

Legal And Ethical Aspects Of Medicine In Handling The Effects Of Postoperative Anesthesia: Protection Of Patients' Rights And Physician Responsibilities

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ABSTRACT

The handling of postoperative anesthesia requires special attention to legal and medical ethical aspects, as it involves the patient's right to safe treatment and the doctor's responsibility in providing services according to professional standards. The importance of legal protection and the application of medical ethics is becoming increasingly relevant given the potential complications of anesthesia that can affect the patient's quality of life. This article highlights two main areas, namely the protection of patient rights, such as the right to clear and honest information about the risks of anesthesia, as well as the responsibilities of doctors, including the obligation to ensure patient recovery and avoid medical negligence. This study uses a qualitative method with a juridical-normative approach. Data were obtained through analysis of health law literature, principles of medical ethics, and review of legal cases related to anesthesia malpractice. This approach provides systematic insight into the relationship between legal regulation and ethical principles in medical practice. The results of the study show that negligence in providing adequate information to patients regarding the effects of anesthesia can trigger legal conflicts, such as malpractice lawsuits. In addition, doctors' non-compliance with medical ethical principles, such as nonmaleficence (not harming patients), can damage patient trust and the reputation of the medical profession. In conclusion, the integration between legal protection and the proper application of medical ethics is key to improving the quality of postoperative care, protecting patient rights, and ensuring that doctors' responsibilities are optimally fulfilled.

Keywords:

health law, medical ethics, anesthesia, patient rights, doctor's responsibility,

INTRODUCTION

Anesthesia is one of the most important aspects in the world of modern medicine. Its existence allows doctors to perform medical and surgical procedures that were previously impossible without pain or discomfort for patients. Anesthesia plays a role in reducing psychological and physical trauma during medical procedures, providing safety, comfort, and speeding up the patient's recovery process. In various fields of medicine, such as general surgery, dentistry, and palliative care, anesthesia plays

a central role in ensuring that procedures run smoothly and with minimal risk. This is the foundation for the development of anesthesia technology that is increasingly sophisticated and diverse. Not only limited to pain relief, anesthesia also has an important function in maintaining the patient's physiological stability during medical procedures. For example, general anesthesia helps control blood pressure, breathing, and the body's response to the stress caused by surgery. Meanwhile, local anesthesia provides an alternative to minor procedures by reducing the risk of systemic side effects. According to Miller's Anesthesia (2020), a deep understanding of anesthesia pharmacology and its application techniques is crucial to prevent complications, such as allergic reactions or respiratory failure.

Furthermore, the role of anesthesia in improving patients' quality of life makes it an ever-growing subject of research. The development of anesthesia with minimal side effects and adjustable duration is a top priority in medical science. For example, a study by Brown et al. (2018) shows that a genetic-based approach to personal anesthesia provides potential in improving the safety and effectiveness of anesthesia procedures. Thus, anesthesia is not only becoming part of daily clinical practice but also an important foundation in future medical technological innovations.

Risk of postoperative anesthesia side effects and their impact on patients.

Anesthesia, while safe in general, can cause a variety of postoperative side effects depending on the type of anesthesia, the duration of the procedure, and the patient's health condition. Some common side effects include nausea, vomiting, headache, and dizziness due to the use of general anesthesia. In addition, serious complications such as respiratory distress, low blood pressure, or allergic reactions can occur, although rarely. According to a study by Apfel et al. (2012), postoperative nausea and vomiting (PONV) occurs in about 20–30% of patients undergoing general anesthesia and is more commonly experienced by patients with a history of migraine or motion sickness¹

The impact of these side effects can prolong recovery and increase treatment costs, especially if additional treatment is required. For example, patients with PONV may experience dehydration or electrolyte imbalances, which slow down the postoperative recovery process. In addition, the risk of long-term complications such as postoperative delirium or mild cognitive dysfunction can affect the patient's quality of life, especially in the elderly². Handling and preventing the risk of these side effects requires a personalized approach, such as the use of antiemetic drugs before and after surgery, as well as strict monitoring during the recovery period³

Legal relevance and medical ethics in handling anesthesia-related cases.

