

## Abortion Curettage Procedures by General Practitioners (A Review of Ethical, Legal, and Justice Aspects)

## Abstract

Curettage is a gynecological surgical procedure involving the scraping or removal of tissue from the uterine cavity using a curette, usually after cervical dilation, for diagnostic or therapeutic purposes. The purpose of this study is to analyze the ethical, legal, and justice aspects of curettage performed by general practitioners.

This study employed a normative research method with a legislative approach intended to analyze all regulations related to curettage.

The results indicate that general practitioners, when performing curettage, must adhere to the principles of medical ethics: beneficence, non-maleficence, autonomy, and justice. The legal principles upheld include: professional standards, service standards, service standards, standard operating procedures, and applicable regulations. The principle of justice in medical procedures refers to the fair and equitable distribution of benefits, risks, and costs of healthcare services among all members of society. Conclusion: When performing curettage in a Type D hospital, a general practitioner must always adhere to ethical and legal aspects, and consider the principle of justice.

**Keywords :** curettage, ethical aspects, legal aspects, principle of justice

## INTRODUCTION

Curettage is a gynecological surgical procedure involving the scraping or removal of tissue from the uterine cavity using a curette, usually after cervical dilation, for diagnostic or therapeutic purposes<sup>1</sup>. In Williams Obstetrics, curettage is generally discussed as part of dilation and curettage, and is performed to, among other things<sup>2</sup>:

- a. Remove remaining products of conception (incomplete abortion/missed abortion);
  - b. Stop abnormal uterine bleeding;
  - c. Collect endometrial tissue for histopathological examination.

This procedure is performed by skilled medical personnel. In cases of incomplete abortion, curettage is generally used<sup>3</sup>. Incomplete abortion is the expulsion of products of conception before 20 weeks of gestation, when some of the products of conception remain in the uterus. There are various abortion methods, of which curettage is one. This procedure is performed by trained healthcare professionals and in accordance with applicable laws in each country. Curettage is done by cleaning the products of conception using a curettage tool (scraping spoon).

Health facilities used for abortion procedures must comply with established regulations. These health facilities include community health centers, primary clinics, equivalent primary clinics, and hospitals, as follows<sup>4,5</sup>:

- a. Community health centers (Puskesmas) that are qualified to provide abortion services are those capable of providing Basic Emergency Obstetrics and Neonatal Care (PONED) and are staffed by trained doctors;
  - b. Primary clinics are clinics that provide basic medical services and are staffed by trained doctors;

- 45                   c. Primary clinics or their equivalents are clinics that provide specialist obstetrics and  
46                   gynecology services, or basic and specialist obstetrics and gynecology services and  
47                   are staffed by trained doctors;  
48                   d. Hospitals that are qualified to provide specialist obstetrics and gynecology services  
49                   must have trained doctors.

50                   In addition to being assisted by a specialist, the curettage procedure must also be  
51                   performed at a government-designated health facility. Regulation of the Minister of Health of  
52                   the Republic of Indonesia Number 3 of 2016 concerning Training and Provision of Abortion  
53                   Services for Medical Emergency Indications and Pregnancy<sup>6</sup>. Consequences of Rape requires  
54                   that curettage can only be performed in hospitals with an obstetrician and gynecologist.  
55                   However, in reality, not all hospitals in Indonesia have an obstetrician and gynecologist. The  
56                   purpose of this study is to analyze the ethical, legal, and justice aspects of curettage  
57                   performed by general practitioners.

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59                   **RESEARCH METHOD**

60                   This research uses a qualitative method with a normative juridical approach. Qualitative  
61                   methods aim to understand phenomena in depth through non-numerical data collection such  
62                   as interviews, observations, and document analysis<sup>7</sup>. Meanwhile, normative juridical research  
63                   focuses on the analysis of applicable legal norms or rules, encompassing the study of  
64                   legislation, legal doctrine, court decisions, and relevant legal literature. This research aims to  
65                   examine the interpretation and application of law and identify the legal principles underlying  
66                   the relevant regulations.

67                   This research uses a statute approach, a case approach, and a conceptual approach. Data  
68                   collection techniques include literature analysis related to the research object. Data are  
69                   analyzed using descriptive and systematic techniques to present the research results clearly  
70                   and in detail<sup>8</sup>. To gain a comprehensive understanding of the principle of justice in general  
71                   practitioner curettage, the researcher utilized three types of legal sources: primary, secondary,  
72                   and tertiary.

