

# **THE INTERPLAY OF LEGAL RESPONSIBILITIES IN CESAREAN OPERATIONS: A STUDY OF DOCTOR-PATIENT RELATIONSHIPS WITHIN HOSPITAL SETTINGS**

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## **ABSTRACT**

The delivery process, especially involving a caesarean section, will definitely cause interaction between the doctor and the patient. The aim of this study is to obtain information regarding how the process of carrying out a caesarean section is carried out between doctors and patients. The normative approach method was used in this study to investigate the process of carrying out caesarean section operations between doctors and patients. The study results show that in carrying out caesarean section operations, there are administrative, legal, screening, observation and obtaining informed consent requirements from the patient. The patient or patient's family gives consent by signing a letter of consent for the medical procedure for caesarean section. With this approval, a caesarean section can be performed. An agreement between a doctor and a patient creates a legal relationship, which results in rights and obligations that must be fulfilled by each party. If an error occurs in the cesarean section agreement, the party proven to have made the error must be held responsible based on breach of contract and unlawful acts.

**Keywords:** Hospitals, Doctors, Patients, Caesarean Section Operations, Legal Responsibilities, Doctor's Rights, Doctor's Obligations, Patient's Rights, Patient's Obligations.

## **INTRODUCTION**

Health is a need for every human being and to ensure harmony in living together, mutually accepted values are needed to avoid conflict. Achieving this requires guidelines known as rules or standards. In health, various institutions such as hospitals, health centers, medical centers, clinics, as well as the nursing and medical service sectors have medical rules, laws and moral norms that must be followed. These rules consist of validity aspects that regulate medical practice and health services, as well as maintaining patient dignity. Compliance with regulations maintains the quality of health services to ensure that medical practice is carried out ethically, provides legal protection, and maintains morality in health services. This shows that the existence of medical rules, laws and ethical norms is an important basis for maintaining and improving public health.

Within the framework of Health Law Number 36 of 2009, the public has the right to health, and the government has the responsibility to provide hospitals as a place for the public to receive medical services. This medical service consists of prevention, treatment and rehabilitation. The quality of hospital services aims to provide patient satisfaction (Khayru & Issalillah, 2022). In childbirth, a mother wants her baby to be born healthy and safe, so that quality medical services and in accordance with legal regulations achieve patient satisfaction and realize community welfare.

In general, most deliveries take place through normal means, although there is another option that involves a medical procedure known as caesarean section. There are two types of delivery, namely normal delivery and cesarean delivery (Caesar). Normal delivery occurs through a natural process where uterine contractions help open the cervix and push the baby into the birth canal (Thornton et al., 2020). This process is usually followed by expulsion of the placenta. Meanwhile, according to Gee et al. (2020), cesarean delivery involves surgery by making an incision in the mother's stomach and uterus to remove the baby. Cesarean delivery is usually chosen in emergency situations or if normal delivery poses health risks to the mother or baby. Each type of birth has its own risks and benefits, and decisions regarding the delivery process usually depend on the health condition of the mother and baby and other medical considerations.

A mother basically has the natural ability to give birth normally. However, developments in medical technology and certain conditions that require special attention may encourage the choice to give birth via other methods. When there are medical indications or situations that require further action to maintain the health and safety of the mother and baby, the doctor can offer an alternative delivery via caesarean section. This process, which involves incisions in the abdomen and uterus, is a necessary solution for medical situations that require rapid intervention. Even though it is different from the normal birth process, caesarean section is an essential choice to save the life and well-being of the mother and baby.

Carrying out the delivery process, especially through a caesarean section, builds a close relationship between the doctor and the patient. This relationship arises because patients approach doctors in the hope of receiving treatment for their health conditions. In situations like this, there is an agreement between both parties, where the patient voluntarily seeks medical help and the doctor is willing to provide treatment. When performing a caesarean section, a number of procedures must be carried out. The caesarean section process must not be initiated without obtaining medical consent from the patient or authorized family representative. This consent must be given after the patient receives accurate information regarding the medical action to be carried out. This legal connection arises from the patient's confidence in the doctor's skills, which is reflected in approval for medical treatment or informed consent (Koch, 2018). Informed consent is given by the patient after receiving comprehensive information from the doctor regarding the type of medical action to be carried out, along with all the risks that may arise. Doraiswamy et al. (2021) stated that the involvement of patients in making decisions

regarding their care shows the importance of communication and trust in the doctor-patient relationship to ensure that medical decisions are taken together with full understanding.