In medical practice, law and ethics have an important role to play in ensuring patient safety and rights are met, particularly in procedures involving anesthesia. Health law regulates the obligation of medical personnel to obtain informed consent from patients before anesthesia is performed. Informed consent is the consent given by the patient after obtaining a complete explanation of the benefits, risks, alternatives, and possible complications that may occur during and after the anesthesia procedure⁴. Failure to obtain informed consent can lead to legal implications, including malpractice

¹ Apfel, C. C., et al. "Postoperative Nausea and Vomiting: Mechanisms and Management." *Anesthesiology Clinics*, 30(2), 2012, pp. 177–209

² Evered, L., et al. "Postoperative Cognitive Dysfunction and Delirium in Adults: Risks and Outcomes." *British Journal of Anaesthesia*, 121(4), 2018, pp. 768–785.

³ Miller, R. D., et al. *Miller's Anesthesia*. 9th Edition, Elsevier, 2020.

⁴ Beauchamp, T. L., & Childress, J. F. *Principles of Biomedical Ethics*. 8th Edition, Oxford University Press, 2019.

lawsuits in the event of complications that are detrimental to patients. In addition, the aspect of medical ethics emphasizes the importance of the principles of nonmaleficence (no harm) and beneficence (doing good) in the treatment of anesthesia. Medical personnel, especially anesthesiologists, must consider the balance between the benefits of the procedure and the risk of side effects to the patient. For example, the decision to use general anesthesia in patients with fragile health conditions requires in-depth evaluation and interprofessional consultation⁵. The principle of patient autonomy is also an ethical cornerstone, where patients have the right to refuse or choose certain types of anesthesia based on personal preferences and beliefs.

Furthermore, medical law and ethics play a role in handling cases involving anesthesia complications or professional negligence. An example that is often of concern is the case of incorrect dosing of anesthetic medication which can cause serious side effects, including cardiac arrest or brain damage⁶. In situations like these, legal procedures and medical audits are necessary to assess professional responsibility and prevent the recurrence of similar incidents. In addition, ethics-based approaches, such as open communication with the patient's family and the provision of psychological support, are also crucial in resolving conflicts or dissatisfaction that may arise.

Problem Formulation:

- a. What are the patient's rights related to the handling of postoperative anesthesia?
- b. What is the legal and ethical responsibility of doctors against anesthesia side effects?
- c. Are the existing regulations enough to protect patients?

Research Objectives:

This study aims to analyze the legal and ethical aspects of medical in handling the effects of postoperative anesthesia, especially related to the protection of patient rights and doctors' responsibilities. This research focuses on how legal regulations and principles of medical ethics are applied to ensure patient safety, prevent rights violations, and identify doctors' professional responsibilities in the event of complications or negligence. In addition, this study aims to provide a comprehensive understanding of the role of informed consent, the principle of nonmaleficence, and beneficence in supporting the therapeutic relationship between doctors and patients. Thus, this research is expected to be a reference to improve the quality of anesthesia practice and encourage the formulation of more equitable and humane health policies.

LITERATURE REVIEW

Law of Medicine and Anesthesia

Medical law is a branch of law that regulates the relationship between medical personnel, patients, and health service institutions in the context of medical services. This law includes the rights and obligations of all parties involved, as well as sets the standards that must be adhered to by medical personnel in carrying out their practice. According to Black's Law Dictionary, medical law is a

⁵ Miller, R. D., et al. *Miller's Anesthesia*. 9th Edition, Elsevier, 2020.

⁶ Staender, S., et al. "Patient Safety in Anesthesia: The Role of Human Factors and Monitoring Systems." *Current Opinion in Anesthesiology*, 34(6), 2021, pp. 742–748.



collection of legal rules and principles designed to protect patients from medical negligence, malpractice, or other rights violations by medical personnel or healthcare institutions⁷.

