

Legal Aspects in Maintenance Service Aesthetics at the Beauty Clinic

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Abstract: The provision of aesthetic services in beauty clinics is not accompanied by medical indications but rather treatments to improve the health of the patient's skin. Aesthetic services can only be provided by medical personnel with expertise and authority. In exercising their knowledge and authority, medical personnel are obliged to offer aesthetic services by professional standards, professional service standards, standard operational procedures, and professional ethics, as well as the patient's health needs. Based on this, the study of this research is: authority of medical personnel and health workers in aesthetic services in beauty clinics, and responsibility for negligence in aesthetic services to patients in beauty clinics.

Keyword: authority, responsibility, aesthetic services

1. Introduction

Service health according to Article 3 of Law No.17 of 2023 concerning Health is all form activities and/or series of activity services provided in a way direct to individuals or the public to maintain and improve degrees of health public in forms (*promotive*), (*preventive*), (*curative*), (*rehabilitative*) and (*palliative*). Service health carried out by a doctor / physician teeth which are power medical with assisted by power health at the facility service health. One of the facilities is the clinic.

Several years final this is increasingly happening in Indonesia widespread various types of clinics, one of which is clinic beauty. A beauty clinic is a place that delivers related professional services with care and beauty skin, including rejuvenation process skin, enlightenment skin face, and repair defects that appear on the skin. Therefore that, in part big treatment at the clinic beauty No regardless of problem skin or required care patient. This matter is caused by the fact that the skin, as the largest organ in the body of humans, is very vulnerable to various problems skin and diseases that affect people all over the world. Problem skin can attack people from all age, start from baby new born to parents.

Interest patient to the doctor at the beauty clinic No Again Because exists indication necessary medical get treatment as service service existing medicine during This. However, no accompanying indication medical needs service doctors to do something action pure medicine Because the desired patient can come on stage more beautiful, or follow the current "*trend*". develop as a result of its existence various offer doctors and development technology.

Doctors and patients have unique relationships. An expert doctor in the field medical whereas a patient is a layperson. One of the frequent terms used to describe a connection between doctor and patient is " agreement therapeutic ". Agreement therapeutic is a connection law between doctors and patients, who provide rights and obligations for the second split party. Agreement therapeutic can defined as an agreement to determine effort what is most appropriate for the patient must done by a doctor to cure him.

Organizer service Aesthetics in beauty clinics can only be carried out by medical personnel which has expertise and authority. This matter by Article 137 Paragraph 1 of Law Number 17 of 2023 concerning Health states that "Plastic surgery reconstruction and aesthetics only can be carried out by medical personnel who have expertise and authority.". Authority doctors given through the issuance of a Registration Certificate (STR) carried out by the Council of Indonesian Medicine (KKI). Competence showing ability or ability to act professionally based on education and training that has been taken.

Internal doctor service aesthetics obtain qualification certificates through education and training to give services in the field, which includes minimally invasive and non-invasive procedures like Threadlift, Filler, Peeling, and more. Medical procedures performed without competence face the risk of failure and loss for patients. Case ever happen show that: Famous roses as "star Pantura" is not the doctor did it action medicine, that is filler injections for maintenance aesthetics illegal in cars in Metro City. Although action medical inject only can carried out by forced medics working at the facility service health. This matter causes problems like competence and authority of doctors to do action or therapy, use tools health is not permitted, and use products pharmacy provided without permission, expertise, or authority.

Medical personnel and personnel health are negligent in service aesthetics so harmed patients must be the responsible answer. Like the case experienced by Frederika Alexis Cull, Puteri Indonesia 2019, who had problems when she first received facial treatments at the clinic. His face was swollen and the pain felt like it was

burning. In practice, patients who experience loss often get compensation that is not in accordance. Patients usually do not know What should they do when they get injustice or loss in maintenance aesthetics provided by the doctor. However, energy health is the responsible answer to give compensation or change appropriate loss with loss.

Based on this description, the author is interested in research in terms of authority, legal protection between the parties, as well as responsibility for negligence in providing aesthetic services to patients at beauty clinics. Therefore the author chooses the title and raises the issue with the title "**Legal Aspects in Providing Aesthetic Services at the Antikan District Clinic**".

2. Research Methods

The research method uses a normative research type, with a descriptive research type. The problem approach in this research is a statutory approach by examining Law Number 17 of 2023 and related implementing regulations. The data source used is a secondary data source with the data collection method being a literature study, and data analysis is carried out qualitatively.

