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RESEARCH ARTICLE

Legal Protection for Tumor Surgeons on the Side Effects in Breast Cancer Chemotherapy Services

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Abstract: Legal protection for tumor surgeons in facing chemotherapy side effects in breast cancer patients is essential in contemporary medical practice. This study employed a narrative method and legal approach to explore the legal protection available to tumor surgeons in addressing risks and side effects during chemotherapy services. The narrative method was used to explore the role of the law in protecting tumor surgeons and providing a clear framework for addressing side effects in chemotherapy services. Literature analysis regarding medical practice standards, professional responsibilities, and relevant legal cases were used to formulate a comprehensive perspective of this legal protection. The research highlights the need for meticulous documentation of procedures, risks, and patient consent before undergoing chemotherapy. Additionally, legal protection also depends on adherence to applicable medical practice standards and effective communication between tumor surgeons and patients. In conclusion, the understanding of tumor surgeons is needed for the legal implications of their medical practices, including in the context of chemotherapy services. Thus, the use of narrative methods in this study provides valuable insights for tumor surgeons to protect themselves and provide safe and quality services to breast cancer patients.

Keywords: Protection, Law, Surgeon, Chemotherapy, Cancer

1. Introduction

Indonesia, as a country founded upon legal principles outlined in the 1945 Constitution of the Republic of Indonesia (UUD NRI) Article 1 paragraph 3, is dedicated to fostering a society that is both prosperous and just (Habibi, 2021; Hidayanti et al., 2021). In an effort to achieve these ideals, health aspects become an important part that must be fulfilled as a human right. Therefore, the government is obliged to provide various health efforts to all levels of society through developing a quality and affordable health system. Every citizen has the right to health services in accordance with the 1945 Constitution of the Republic of Indonesia (UUD NRI) Article 28H paragraph 1, which states that every person has the right to live in physical and mental prosperity, have a place to live, and have a good environment and healthy, as well as have the right to receive health services (Abdullah AlNemer, 2018; Julchoo et al., 2021; Sari et al., 2020). This right requires the government to create conditions that support every individual in living a healthy life, through the provision of adequate and affordable health facilities. The state is also responsible for adequate health and public service facilities for the community.



Legal protection for tumor surgeons against side effects in breast cancer chemotherapy services is important thing in the context of medical practice (Afrilies & Naili, 2023). Law Number 29 of 2004 concerning Medical Practice is the legal basis that regulates medical practice in Indonesia. In this case, tumor surgeons play a central role in dealing with and managing side effects that may occur during the chemotherapy process for breast cancer patients. One of the aspects regulated in this law is the high ethical and moral responsibility that doctors must have in carrying out medical practice. The tumor surgeon is not only responsible for the success of the operation, but must also be able to understand and manage the side effects that arise from chemotherapy procedures, which can affect the patient's well-being and safety (Njoto, 2023a, 2023b).

However, in practice, tumor surgeons often face legal challenges related to side effects that may arise in breast cancer patients after undergoing chemotherapy (Alrianto Tajuddin et al., 2022). Despite acting in accordance with applicable medical standards, tumor surgeons are still vulnerable to lawsuits if patients experience adverse side effects. Therefore, a thorough understanding of the legal basis governing the practice of medicine, including physicians' responsibilities regarding the side effects of chemotherapy, is essential thing. This is not only to protect tumor surgeons from the risk of litigation, but also to ensure that patients receive appropriate legal protection in the breast cancer treatment process.

2. Research Method and Materials

The research method used is a non-doctrinal research method or empirical research using descriptive research. The approach used is a qualitative approach. The types of data used are primary and secondary data. Primary data collection techniques through interviews with related parties to examine the problems that occur while secondary data through literature studies in the form of official documents or books.

3. Results and Discussion

3.1. Challenges Faced by Tumor Surgeons in Maintaining Legal Vigilance on the Side Effects of Chemotherapy in Breast Cancer Patients

According to Hippocrates, the medical profession is a combination or integration of knowledge and art. For example, making a diagnosis is an art in itself for doctors because the doctor will use imagination and make careful observations of the patient after hearing the patient's complaint. The knowledge or medical theories and experiences he has received so far become the basis for carrying out a diagnosis of a patient's illness, and it is expected that the diagnosis will be close to the truth (Andi Ervin Novara Jaya et al., 2022).