Medical law not only focuses on the aspect of patient protection, but also provides guidelines and legal protection for medical personnel. For example, in the context of anesthesia, medical law regulates the obligation of doctors to provide informed consent to patients before an action is performed, as a form of respect for the patient's right to be informed and make decisions based on full understanding⁸. In addition, medical law also regulates procedures for handling medical disputes, including negligence investigations, professional liability assessments, and legal settlements. Thus, medical law serves as a framework that guarantees fairness and accountability in medical practice.

Regulations related to anesthesia in the Health Law in Indonesia

Regulations related to anesthesia in Indonesia are regulated in Law No. 36 of 2009 concerning Health, which emphasizes the importance of safety standards and quality of medical services, including in the provision of anesthesia. Article 46 of the Health Law states that health workers are obliged to provide safe, quality, and responsible services in accordance with professional standards⁹. In the context of anesthesia, this includes the obligation of the anesthesiologist to perform a pre-anesthetic examination, explain the risks and benefits of the procedure to the patient, and ensure the use of anesthetic medication is in accordance with medical indications and applicable protocols.

In addition, the Regulation of the Minister of Health (Permenkes) No. 74 of 2016 concerning Standards for Anesthesiology and Intensive Therapy Services specifically regulates the implementation of anesthesia in health care facilities. This regulation includes provisions on the competence of anesthesiologists, standard equipment that must be available, and procedures for handling anesthesia complications¹⁰. This Regulation aims to ensure legal protection for patients and medical personnel, as well as prevent malpractice or negligence in the practice of anesthesia. With this regulation, the implementation of anesthesia in Indonesia is expected to run in accordance with the principles of safety, efficiency, and medical ethics.

Medical Ethics in Anesthesia Practice:

The principles of medical ethics are fundamental guidelines used to ensure that medical practice is carried out with the patient's well-being in mind. One of the main principles is *beneficence*, which requires medical personnel to take actions that provide the greatest benefit to patients. An example is the selection of the safest anesthesia method and according to the patient's condition to reduce the risk of complications. This principle goes hand in hand with *non-maleficence*, which means that doctors should avoid actions that could cause harm or harm, either directly or indirectly¹¹. In the context of anesthesia, non-maleficence demands vigilance in the use of medications, proper dosage, as well as close monitoring during the procedure.

⁷ Garner, B. A., et al. *Black's Law Dictionary*. 11th Edition, Thomson Reuters, 2019.

⁸ Beauchamp, T. L., & Childress, J. F. *Principles of Biomedical Ethics*. 8th Edition, Oxford University Press, 2019

⁹ Law of the Republic of Indonesia Number 36 of 2009 concerning Health.

¹⁰ Regulation of the Minister of Health of the Republic of Indonesia Number 74 of 2016 concerning Standards for Anesthesiology and Intensive Therapy Services.

¹¹ Gillon, R. "Medical Ethics: Four Principles Plus Attention to Scope." *BMJ*, 309(6948), 1994, pp. 184–188



In addition, the principle of *autonomy* gives patients the right to make informed and free decisions regarding their medical care. This is achieved through the provision of *informed consent*, where patients are provided with complete information about procedures, risks, and alternatives before giving consent¹². Finally, the principle of *justice* requires medical personnel to provide health services fairly and non-discriminatory, including in the allocation of medical resources. For example, doctors must ensure that all patients, regardless of social or economic background, have equal access to safe and quality anesthesia procedures. These principles form the foundation of modern medical ethics that maintain a balance between patient rights and physician professional responsibilities

Implementation of ethics in handling the effects of postoperative anesthesia.

The implementation of medical ethics in dealing with the effects of postoperative anesthesia aims to ensure patients receive safe, humane, and professional care. One of the main applications is the principle of *beneficence*, where doctors are responsible for minimizing the negative impact of anesthetic effects, such as nausea, vomiting, or postoperative cognitive impairment, by providing effective treatment and follow-up care¹³. In addition, the principle of *non-maleficence* is applied through close supervision of patients during the recovery phase to prevent more serious complications, such as respiratory failure or organ damage due to anesthesia side effects. Training and upgrading the competence of anesthesiologists is also an important part of the implementation of this ethics.

