

The Problematics of Criminal Sanctions Related to Plastic Surgery: Ethical and Legal Issues

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Abstract

Plastic surgery presents complex challenges in terms of ethics and law, including conflicts between medical principles and patients' aesthetic desires, enforcement of regulations against illegal practices, appropriate application of criminal sanctions, and the need to balance increasing demand with adequate safety standards and patient protection. This study aims to analyze the application of criminal sanctions for malpractice in plastic surgery from the perspective of medical ethics and criminal law in Indonesia, as well as to identify the challenges in formulating regulations that balance patient protection and medical freedom in the context of plastic surgery. The study employs a normative legal method with a legislative and conceptual approach, analyzing primary and secondary legal materials through a literature review, and applies descriptive qualitative analysis to understand the problems of criminal sanctions and ethical aspects in plastic surgery in Indonesia. The results indicate that the application of criminal sanctions for malpractice in plastic surgery in Indonesia involves complex considerations from the perspectives of medical ethics and criminal law. Key challenges include protecting patients from surgical risks, especially elective procedures, while respecting doctors' medical autonomy; ensuring informed consent without restricting clinical decision-making; addressing ethical dilemmas related to patient requests; integrating technological advancements without compromising safety; strengthening oversight and law enforcement against illegal practices; and protecting consumers from misleading advertisements. The application of criminal sanctions faces challenges in proving negligence, particularly due to the subjective nature of aesthetic plastic surgery. There is a need for synergy between law enforcement and ethical regulation to balance patient protection and medical freedom, ensuring justice for both patients and responsible medical practitioners.

I. Introduction

Plastic surgery as a form of medical intervention has experienced rapid development in various parts of the world, including in Indonesia. The procedure initially developed for the purpose of physical reconstruction, such as correcting deformities or defects caused by trauma, accidents, or congenital conditions. However, in recent decades, aesthetic or cosmetic plastic surgery, which is surgery aimed at improving or altering appearance without a clear medical indication, has rapidly increased in popularity.(Azzahra et al., 2024) This aesthetic plastic surgery offers a solution for those who are dissatisfied with their physical appearance and want to make changes to boost self-confidence or meet certain beauty standards. While plastic surgery offers a number of benefits both medically and psychologically, the practice is not free from complex ethical and legal issues. Several cases, both domestically and abroad, show that plastic surgery can also be a source of complicated legal issues. For example, there are cases where patients are dissatisfied with the results of the surgery and file lawsuits against the doctor or clinic that performed the procedure. In addition, there are also cases where plastic surgery is performed illegally by medical personnel who do not have the appropriate certification, resulting in serious harm to the patient, both physically and psychologically.

One of the main ethical issues associated with plastic surgery is the conflict between the basic medical principle of "do no harm" and the patient's desire for changes that may not always be in line with medical necessity. Cosmetic plastic surgery, in many cases, is performed at the patient's request without any clear medical indication.(Cook et al., 2003) In addition, the changing standards of beauty that are influenced by social media and popular culture add another layer of complexity to the ethical aspects of plastic surgery. Many patients who undergo plastic surgery are driven by social pressure to meet certain beauty standards that are often unrealistic. (Poempida & Asteria, 2021) In addition, plastic surgery performed by medical personnel without valid certification or in places that do not meet health standards also poses an ethical dilemma. On the one hand, patients have the right to choose where they want to undergo the procedure, but on the other hand, there is a moral and legal responsibility on the part of the service provider to ensure that the procedure is performed in accordance with applicable medical standards. Failure to meet these standards can cause significant physical harm to the patient, potentially even death.(Satria et al., 2023)

