
The Impact of Patient Satisfaction on the Civil Liability of a Plastic Surgeon in the Saudi Law

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Abstract

This study intends to demonstrate the impact of patient satisfaction on the legal responsibility of the plastic surgeon and to determine the implications of civil liability in case of a medical error or breach of duty, especially after the huge medical sector development. The study will explain the scope of the plastic surgeon's commitment and the regulations linked to the civil liability of the doctor regarding cosmetic works in the Saudi System. It will also determine who is responsible for patient damage to ensure the body's safety and life. The study found that plastic surgery has become one of the most common surgeries and that the laws, regulations, and bylaws related to the human medical profession in Saudi Arabia do not set rules for plastic surgery but rather state the duties and obligations of the doctor and the ethics and conditions of its practice. Plastic surgery requires a definition, types, regulations, and legislation as a medical profession. Cosmetic surgery satisfaction is unique since it is not an emergency procedure. Thus the patient's contentment does not remove the doctor's error. The study recommended that the law of medical and health responsibility stipulate that the doctor's commitment to the patient in cosmetic work is to achieve the objective and not to care. Plastic surgery should be tailored with particular guidelines, and doctors should be required to disclose all dangers and side effects. To acquire explicit permission, a plastic surgeon must tell the patient of all conceivable, implausible, and unusual hazards.

Keywords: Satisfaction, patient, cosmetic surgeries, civil responsibility, compensation

Introduction:

Plastic surgery has psychological components and motives for resorting to it to boost self-confidence and life satisfaction. Beautification has been practiced since ancient times but has never reached the extent we see today. The medical sciences have advanced, so that plastic surgery has advanced to a stage where formal beautification has reached the stage of coordinating the body and its parts through plastic surgery that has spread and become known in all societies, such as face-lift, cheek augmentation, silicone breast injections, and liposuction, which created many problems.

Before initiating any medical procedure, doctors must verify patient contentment. Patient satisfaction determines whether civil responsibility is denied or promoted. Still, giving a doctor the right to do whatever he wants with a patient's body is not enough, even if their actions (operations) help them recover or reach their goal. Legislation must handle this phenomenon and safeguard persons from its consequences.

The Saudi Law of Practicing Healthcare Professions No. M/59 dated 4/11/1426 AH and its executive regulations issued in 1426 AH defined the duties of the health practitioner, clarified the importance of adhering to clinical professional standards in diagnosis, treatment, and humane dealing with the patient, and not exceeding his clinical authorities. It also specified the health practitioner's legal, penal, and disciplinary responsibilities, who must practice extraordinary clinical care according to scientific standards.

Research Objectives:

The present study aims to:

1. To explain the meaning of "satisfaction" in plastic surgery.

2. To illustrate the effect of patient satisfaction on the civil liability of the plastic surgeon.
3. To clarify the extent of the plastic surgeon's commitment to cosmetic surgery.
4. To determine the effects of the civil liability of the plastic surgeon in cosmetic surgery.

Research Problem:

The present study's focus is to shed light on the impact of patient satisfaction on the civil liability of plastic surgeons in the Saudi system.

The study answers the main questions, which are as follows:

- Who bears medical responsibility if the necessary and required satisfaction from the patient is not achieved?
- What is the impact of patient satisfaction with plastic surgery on the civil liability of the doctor?
- What is meant by the "Doctor's commitment"? Is it taking care of the patient or achieving the objective?
- In case of damage, does the damage require compensation?
- What is the mechanism of the compensation?

Taking the above questions into account, some sub-questions arise, which are mentioned below:

- What is the concept of plastic surgery?
- What are the types of plastic surgery?
- What is the nature of the plastic surgeon's commitment?
- What are the provisions of the civil liability of a plastic surgeon in the Kingdom of Saudi Arabia?

Research Methodology:

The study used a descriptive-analytical approach to assess important legal documents and judicial judgments and apply them to plastic surgery civil liability.

