



## IMPLEMENTATION OF MEDICAL ACTION APPROVAL (INFORMED CONSENT) BETWEEN THE HOSPITAL WITH CAESAR OPERATION PATIENTS

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### ABSTRACT

**Background.** Health is one factor most important in implementing development nationally because health is a necessity that is very basic and needed by every human. This research aimed to answer problems regarding implementation procedures approval for medical action (informed consent) between the hospital and the patient giving birth in hospitals, the hospital is responsible for defaults committed by internal doctor implementation of approval for medical procedures.

**Research Method.** This research includes empirical legal research descriptive in nature using primary and secondary data types.

**Findings.** The results of this research contain procedures for implementing medical action agreements between the hospital and the patient who gave birth in the maternity ward of the X Hospital and who had fulfilled the requirements for valid approval of Article 45 of Law No. 29 of 2004 concerning medical practice. However, there are still several obstacles to implementing consent for medical procedures on patients who gave birth at the X Hospital, especially regarding the explanation of the information, form, and content of the informed consent

**Conclusion.** The hospital can provide policies regarding the form and content of informed consent used so that it does not hinder the implementation of the agreement.

**Keywords:** Approval, Caesar Operation, Informed Consent.

### BACKGROUND

Indonesia is a developing country currently implementing its development in various fields guided by the 1945 Constitution as a direction to achieve national goals as stated in the preamble Paragraph four of the 1945 Constitution, namely protect the entire nation and the entire region Indonesian blood, advancing prosperity generally, enlightening the life of the nation, and participate in implementing world order based on freedom, eternal peace, and social justice[1].

Following the development method Indonesian society thinks increasingly critically of their rights, especially in health services provided by the party hospital through a doctor, who can see the problems that occur in Indonesia regarding patient demands for the hospital because the patient feels disadvantaged by health services carried out by a doctor who treats the disease that he suffered, is therefore necessary an agreement for good health services for the hospital and the patient[2]. This matter is done to face the possibility if there is an error on the part of the parties.

Among the legal and medical professions, some rules protect the public as patients who receive health services based on information provided by the hospital through a doctor. Based on this, then in various health healing efforts there must be consent from the patient based on information from doctors at the hospital, or what is called informed consent.

Informed consent is one of the basic doctors' considerations in taking medical action to save lives person, following the Director's Decree General Medical Services No.

H.K.00.04.7.3.3725 through Ministerial Regulation Health No. 585 of 1989 concerning informed consent, then the doctor wants you to do the operation first provide information regarding what action to take what will be done, what are the benefits, what risks, other alternatives (if any), and what might happen if it is not done. This research aimed to answer problems regarding implementation procedures approval for medical action (informed consent) between the hospital and the patient giving birth in hospitals, the hospital is responsible for defaults committed by internal doctor implementation of approval for medical procedures[3].

Legal aspects of Informed Consent arise based on some legal aspects. As for aspects The law of informed consent is as follows 1) Terms of validity of approval based on Article 1320 of the Civil Code, namely: those who bind themselves agree; the capacity of the parties to act something; a certain thing; there is a halal cause. Article 1321 of the Civil Code reads as follows: "There is no legal agreement regarding it was given by mistake or obtained by force or fraud." This research aimed to answer problems regarding implementation procedures approval for medical action (informed consent) between the hospital and the patient giving birth in hospitals, the hospital is responsible for defaults committed by internal doctor implementation of approval for medical procedures.

## **RESEARCH METHOD**

Based on the title and formulation problem, then the type of research used namely Normative legal research[4, 5]. Study Empirical law is legal research that concerns the issue of interrelation between law and social problems. In this case, the author tries to describe and illustrate procedures in implementing the action agreement medicine between the hospital and the patient giving birth. Apart from that, the author tries to provide information about the hospital's responsibility if this occurs default by the doctor.

Primary legal materials used in this research consist of the KUH Civil, Law No. 23 of 1992 concerning Health, Law No. 29 of 2004 concerning Medical Practice, Government Regulations No. 32 of 1996 concerning Energy Health, Minister of Health Regulation of the Republic of Indonesia Number 585/ Men.Kes/ Per/ IX/ 1989 Concerning Approval of Medical Procedures, Letter Consent to Medical Procedures (informed consent), and Letter of Rejection of Action Medic.

Secondary legal materials are materials that provide explanations regarding primary legal materials. Material secondary laws used in this research are in the form of a letter of approval of medical procedures and letters of refusal of medical treatment. Besides that, secondary legal materials used also consist of research results, law journals, library materials relating to the law of consent, health law, medical law, and other written sources contained in the bibliography[6].

Processing and Analysis of Legal Materials obtained through study literature on legal materials will be described and connected such that it can be presented in more systematic writing to achieve the desired target in the form of answers to implementation problems Consent to Medical Procedures (Informed Consent) Between the Hospital with Caesarean Section Patients at the Hospital. Material processing law is carried out deductively, ie conclude something general problems for concrete problems are being faced. Next legal material existing ones will be analyzed to see what legal provisions are positive Indonesia regulates regarding the implementation of approval for medical procedures (informed consent) between the hospital with cesarean section patients at Hospital helps as a reference and material legal considerations to provide solutions to what the provisions should be Indonesian positive law can guarantee rights and obligations of both parties in balance[7].

