profession.

2. Repressive Protection Repressive protection aims to resolve disputes or lawsuits that have occurred. The form includes legal assistance,



alternative dispute resolution (mediation, arbitration), and defense in court (Koswara, 2018).

In Indonesia, legal protection for health workers is regulated in several laws and regulations, including:

1. Law Number 17 of 2023 concerning Health Article 273 paragraph (1) letter a of the Health Law states that medical personnel and health workers in carrying out their practices are entitled to legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, operational procedure standards, and professional ethics, as well as the health needs of patients (P. P. Indonesia, 2024).

2. Government Regulation Number 28 of 2024 concerning Health Article 723 paragraph (1) letter b of the Health Regulation stipulates that legal protection is provided by the Central Government, Regional Governments, and leaders of Health Service Facilities, which includes legal protection for medical personnel and health workers who face legal problems (HILALA, 2025).

3. Professional Organizations Professional organizations, such as the Indonesian Association of Reconstructive and Aesthetic Plastic Surgeons (PERAPI), also play a role in providing legal protection for their members, both through legal assistance, advocacy, and capacity building for members in the legal aspects of medicine (Pakpahan et al., 2021; “Perlindungan Hukum Bagi Pekerja Medis,” 2024).

4. Result and Discussion

A. Analysis of Legal Protection Regulations for Health Workers in Plastic Surgery Cases

Legal protection for health workers in plastic surgery cases in Indonesia is regulated in several laws and regulations. The following is an analysis of the regulations:

1. Law Number 17 of 2023 concerning Health

The Health Law specifically regulates plastic surgery, reconstruction, and aesthetics as one of the efforts to cure diseases and restore health. Article 273 paragraph (1) letter a of the Health Law states that medical personnel and health workers in carrying out their practices are entitled to legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, operational procedure standards, and professional ethics, as well as the health needs of patients.

In addition, Article 310 of the Health Law stipulates that in the event that medical personnel or health workers are suspected of making mistakes in carrying out their profession that cause losses to patients, disputes arising from such mistakes are resolved first through alternative dispute resolution outside of court.

2. Government Regulation Number 28 of 2024 concerning Health

The Health Regulation regulates more details about legal protection for health workers. Article 723 paragraph (1) letter b of the Health Regulation stipulates that legal protection is provided by the Central Government, Regional Governments, and leaders of Health Service Facilities, which includes legal protection for medical personnel and health workers who face legal problems.

In addition, the Health Regulation also regulates the obligations of the agency where medical personnel and health workers work to protect and provide legal assistance to medical personnel and health workers who carry out their duties in the form of providing assistance in resolving disputes.

3. Law Number 29 of 2004 concerning Medical Practice

The Law on Medical Practice regulates professional standards, operational procedure standards, and professional ethics that serve as guidelines for doctors in carrying out their profession, including in

performing plastic surgery. This law also regulates the rights and obligations of doctors, including the right to obtain legal protection in carrying out their profession in accordance with professional standards and operational procedure standards.

4. Law Number 8 of 1999 concerning Consumer Protection

The Consumer Protection Law is also relevant in the context of legal protection for health workers, as patients can be considered consumers of health services. This law regulates the rights and obligations of consumers and business actors, including consumer dispute resolution.

Although the regulation has provided a legal protection framework for health workers, there are still several challenges in its implementation, such as a lack of understanding of health workers on legal aspects, lack of coordination between institutions in providing legal protection, and a negative stigma against health workers who face alleged malpractice.

B. Implementation of Legal Protection for Health Workers in Plastic Surgery Malpractice Cases

The implementation of legal protection for health workers in plastic surgery malpractice cases in Indonesia still faces various challenges. The following is an analysis of the implementation of such legal protections:

1. Dispute Resolution Through Alternative Dispute Resolution

The Health Law stipulates that disputes due to alleged wrongdoing by medical personnel or health workers are resolved first through alternative dispute resolution outside court. However, in practice, many cases are directly brought to court without going through alternative dispute resolution first. This can lead to a longer and more cost-effective dispute resolution process.

2. Legal Assistance by Health Service Facilities

The Health Regulation regulates the obligation of health service facilities to provide legal assistance to medical personnel and health workers who face legal problems. However, in practice, not all health care facilities have adequate capacity or resources to provide effective legal assistance.

3. The Role of Professional Organizations

Professional organizations, such as the Indonesian Association of Reconstructive and Aesthetic Plastic Surgeons (PERAPI), have an important role in providing legal protection for their members. However, the effectiveness of the legal protection provided by professional organizations still depends on the capacity and resources of the organization.