3. Results and Discussion

a) Authority of Medical Personnel and Health Personnel in Services Aesthetics at Beauty Clinic.

Maintenance service aesthetics in clinic beauty only can carried out by force medical who has expertise and authority. Article 137 Paragraph 1 of Law No.17 of 2023 concerning Health, states that surgery plastic reconstruction and aesthetics only can done power medical who have expertise and authority. Skill power medical in service aesthetics obtained moment power medical carry out education in the field health, where after finished carry it out will get a diploma or certificate. Medium authority powers medical based on the competencies they have.

Based on the theory, authority is the right to use a person's authority according to applicable regulations. Authority also concerns competence, namely legal actions that can be carried out according to applicable regulations. There are two forms of authority that can distinguished, However, One unity cannot be separated from the other. First, authority based on expertise which owned a power medical or power health simply attached an individual a power medical and power health often referred to as *material authority*. Second, is authority according to regulation legislation, or is authority *formal*? Therefore, authority in aesthetic services comes from the competence of medical personnel.

Interest patient to the doctor at the beauty clinic No Again Because exists indication necessary medical get treatment as service existing medicine during this, but no accompanied exists indication medical need service doctor to do something action pure medicine Because desire patient for can come on stage more beautiful. Every skin problem and beauty treatment plan will be supervised by medical personnel so that it is safe and according to needs. Patients can come to the beauty clinic at any time. When you experience skin problems, or just want to get certain treatments to improve your beauty. Later, the doctor will guide and provide advice, treatment or what kind of action is best, according to the type and condition of the skin.

The initial stage when coming to a beauty clinic is that the patient is asked to first consult a doctor to find out the patient's skin type and the treatments that can be carried out and what creams can be given to the patient. Then, if the patient agrees to the action and medication to be given, a therapeutic transaction occurs. However, not all of the doctor's actions and the medicines and/or creams given can treat the patient. Several events are inversely proportional to patient expectations.

In fulfilling the provision of health services, doctors and their patients have a legal relationship that begins with an agreement or agreement on health services. In this agreement or agreement, a "Therapeutic Agreement" occurs because both parties promise each other to do something, namely treatment or aesthetic services. In this case, the doctor and patient are considered to have agreed to the engagement, if the doctor has started taking anamnesis and determining a treatment plan for the patient. When a patient enters the doctor's office for treatment and the doctor has started taking anamnesis and a series of examinations, that is when an agreement or agreement has occurred between the doctor and the patient.

In carrying out medical practice, doctors have the authority, namely:

a. Anamnesis

Anamnesis is information about the life of a person (patient) obtained through interviews. During *the history*, the questions that the doctor can ask the patient are:

- (1) What complaint do you suffer from?
- (2) How long have you had the disease? Which parts of the body hurt?
- (3) Has there been a change in habits? (defecation/urination, significant weight change, change in activity, job).
- (4) Is there a history of illness in other family members? (father, mother, children, and family members or

other people in the same household).

- (5) Have you taken any medicines or prescribed medicines from a doctor before? As well as asking other important questions related to complaints and continuation of patient information.

Questions that patients usually ask doctors include:

- (1) Why do you get sick and what causes it?
- (2) How did he get this disease?
- (3) How long does this disease last in the body?
- (4) How is the treatment process, and what is the doctor's plan for healing efforts?
- (5) Can it be cured? Or will it be permanent/stay in the body or even get worse?
- (6) If you have to have surgery, what are the good or bad, risks, and what if you refuse?

After communication occurs between the doctor and the patient and these questions have been asked to both of them, the doctor will then carry out an examination.

b. Physical examination

Physical examination is data collection by examining the patient's physical condition. Physical examination includes:

- a. *Inspection*, namely the inspection carried out with see body patient in a way comprehensive.
- b. *Palpation*, that is, examination physique palpates visible areas of the body abnormally.
- c. *Percussion*, that is, examination of the physique with knock area certain from part body with finger or tool for hear its resonance and evaluate Power hold on.
- d. *Auscultation*, that is, examination physique with the use tool helped stethoscope for listening to sounds produced by physiological processes or pathological inside the body.

c. Supporting investigation

A supporting examination is a medical examination carried out for certain indications to obtain more complete information. The aim of this examination may be to:

- (1) *Therapeutic*, namely for certain treatments.
- (2) *Diagnostic*, namely to help confirm a certain diagnosis.
- (3) Examination, laboratory, *x-ray*, *ultrasonography* (USG).

d. Diagnosis

Diagnosis is determining the type of disease by examining (examining) the symptoms. Diagnosis is a process for identify characteristics disease or condition or for differentiate disease or condition one from the other. Inspection physical, test laboratory, or method other is several method evaluations can be carried out, and the intended computer program for improving the retrieval process decision can help.

e. Informed consent

Based on the important role of Informed Consent is also strengthened in Article 293 Paragraph 1 of Law No. 17 of 2023 concerning Health, namely: Article 293: Every individual health service action carried out by medical personnel and health workers must receive approval.

In the field of law health, informed consent is an agreement in a way free and reasoned from a patient (or family patient If the patient No can approve) above action doctor to his body, including action diagnostic, therapeutic, or palliative (pain relief). The patient accepts enough information about the action that will done by a doctor with their language understanding so that they can make the right decision. Information this covers goals, objectives, and information important about diagnostic, palliative, and treatment, as well risk, effect side effects, and possible complications happen. Information also includes costs that will be issued, percentage failure, condition after treatment, and experience doctor.

f. Therapy

Therapy is an effort to restore the health of someone who is sick; disease treatment; disease treatment. In the field medical, "therapy" and "treatment" are the same term. Individuals who do therapy are called "therapists".

g. Prognosis

The prognosis is a prediction about the possibility of something disease, possibly his recovery, based on symptoms and course of disease. The odds are likely to be good and tend to deteriorate.

Aesthetic doctors specialize in the field of beauty and facial skin health. There are several basic

authorities of doctors in providing procedures or treatments for aesthetic services. Some beauty treatments commonly performed at beauty clinics include:

- a. Microdermabrasion, a treatment to remove dead skin cells.
- b. *Laser Rejuvenation*, treatment using a laser machine to rejuvenate the skin and remove black spots on the face.
- c. *Mesotherapy*, a facial massage treatment that includes serum which can help rejuvenate and increase the elasticity of facial skin.
- d. *Chemical peels*. Facial skin exfoliation uses safe chemical fluids to stimulate facial skin regeneration.
- e. *Intense Pulse Light Hair Removal (IPL)*, facial skin treatment using high intensity Xenon light waves which can help rejuvenate the skin.
- f. *Skins tite*, treatment using certain machines and serums that function to tighten facial skin.
- g. *Radio Frequency (RF)*, a treatment that has the effect of tightening or smoothing the face.
- h. *Filler*, a beauty treatment to change the shape of facial parts such as the nose to make it sharper or the chin to be sharper, by injecting special ingredients.

Thus, the authority on action care for servants' aesthetics only can carried out by a doctor who has competence nor authority. In carrying out authority by existing standards determined, then the parties must get protection law, where power Medicine is also responsible for the authority he exercises

b) The Role of Community Participation in the Formation of Regional Regulations.

According to the Big Indonesian Dictionary (KBBI), is responsible answer is the obligation to bear all something when happens anything can be sued, blamed, and prosecuted. Not quite enough answer according to law is the consequence from action someone related with ethics or deep morals do something deed. Accountability must be basic, that is the thing that causes it emergency right law for a for sue others at once form thing that gives a birth obligation to punish others for giving his responsibility.

At Clinic Beauty, doctor offer various types of maintenance medical to patients them, which is for sure just done after the patient does a consultation beginning with Doctor Beauty. The patient will think about a medical plan action after the doctor gives information and explains his complaint. Council Indonesian Medicine stated that the method of patient state agreement for medical action depends on how much heavy action is required. Expressed consent in a way explicit and implied consent or No stated are the two options available.

On service clinic beauty there is agreement therapeutic where agreement that occurred more Lots to transactions/agreements in nature Engagement business. In agreement therapeutic, promised achievements between doctor and patient is effort maximum maybe, so No can be measured. So from that in the draft this a doctor is obliged for do service health with full sincerity, with deploy all over ability and attention in accordance standard his profession.

Medical personnel and personnel which health does negligence in their actions in service aesthetics that give rise to loss to patient, then must be responsible answer on their actions. Not quite enough answer doctor is not quite enough answer law or more known with not quite enough answer medicine (medical liability). Like The case experienced by Frederika Alexis Cull, Puteri Indonesia 2019 was problematic moment first time getting several maintenance faces in the clinic. His face was swollen and sore and felt burnt. Generally, patients do not know What should they do when get injustice or loss Because of negligence in service aesthetics performed by a doctor.