The role of doctors in hospitals is not limited to healing actions such as surgery, but also consists of therapeutic transactions which are agreements between doctors and patients regarding various medical procedures (Gijsen et al., 2020). This transaction involves a treatment agreement that is not only focused on the medical field, but also consists of broader dimensions, including preventive, rehabilitative, promotive and diagnostic aspects. The concept of the therapeutic agreement is fundamental to this relationship, describing an agreement to improve and improve the patient's health. Nuha (2016), stated that a therapeutic agreement gives doctors the authority to provide health services based on their expertise to patients. In this agreement, there are rights and obligations that arise for both parties which result in obligations that must be fulfilled by the doctor and patient respectively.

In order to sign a therapeutic agreement, the doctor can carry out medical procedures, including a caesarean section. The validity of this agreement is recognized if there is an agreement between the doctor and the patient (Wijanarko & Sari, 2014). Although doctors cannot guarantee successful results from a cesarean section, certain factors influence the outcome. In undesirable circumstances, such as complications or death, the doctor cannot be blamed as long as the action is carried out according to professional standards. However, if it is proven that there is a doctor's mistake that can be proven in court, the patient or his family can file a lawsuit based on Unlawful Acts and Default. At trial, the doctor will be legally responsible and may be obliged to pay compensation if the error is proven. This understanding forms the basis for the provision of effective health care, where trust and cooperation between doctors and patients (Devendra & Arulkumaran, 2003).

The positions and roles of doctors and patients form the basis of rights and obligations, which then become the foundation for the implementation of these rights and obligations. Detailed regulations regarding the mutual rights and obligations of doctors and patients need to be enforced to avoid potential conflicts of interest. Implementation of these rules serves to maintain a relationship of mutual trust and ensure the protection of patient rights, as well as to guarantee that medical services are carried out with ethical standards and professionalism. Therefore, the aim of this study is to investigate the legal responsibilities that arise between doctors and patients during the performance of caesarean sections in hospitals.

## **METHODS**

This study adopted a qualitative approach. In its implementation, the author uses a normative method, which involves an analysis of legal regulations and legal principles relevant to the implementation of caesarean section operations. This approach allows researchers to identify the legitimacy of caesarean section operations and ensure that

they comply with legal requirements. This study is included in the category of descriptive studies which aims to provide a comprehensive and systematic description and explanation of the legal responsibilities between doctors and patients in cesarean section agreements. The study data sources come from secondary data, including primary legal materials such as the Civil Code and Law No. 36 of 2009 concerning Health and Law No. 29 of 2004 concerning Medical Practice. In addition, secondary legal materials such as legal literature and journals are also used to provide explanations and detail legal responsibilities in caesarean section agreements.

## **RESULTS AND DISCUSSION**

### **1. Rights and Obligations for Carrying out Cesarean Section Operations in Hospitals**

Before there is an agreement regarding approval for a caesarean section between the doctor and patient, it is necessary to fulfill the conditions for the validity of the agreement in accordance with the provisions regulated in Article 1320 of the Civil Code (Civil Code). The agreement between doctor and patient, as stated by Sasmita et al. (2023), shows that there is mutual agreement regarding the implementation of the operation. Then there must be legal capacity from both parties, namely the doctor and the patient, where both have the legal capacity to carry out the legal action in question. In addition, this agreement must cover a certain thing, namely the medical action of caesarean section which is specific and clear in its scope. Lastly, the agreement must have a halal cause, which means the reason or purpose of carrying out the operation must be in accordance with legal norms and medical ethics (Gosal et al., 2022). By fulfilling the legal requirements of this agreement, consent for the medical action of caesarean section between the doctor and the patient is considered valid and in accordance with applicable legal standards, as revealed by a study by Fatimah and Dewi (2017); Teturan (2021).