Limitations of the Study:

- **Subjective Limitations:** The impact of patient satisfaction on the civil responsibility of the plastic surgeon and its results.
- **Time Limitations:** It is determined by the Saudi Law of Practicing Healthcare Professions and its executive regulations issued by Royal Decree No. (59) dated (4/11/1426 AH).
- **Spatial Limitations:** The spatial limitations of the study are determined by the legislation of the Kingdom of Saudi Arabia and the decisions of the Shariah Health Authority.

Research Significance:

The following statements highlight the research significance:

- 1) There are no special regulations for plastic surgery.
- 2) Explain the extent of the plastic surgeon's commitment to plastic surgery, and highlight the plastic surgeon's civil responsibility.
- 3) Determining the plastic surgeon's responsibility in case of breach of the obligations imposed on him, whether it is related to obtaining the patient's consent or commitment to inform him about each and everything related to the surgery.
- 4) The relevant systems need to be developed, and their ability to confront fraud and cheating committed through publicity and media about cosmetic surgeries should be measured.

Previous Studies:

The present research is not the first one undertaken on this topic; other studies have also been conducted from various perspectives. This study differs from others I studied in terms of its objectives and approach to discussing the topic, which led to distinct conclusions.

Following are some of the previous studies:

1. The objective of the study titled "The Doctor's Responsibilities for Plastic Surgery" by Al-Raza and Salem (2020) was to introduce plastic surgery and define the doctor's responsibility for cosmetic surgery treatments.

The study also introduced various types of plastic surgery, including orthogenetic, reconstructive, prosthetic, etc.

Among the most significant conclusions of the study cited above are:

- The Ministry of Health and the Medical Syndicate's law and administrative decisions must be followed for a physician to perform plastic surgery.
- The physician must obtain approval from the Ministry of Health or the Health Directorate in the hospital's area for the removal and transplantation of an organ in plastic surgery, etc., after promptly submitting the analysis or studies and medical consultations of the patient or donor to the Health Directorate.
- The doctor's liability is contractual if a valid contract between the two parties is discovered. The loss results from the breakdown of the medical contract.
- The obligation is compensated whether there is a wage, the treatment is provided for free out of friendship or civility, or if one of the parties fails, the responsibility becomes a tort.

However, the present study differs from the previous study in that it focuses on the effect of patient satisfaction on civil culpability in cosmetic surgery. In contrast, the prior study was primarily concerned with the doctor's responsibility for cosmetic surgery operations.

2. The study by Al-Budairat (2021) titled "The Legal Regulation of Reconstructive Plastic Surgery, A Comparative Study in the Saudi System, Islamic Jurisprudence, and French Law," sought to comprehend the necessity of regulating reconstructive plastic surgery in the Kingdom of Saudi Arabia. But the connection between reconstructive and orthognathic surgery, which relegates it to the status of curative surgery, compels us to adhere to objective requirements. For the full benefit, we present this surgery in a few places, albeit concisely, that do not exceed the scope of the study's intended purpose. Cosmetic surgery is in dire need of legal guidelines due to the instability it is currently experiencing, the prevalence of the commercial nature of its practice, and its subordination to the provisions of therapeutic surgery despite their basic differences. There is a significant distinction between surgery conducted on a sick organ for its therapy and surgery performed on a healthy organ for its enhancement, in addition to the ambiguity between the legal and unlawful aspects of these surgeries.

The current study differs from the previous study in that it examines the "effect of patient satisfaction on civil responsibility in plastic surgery." In contrast, the previous study focused on the nature of aesthetic plastic surgery and the attitude of international and Arab law about it. In addition, the actuality of this operation in the Kingdom of Saudi Arabia was reviewed, including the legal opinion of its legitimacy, the legislation that governs its procedure, and the norms controlling it.

Based on prior studies, the researcher has emphasized the significance of creating a specialized plastic surgery system that considers the evolution and impact of technology on the likelihood of fraud and deception, as well as the prevalence of commercial nature. In addition, the laws of general civil responsibility do not encompass the protection required for the plastic surgeon and fall under the three issues of determining damage, error, and causation that prevent the intended protection from being achieved.