The principle of *autonomy* is realized by involving patients in decision-making related to the choice of anesthesia side effect management methods. Patients are provided with transparent information about possible risks and approaches that can be taken to mitigate their impacts^{14,2}. Meanwhile, the principle of *justice* ensures that all patients, regardless of social or economic status, have equal access to high-quality postoperative care. For example, healthcare providers must ensure the availability of antiemetic medications and standard monitoring tools for all post-anesthesia patients. By integrating these ethical principles in clinical practice, medical personnel can provide care that is not only effective but also in accordance with moral and professional standards.

Hak atas Informed Consent

Informed consent is a fundamental right of patients that guarantees they have complete and clear information about the medical procedure to be performed, including benefits, risks, alternatives, and potential consequences. This right refers to the principle of *autonomy* in medical ethics, which recognizes that patients have the full right to make decisions regarding their health care¹⁵. In the context of anesthesia, informed consent includes an explanation of the type of anesthesia to be used, possible side effects, and procedures to be taken in case of complications^{16,2}. This process not only ensures transparency, but also protects doctors from potential legal disputes that may arise due to misunderstandings or omissions in information.

¹² Beauchamp, T. L., & Childress, J. F. *Principles of Biomedical Ethics*. 8th Edition, Oxford University Press, 2019.

¹³ Beauchamp, T. L., & Childress, J. F. *Principles of Biomedical Ethics*. 8th Edition, Oxford University Press, 2019.

¹⁴ Staender, S., et al. "Patient Safety in Anesthesia: The Role of Human Factors and Monitoring Systems." *Current Opinion in Anesthesiology*, 34(6), 2021, pp. 742–748.

¹⁵ Beauchamp, T. L., & Childress, J. F. *Principles of Biomedical Ethics*. 8th Edition, Oxford University Press, 2019

¹⁶ Staender, S., et al. "Patient Safety in Anesthesia: The Role of Human Factors and Monitoring Systems." *Current Opinion in Anesthesiology*, 34(6), 2021, pp. 742–748



The process of giving informed consent must be carried out ethically and legally, where doctors ensure that the patient understands the information provided and gives consent without coercion. This is regulated in Law No. 29 of 2004 concerning Medical Practice, which requires doctors to provide medical information honestly and clearly¹⁷. In addition, in cases where the patient is unable to give consent, such as children or unconscious patients, consent must be obtained from a guardian or close family. Thus, informed consent is a guarantee of the protection of the patient's right to know and choose medical treatment in accordance with his needs and preferences.

Right to Security in Medical Services

The right to safety in medical services requires health workers to ensure that medical procedures, including the administration of anesthesia, are carried out with minimal risk and patient safety in mind. This is based on the principle of *non-maleficence* and is a legal obligation in accordance with Article 46 of Law No. 36 of 2009 concerning Health, which stipulates that medical personnel are obliged to provide safe and quality services¹⁸. In the practice of anesthesia, this right is realized through the use of equipment that meets standards, strict monitoring during procedures, and prompt treatment of complications that arise.

Right to Comfort in Medical Services

Patients' comfort is also an integral part of their right to receive quality medical services. In anesthesia, patient comfort is ensured through efforts to reduce pain, anxiety, and discomfort that may occur before, during, and after the procedure.¹⁹ The principle of *beneficence* is applied by paying special attention to the emotional and psychological needs of the patient, such as providing soothing explanations or using more comfortable and less invasive anesthesia techniques. With the fulfillment of the right to safety and comfort, patients can feel more confident in medical services and have a more positive experience during the treatment process.

Criminal Liability in Handling Anesthesia Effects

Criminal liability in handling the effects of anesthesia arises if medical personnel commit unlawful acts and cause loss or injury to patients, either intentionally or due to negligence. In Indonesia's criminal law, medical actions that result in death or serious injury can be sanctioned under Articles 359 and 360 of the Criminal Code (KUHP), which regulate negligence causing death or serious injury²⁰. For example, if the anesthesiologist fails to carry out the standard monitoring procedures that cause fatal complications, he or she can be held criminally liable. However, in a medical context, the act must be proven through medical audits and forensic investigations to determine the presence of elements of error or omission.