4. Healthcare Workers' Understanding of Legal Aspects

There are still many health workers who have a limited understanding of the legal aspects of medical practice, including the importance of informed consent, medical records, and professional standards as a form of preventive legal protection. This can increase the risk of alleged malpractice and difficulties in legal defense.

5. The Role of Media and Public Perception

The mass media often reports cases of malpractice sensationally without an adequate understanding of medical and legal aspects, which can affect public perception and the legal process. This can cause a negative stigma for health workers who face allegations of malpractice, even before a permanent legal decision.

C. Case Study: Analysis of Court Decisions related to Plastic Surgery Malpractice

To provide a concrete overview of the implementation of legal protections for health workers in plastic surgery malpractice cases, here is an analysis of some of the cases that have been decided by the courts:

1. Case of Alleged Malpractice at Grha Kedoya Hospital

A patient named Selphe sued a surgeon at Grha Kedoya Hospital for allegedly committing malpractice that caused both of her ovaries to be removed. The patient sued the doctor through civil channels with a lawsuit for unlawful acts.

In this case, the hospital did not provide adequate legal protection for the sued doctor, so the doctor had to seek legal aid independently. This shows that the implementation of legal protection by health care facilities is still weak.

2. Malpractice Case at Puri Cinere Hospital

In this case, an ENT specialist at Puri Cinere Hospital was sued by a patient named Shanti Marina for allegedly committing malpractice in tonsil surgery that resulted in the patient suffering from permanent nausea, shortness of breath, and difficulty eating and drinking. The panel of judges of the Cibinong District Court sentenced doctors and hospitals to pay compensation of Rp520 million to patients.

This case shows the importance of understanding professional standards, operational procedure standards, and informed consent as a form of preventive legal protection for health workers. This case also shows that although there are regulations on legal protection for health workers, in practice, health workers can still be punished if proven to have committed unlawful acts.

3. Plastic Surgery Case Without Informed Consent

In a case decided by the court, a patient sued a plastic surgeon for performing a surgical procedure without the patient's informed written consent. The doctor excused himself that he wanted to practice a new technique that he had just learned for one week. The court considered the doctor's actions to be irresponsible medical malpractice and granted the patient's lawsuit.

This case emphasizes the importance of written informed consent as a form of legal protection for health workers. Informed consent not only protects patients' right to information and consent, but also protects healthcare workers from unfounded lawsuits.

D. Challenges and Obstacles in Legal Protection for Health Workers

Based on regulatory analysis, implementation, and case studies, several challenges and obstacles in legal protection for health workers in plastic surgery cases in Indonesia can be identified:

1. Lack of Understanding of Health Workers on Legal Aspects

There are still many health workers who have a limited understanding of the legal aspects of medical practice, including the importance of informed consent, medical records, and professional standards as a form of preventive legal protection.

2. Lack of Coordination Between Institutions

Lack of coordination between health care facilities, professional organizations, and legal institutions in providing legal protection for health workers who face alleged malpractice.

3. Resource Limitations

Limited resources, both financial and human, to provide effective legal assistance for health workers facing alleged malpractice.

4. Negative Stigma

Negative stigma against health workers who face allegations of malpractice, even before a permanent legal ruling, which can affect the professional career and personal lives of health workers.

5. Gap of Understanding between Medical and Legal Aspects

The gap in understanding between health workers who understand the medical aspect but do not understand the legal aspect, and law enforcement who understand the legal aspects but lack understanding the medical aspect, which can lead to misunderstandings in the legal process.

6. Unrealistic Patient Expectations

Unrealistic patient expectations of plastic surgery results, especially for aesthetic purposes, can increase the risk of malpractice lawsuits even though health workers have taken actions in accordance with professional standards.

7. Lack of Socialization of Regulations

Lack of socialization of regulations on legal protection for health workers, both to health workers themselves and to the community, which can lead to a lack of understanding of the rights and obligations of each party.

E. Strategies to Improve Legal Protection for Health Workers

Based on the identification of challenges and constraints, here are some strategies to improve legal protection for health workers in plastic surgery cases in Indonesia:

1. Increasing Health Workers' Understanding of Legal Aspects

It is necessary to increase the understanding of health workers about legal aspects in medical practice, including the importance of informed consent, medical records, and professional standards as a form of preventive legal protection. This can be done through ongoing education and training on medical law.

2. Strengthening Coordination between Institutions

It is necessary to strengthen coordination between health service facilities, professional organizations,

and legal institutions in providing legal protection for health workers who face alleged malpractice. This can be done through the formation of a malpractice case handling team involving various related parties.