From a legal perspective, plastic surgery poses a number of challenges in terms of regulation and enforcement. Currently, regulations on plastic surgery in Indonesia are set out in several laws and regulations, such as the Medical Practices Act No. 29 of 2004 and the Minister of Health Regulation No. 1176 of 2010 on Licensing the Practice of Plastic Surgery Specialists.(Pakpahan et al., 2021) However, with the ever-increasing demand for plastic surgery, both reconstructive and aesthetic, existing legal arrangements are often insufficient to protect patients' interests and ensure that procedures are performed to a high standard. One of the main legal issues that arise in the context of plastic surgery is regarding medical liability in cases of malpractice. When a patient experiences complications or unsatisfactory results after plastic surgery, can the doctor be held legally responsible? In many cases, this decision relies heavily on a technical judgment as to whether the procedure was performed in accordance with the standards of the medical profession. However, in the context of aesthetic plastic surgery, where the desired outcome is often subjective, it becomes more difficult to assess whether a mistake actually occurred. Patients who are dissatisfied with the results of cosmetic surgery may feel physically or emotionally harmed, but this does not necessarily mean that malpractice occurred.(Rerung, 2022)

In addition, cases of illegal plastic surgeries performed by medical personnel without a license or by those without a medical background also pose legal challenges. Patients undergoing procedures at illegal clinics often do not receive adequate legal protection as the clinics are not officially registered. In some cases, patients have suffered severe injuries or even died because the procedures were performed without adequate medical supervision. The government and law enforcement agencies need to ensure that existing regulations are able to counteract these illegal practices and provide strict sanctions for those who violate them.(Moura et al., 2023) One of the most significant issues in the legal context is the application of criminal sanctions for perpetrators of illegal plastic surgery. According to the Indonesian Criminal Code (KUHP), anyone who performs medical acts without a license or not in accordance with applicable regulations can be charged with criminal penalties. In the case of illegal plastic surgery, the perpetrators not only violate licensing provisions, but also often endanger the lives of patients. As a result, the criminal sanctions applied should reflect the seriousness of this offense (Kurniawan et al., 2023). However, law enforcement against

perpetrators of illegal plastic surgery is often faced with obstacles in terms of proof.

Victimized patients are often reluctant to report their cases for various reasons, including embarrassment or distrust of the legal system. This has led to many illegal plastic surgery cases going undiscovered or unpunished. (Nath et al., 2013) To address this issue, a more proactive approach is needed from the authorities, including increased surveillance of clinics offering plastic surgery services and stricter enforcement of sanctions for violators. In addition, the imposition of criminal sanctions should also consider the preventive aspect. With the increasing popularity of plastic surgery, especially among younger people, it is important to educate the public about the risks associated with such procedures and the dangers posed by illegal clinics. A holistic approach, involving public education, close supervision of service providers (Disantara, 2024), as well as effective law enforcement, is needed to reduce the number of illegal plastic surgery cases and ensure that patients are protected from unnecessary risks. In the broader legal context, strong regulations and strict enforcement are essential to protect patients and ensure that plastic surgery is performed in accordance with prevailing medical standards. However, regulation alone is not enough. Effective oversight mechanisms are also needed to ensure that all parties involved in the provision of plastic surgery services, be it doctors, clinics, or other third parties, comply with the existing rules. (Istikharoh et al., 2024)

One of the challenges in regulating plastic surgery is addressing the imbalance between the growing demand and the number of qualified medical personnel. Many clinics operate without meeting the applicable licensing standards, and this puts patients at serious risk. Therefore, the government should strengthen existing regulations and ensure that only certified clinics are allowed to offer plastic surgery services. On the other hand, patients should also be protected from unethical or misleading practices. Clinics that offer unrealistic promises of results should be closely monitored, and excessive or misleading advertising should be restricted. Public education on the risks and benefits of plastic surgery should also be improved, so that patients can make better informed decisions. Plastic surgery, whether reconstructive or aesthetic, poses a variety of complex ethical and legal challenges. From an ethical perspective, the conflict between the medical interests and the aesthetic desires of the patient is one of the main issues. On the legal side, the enforcement of existing regulations,

especially in the face of illegal plastic surgery, still requires further strengthening.(Azzahra et al., 2024) Criminal sanctions must be strictly applied to perpetrators of illegal plastic surgery to protect patients from unnecessary risks, while existing regulations must continue to be refined to ensure that plastic surgery services are provided to a high standard and in accordance with applicable legal provisions.