Something demands on the dispute that occurred in something service health For should sorting and limiting responsibilities with the firm. Who should request internal responsibility for something incident must seen in a way casuistry? To fulfill conditions for something action said to violate the law, the elements that must be fulfilled are a violation of law, error or negligence, losses experienced, and existence of connection because of the consequence between violation of law with loss. Every case has characteristics separately, so can said almost No there are exactly two cases that are the same.

Not quite enough answer in service health is a doctor's "attachment." to provisions law in operate his profession. Not quite enough answer a doctor in field law divided into 3 (three) parts, namely:

1. Legal Responsibilities of Medical Personnel in Civil Law Field

a) Civil Legal Liability Due to *Default*

Default is something the state in which a person is not fulfilling its stated obligations in an agreement or contract. The goal of accountability civil is to pay patient on their loss experience as a consequence of default or deed opposing law from action doctor. In science law, someone can considered to default If they do not do what is acceptable, do what was promised but late; or do what was promised but Not as promised. In connection with the problem this is the incompetence of a doctor to fulfill an agreement with the patient is default in not quite enough answer civil.

b) Civil Liability of Doctors Due to Actions Breaking the Law (*onrechtmatige daad*)

Not quite enough answer because the error is from classic accountability civil. Based on three regulated principles in Articles 1365, 1366, and 1367 of the Civil Code that is as follows:

1) Based on Article 1365 of the Civil Code

Patients can sue a doctor because the doctor violated act law, as regulated in Article 1365 of the Civil Code which states that: " Each deed violate the law, which brings loss to others, obliges the person who is because wrong publish error that, replace loss the ".

2) Based on Article 1366 of the Civil Code

A doctor besides can sued on base *default* and breaking law like mentioned above, can also be sued on base negligent, so give rise to lose.

3) Based on Article 1367 of the Civil Code

Article 1367 of the Civil Code mention that Somebody must give accountable No only on losses incurred from his actions itself, but also for losses incurred from the actions of other people below supervision.

2. Legal Responsibilities of Medical Personnel in the Field of Criminal Law

From the perspective law, error or negligence is always linked with characteristics that oppose the law something actions carried out by capable people responsible answer. Somebody said capable responsible answer If he can consider meaning in fact from his actions, knowing that his actions are not seen as proper in association society, and can determine intention or desire they to do the deed. In literature law medicine of the Anglo-Saxon countries, among others, Taylor said that a doctor can be blamed and sued according to the law if he Already fulfills 4D requirements, namely: *Duty* (Obligations), *Derelictions of Duty* (Deviations obligations), *Damage* (Loss), *Direct Causal Relationship* (Related direct). *Duty* or obligation can based on agreement (*ius contractu*) or according to law (*ius delicto*). Apart from that, doctors must work based on standard profession. Now they should too provide informed consent, which means give sufficient information and understanding before do action . Information the covers associated risks with action, possibility effect side , optional other , consequences If action the No done , and so on.

b. Responsibility law doctor in field law administration

It said violation of *administrative malpractice* if a doctor violates state administrative law. An example action categorized doctors as *administrative malpractice* is operating practice without permission, doing action that is not by permission you have, doing practice with use permission already expired, or not making record medical. He must look after the license to obtain authority, where each type of licence need *basic science* and has authority individually. Medical actions that exceed the limits of authority are not justified. A doctor expert content capable do operating surgery plastic, however, the license is not possible they do it. Doctors can wear penalty administrative, like freezing their license for a temporary time, if violate regulations.

Internal clinic matter this perpetrator business is also responsible for maintenance service health. Based on Law No. 8 of 1999 concerning Protection Consumer As listed in Article 8 paragraph (1) letter a confirms that the perpetrator business obliged For ensure quality goods and or services produced and or traded based on provision standard quality goods and or applicable services. Perpetrator business forbidden to produce and or trade goods and or services that are not fulfilled or No in accordance with required standards. Provision should obeyed and implemented by the perpetrator's business.

Draft negligence expects that everyone be careful the moment do something. If they are not careful and cause loss or injure others, negligent people responsible answer to pay the injured party. With So, doctor as holder authority still responsible answer If negligence they cause harm to patients. Apart from that, the clinic as the company is also responsible answer on negligence power medical and energy health others who work at the facility health. However, Not all negligence is not quite enough to answer the clinic, for That needs explored How negligence can happen, if Already by a standard operational clinic, then not quite enough answer charged to power medical and energy concerned health.