Civil Liability in Handling Anesthesia Effects

In the civil realm, the responsibility of medical personnel relates to the violation of the therapeutic contract between the doctor and the patient. Based on Article 1365 of the Civil Code (KUHPerdata), doctors can be held accountable if their actions or omissions cause material or immaterial losses to

¹⁷ Miller, R. D., et al. *Miller's Anesthesia*. 9th Edition, Elsevier, 2020.

¹⁸ Law of the Republic of Indonesia Number 29 of 2004 concerning Medical Practice.

¹⁹ Law of the Republic of Indonesia Number 36 of 2009 concerning Health.

²⁰ Criminal Code (KUHP) Articles 359 and 360.



patients²¹. For example, if a patient suffers permanent damage due to the administration of the wrong dose of anesthesia, the patient or his family can file a civil lawsuit to seek damages. These lawsuits are often related to violations of patient rights, such as failure to provide informed consent or failure to follow medical procedures in accordance with professional standards.

Administrative Responsibilities in Handling Anesthesia Effects

The administrative responsibilities of an anesthesiologist include the obligation to comply with regulations and professional standards set by the government and medical professional organizations. Based on Law No. 29 of 2004 concerning Medical Practice, medical personnel who violate service standards or codes of ethics can be subject to administrative sanctions, such as revocation of practice licenses or reprimands²². For example, if an anesthesiologist does not have the appropriate certification or competence, or if the anesthesia procedure is performed without adhering to safety protocols, then he or she may be subject to administrative sanctions by the Indonesian Medical Council (KKI). With criminal, civil, and administrative liability, legal protection for patients in the practice of anesthesia can be guaranteed comprehensively.

RESEARCH METHODS

This research method uses a juridical normative approach that emphasizes the analysis of legal norms written in applicable laws and regulations, as well as their application in concrete cases related to the handling of anesthesia effects. The legislative approach is carried out by reviewing laws, government regulations, and other relevant regulations, such as the Health Law and the Regulation of the Minister of Health, to identify the rights and obligations of medical personnel and patients. The case approach is used to analyze legal practices that occur in medical disputes related to anesthesia, both at the criminal, civil, and administrative levels. Meanwhile, a conceptual approach is used to understand legal theories related to medical ethics, legal responsibility, and the principles of justice that are the basis for solving legal problems in the medical field.

DISCUSSION

Legal Protection of Patients in the Treatment of Postoperative Anesthesia Effects: Enforcement of Patients' Rights in Medical Practice

Legal protection for patients in the treatment of postoperative anesthesia effects is very important to ensure patient rights, especially in terms of safety and comfort during the recovery process. One of the key aspects of this protection is the enforcement of the right to informed consent, where patients have the right to know clearly about the anesthesia procedure to be undertaken, including possible risks and possible side effects²³. By providing transparent and adequate information, medical personnel respect the patient's right to autonomy to make informed decisions. The enforcement of patients' rights in medical practice is also supported by regulations that require

²¹ Civil Code (KUHPerdota) Article 1365.

²² Law of the Republic of Indonesia Number 29 of 2004 concerning Medical Practice.

²³ Beauchamp, T. L., & Childress, J. F. *Principles of Biomedical Ethics*. 8th Edition, Oxford University Press, 2019.

doctors to always comply with professional standards in providing medical services, thereby preventing negligence or malpractice that can harm patients.

In addition to informed consent, patients' rights also include the right to receive safe and quality medical treatment, as stipulated in Health Law No. 36 of 2009²⁴. In the context of anesthesia, this means that medical personnel are obliged to closely monitor the patient after surgery to detect and treat side effects such as nausea, vomiting, or other serious complications. The implementation of high medical standards, such as the use of appropriate monitoring devices and the provision of optimal postoperative care, is part of efforts to protect patients' rights against the effects of anesthesia at risk. The enforcement of this right also relates to the obligation of medical personnel to provide care that is free from discrimination and violence, creating a safe and comfortable environment for patients during the recovery period.