73                   Primary legal sources are legal sources with directly binding force, including legislation,  
74                   court decisions, and international documents. Secondary legal sources provide explanations  
75                   and analysis of primary legal sources. The sources included legal literature, such as books,  
76                   journals, scientific articles, and theses discussing human rights, medical ethics, and the  
77                   concept of justice in medical practice. Furthermore, commentaries and legal doctrines from  
78                   experts provided broader insights and analysis of legal regulations and their application,  
79                   enriching the perspective of this research<sup>9</sup>. Tertiary legal materials were used to aid in  
80                   understanding and locating primary and secondary legal materials. These sources included  
81                   legal encyclopedias explaining relevant legal concepts, indexes and abstracts assisting in  
82                   locating relevant legal literature, and legal dictionaries providing definitions of specific legal  
83                   terminology used in this research<sup>10</sup>.

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87                   **RESULTS AND DISCUSSION**

88                   **Ethical Aspects of Curettage by General Practitioners**

89 Curettage, when performed for legitimate medical indications (such as miscarriage,  
90 molar pregnancy, or abnormal bleeding), adheres to the principles of general medical ethics<sup>11</sup>  
91 :

- 92 1. Beneficence: Physicians are obligated to perform actions that benefit the patient, such  
93 as removing residual tissue to prevent infection or other serious complications that  
94 could endanger the mother's health or life;
- 95 2. Non-maleficence: Curettage must be performed carefully by medical professionals to  
96 minimize the risk of side effects or complications such as infection or uterine  
97 perforation;
- 98 3. Patient Autonomy: Patients have the right to receive a complete explanation of the  
99 procedure, risks, and alternatives, and to provide informed consent based on this  
100 information;
- 101 4. Justice: Ensuring that medical services, including curettage, are available and  
102 accessible equitably to all patients who require them for medical reasons.

103 A major ethical dilemma arises when curettage is associated with induced abortion (the  
104 termination of a live pregnancy). In this context, views are highly diverse and often  
105 contradictory. The fundamental debate revolves around when human life begins. Many views,  
106 including those from some religions, emphasize that the right to life is inherent at conception,  
107 making abortion a grave violation of that right. A conflict arises between the mother's right to  
108 bodily autonomy and the fetus's right to life. In some extreme cases, such as pregnancy  
109 resulting from rape or a life-threatening medical condition of the mother, ethics and law may  
110 permit abortion, although it still poses an ethical dilemma for medical professionals<sup>12</sup>.

## 112 **Legal Aspects of Curettage by General Practitioners**

113 Law Number 17 of 2023 does not specifically address curettage, but discussions of  
114 abortion cannot be separated from curettage. Services provided for incomplete abortions are  
115 performed through curettage. All abortion procedures are prohibited, but exceptions may be  
116 made for unwanted pregnancies. Medical procedures that may be performed include<sup>4,11,13</sup>:

- 117 1. Abortions may only be performed after the person undergoing the abortion has  
118 received a detailed understanding of abortion by a competent person;
- 119 2. Abortions may be performed if the woman's pregnancy has not reached six weeks,  
120 unless there is an indication of a medical emergency, in which case this does not  
121 apply;
- 122 3. Abortions may only be performed by authorized medical personnel and at a  
123 healthcare provider's facility in accordance with applicable regulations;
- 124 4. Informed consent, or written or verbal approval, must be obtained from the patient.

125 The provision of abortions is regulated by Government Regulation of the Republic of  
126 Indonesia Number 61 of 2014 concerning Reproductive Health, Article 35<sup>14</sup>:

- 127 1. Abortions based on indications of medical emergencies and pregnancies resulting  
128 from rape must be performed safely, with high-quality care, and responsibly.
- 129 2. Safe, high-quality, and responsible abortion practices as referred to in paragraph (1)  
130 include:
  - 131 a) Performed by a doctor in accordance with standards;

- b) Performed in a health care facility that meets the requirements determined by the Minister;
  - c) At the request or with the consent of the pregnant woman concerned;
  - d) With the permission of the husband, except for rape victims;
  - e) Non-discriminatory; and
  - f) Not prioritizing material rewards.

3. If the pregnant woman as referred to in paragraph (2) letter c is unable to provide consent, consent for the abortion can be granted by the family concerned;

4. If the husband cannot be contacted, permission as referred to in paragraph (2) letter d is granted by the family concerned.

In implementing abortions, according to Article 35 of the Republic of Indonesia Government Regulation Number 61 of 2014 concerning Reproductive Health, two main points are emphasized: indications of medical emergencies and pregnancy resulting from rape. In such circumstances, the action must be carried out by a doctor who has received training from an accredited training provider.

## The Principle of Justice in Curettage Procedures Performed by General Practitioners

Justice is one of the most frequently studied topics in philosophy. Natural law theories, embracing the principle of the search for justice, have consistently emphasized justice as the core of law, from the time of Socrates to the time of François Geny<sup>15</sup>. In essence, justice is the act of treating individuals or other parties fairly.