In carrying out their duties, doctors must refer to scientific principles, which means that medical practice must be based on scientific and technological knowledge obtained through formal education and experience, as well as follow professional ethics. Doctors must also provide useful health services, which means that it must provide the greatest benefit to humanity to improve people's health without discriminating on ethnicity, nation, religion, race or social status. Medical practice must also be based on the principle of justice, which demands equitable services at affordable costs and good quality, as well as considering to the balance between the interests of individuals and society. In addition, the main goal of medical practice is to provide protection and safety to patients, which means that medical practice has the aim to optimally promote patient health while considering to their safety and protection (Ratnawati, 2018).

The legal basis that provides protection for doctors in carrying out their duties and facing legal problems related to alleged malpractice is stated in Article 50 of Law No. 29 of 2004 concerning Medical Practice and Article 27 paragraph (1) of Law No. 36 of 2009 concerning Health. Article 50 Law No. 29 of 2004 also confirms that doctors and dentists, who practice medicine have the right to receive legal protection as long as their duties are

carried out in accordance with established professional standards and professional procedures. Meanwhile, Article 27 paragraph (1) of Law No. 36 of 2009 stipulates that health workers have the right to receive compensation and legal protection when carrying out duties in accordance with their professional field (Andi Ervin Novara Jaya et al., 2022).

As a low-income and middle-income countries (LMCs), with a per capita income of under 4,000 US dollars, Indonesia has a health budget of less than 3,5%. It was only in 2016 that this budget was increased to 5%. This is different from developed countries, where the health budget always exceeds to 5%. For example, in 2013-2017, the United States health budget was 25-28%. With its minimum budget, currently Indonesia is facing the "double burden of disease" phenomenon, where the number of infectious diseases is still large, coupled with an increase in the number of non-communicable diseases. Basic Health Research (*Riskesmas*) in 2013, recorded the figure for non-communicable diseases, including cancer at 60% (Farida Briani Sobri, 2018).

In the medical world, cancer is still one of the diseases that occupies the highest position in the use of health services, both based on the number of cases and based on the largest cost absorption (BPJS, nd). Breast cancer is a kind of cancer that originates from the epithelium ducts (85%) and lobules (15%) in glandular breast tissue. According to data from GLOBOCAN 2020, breast cancer is the most common cancer throughout the world in both women and all genders (Dimiyati Achmad, Sonar Soni Panigoro, 2023).

Meanwhile, based on health service costs, breast cancer cases also occupy the top position in terms of cost utilization, followed by cases of digestive organ cancer and female reproductive cancer. With the large number of cancer cases occurring in the community, it is expected that all facilities will work together to improve services for all National Health Insurance participants. The latest cancer management is in line with developments in science, such as greater intensity of treatment, where currently more patients suffering from cancer are now being treated with more types of drugs and often for longer periods of time (Wahyu Nur Chalamsah Setiawan, Ninis Nurgraheni, 2023).

Tumor surgeons face several challenges in maintaining legal awareness of the side effects of chemotherapy in breast cancer patients. One of them is the complexity of legal procedures related to chemotherapy services. Doctors need to ensure that they fully understand every aspect of applicable law, including documentation requirements and patient consent before administering chemotherapy. In addition, changing and evolving legal procedures can be a challenge for tumor surgeons, requiring them to always update their knowledge of the latest rules and regulations in the practice of medicine. Additionally, doctors are also faced with increasing pressure from lawsuits (Ishola, Ukah, Alli, et al., 2021; Khalifa et al., 2022). Patients or families of patients who experience chemotherapy side effects often seek responsibility and compensation for the losses experienced. Tumor surgeons must exercise extra care in providing information to patients about the risks and benefits of chemotherapy, as well as ensure that patient consent is recorded clearly and completely. This aims to protect themselves from potential legal claims that may arise (Adelita et al., 2023; Julchoo et al., 2021; Khalifa et al., 2022).

Tumor surgeons are also faced with challenges in managing communication with patients and their families regarding the side effects of chemotherapy. Considering the high need for breast cancer patients for complementary therapies, it is expected that doctors and nurses will be able to take a holistic approach (bio, psycho, social, cultural, spiritual) for the patients in handling the use of therapy. In particular, physicians work very closely with their clients and are in a position to recognize the client's point of view. Therefore, doctors will be able to determine which alternative or complementary medical therapy is more in line with their beliefs and offer recommendations that suit the needs of breast cancer patients (Rahayuwati et al., 2017).

They need to ensure that information is delivered with clarity and empathy, so that patients and their families can make informed decisions about the care they receive. A lack of

understanding or inconsistency in communication can lead to conflict or dissatisfaction, which in turn can lead to legal problems. In facing these challenges, tumor surgeons need to strengthen their understanding of the legal aspects of medical practice, specifically related to chemotherapy services for breast cancer patients. This includes increasing understanding of legal regulations, relevant medical practice policies, and the ability to communicate with patients and their families effectively.