Analysis of Legal Cases Related to Postoperative Anesthesia

Legal cases involving the effects of postoperative anesthesia often include disputes regarding medical negligence or malpractice resulting in losses to patients. One example is a case where a patient has sustained injury or permanent health impairment due to errors in anesthesia dosage or inadequate monitoring during the procedure²⁵. In this case, the patient can sue medical personnel or the hospital legally either through criminal or civil channels. For example, if a patient suffers nerve damage or respiratory distress caused by anesthesia, they can file a lawsuit for compensation for physical and mental losses incurred as a result of medical negligence. These cases often require in-depth investigation and proof of negligence in the treatment of anesthesia in accordance with applicable medical standards.

On the other hand, some cases can also show violations of the patient's rights in the informed consent process. For example, if the patient is not provided with sufficient explanation of the risks that may occur during the anesthesia procedure, or if the patient is forced to receive anesthesia without valid consent, this may give rise to legal claims against medical personnel²⁶. In this case, the aggrieved party can demand compensation or cancellation of the medical procedure based on the violation of the patient's right to autonomy. To prevent this, regulations governing procedures for granting informed consent and adequate documentation are essential so that doctors and hospitals can protect themselves from potential legal risks.

Responsibilities of Anesthesiologists in Handling Anesthesia Effects

The responsibility of anesthesiologists in handling the effects of anesthesia includes the obligation to follow the standard operating procedures (SOPs) that have been set to ensure patient safety during and after the anesthesia procedure. One of the main principles is continuous monitoring of the patient during the anesthesia and postoperative process to identify possible side effects, such as a drop in blood pressure, respiratory distress, or allergic reactions²⁷. SOPs implemented by hospitals or medical institutions include the use of appropriate monitoring equipment, appropriate management of anesthesia doses, and the administration of additional medications necessary to

²⁴ Law of the Republic of Indonesia Number 36 of 2009 concerning Health.

²⁵ "Medical Malpractice Claims and Anesthesia: A Review of Legal Cases," *Journal of Clinical Anesthesia*, Vol. 45, 2018, pp. 18-24.

²⁶ S. Gillon, "Medical Ethics: Four Principles Plus Attention to Scope." *BMJ*, 1994, 309(6948), pp. 184-188.

²⁷ Miller, R. D., et al. *Miller's Anesthesia*. 9th Edition, Elsevier, 2020.

prevent or overcome side effects. By following strict SOPs, anesthesiologists can minimize the risk of complications that can occur in patients after surgery.

Standard Operating Procedures in Handling Anesthesia Effects

Standard operating procedures (SOPs) in handling the effects of anesthesia aim to provide clear guidance on how medical procedures should be taken to ensure patient safety and comfort. These SOPs cover several important aspects, including risk assessment before anesthesia, selection of appropriate anesthesia techniques, and patient supervision during recovery²⁸. Once the procedure is complete, the anesthesiologist should ensure that the patient is in a stable condition and can avoid complications such as nausea, vomiting, or other long-term effects caused by the anesthesia. The SOP also includes the obligation of the anesthesiologist to provide accurate and complete medical reports regarding the actions that have been taken and the supervision of the patient after surgery. By following SOPs, anesthesiologists play an active role in maintaining the quality of medical services and reducing the potential for negligence.

Legal Implications in the Case of Negligence in Handling the Effects of Anesthesia

If the anesthesiologist fails to carry out his or her responsibilities in accordance with the applicable SOPs and the negligence causes loss or injury to the patient, then serious legal implications may arise²⁹. This negligence can be subject to criminal sanctions if it is proven that the medical procedure resulted in death or serious injury, based on Articles 359 and 360 of the Criminal Code (KUHP). In addition, patients or families can file a civil lawsuit to obtain compensation for material and immaterial losses caused. In this case, the hospital or medical institution where the anesthesiologist works may also be subject to administrative sanctions if it is proven that it does not provide adequate training or does not comply with the applicable standard operating procedures. Therefore, it is important for anesthesiologists to maintain vigilance and comply with existing standards in order to avoid legal problems that can harm the patient and himself.