In health law, justice is one of the primary principles of health care provision. This is evident in Article 2, letter i, of Law Number 17 of 2023 concerning *Health*, which states that *this Law is implemented based on the principle of justice*. The explanation for Article 2, letter i, defines "*the principle of justice*" as the provision of health services that must provide fair and equitable services to all levels of society at affordable costs. Furthermore, Article 23, paragraph 1, states that *health care provision must be carried out responsibly, safely, with quality, equitably, non-discriminatoryly, and fairly*. Justice is an important foundation in health care provision.

In the Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/MENKES/1186/2022 Concerning Clinical Practice Guidelines for Doctors in First Level Health Care Facilities, it is stated that curettage is not a medical procedure that can be performed by general practitioners, however in cases of incomplete abortion and insidious abortion, general practitioners can provide first aid to save lives or prevent the occurrence of severity or disability in patients<sup>16</sup>.

Law Number 17 of 2023 concerning Health provides discretion regarding physicians' actions in performing medical procedures. Under certain circumstances, medical personnel and health workers may provide services outside their scope of authority. The phrase "certain circumstances" is defined as<sup>4</sup>:

1. The absence of medical personnel and/or health workers in an area where the medical personnel or health workers are assigned;
  2. The need for government programs;
  3. Handling medical emergencies; and/or

176                   4. Outbreaks, epidemics, and/or disaster emergencies.

177                   From an administrative perspective, the implementation of medical procedures outside  
178                   clinical jurisdiction must adhere to the provisions stipulated in Government Regulation of the  
179                   Republic of Indonesia Number 28 of 2024 concerning Implementing Regulations of Law  
180                   Number 17 of 2023 concerning Health. Article 686 states that every doctor performing their  
181                   duties must possess a Practice License (SIP).

182                   However, if they are performing special duties outside their scope of authority, they  
183                   must still possess a special assignment letter. In carrying out medical practice, it is mandatory  
184                   to comply with professional and ethical standards stipulated in various regulations. These  
185                   regulations are intended to ensure the quality of health services and provide comfort for all  
186                   patients. Therefore, every medical procedure must be guided by the established limits of  
187                   authority. Doctors' authority is strictly regulated to ensure that every action taken is in  
188                   accordance with their competence. Therefore, in practice, it is important for doctors to  
189                   understand the limits of their authority to avoid exceeding their competence as stipulated in  
190                   applicable laws and regulations.

191                   The role of general practitioners as the spearhead of the healthcare world does indeed  
192                   face a major dilemma, especially when faced with cases of patients who require special  
193                   treatment by a specialist but are not available, given the conditions of hospitals and  
194                   geography in Indonesia, forcing doctors to make difficult choices. For example, in the case of  
195                   a curettage procedure, regulations require it to be performed by an obstetrician and  
196                   gynecologist. However, obstacles arise when there are no obstetrician and gynecologist  
197                   specialists, so general practitioners must act quickly. The government must be present to  
198                   strive for justice for general practitioners in carrying out their duties—and so that patients can  
199                   be provided with treatment that can ensure patient safety. This is where the importance of  
200                   regulations that can accommodate all aspects of the healthcare world, both protecting patient  
201                   rights and protecting medical and health workers from legal loopholes due to incomplete  
202                   regulations. The importance of detailed implementing regulations regarding the medical  
203                   procedure of curettage so that in the future no party is harmed, either patients or health  
204                   workers<sup>17</sup>.

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206                   **CONCLUSION**

207                   Curettage is a gynecological surgical procedure involving the scraping or removal of tissue  
208                   from the uterine cavity using a curette, usually after cervical dilation, for diagnostic or  
209                   therapeutic purposes. Obstetricians and Gynecologists are authorized to perform curettage.  
210                   Except in emergencies where a specialist is unavailable, a qualified general practitioner may  
211                   perform the procedure.

212                   General practitioners must perform curettage for a valid medical indication (such as  
213                   miscarriage, molar pregnancy, or abnormal bleeding), adhering to the principles of general  
214                   medical ethics: beneficence, non-maleficence, autonomy, and justice. The legal principles  
215                   upheld include: professional standards, service standards, standard operating procedures, and  
216                   applicable regulations.

217                   The principle of justice in medical procedures refers to the fair and equitable distribution of  
218                   benefits, risks, and costs of healthcare services among all members of society. Based on

220 hospital type qualifications, many Type D hospitals still lack obstetricians and gynecologists.  
221 In such circumstances, general practitioners must act quickly to save the patient's life if  
222 referral to the nearest hospital with an obstetrician and gynecologist is not possible. This  
223 raises concerns among general practitioners about the threat of ethical violations and criminal  
224 sanctions if they continue to perform a curettage. This means that health services related to  
225 curettage can only be performed in emergency situations, raising concerns that patients' rights  
226 to health care will not be met.

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## 228 **SUGGESTIONS**

- 229 1. The government should formulate more complex regulations regarding curettage  
230 procedures to eliminate legal loopholes that could be abused;  
231 2. Equalize the number of obstetricians and gynecologists to prevent health procedures being  
232 performed by those outside their field or competence.

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