With a comprehensive approach, involving strong regulations, effective law enforcement, and public education, it is hoped that the problems of criminal sanctions related to plastic surgery can be overcome, and the protection of patients can be improved. Based on the background explanation above, the author is interested in conducting research entitled "Problematics of Criminal Sanctions Related to Plastic Surgery: Ethical and Legal Issues". The problem formulation in this research is:

1. How is the application of criminal sanctions against malpractice in plastic surgery viewed from the perspective of medical ethics and criminal law in Indonesia?
2. What are the challenges in formulating a balanced regulation between patient protection and medical freedom in the context of plastic surgery?

II. Research Method

This research uses normative legal research methods. This method focuses on theoretical legal analysis, which examines the law as a system of rules that apply and identifies legal issues in the context of plastic surgery. The approaches used are statutory and conceptual approaches. The statutory approach plays a role in examining various laws and regulations governing plastic surgery and relevant criminal sanctions. Meanwhile, the conceptual approach helps in exploring the concepts of ethics and law related to plastic surgery, especially in seeing how the two concepts interact in the realm of criminal law.

The sources of legal materials used in this research consist of primary and secondary legal materials. Primary legal materials include applicable laws and regulations such as the Criminal Code (KUHP), Health Law, and other regulations governing the practice of plastic surgery in Indonesia. Secondary legal materials include literature, journals, and previous research relevant to ethical and legal issues in plastic surgery. In addition, articles or scientific papers that discuss the ethical and legal perspectives of plastic surgery in other countries can also be important references.

The data collection technique in this research uses literature study or documentation, where researchers collect legal materials through literature review and related regulations. All data collected was then analyzed using qualitative analysis techniques with analytical descriptive methods. In this case, the researcher analyzes the existing data to understand legal and ethical concepts relating to plastic surgery and criminal sanctions, and evaluates their suitability in the context of existing legal regulations. The results of this analysis are expected to provide a clear picture of the problematics of criminal sanctions and ethical aspects in plastic surgery, as well as its implications for legal arrangements in Indonesia.

III. Results and Discussion

Application of Criminal Sanctions Against Malpractice in Plastic Surgery Viewed from the Perspective of Medical Ethics and Criminal Law in Indonesia

The application of criminal sanctions against malpractice in plastic surgery in Indonesia is a complex topic, involving considerations from the standpoint of criminal law and medical ethics.(Effendi, 2023) To better understand how criminal sanctions are applied in this context, it is important to dissect the applicable legal rules, how medical ethics frame professional responsibility, as well as how malpractice in plastic surgery is interpreted in the context of criminal law in Indonesia. In terms of medical ethics, doctors have a professional obligation to perform their duties based on moral principles that have been agreed upon in the medical profession. These principles include *primum non nocere* (which means "first, do no harm"), honesty, and safeguarding the welfare of patients. Medical ethics as stipulated in the Indonesian Code of Medical Ethics (KODEKI) stipulates that a doctor must carry out his work with full responsibility, based on the latest medical science, and pay attention to the welfare and safety of his patients. This becomes a reference in the implementation of various types of medical procedures, including plastic surgery.(J. A., 2021)

Plastic surgery, especially those performed for cosmetic purposes, often involves different considerations than medical surgeries performed to save lives or improve bodily functions. Due to its elective nature, cosmetic plastic surgery is highly dependent on the patient's expectations. In many cases, the line between success and failure of a surgery is not only measured by the clinical outcome, but also by the patient's aesthetic perception.(Fauziah

