

ABSTRACT

Asrofi Sueb Surachman. TERAPEUTIC TRANSACTION OF AESTHETIC PLASTIC SURGERY IN A VIEW OF LEGAL CERTAINTY OF AGREEMENT LAW, under guidance of Prof. Dr. Ade Saptomo, SH, MSi as Promotor and Prof. Dr. H. Faisal Santiago, SH, MM as Co-promotor.

In the therapeutic transaction of aesthetic plastic surgery, the patient has signed an informed consent (Approval of Medical Action) in accordance with Law Number 29 of 2004 concerning Medical Practice Article 45 (*das sollen*). But in reality (*das sein*), patients still complain, hard complain, report to MKEK-IDI, MKDKI, the Police or the District Court, if the results of the therapeutic transaction of aesthetic plastic surgery are not what they want. This is the thesis (doctoral thesis) in this dissertation research. Why is this happening? Is it because of the legal certainty of therapeutic transactions of aesthetic plastic surgery, it is still unclear whether *inspaning verbintenis* or *resultaat verbintenis* referred to Article 1234 and Article 1320 of the Civil Code.

The formulation of the problems in this dissertation research are : 1. How is the implementation of informed consent on therapeutic transactions of aesthetic plastic surgery? ; 2. Is *inspaning verbintenis* or *resultaat verbintenis*, legal certainty of therapeutic transaction of the aesthetic plastic surgery agreement referred to Article 1234 and Article 1320 of the Civil Code?

To answer questions on problem formulation number 1 empirical legal research was carried out and to answer questions on problem formulation number 2 normative and empirical juridical legal research was conducted.

The results of the research on the implementation of informed consent in the therapeutic transaction of aesthetic plastic surgery, it was concluded that informed consent is an agreement text in therapeutic transactions of aesthetic plastic surgery, the agreement text is *inspaning verbintenis*, which is an agreement whose achievements are determined by maximum work effort, and informed consent is a law for doctors and patients, Article 1338 paragraph (1) of the Civil Code. The results of the research on legal certainty in the therapeutic transaction agreement of aesthetic plastic surgery are *inspaning verbintenis*, both from normative legal research and empirical legal research. So, the therapeutic transaction of aesthetic plastic surgery in the perspective of legal certainty of the agreement law is *inspaning verbintenis*.

Keyword : therapeutic transaction of aesthetic plastic surgery, informed consent, *inspaning verbintenis* and *resultaat verbintenis*.