Article 310 Law no. 17 of 2023 concerning Health regulates that in thing "Medical Personnel or suspected health worker do error in operate his profession is the cause loss to patient, disputes arise consequence error the resolved moreover formerly through alternative solution outside dispute court .". One effort that is with mediation between power medical or power health with the patient. Medical personnel or power health must make changes to make a loss or compensation for a lost patient.

Possible legal remedies carried out by the patient on losses incurred that is with non-litigation and Litigation.

a) Completion Non Litigation disputes

In cases where Power Medical or Power Health allegedly made an error in operation it's his job to cause it loss to the patient, and dispute the moreover formerly resolved through solution dispute outside alternative court. One alternative solution to dispute outside court is mediation. Mediation is wrong One alternative solution problem in Act No. 30 Year 1999 about About Arbitrage And Alternative Completion Dispute. Mediation is Far different from system rigid justice, which involves Lots of costs and a long process. The patient does mediation and can request a change to make a loss to the perpetrator's business or power medical on their loss experience. If mediation is carried out and Not yet give satisfactory results for the patient or family, the patient can complain to the Assembly Honorary of the Indonesian Medical Council.

b) Completion dispute Litigation

1) Criminal Law Efforts

In perspective, a criminal known as *Culpa*/ not intentional is happen offense because actions that are not intentional or Because of negligence. *Culpa* contains 2 elements or requirements, namely: First, less careful, and less alert; Second, less guessing emergency actions and consequences. Negligence is one of type error, which was also done deliberately. Negligence is lower than deliberate. However, it's a mistake that is the opposite of deliberate because in intentional, a perpetrator can put into practice the desired consequence. This is also where one is difficulty for differentiates between deliberate conditional (possible consciousness, *dolus eventualis*) with negligence heavy (*culpa lata*).

Medical personnel or suspected Health Workers do violating act law in implementation Available Health Services charged penalty criminal, especially formerly must request a recommendation from the assembly. Therefore that, deep matter-related negligence committed by doctors/staff health must fulfill the above elements, and apparatus enforcer of the law also requires a letter of recommendation from a party related like the Assembly Honorary of the Indonesian Medical Council. Although so, officers enforcer law prioritize solution dispute with mechanism justice restorative in accordance with provision regulation legislation.

2) Civil Legal Remedies

Basically, bear it answer in law civil can be requested based on accountability loss because deed oppose law (*onrechtmatigedaad*) or accountability loss Because of default. Default includes not doing what was agreed upon, being late, or doing what was violated in the agreement, while PMH consists of deliberately committing an unlawful act, accidentally committing an unlawful act, and negligence that causes an unlawful act to occur.

Accountability civil arranged in the Civil Code (KUHPerdata) Articles 1365 to Article 1367. Medical personnel and health workers requested responsibility for action/deeds related to the implementation of Harmful health services patients in a way civil, must request recommendations from assembly. Compensation in civil can form refund, maintenance health, replacement equivalent goods and services or equivalent value, or appropriate compensation with the provision of the current regulation. With so, deep service health, every action bad doctor caused patients Because negligence or not enough be careful doctor in do action considered medical harm patient can requested accountability.

4. Conclusion

1. Authority doctor beauty different with doctors generally have indication medical. Patient beauty clinic No accompanied indication medical needs service doctor to do something action medical like treatment or healing. However, the services provided at the clinic beauty is maintenance to increase healthy skin. Therefore that's authority on action care for servants' aesthetics only can done by a doctor's own competence nor authority.
2. The responsibilities of medical personnel can be reviewed from administrative, civil, and criminal aspects. Administrative aspects, if medical personnel carry out practices without permission or not in accordance with the permits they have. Provisions regarding licensing of medical personnel are regulated in Law No. 13 of 2023 concerning Health. Furthermore, in the civil aspect, where there is responsibility for medical personnel if they commit breaches of contract and act against the law as regulated in the Civil Code. Then finally the criminal aspect, where medical personnel commit negligence is regulated in the Criminal Code. According to Article 310 of Law no. 17 of 2023 concerning Health, the resolution of disputes that cause harm to patients due to errors by medical personnel in carrying out their profession is resolved first through alternative dispute resolution outside of court.

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