& Puspita, 2022) This is what makes plastic surgery a field that is more vulnerable to malpractice claims, both from a medical and legal perspective. However, when a doctor performs a medical act that is proven to violate the standards of the medical profession and causes serious harm to the patient, the act can be considered as malpractice. In the context of plastic surgery, malpractice can occur when doctors perform actions that are not in accordance with proper procedures, use inappropriate techniques or tools, or ignore risks that could have been avoided. (Nurulhuda & Indiyarto, 2023)

From the perspective of criminal law in Indonesia, medical malpractice, including that occurring in plastic surgery, can be subject to criminal sanctions if it is proven that the doctor's actions meet the elements of a criminal offense. The Criminal Code (KUHP) is the main legal basis used to ensnare perpetrators of malpractice. In the context of plastic surgery, malpractice can be categorized as a criminal act of negligence (*culpa*) which is regulated in Article 359 and Article 360 of the Criminal Code.(Yudyaningarum, 2022) Article 359 of the Criminal Code states that "any person through whose fault another person dies shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year"(Andani, Ni Made Indah Corry, Gorda, Anak Agung Ayu Ngurah Sri Rahayu, Kurniawan, 2023). Article 360 of the Criminal Code states that "any person through whose fault another person is seriously injured shall be punished by a maximum imprisonment of five years or a maximum light imprisonment of one year." Based on these articles, doctors who commit negligence or mistakes in performing plastic surgery, which causes serious injury or death to patients, can be charged with crimes in accordance with these regulations.

In addition to the Criminal Code, Law No. 36/2009 on Health also regulates criminal sanctions for medical personnel who commit unlawful acts. Article 190 of Law No. 36 of 2009 states that "health care facilities and/or health workers who intentionally or due to negligence do not provide health services in accordance with professional standards and standard operating procedures, resulting in the death or disability of patients, shall be punished with a maximum imprisonment of 10 years and a maximum fine of Rp1,000,000,000." This provision emphasizes negligence involving medical institutions, but can also be applied to individuals who violate medical operational standards.(Langkai, 2023) In the context of plastic surgery, this law demands that medical actions be performed in

accordance with prevailing professional standards. If such actions are proven to be carried out carelessly or without regard to proper operational standards, criminal sanctions may be imposed. (Ricky, 2020) For example, a doctor who uses unsterilized tools or performs surgery without adequate preparation, and subsequently causes serious infection or injury to the patient, may be criminally charged under this law.

In the study of criminal law theory, one important concept that is relevant to be discussed in the context of plastic surgery malpractice is the concept of culpa or negligence. According to this theory, a criminal offense can occur due to the negligence of the party committing the act, where the person does not intentionally harm another person, but neglects the legal obligation to act with care. (Eko Pujiyono, 2023) This negligence can be culpa lata (gross negligence) or culpa levis (slight negligence). In the case of plastic surgery, gross negligence can occur when a doctor performs an action that is not at all in accordance with the standards of the medical profession, for example by performing surgery without a license or adequate competence. While slight negligence may occur if a licensed doctor makes a minor mistake, such as misestimating the dose of anesthesia, but the mistake still causes significant injury to the patient. (Lestari, 2010) The theory of causality is also relevant in determining criminal liability in malpractice cases. In this theory, a causal relationship between the doctor's actions and the harm suffered by the patient must be proven. This means that the court must be able to show that the harm suffered by the patient is a direct result of the doctor's malpractice. If there is no clear causal link, then the doctor may not be subject to criminal sanctions. (Qomariyah et al., 2018)