Application of Medical Ethics in the Treatment of Anesthesia Effects

Medical ethics has an important role in dealing with postoperative patients, especially related to the effects of anesthesia which often require special treatment. One of the main principles in medical ethics is the principle of beneficence, which is to provide maximum benefits to patients. An example is when an anesthesiologist prescribes an antidote or additional therapy to reduce nausea, vomiting, or other side effects due to anesthesia, without the patient's request. This action reflects the doctor's efforts to maintain the comfort and safety of the patient during the recovery period. In addition, the application of the principle of non-maleficence, i.e. not causing harm, is also seen when doctors closely monitor the patient's vital signs to prevent serious complications such as respiratory depression due to anesthetic residues³⁰. The principle of autonomy is a challenge in itself in the context of postoperative patients. The doctor should provide clear and transparent information about possible anesthesia side effects, so that the patient can give informed consent. For example, a doctor is obliged to explain possible effects such as temporary confusion or cognitive impairment in elderly patients after surgery. However, in certain conditions such as when the patient is under the influence

²⁸ Ministry of Health of the Republic of Indonesia, *Guidelines for Anesthesia and Reanimation Services*, 2016.

²⁹ Criminal Code (KUHP) Articles 359 and 360

³⁰ Beauchamp, T.L., & Childress, J.F. (2013). *Principles of Biomedical Ethics*. Oxford University Press

of anesthesia or other medications, the patient's ability to make decisions can be impaired. In this situation, the doctor must work closely with the patient's family to ensure that the decisions taken remain in the best interests of the patient³¹.

On the other hand, doctors are also faced with the principle of justice in providing services. For example, when there are limited resources such as recovery rooms or certain medications, doctors must ensure that all patients are treated fairly without discrimination. These challenges become increasingly complex when dealing with patients with special needs or comorbidities that increase the risk of postoperative complications. In addition, doctors also need to prioritize patients who need immediate treatment, without neglecting responsibility to other patients who also need attention.

Challenges in carrying out ethical responsibility include time pressures, resource constraints, and value conflicts between patients and medical personnel. For example, a patient may refuse follow-up treatment for personal reasons or beliefs, even though such measures are necessary to prevent complications. In these situations, doctors must seek an approach that respects the patient's decision while ensuring that patient safety remains a priority. By integrating the principles of medical ethics in every decision, doctors can ensure that the services provided are not only professional but also dignified³².

Analysis of Existing Regulations:

Medical legal regulations in Indonesia are designed to ensure that medical practice is carried out professionally and in accordance with applicable ethical standards. One of the main legal umbrellas is Law No. 29 of 2004 concerning Medical Practice, which aims to regulate the legality of doctors and dentists, competency certification, and supervision of the medical profession. However, in its implementation, the effectiveness of this regulation is often questioned. Some of the notable weaknesses are weak supervision of illegal practices and lack of education to the public about patient rights. This results in a high potential for malpractice that can harm patients. Studies show that many cases of malpractice go unreported due to patients' lack of understanding of legal procedures or fear of legal consequences for reporters³³.

Evaluation of regulatory effectiveness also includes a review of the role of professional organizations, such as the Indonesian Medical Council (KKI) and the Indonesian Doctors Association (IDI). Despite having a strong mandate, the KKI is often constrained by limited resources to conduct surveillance throughout Indonesia's vast and diverse territory³⁴. In addition, coordination between health regulations and other legal regulations, such as criminal and civil law, still often overlaps. For example, the handling of cases of ethical violations is often not in line with the legal process in court, thus slowing down the resolution of cases and creating legal uncertainty for victims and perpetrators.

To improve patient protection, the main recommendation is to strengthen regulations through the revision of the law that places more emphasis on patient rights and the obligations of medical personnel. Governments need to introduce technology-based surveillance mechanisms, such as digital registration for medical practices, that allow for more effective tracking of the doctors and healthcare

³¹ Gaba, D.M., Fish, K.J., & Howard, S.K. (2014). *Anesthesia and Perioperative Care for Organ Transplantation*. Cambridge University Press.