Concept of Plastic Surgery:

Plastic surgery is a surgical procedure that aims to improve the appearance or restore the function of a portion or parts of the human body with an effective defect, such as a deficiency, damage, or distortion. In addition, its objective is cosmetic, that is, to restore harmony and balance to a portion of the body following proper aesthetic standards.

Plastic surgery is described as "operations whose objective is not to treat disease through surgical intervention, but rather to correct a congenital, functional, or acquired deformity in the patient's body." (Theeb, 2008)

It can be defined as "a sort of surgery that does not try to cure the patient of a condition, but rather performs a congenital or acquired repair that does not affect the patient's health." It is a series of cosmetic operations whose objective is to cure congenital flaws in the appearance of the human body that influence the individual's personal and social value. (Al-Fazl, 2000)

Plastic surgery can be defined as "medical surgical operations aimed at making modifications and changes to the body of the subject, either for treatment, such as skin grafting due to burns or repairing the shape of an

organ due to an accident, or enhancing it to change according to the prevailing standards of beauty in the subject's society." (Farajullah, 2011)

The specialists explained cosmetic surgery succinctly and exhaustively: "It is a surgical procedure performed to alter the appearance or function of a visible bodily component, especially if it is missing, injured, or misshapen" (Modern Medical Encyclopedia of a Group of Doctors 1970).

The phrase used in the United Kingdom is "plastic and reconstructive surgery," a subspecialty dealing with plastic surgery for congenital abnormalities and body part changes in addition to burns.

If we examine the preceding definition, we see that it encompasses all forms of plastic surgery. A specialist must conduct it as long as it is a medical treatment. The specialization is determined by the nature of the surgery, as some fall under the specialty of oral and maxillofacial surgery. In contrast, others are the specialty of a dermatologist, and according to the article (9/B) of the Law of Practicing Healthcare Professions, certain surgeries may only be performed by a certified plastic surgeon consultant. Therefore, the unlicensed practice of plastic surgery by a dermatologist is an offense punishable by suspension from practice and a fine and/or jail.

The Saudi Commission for Health Specialties has adopted stringent measures to prevent non-specialists from performing plastic surgery to ensure that the profession is practiced correctly and in accordance with the specialization.

The Commission decided to remove the term "surgery" from the names of subspecialties that fall under the specialty "dermatology" and to replace the term "plastic surgery" with "cosmetic dermatology." After consulting with experts, a similar process was used to determine the appropriate title for other subspecialties.

In addition, the Commission requested that the Compliance Department of the Ministry of Health and the Health Affairs Directorates prohibit any dermatologist (regardless of training) from doing plastic surgery in clinics and operating rooms while under general anesthesia or conscious sedation. In addition, it was suggested that no dermatology consultant should be permitted to perform any liposuction or fat grafting procedures, regardless of the method of anesthesia or amount of fat, as these procedures must be performed exclusively by a consultant plastic surgeon registered with the Saudi Commission for Health Specialties.

Since the Saudi Regulator did not control plastic surgery with special rules and there are no texts that can be cited, even indirectly, it is required to resort to Islamic Sharia law in this regard. (Al-Qurashi, 2020).

The Saudi regulator's attitude toward plastic surgery is unambiguous regarding the permissibility of curative plastic surgery and the prohibition of aesthetic plastic surgery. According to the texts, "the legal texts and the practical medical reality imply and provide proof that therapeutic plastic surgery is permissible, but cosmetic plastic surgery is not."

Types of Plastic Surgery:

Plastic surgery is divided into two types; (1) Necessary plastic surgery and (2) Elective or Cosmetic plastic surgery. Each type is explained as follows:

First: Necessary Plastic Surgery: It is a surgical treatment designed to remove the problem, whether it be a deficiency, injury, or malformation. It is necessary owing to compelling causes, such as injuries resulting from incidents that cause visible or concealed malformations in the body. (Al-Fazl, 2000).