## **FINDINGS**

Procedures for implementing approval medical procedures for birthing patients. This is done according to the stages of medical education. It means the patient gives birth as much as possible normally, under certain circumstances. If the patient cannot give birth normally then the next step is induction, and the final step of the effort is by operation. Internal procedures implementation of approval for medical procedures between the hospital and the patient gave birth at the hospital both by induction and surgery caesarean there is no difference in terms of stages of its implementation. As for the internal procedures implementation of approval for medical procedures in patients giving birth are as follows: There is an agreement between the parties; bind yourself; The ability of the parties to agree; Regarding a certain matter; A legitimate cause. Based on the above, it is known that agreement regarding action medicine between the hospital and the patient gives birth through several stages. These stages are as follows: Registration stage, examination, giving informed consent.

Default in-service health arises from the actions of a person's doctors in providing care services inappropriate as agreed in the agreement. Treatment that is not This could be an act of carelessness or the result of negligence on the part of the doctor concerned so that it violates the purpose of therapeutic approval. As for default in internal health services. This approval occurs if it has been fulfilled the following elements: a) The relationship between doctor and patient occurs under a therapeutic contract; b) Doctors have provided services improper health which violates the purpose of the therapeutic agreement; The patient suffers harm as a result of the action the doctor concerned.

## **DISCUSSIONS**

Regarding accountability of the hospital for its breach of contract doctors to patients in hospital X, the author gives an example of a patient who came to this hospital to give birth to a baby it contains, then based on the results of the examination and previous actions then Patient cannot give birth by walking normally. Based on the patient's stage of delivery, then the patient must go through stages of induction (racing). The doctor explained various things information regarding the induction action, including the risks faced from the action. It was agreed that induction be carried out by both parties by signing informed consent. At the time of carrying out the induction action, the doctor to the best of his ability helped the patient, due to negligence doctor then had an accident, and the hand of the baby born experienced a rift[8, 9]. Based on the case above, the doctor realized that he was responsible for any actions or consequences of medical procedures carried out in carrying out his profession, then the doctor took an approach through family communication with patients and provided compensation to the patient. Compensation for these losses is in the form of paying patient care costs while in the hospital and paying for the medical expenses of the baby.

The case above can be said to be one compelling circumstance in the event of an accident because, during induction, there are circumstances that prevent the doctor in saving the baby's life, then the doctor does not have to bear the risk. Based on this, the agency first to handle cases default is the MKEK branch or region. Problems that cannot be solved by MKEK are referred to the provincial P3EK, and if it can't handle it then it will proceed to the First Aid Center. However, if there is a violation constitutes criminal law malpractice, or civil, then the case will be continued in court[10]. Relating to malpractice civil law, the author gives an example namely a doctor who will do some surgery, but there is one of the risks of such actions is not communicated to the patient, even though everything should be related to these actions, including therein the consequences of such actions must be given as clearly as possible to the patient. This is based on Article 35 of the Regulations Government Number 32 of 1996 concerning Health Workers, then these actions including violations of Article 22 paragraph 1 that is, it does not provide any information relating to

conditions and actions that will be committed and must be punished a maximum of IDR 10,000,000.00 (ten million rupiah).

Regarding the responsibilities of the hospital if there is a default at the hospital, namely with method of approach and communication kinship carried out by a doctor to patients through reimbursement losses for default did it[11, 12]. However, if there is a lawsuit against the hospital, then assessing an act of default is a medical committee. Then the committee doctor called the doctor concerned, nurses, duty midwives, and head of the room to ask for an explanation regarding his actions. If the doctor was proven to have defaulted, then the hospital will bear the costs of losses suffered patient[13].

The contribution of this research is in terms of examining patients pregnant, both parties should provide clear information, among others from the patient's side provides information regarding developments in pregnancy in previous examinations, while the hospital through the doctor provides information regarding diagnosis based on examination and information from patients. It will simplify the implementation process approval if action is required for specific medical treatment for patients giving birth. In terms of the responsibility of the house pain for the breach of contract committed doctor to the patient giving birth. The hospital should be more actively open to the doctor concerned so that it can be used as a correction doctor in carrying out his profession and every doctor who performs the procedure Medicine will take priority over patient interests and humanity because medical procedures are related to someone's illness, especially on the patient gives birth. This is because the risks faced involve patient and baby safety. When agreeing, should be made clearer and more understandable by various groups of patients, so patients with different educational levels find it easier to understand the agreement. Regarding witnesses from the family in signing the consent form, should the parties. X hospital provides provisions, namely: related family members' blood in sidelines in degrees both or combined with one party and families who own it Blood ties are not in a straight line limited and the inner sideline second degree with husband or wife (brothers, sisters-in-law, and also parents, children, and siblings of the in-laws). Relating to changes in form approval should be from the hospital should provide policies by establishing the use of more forms to provide legal protection for the parties to the action agreement medical.

## **CONCLUSION**

Procedures in implementation approval for medical action between the hospital with the patient who gave birth at X Hospital is a qualified consent to the validity of the agreement contained in Article 1320 Civil Code. Information provided in the informed consent medicine in birthing patients, namely regarding reasons, risks, goals, alternatives other things, prognosis, and cost of doing the medical procedure. Based on these explanations then If the patient refuses, the patient is obliged to fill out and sign the letter of rejection. However, if the patient agrees on medical procedures to be performed by the doctor, an agreement will be carried out by signing the consent form. The signing was carried out by the patient or their immediate family, a doctor who performs the procedure, the anesthesiologist (during surgery), as well as two people witnesses including one from the hospital and one from the patient's side.

## **Conflict of Interest**

The author declares there is no conflict of interest with the publication of this paper.

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