Before the patient gives consent for a caesarean section, the doctor has an obligation to provide an explanation in accordance with the provisions of Article 7 paragraph (1) of the Minister of Health Regulation Number 290/Menkes/Per/III/2008. Explanations regarding medical procedures must be conveyed directly to the patient and/or closest family, regardless of request or without being asked. After the explanation is given, the patient can then sign a written approval letter for medical treatment, in line with Article 2 of the Minister of Health Regulation Number 290/MENKES/PER/III/2008. As a result of this caesarean section agreement, a legal relationship was formed which is regulated by Article 1338 of the Civil Code (KUHPperdata). Within the framework of this legal relationship, rights and obligations emerge which guide both parties in carrying out the caesarean section agreement. The rights and obligations of doctors and patients are further regulated in Law Number 29 of 2004 concerning Medical Practice. Doctors have certain obligations regarding carrying out caesarean section operations, which can be described as follows:

- a. Doctors are required to provide accurate information before a caesarean section is performed. This information consists of medical procedures, surgical procedures, as well as risks and complications that occur. This step aims to ensure that the patient has sufficient understanding of the procedure to be carried out and the potential risks involved.
- b. Doctors have the responsibility to carry out caesarean section operations in accordance with medical professional standards and applicable Standard Operating Procedures. This is to ensure that the procedure is performed accurately, using proper technique, and adhering to patient safety protocols.

By fulfilling these obligations, doctors can provide quality medical services and ensure that patients have the information they need to make good decisions regarding the medical procedures they will undertake. In addition, doctors have rights that need to be recognized, and these can be explained as follows:

- a. Doctors have the right to receive complete and honest information from patients regarding their health conditions related to caesarean section. These rights provide a solid basis for physicians to make appropriate medical decisions and plan treatment accordingly.
- b. Doctors have the right to receive compensation for services or actions they perform for patients. This right constitutes the financial aspect of medical practice and is part of the recognition of the services provided by the doctor.
- c. Doctors have the right to receive legal protection while carrying out their duties in accordance with their profession. This right includes legal support in the practice of medicine and provides assurance that doctors can carry out their duties safely and according to standards.
- d. Doctors have the right to provide medical services in accordance with medical professional standards and applicable Standard Operating Procedures. This right emphasizes the importance of maintaining the quality of medical services and adhering to established protocols for patient safety.

The obligations that must be fulfilled by patients involve the patient's responsibility and cooperation in the medical care process. The obligations that must be fulfilled by patients can be described as follows:

- a. Patients have an obligation to provide complete and honest information regarding their health problems to doctors. This is important to help doctors plan and provide appropriate treatment according to the patient's health condition.
- b. The patient's obligations also include the obligation to comply with the advice and instructions given by the doctor. This includes the cooperation of patients and doctors to achieve treatment results.

- c. Patients are expected to comply with the provisions that apply in health service facilities. This includes complying with regulations and procedures established in hospitals or clinics to maintain mutual comfort and safety.
- d. As a financial obligation, patients are expected to provide compensation for services or pay for the medical services received. This includes compensation for the services of physicians and health facilities that provide care.

The rights that patients have are rights that protect the interests and welfare of patients in health services. The rights possessed by patients can be explained as follows:

- a. Patients have the right to receive a complete explanation regarding the medical procedures to be performed. This includes information about the procedure, risks and available alternatives. This right ensures that patients can make adequate informed decisions.
- b. Patient rights also include the ability to ask a doctor for an opinion regarding their health condition. This supports active patient participation in the decision-making process regarding medical care and procedures.
- c. Patients have the right to receive medical services appropriate to their needs. This includes aspects such as respect for cultural beliefs, patient values, and attention to personal preferences.
- d. The patient's right to refuse medical treatment must also be respected. Patients have the freedom to decide not to continue or accept certain medical procedures, and this right must be respected by the medical authorities.
- e. Patients have the right to have access to the contents of their medical records. This includes information regarding health history, diagnosis and medical procedures that have been carried out. These rights enable patients to better understand and manage their health care.

## **2. Legal Responsibility in Cases of Mistakes During Caesarean Operation**

Legal responsibility for errors in carrying out caesarean section operations can be divided into two categories, namely:

- a. Default

Default refers to the non-fulfillment of contracts or obligations resulting from the relationship between doctors and patients (Lasi, 2023). If a doctor does not meet the standards of the medical profession, provides inadequate information, or does not adhere to the procedures that are supposed to be followed during surgery, it may be considered a breach of contract. The patient or his family can file a lawsuit based on this failure to obtain compensation.

In errors based on unlawful acts, errors committed by doctors in carrying out their profession are related to obligations arising from their professional practice. This legal

action does not only include violations of applicable written regulations or laws, but also includes violations of ethical norms of propriety, level of caution and accuracy in carrying out caesarean section operations. This violation can result in harm to the patient.