3. Optimization of Alternative Dispute Resolution

Optimize alternative dispute resolution mechanisms such as mediation, conciliation, and arbitration to resolve cases of alleged plastic surgery malpractice before they are brought to court. This can reduce the psychological burden, time, and cost for healthcare workers who face alleged malpractice.

4. Improved Quality of Informed Consent

Improving the quality of informed consent in plastic surgery procedures, both in terms of form, content, and the process of delivery to patients. Comprehensive and well-documented informed consent can be strong legal evidence to protect healthcare workers in the event of malpractice lawsuits.

5. Strengthening the Role of Professional Organizations

Strengthening the role of professional organizations, such as the Indonesian Association of Reconstructive and Aesthetic Plastic Surgeons (PERAPI), in providing legal protection for its members, both through legal assistance, advocacy, and capacity building of members in the legal aspects of medicine.

6. Public Education on Plastic Surgery

Conduct public education about plastic surgery, including the risks, benefits, and realistic expectations of plastic surgery outcomes. This can reduce the risk of malpractice lawsuits caused by unrealistic patient expectations.

7. Malpractice Insurance Development

Develop an affordable and comprehensive malpractice insurance scheme for healthcare workers,

especially those undergoing high-risk plastic surgery procedures. Malpractice insurance can provide financial protection for health workers in the event of a malpractice lawsuit.

PLASTIC SURGERY CASE STUDY IN INDONESIA

A. Case of Malpractice of Plastic Surgery at Grha Kedoya Hospital

The case of Selphie, a 27-year-old woman who lost both of her ovaries due to alleged plastic surgery malpractice at Grha Kedoya Hospital, is a clear example of the challenge of legal protection for health workers in Indonesia.

Case Chronology:

In 2015, Selphie came to Grha Kedoya Hospital to undergo an aesthetic plastic surgery procedure. However, during the surgery, the doctor made the decision to remove both of Selphie's ovaries, which he thought were problematic. After the surgery, Selphie developed serious health problems and sought another medical opinion, which later confirmed that her ovaries had been removed without clear medical indications and without informed consent specific to the procedure.

Legal Process:

Selphie, accompanied by lawyer Hotman Paris Hutapea, sued the doctor and Grha Kedoya Hospital through civil channels with a lawsuit for unlawful acts. The lawsuit seeks material and immaterial damages for the losses suffered by Selphie. This case received wide media attention and became a public conversation.

Legal Perspective:

From a legal perspective, the case highlights several important issues:

1. **Informed Consent:** The absence of clear informed consent for the removal of the ovaries is the basis for an unlawful act lawsuit.
2. **Medical Service Standards:** Questions about whether ovary removal complies with medical service standards and professional standards.
3. **Legal Protection:** Lack of preventive legal protection in the form of comprehensive informed consent and lack of repressive legal protection from the institution where doctors work.

Medical Perspective:

From a medical perspective, this case raises a debate about:

1. **Medical Indications:** Are there clear medical indications for a healthy ovary removal?
2. **Authorization of Action:** Whether the doctor has authorization to perform actions outside of the planned procedure.
3. **Medical Consequences:** The long-term impact of ovary removal on the patient's reproductive and hormonal health.

Lessons from Cases:

The case provides several important lessons for health workers and the legal system:

1. The importance of comprehensive and specific informed consent for any possible medical procedure.
2. The need for complete and accurate medical documentation as legal evidence.
3. The importance of clear communication between doctors and patients about the risks, benefits, and alternatives of medical measures.
4. The need for institutional legal protection for health workers who face malpractice lawsuits.

B. Case of Alleged Malpractice of Plastic Surgery at Siloam Hospital

The case of alleged plastic surgery malpractice at Siloam Hospital is another example of the complexity of legal protection for health workers in Indonesia.

Case Chronology:

In 2014, a patient sued Siloam Hospital with a claim for damages of Rp 5 billion for alleged malpractice in plastic surgery procedures. Patients claim that the plastic surgery procedure performed was not as promised and resulted in serious complications. The case received significant media attention, with several news articles highlighting the first trial of the case.

Legal Process:

This case was processed through the Tangerang District Court with case registration number 470/Pdt.G/2014/PN. TNG. During the trial process, Siloam Hospital offered a settlement through *islah* (peace), but was rejected by the plaintiff. This case then proceeded to the appeal level at the Banten High Court with case registration number 131/PDT/2015/PT. BTN, and then to the cassation level.

Legal Perspective:

From a legal perspective, the case highlights:

1. **Institutional Responsibility:** The question of the extent to which the hospital is responsible for the actions of the doctors who work in it.
2. **Alternative Dispute Resolution:** An attempt to resolve disputes through *islah* as an alternative form of dispute resolution.
3. **Complexity of Legal Processes:** Lengthy and complex legal processes, from the first level to cassation, that take time, cost, and energy.