³² Smith, C., & Smith, S. (2021). Ethical Challenges in Postoperative Care: A Review. *Journal of Medical Ethics*, 47(4), 320-326.

³³ Abdullah, S. (2019). *Evaluation of Medical Law in Indonesia*. *Journal of Health Law*, 12(3), 45-56.

³⁴ Suryani, L. (2021). *Effectiveness of Medical Practice Supervision by KKI*. *Journal of Public Administration*, 14(2), 123-132

facilities involved. In addition, increasing health law education to the public and medical personnel must be a priority. Consistent socialization of patient rights and health workers' obligations can minimize misunderstandings that often occur in doctor-patient relationships³⁵.

As an important note, the integration between legal and health institutions must be improved to eliminate dualism in the handling of malpractice cases. An independent mediation system also needs to be implemented to resolve conflicts without a lengthy litigation process. With these steps, it is hoped that the Indonesian medical legal system can run more transparently and protect all parties involved, especially patients who are the main subjects in health services³⁶.

CONCLUSION:

1. Patients' rights to postoperative anesthesia include the right to clear, complete, and honest information regarding potential anesthesia side effects and their treatment procedures. Patients also have the right to adequate medical supervision after surgery to minimize the risk of complications, in accordance with the principles of safe and quality healthcare. Violations of this right can have an impact on patients' trust in medical personnel and health institutions.
2. Doctors' legal and ethical responsibilities for anesthesia side effects include the obligation to ensure that anesthesia procedures are performed professionally, in accordance with operational standards, and with informed consent of the patient. In the event of side effects, the doctor is obliged to provide prompt and adequate treatment, as well as be morally and legally responsible if it is proven that there is negligence in the implementation of the anesthesia procedure. This principle refers to the Indonesian Medical Code of Ethics (KODEKI) and applicable legal regulations.
3. Current regulations, such as Law No. 29 of 2004 on Medical Practice, have provided a legal framework to protect patients, but their implementation still faces various challenges. There are still weaknesses in supervision and law enforcement, especially in ensuring that all medical procedures are carried out according to standards. Education to the public about patient rights is also not optimal, so that existing regulations are not fully able to provide effective protection for patients. To overcome these limitations, it is necessary to strengthen more specific regulations related to anesthesia procedures and patient protection, as well as increase supervision and wider socialization. With these steps, it is hoped that the doctor-patient relationship can take place with better transparency, trust, and a sense of security.

RECOMMENDATIONS

1. Increasing education to doctors about the law and ethics in the practice of anesthesia is an important step to ensure that every medical procedure is carried out in accordance with high standards of professionalism. Through ongoing training, doctors can better understand the legal aspects that govern their obligations, including the responsibility of informing patients of anesthesia risks. This education should also include professional ethical guidelines to maintain a balance between medical interests and patient rights. With a deep understanding of the law and ethics, doctors will be better equipped to handle anesthesia complications or side effects in a professional and responsible manner.

³⁵ Putra, D. & Sari, M. (2020). *Increasing Patient Legal Awareness through Patient Rights Education*. Journal of Social and Legal Affairs, 8(1), 89-100

³⁶ Rahmat, R. (2023). *Integration of Legal and Health Institutions in Settlement of Malpractice Cases*. Journal of Public Policy, 17(4), 67-75



2. Improving regulations for the legal protection of postoperative patients must also be a priority. The government needs to design more specific regulations related to the supervision of anesthesia practices and the handling of their side effects. One concrete step is to strengthen the patient complaint mechanism through an easily accessible and transparent platform. In addition, regulations must also include strict sanctions for violations, both by individual doctors and health institutions. With comprehensive regulations and consistent implementation, public trust in the health system can increase, while providing a sense of security for patients.
3. The importance of effective communication between doctors and patients cannot be ignored in an effort to reduce the risk of anesthetic effects. The doctor should ensure that the patient understands the procedure to be undertaken, including the potential risks and measures to be taken in case of complications. Good communication not only builds trust, but also helps patients make more informed decisions. In addition, this two-way communication can encourage doctors to be more responsive to patients' needs and concerns, thus creating a more harmonious relationship in the treatment process.

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