To determine the legal responsibility of doctors who commit unlawful acts, it is important to understand that unlawful acts include actions that are not in accordance with ethical standards, professionalism and fairness in medical practice (Von Lampe, 2015). This can include negligence or omissions that do not comply with recognized norms in the medical profession. In this case, to determine legal responsibility, the awareness of the doctor himself is important. This awareness includes recognition by the doctor regarding his negligence, lack of caution, or violation of applicable norms. Acceptance of error by a physician may be the basis for determining appropriate legal action.

#### b. Mistakes Based on Unlawful Actions

In errors based on unlawful acts, mistakes made by doctors in carrying out their profession are related to obligations arising from that profession (Gultom, 2022). This legal action does not only include violations of applicable written regulations or laws, but also includes violations of ethical norms of propriety, level of accuracy and caution in carrying out caesarean section operations. Such violations can potentially cause harm to the patient (Purwadi & Enggarsasi, 2019; Nurarafah, 2022).

To determine the legal responsibility of doctors who commit torts, it is important to understand that torts include actions that are inconsistent with the standards of ethics, professionalism, and reasonableness in medical practice. This can include negligence or omissions that do not comply with recognized norms in the medical profession. In this case, to determine legal responsibility, the awareness of the doctor himself is important. This awareness includes recognition by the doctor regarding his negligence, lack of caution, or violation of applicable norms. Acceptance of error by a physician may be the basis for determining appropriate legal action.

The legal process for holding doctors accountable usually involves gathering medical evidence, expert witnesses, and understanding the standards of the medical profession. The patient must prove that the loss or injury suffered was caused by the doctor's error, whether in breach of contract or an unlawful act. These lawsuits may include claims for medical expenses, loss of income, physical or mental suffering, and other relevant damages.

If in a district court the doctor is proven guilty of carrying out a caesarean section, the doctor will likely be subject to legal responsibility and is expected to compensate for losses in accordance with the law. This liability may include compensation for additional medical costs, physical or mental suffering, lost income, and other losses arising from the doctor's error.

This compensation process generally involves legal procedures involving the parties involved. A lawsuit by the patient or his family results in a court decision that determines the amount of compensation the doctor must pay. The amount of compensation can be

influenced by a number of factors, including the level of the doctor's error, the health impact experienced by the patient, and the costs incurred as a result of the error.

Each case may have unique circumstances, and outcomes may vary. The legal responsibility of doctors in cases of caesarean section operations that are considered a medical error is an important aspect in maintaining public trust in medical practice and encouraging medical practice that is safe, ethical, and in accordance with professional standards.

## **CONCLUSION**

In conclusion, the process of preparing and carrying out a caesarean section involves several important stages. Patients must register and undergo a screening process to determine the appropriate delivery method. Before surgery, the doctor provides detailed information to the patient and asks for written consent. This process involves making an agreement which must meet the legal requirements in accordance with the provisions of the Civil Code.

The formation of a legal relationship between the doctor and the patient after this agreement brings rights and obligations for both parties. Doctors have the responsibility to provide medical services in accordance with professional standards, while patients have the right to receive complete and honest information and services according to their needs. Liability arises if one party does not fulfill its obligations. The agreement in caesarean section is a therapeutic transaction that is "inspiring verities," where the doctor makes every effort for the success of the operation. However, doctors cannot be absolutely blamed if complications occur or even the patient's death, unless they are proven to have made a mistake that resulted in harm. Doctors can be held liable based on breach of contract and unlawful acts, with proof of error that meets applicable legal provisions. Thus, the entire process of a cesarean section involves a complex interaction between medical, legal, and ethical aspects that must be maintained to maintain trust and safety in medical practice.

Based on the study results, the suggestion from this study is that in carrying out caesarean section operations, it is very important to convey information to patients clearly and use language that is easy to understand, especially because patients tend to be less familiar with medical terminology. Patient consent should always be recorded in writing to reduce the risk of misunderstanding and minimize the potential for error. Hospitals are expected to monitor the information provided by doctors regarding caesarean section operations, provide as clear an explanation as possible, and ensure that patients have an adequate understanding of the risks that may arise. Patients are also reminded to listen to and comply with the doctor's instructions after surgery to ensure optimal recovery. Apart from that, the public needs to understand the terms and conditions of a caesarean section, and pay attention to the information provided by the doctor when signing the consent for medical treatment. Thus, signing an agreement is not only considered an administrative formality, but also as a form of public understanding of the detailed aspects related to caesarean section operations and their risks.



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