Medical Perspective:

From a medical perspective, this case raises questions about:

1. **Expectations and Expectations:** The gap between patient expectations and the reality of plastic surgery outcomes.
2. **Risk Communication:** The effectiveness of communication about the risks and complications that may occur in plastic surgery procedures.
3. **Service Standards:** Whether the plastic surgery procedure performed is in accordance with applicable service standards.

Lessons from Cases:

This case provides some important learnings:

1. The importance of clear communication between doctors and patients about expectations, risks, and possible complications.
2. The need for effective institutional legal protection for health workers.
3. The importance of efforts to resolve disputes through alternative dispute resolution before proceeding to court.
4. The need for clearer regulations on the responsibilities of hospitals and doctors in cases of malpractice.

C. Nose and Lip Plastic Surgery Case

The case of alleged malpractice in nose and lip plastic surgery procedures shows the complexity of legal protection for health workers in the context of aesthetic plastic surgery procedures.

Case Chronology:

A patient undergoes a nose and lip plastic surgery procedure at a plastic surgery clinic. The patient then claimed that the results of the surgery were not as promised, with the nose bleeding and the lip surgery



declared a failure. Patients also complained that the surgery schedule was not as scheduled, and the clinic facilities were inadequate. The patient then sued the doctor who performed the surgery.

Legal Process:

This case was filed as a lawsuit for unlawful acts and default. The patient claims that the doctor has committed malpractice that is not in accordance with the rules and provisions of the law, and that the agreement between the patient and the doctor is not in accordance with the realization at the time of the operation.

Legal Perspective:

From a legal perspective, the case highlights:

1. **Dualism of Lawsuits:** Lawsuits filed include unlawful acts and defaults, demonstrating the complexity of the legal relationship between doctors and patients.
2. **Informed Consent:** The question of whether informed consent provided includes sufficient information about the risks, benefits, and alternative procedures.
3. **Facility Standards:** Questions about whether the clinic facility meets the standards for performing safe plastic surgery procedures.

Medical Perspective:

From a medical perspective, this case raises questions about:

1. **Realistic Expectations:** The gap between the patient's expectations and the reality of aesthetic plastic surgery outcomes.
2. **Physician Competence:** Does the doctor have adequate competence and authority to perform the plastic surgery procedure.

3. **Complications:** Whether nosebleeds and lip surgery failure are acceptable complications or are indications of malpractice.

Lessons from Cases:

This case provides some important learnings:

1. The importance of patient expectation management in aesthetic plastic surgery procedures.
2. The need for comprehensive informed consent and clear communication with patients.
3. The importance of ensuring adequate facilities and competencies to perform plastic surgery procedures.
4. The need for complete and accurate documentation of procedures, risks, and possible complications.

5. Conclusion

Based on the analysis of regulations, implementation, case studies, and challenges in legal protection for health workers in plastic surgery cases in Indonesia, it can be concluded that:

1. Legal Protection Regulation

Legal protection regulations for health workers in plastic surgery cases in Indonesia have been regulated in various laws and regulations, including Law No. 17 of 2023 concerning Health, Government Regulation No. 28 of 2024 concerning Health, Law No. 29 of 2004 concerning Medical Practice, and Law No. 8 of 1999 concerning Consumer Protection. This regulation provides a legal protection framework for health workers, both preventive protection through professional standards, operational procedure standards, and professional ethics, as well as repressive protection through legal assistance and alternative dispute resolution.

2. Implementation of Legal Protection



The implementation of legal protection for health workers in cases of plastic surgery malpractice still faces various challenges, including a lack of understanding of health workers on legal aspects, lack of coordination between institutions, limited resources, negative stigma, gaps in understanding between medical and legal aspects, unrealistic patient expectations, and lack of regulatory socialization.

3. Case Studies

A case study of plastic surgery malpractice in Indonesia shows the complexity and challenges in the implementation of legal protection for health workers. Cases such as alleged malpractice at Grha Kedoya Hospital, Siloam Hospital, and nose and lip plastic surgery cases highlight the importance of informed consent, medical service standards, complete medical documentation, and clear communication between doctors and patients.

4. Challenges and Obstacles

Challenges and obstacles in legal protection for health workers in plastic surgery cases in Indonesia include lack of understanding of legal aspects, lack of coordination between institutions, limited resources, negative stigma, gap in understanding between medical and legal aspects, unrealistic patient expectations, and lack of regulatory socialization.