In the context of the application of criminal law, many plastic surgery malpractice cases end up in civil suits, where patients prefer the compensation route over the criminal one. However, in certain cases where the malpractice is considered very serious or causes irreparable harm, criminal sanctions may be applied. (Limbong & Pasaribu, 2022) For example, a plastic surgery case that causes the death of a patient is more likely to be prosecuted through criminal channels than a case where the patient only suffers minor injuries or aesthetic dissatisfaction. The perspectives of medical ethics and criminal law are intertwined in determining how malpractice in plastic surgery should be addressed. From an ethical standpoint, a doctor who fails to perform his or her duties in accordance with moral

and professional principles may be sanctioned by the medical professional organization.(Nurulhuda & Indiyarto, 2023) For example, KODEKI stipulates that doctors who are proven to have committed ethical violations may be subject to sanctions ranging from warnings to revocation of practice licenses. However, from a criminal law perspective, ethical violations that cause physical or mental harm to patients can also be subject to criminal sanctions, as stipulated in the Criminal Code and the Health Law. In this case, medical ethics provides the moral and professional framework that must be followed, while criminal law provides the formal mechanism to prosecute unlawful acts of malpractice.(Yusuf & Hurint, 2024)

Although criminal sanctions for malpractice in plastic surgery have been regulated in the applicable laws and regulations, their application often faces challenges. One of the biggest challenges is proving the element of negligence in the doctor's actions. To determine whether an action can be categorized as malpractice or negligence that can be punished, it is necessary to prove that the doctor has violated professional standards that should be followed.(Limbong & Pasaribu, 2022) This often requires the opinion of an independent medical expert, who can assess whether the doctor's actions were indeed a breach of standards or merely an unintentional procedural error. Another challenge is related to patient expectations in plastic surgery. Since aesthetic plastic surgery is subjective, many patients feel dissatisfied with the results of the surgery even though the doctor has performed the procedure according to the prevailing standards. In such cases, lawsuits are often filed based on aesthetic dissatisfaction rather than physical injury, which makes it more difficult to categorize as malpractice in the context of criminal law.(Skwirczyńska et al., 2022) SIn addition, technical factors such as the use of non-standard tools or technology are also a challenge. Some doctors may be tempted to use equipment that has not been fully tested or approved in plastic surgery procedures, especially in the context of intense industry competition.(Triyana, 2022) This can lead to unforeseen risks for patients and increase the potential for malpractice.

Overall, the application of criminal sanctions against malpractice in plastic surgery in Indonesia involves various legal and ethical aspects. Criminal law provides the basis for punishing malpractice acts that cause serious physical harm or death to patients, while

medical ethics provide moral and professional guidance to prevent malpractice from occurring. However, the application of criminal law in these cases still faces significant challenges, particularly in terms of proving negligence and determining the applicable professional standards. Thus, synergy between law enforcement and professional ethics regulation is needed to ensure that plastic surgery in Indonesia can be performed safely and responsibly (Dewi et al., 2022).

Challenges in Formulating Balanced Regulations Between Patient Protection and Medical Freedom in the Context of Plastic Surgery

Formulating regulations that strike a balance between patient protection and medical freedom in the context of plastic surgery presents a number of complex challenges. These challenges arise due to the tension between the need to protect the rights of patients, including their safety and well-being, with respect for the freedom of medical professionals in carrying out ethically and legally legitimate practices. In the context of plastic surgery, such challenges are all the more apparent given that the practice often includes elective procedures that are not always medically necessary, yet have significant implications for the health and physical integrity of the patient.

1. Challenges in Patient Protection

One of the key challenges is how to ensure that patients are effectively protected from the risks associated with plastic surgery. Plastic surgery, especially of an aesthetic nature, carries a high risk of complications if not performed to adequate medical standards. According to Law No. 36 of 2009 on Health, specifically Article 46, every health worker must perform health services in accordance with professional standards, service standards, and standard operating procedures. (Azzahra et al., 2024) In the context of plastic surgery, this means that every doctor must follow regulated protocols and standards, but implementation on the ground is often challenging. Several reported cases of plastic surgery malpractice suggest that not all patients receive adequate protection. Patients are often not given enough information about the risks of the procedure or safer alternatives. In the perspective of the theory of "informed consent," which is an important part of the protection of patients' rights, doctors are obliged to explain in detail the risks, benefits, and alternatives of any medical

procedure before the implementation of the procedure.(Pakpahan et al., 2021) However, in reality, many doctors neglect this obligation or patients do not fully understand the information presented.