Second: Elective or Cosmetic Plastic Surgery: This sort of plastic surgery is not designed to treat or cure but rather to mend some unsatisfactory natural abnormalities, such as changing the shape of the lips, correcting the external appearance of the nose by lengthening or shortening it, or altering the size of some external body parts. The sole purpose of this sort of surgery is to correct, change, or improve the appearance of the individual having the procedure. These factors do not endanger the health or life of the individual receiving this operation. In this case, surgery serves no direct physical therapeutic purpose, is unnecessary, and serves only as a supplement (Quzmar, 2010; Falah, 2012).

It is important to note that there are surgeries and operations intertwined with plastic surgery that are constantly and rapidly evolving and have reached a level that was previously unimaginable to humans, such as "sex

change surgery" (from and to male and female) and the transplantation of human organs, which are among the most significant discoveries of scientific and technical advancement in the field of medicine. It is now feasible for a person to get compensation for the loss of their natural organs, the incapacity or weakness of those organs, or the removal of an apparent flaw. Examples include teeth, prosthetic limbs, and several internal organs of the human body, such as the heart and lungs. (Abdul Ghafoor 2002)

Nature of Commitment of Plastic Surgeon:

As a result of scientific and technological advancements in the medical sciences, numerous surgical procedures, including plastic surgery, have emerged, raising the question of the nature of this operation. Is it inherent to the physician's dedication to the field of medical treatment to provide care, or does it possess a distinguishing quality?

To understand the nature of the plastic surgeon's dedication, it is vital to understand the numerous forms of this operation, each of which has a distinct aim and objective.

When plastic surgery arose in its current form and size, bringing its challenges, a new door to new duties opened. The judge was tasked with evaluating the plastic surgeon's duty to keep up with growth in accordance with reality. (Al-Ibrashi, 1951)

In the books of civil law, there are two sorts of commitment: the commitment to care and the commitment to achieve the purpose or target. In the first type, referred to as 'commitment to a means,' such as the doctor's commitment to performing his duties following the standards of his profession, the patient (the creditor), as a claimant, proves the existence of the contractual error or the harmful act and the damages he sustained with a causal relationship unless the doctor pays the responsibility for it in the presence of a foreign cause (force majeure, third party error, or the fault of a third party).

Al-Sanhouri stated that the doctor's commitment to treating the patient is not an obligation to cure the patient but rather to treat the patient with proper care, following the doctor's workmanship principles (Al-Sanhouri, 1952). However, we feel that what determines the type of dedication of the doctor and surgeon in medical cosmetic operations and other therapeutic work is not the possibility but rather the level of development of the medical profession and its definite and stable results. Consequently, if this is the case, the effort or devotion to a goal will be evaluated, and the cosmetic surgeon or others will not fulfill their obligations until they obtain the desired outcome. And if the results are possible, the labor or commitment to care, including the commitment of the physician and surgeon in aesthetic medicine, will be examined. However, in plastic surgery, medical work may involve two sorts of obligations; one is necessary for achieving a result, and the other consists of taking care of the patient.

To determine the nature of the plastic surgeon's commitment, the position of the judiciary and its role in adjusting the nature of the plastic surgeon's responsibility must be clarified. The French judicial system was initially compelled to hold the plastic surgeon accountable for the entire outcome of the surgery, even if he performed it according to the standards of his profession and no medical error was discovered on his part, as long as there was no justification for achieving it. As a result, cosmetic surgery performed by the surgeon is viewed as a mistake in and of itself, as the aesthetic purpose is incompatible with its therapeutic nature. (Abdul Ghafoor, 2002)

Considering the preceding, the surgeon who performs cosmetic surgery that exposes the subject's body to the possibility of danger to remove a disease that is not commensurate with the threat is liable for any resulting damage, even if the plastic surgery is performed following the rules of the profession and even if the surgeon obtains the subject's consent for the procedure. With the continuance of innovations in the medical profession, particularly plastic surgery, French law acknowledged the legality of plastic surgery, attached it to the branches of surgery, and subjected it to the same norms and principles as conventional surgery. Due to the unique character of plastic surgery, which is not performed for therapeutic purposes, some argue that the doctor's commitment should also include a promise to accomplish the desired outcome. Therefore, the plastic surgeon is held accountable if the desired effect is not attained. There is a contract between the doctor and the person undergoing surgery. Under this contract, the doctor is obligated to take care following the principles of the aesthetic medical profession. Furthermore, the French judiciary has unanimously agreed that the doctor's obligation in plastic surgery obviates the surgeon's duty to exercise reasonable care. (Hanna, 2008).