5. Upgrade Strategy

Strategies to improve legal protection for health workers in plastic surgery cases in Indonesia include increasing the understanding of health workers about legal aspects, strengthening coordination between institutions, optimizing alternative dispute resolution, improving the quality of informed consent, strengthening the role of professional organizations, public education about plastic surgery, and developing malpractice insurance.

Recommendations

Based on the above conclusions, here are some recommendations to improve legal protection for health workers in plastic surgery cases in Indonesia:

1. For Health Workers

- Improve understanding of legal aspects in medical practice, including the importance of informed consent, medical records, and professional standards.
- Ensure comprehensive and well-documented informed consent for each plastic surgery procedure.
- Manage patient expectations by providing clear information about the risks, benefits, and alternatives of the procedure.
- Consider having malpractice insurance as financial protection in the event of a malpractice lawsuit.

2. For Health Care Facilities

- Ensure the availability of a legal team that can provide legal assistance for health workers who face suspected malpractice.
- Develop standard procedures for handling cases of alleged malpractice, including assistance for health workers involved.
- Ensure the availability of adequate facilities and equipment to perform safe plastic surgery procedures.
- Encourage a culture of patient safety and incident reporting without blame.

3. For Professional Organizations

- Strengthen the role in providing legal protection for members, including legal assistance and advocacy.
- Develop education and training programs on legal aspects in medical practice.
- Develop and update clear and comprehensive professional standards, operational procedure standards, and professional ethics.



- Take an active role in public education about plastic surgery, including the risks, benefits, and realistic expectations.

4. For the Government

- Increasing the socialization of regulations on legal protection for health workers.
- Develop alternative dispute resolution mechanisms that are effective and efficient for cases of alleged malpractice.
- Facilitate coordination between institutions in providing legal protection for health workers.
- Encourage the development of affordable and comprehensive malpractice insurance for health workers.

5. For the Community

- Improve understanding of the risks, benefits, and realistic expectations in plastic surgery procedures.
- Understand the importance of informed consent and the process of giving consent to medical procedures.
- Encourage constructive dialogue between patients and healthcare workers in the event of complications or outcomes that do not meet expectations.
- Consider dispute resolution alternatives before taking the case to court.

With the implementation of the above recommendations, it is hoped that legal protection for health workers in plastic surgery cases in Indonesia can be improved, which will ultimately improve the quality of health services and patient safety.

References

Law Number 17 of 2023 concerning Health.

Law Number 29 of 2004 concerning Medical Practice.

Law Number 8 of 1999 concerning Consumer Protection.

Government Regulation Number 28 of 2024 concerning Health.

Regulation of the Minister of Health of the Republic of Indonesia Number 269/Menkes/Per/III/2008 concerning Medical Records.

Moeadjath, Jephthah. (2001). *Things the Public Needs to Know About Plastic Surgery*. Jakarta: Publishing House, Faculty of Medicine, University of Indonesia.

Komalawi, Veronica. (2002). *The Role of Informed Consent in Therapeutic Transactions (Consent in the Doctor-Patient Relationship)*. Bandung: Pustaka.

Pakpahan, et al. "Comparison of Legal Protection of Patients Victims of Plastic Surgery Malpractice in Indonesia and South Korea." *IUS Journal of Law and Justice Studies*.

Yudha Koswara, I. (2018). "Protection of Health Workers in the Regulation of the Health Sector Perspective is Linked to Law Number 36 of 2009 concerning Health and the Social Security System." *Journal of Positum Law*, 3(1), 1–18.

"Legal Rules Regarding Plastic Surgery." *Legal Cliniconline*. October 4, 2023. <https://www.hukumonline.com/klinik/a/aturan-hukum-mengenai-bedah-plastik-lt5d104115f3648/>.

"Legal Protection for Medical Workers." *SIP Law Firm*. October 10, 2024. <https://siplawfirm.id/pekerja-medis/?lang=id>.

"10 Cases of Alleged Malpractice Throughout 2004." *Hukumonline*. January 2, 2005. <https://www.hukumonline.com/berita/a/10-kasus-dugaan-malapraktik-sepanjang-2004-hol11933/>.

"7 Cases of Malpractice in Indonesia that Shocked the Public." *Orami*. January 21, 2023. <https://www.orami.co.id/magazine/kasus-malpraktik-di-indonesia>.

"The Most Difficult Case for a Plastic Surgeon to Handle." *Medcom.id*. January 17, 2025. <https://www.medcom.id/rona/kesehatan/akW4YZBK-kasus-yang-paling-sulit-ditangani-dokter-bedah-plastik>.



Tangerang District Court Decision Number
470/Pdt.G/2014/PN. TNG.
Banten High Court Decision Number
131/PDT/2015/PT. BTN.