In addition, from a criminal law perspective, Article 359 of the Criminal Code, which regulates negligence that causes death or serious injury, can be applied in cases of plastic surgery that end in severe complications due to negligence or non-compliance with standards. The regulatory challenge is how to formulate rules that can ensure that all plastic surgeries are performed to an appropriate standard, without limiting the doctor's ability to make the right clinical decisions according to the patient's condition.(Kadir et al., 2022)

2. Challenges in Medical Freedom

On the other hand, medical professional freedom is a fundamental right recognized in various national and international regulations. According to the UN Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), medical personnel have the right to exercise their profession with proportionate freedom as long as they do not violate ethical principles and applicable laws (Ningrat & Kurniawan, 2023). In the Indonesian context, Law No. 29 Year 2004 on Medical Practice stipulates that doctors have the right to perform medical interventions that they deem appropriate, based on their professional judgment.(Peled-Raz, 2017) However, this freedom must be balanced with the responsibility to ensure that medical procedures, including plastic surgery, are performed with due regard for the patient's welfare and professional standards. The theory of "medical autonomy" emphasizes that doctors should have autonomy in medical decision-making, but this does not mean unlimited freedom. In some cases, medical freedom may clash with the interests of the patient, especially when it comes to surgeries that may not be medically necessary but are requested by the patient for aesthetic reasons.

The challenge for regulators is how to provide a legal framework that allows doctors to exercise their medical autonomy without compromising patient protection. One approach is through the implementation of strict standards for non-emergency plastic surgery procedures. Such regulations would limit doctors to performing surgeries only in accordance with clear medical indications, and every elective procedure would have to go through a

rigorous evaluation process to ensure that it is safe and appropriate for the patient.(Holčapek et al., 2023)

3. Ethical Challenges in Plastic Surgery

In addition to legal challenges, plastic surgery also faces a number of ethical challenges. One of the key ethical questions is whether doctors should always fulfill a patient's request for a plastic surgery procedure even though the procedure may not provide significant health benefits. In this context, the theories of "beneficence" (the duty to do good) and "non-maleficence" (the duty not to harm) are particularly relevant. Doctors are obliged to ensure that any action they take provides benefit to the patient and does not cause unnecessary harm.(Yuliarpan et al., 2024) However, there are times when a patient's request for plastic surgery goes against this principle, especially if the procedure carries high risks with no clear health benefits. In such situations, regulations should provide clear guidance on when a doctor should refuse a patient's request for plastic surgery in order to protect the patient's well-being. Article 52 of the Medical Practices Act states that every patient has the right to obtain a complete and clear explanation of the medical treatment to be performed, as well as the right to refuse or accept the medical treatment. In this case, the regulatory challenge is to formulate rules that can ensure that doctors comply with their obligation to provide patients with a clear explanation of the risks associated with plastic surgery, as well as comply with the patient's right to refuse or agree to the procedure.(Lintang & Triana, 2021)

4. Technological Developments and Innovations in Plastic Surgery

Technological advances in medicine, particularly in plastic surgery, have also added to the challenge of formulating balanced regulations. Technological innovations, such as the use of robotics and laser technology, have made plastic surgery safer and more effective, but have also created new challenges in terms of oversight and ethical standards. Policymakers must consider how these technologies can be integrated in regulations without compromising patient safety.(Karolin & Mardijono, 2024) The precautionary principle can be applied in this case. This principle requires policymakers to anticipate and prevent potential risks that may arise from the use of new technologies in plastic surgery, even before those risks are fully

understood.(Wulandari, 2012) In this context, adaptive regulation is needed to ensure that medical standards are kept up to date with technological developments, while at the same time ensuring that the technology is used safely and ethically.