Legal protection for doctors is regulated in several regulations, especially the Medical Practice Law (UUPK). Several relevant aspects of legal protection include the legal basis that regulates:

Article 50 of the Medical Practice Law, which states that a doctor's actions can be considered a criminal offense if malicious intent is proven. Doctors are required to always try their best to provide care to patients, with every action in accordance with the standards of the medical profession.

Article 24 Paragraph (1), as well as Article 27 Paragraph (1) of the Health Law, which regulates the implementation of medical practice. It must be carried out by doctors and dentists who have ethics, morals, expertise, and authority which are continuously improved through continuous education and training.

Article 24 Paragraph (1) Government Regulation Concerning Health Personnel, which states the need for regulations regarding the implementation of medical practice to provide legal protection and certainty to recipients of health services, doctors, and dentists.

In addition, violations of doctor's discipline are handled by the Indonesian Medical Disciplinary Honor Council (MKDKI). This includes actions that violate the ethics and morals of the medical profession. The principle of patient protection also applies, where doctors have an obligation to maintain the confidentiality of patient information that they know, either directly or indirectly. Thus, UUPK and related regulations provide a legal framework that protects doctors in carrying out their professional duties and ensures quality health services for the community.

Oncology Surgical Expertise in Indonesia is the "development" of one of the general surgery segments, namely oncology surgery so that the oncology surgeons in Indonesia cannot be separated from general surgery, and act as "Oncology Surgical Consultants". Thus, the terms that appear must be differentiated, such as Surgical Oncology, Oncology Surgical, and General Surgery (Prof. DrR. Dr. IB Tjakra Wibawa Manuaba, MPH, 2010).

In the medical field, oncology is a branch of medical science that deals with the diagnosis and treatment of cancer. One of the steps taken to treat cancer is through oncological surgery (Afrilies & Naili, 2023; Ishola, Ukah, & Nandi, 2021). This procedure can only be performed by a specialist surgical oncologist who is equipped with adequate equipment. Oncology, meaning mass, or tumor, and the suffix "-logy", meaning "the study of") is the branch of medicine dealing with tumors (cancer). A medical professional who practices oncology is an oncologist. Oncology is a medical subfield that studies and treats cancer. Doctors who study oncology are called oncologists. This term comes from the Greek: onkos (ονκος), which means mass or tumor and the suffix -ology, which means "to study" (Setyaningrum, 2017).

There are several things that tumor surgeons must pay attention to regarding legal precautions and the side effects of chemotherapy in breast cancer patients:

First, in diagnosing cancer, oncologist uses various methods, such as physical examination, blood tests, urine tests, medical imaging, and biopsies to determine the development of cancer cells in the body. Second, in dealing with cancer, oncologist determines appropriate methods of action and treatment after the patient is diagnosed with cancer. Factors of the type and location of the cancer are also concerned. In addition, painkillers and nausea relievers are given to reduce side effects during cancer treatment. Third, in preventing

cancer recurrence, oncologist is not only tasked with removing tumors. He must also monitor the patient's treatment and prevent side effects from occurring. Cancer patients are recommended to carry out regular checks to anticipate the possibility of cancer reappearing in the body.

Cancer, especially breast cancer, is a serious health problem occurred in Indonesia, with a high number of cases and large health service costs. Tumor surgeons face challenges in maintaining legal awareness of chemotherapy side effects and communicating with patients. However, with a good understanding of legal regulations and effective communication, doctors can provide quality and safe care for breast cancer patients. Support from the Medical Practice Law (UUPK) and other aspects of legal protection are crucial in carrying out their duties well.

4. Conclusion

Indonesia, as a country based on law, aims to create a prosperous, just and wealth society, with health aspect as an important part that must be fulfilled as a human right. The government is obliged to provide health efforts to all levels of society through a quality and affordable health system, in accordance with the 1945 Constitution. Legal protection for tumor surgeons in dealing with the side effects of chemotherapy in breast cancer patients is important in medical practice. The legal basis of the Medical Practice Law provides the basis that regulates the ethical and moral responsibilities of doctors, as well as their legal rights and protections. Tumor surgeons face challenges in managing the side effects of chemotherapy and communicating with patients, but with a good understanding of legal regulations and effective communication, they are able to provide quality and safe care for breast cancer patients.

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