5. Challenges in Oversight and Enforcement One of the main challenges in formulating effective regulations is how to ensure that they are properly enforced. Supervision of plastic surgery practices, especially in private clinics, is often less stringent compared to large hospitals. Many small clinics offer plastic surgery without having the facilities or medical personnel that meet the standards. In these cases, existing regulations are often insufficient to prevent violations.

Law No. 36/2014 on Health Workers states that health workers who violate professional standards may be subject to administrative sanctions, including revocation of practice licenses. However, enforcement of this regulation is often weak due to limited resources to conduct regular inspections and audits of clinics offering plastic surgery services.(Kanter, 2016) Therefore, a big challenge in regulation is to strengthen supervision and enforcement mechanisms so that any violations can be dealt with quickly and effectively. In addition, there is also a problem with illegal plastic surgery practices performed by unlicensed medical personnel or even by people who do not have medical qualifications. Cases like these demand policymakers to formulate stricter regulations on who has the right to perform plastic surgery and provide heavier sanctions against those who violate them..(Fauziah & Puspita, 2022)

6. Consumer Protection in Plastic Surgery

Consumer protection in the context of plastic surgery is also an important aspect that needs to be considered in regulation. Article 4 of Law No. 8/1999 on Consumer Protection gives consumers the right to obtain correct, clear, and honest information regarding the conditions and guarantees of the goods and/or services they receive, including in medical services such as plastic surgery. However, many patients are deceived by misleading advertisements or false claims about plastic surgery results, ultimately causing physical and psychological harm. Therefore, the challenge for regulators is how to protect consumers from

misleading marketing practices and ensure that every plastic surgery service provider provides accurate and transparent information about the risks and expected results.

Formulating regulations that balance patient protection and medical freedom in plastic surgery requires a holistic and multidimensional approach. The challenges that arise include not only legal aspects, but also ethics, technology and supervision. Patient protection should be the top priority in any regulation, but at the same time, it should provide room for medical professionals to exercise their autonomy responsibly. Thus, an effective regulation must be able to ensure the safety and well-being of patients without compromising medical freedom, as well as adapt to the ever-changing technological developments in the field of plastic surgery.

IV. Conclusion

The application of criminal sanctions against malpractice in plastic surgery in Indonesia involves complex considerations from the perspectives of medical ethics and criminal law. From an ethical perspective, doctors are required to adhere to the moral principles in the Indonesian Code of Medical Ethics (KODEKI), including not harming patients and safeguarding their welfare. Meanwhile, Indonesian criminal law, through the Criminal Code and Law No. 36/2009 on Health, provides the legal basis to ensnare perpetrators of malpractice that causes serious injury or death to patients. Criminal sanctions can be imposed if there is evidence of negligence (*culpa*) in violation of professional standards and operational procedures. However, the application of these sanctions faces challenges in terms of proving negligence, mainly due to the subjective nature of aesthetic plastic surgery and the complexity in determining the applicable professional standards. Thus, synergy between law enforcement and professional ethics regulation is needed to ensure justice for patients and protection for responsible medical practitioners.

The main challenges in formulating regulations that strike a balance between patient protection and medical freedom in the context of plastic surgery include several complex aspects. First, ensuring effective patient protection from the risks of plastic surgery, especially elective procedures, while still respecting the medical autonomy of doctors. Second, ensuring adequate informed consent without limiting the doctor's ability to make clinical decisions. Third, addressing ethical dilemmas related to patient requests for procedures that may not

have significant health benefits. Fourth, integrate technological developments and innovations in plastic surgery into regulations without compromising patient safety. Fifth, strengthen supervision and enforcement mechanisms, especially against illegal practices and clinics that do not meet standards. Finally, protect consumers from misleading advertisements and false claims about plastic surgery results. An effective regulation should be able to balance all these aspects, guaranteeing patient safety while still providing room for medical professionals to run their practices responsibly.

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