However, the approval of the legality of plastic surgery by jurisprudence and the judiciary is subject to certain rules and regulations that a doctor must adhere to, such as being qualified and holding a medical degree in cosmetology and taking into account the proportionality between the potential risks of plastic surgery and its desired benefits. The plastic surgeon must also provide the individual undergoing plastic surgery with information to gain agreement and adhere to all necessary precautions (Abdul Ghafoor, 2002).

The doctor must notify the patient about the nature of the treatment and the risks associated with the surgery; otherwise, he is liable for all adverse outcomes resulting from his intervention, even if he did not commit an error. Also, he should ask the doctor if he is proceeding with the treatment in a manner that reflects negligence, indifference, and failure to follow the accepted medical principles. The surgeon, in particular, must perform his surgical work with the skill required by his profession and at the level that is expected of him from the scientific level, particularly concerning cosmetic surgeries in which the doctor is responsible for achieving a goal in light of the medical advances that have occurred.

Establishing Civil Liability of Plastic Surgeon:

Before evaluating the nature of civil liability, one must understand its idea. Al-Sanhouri (1952) defined the civil liability of a physician as "compensation for material and moral damages caused to the patient or his family if he died as a result of a medical error, including legal blood money, and the issue of punishment is referred to the relevant court which has the authority to form investigation committees, whether from medical jurisprudence or other medical authorities" (Al-Mashaan, 2013).

It is also defined as "the capacity of a person to bear the compensation resulting from the harm he inflicted on others as a result of his breach of a legal or contractual obligation, and the person is subject to civil liability if he exceeds the limits of the contract between him and another person" (Joseph, 1987).

Because there is no codified civil law in the Kingdom of Saudi Arabia, civil responsibility is governed by the laws of Islamic Sharia. The executive regulation of the Saudi Law of Practicing Healthcare Professions includes various definitions of civil liability, one of which is "a doctor's breach of an obligation under the system that results in harm to another person and necessitates compensation." (Executive Regulations of Saudi Law of Practicing Healthcare Professions, 2006)

Since no separate text regulates the doctor's or plastic surgeon's obligation, it is subject to the same criteria upon which civil medical responsibility is founded, albeit with a degree of strictness due to the gravity of these procedures.

In addition to the medical contract between the doctor and the patient, the laws governing the medical profession impose an obligation on the doctor to provide essential medical care and treatment. If the physician commits a medical error that causes harm to the patient, the physician will be held civilly liable (tort or contract). The physician is responsible for providing monetary reparations as established by the "Sharia Medical Board," a court with authority to investigate medical mistakes. Legal ideas specify blood money and inheritance; compensation is left to the discretion of the medical authorities.

Each of the principles is explained in further detail below.

First: Contractual Liability of the Doctor: It is obligatory for all contracting parties who have failed to perform their contractual obligations. As a result of the existence of a contract between the doctor and the patient, he will be ordered to pay for any damages incurred by his breach. According to the terms of this contract, each party's obligations to the other are spelled down, and the doctor is expected to provide the necessary treatment to the patient. The medical contract stipulates the physician's duty and commitment to healing the patient. Consequently, the contractual liability arising from the breach of a contractual obligation differs depending on the contractual responsibilities involved. The contractual link continues between the doctor and the patient so long as the medical contract is initially established based on the doctor's affirmation and the patient's or his equivalent's acceptance (Al-Sanhouri, 1952).

The contractual nature of the doctor-patient relationship requires that the patient receive the highest care required by his condition and particular circumstances, but in conformity with the standards of the medical profession and the demands of scientific progress. Therefore, if this commitment is breached, the doctor's liability will be proved as a breach of a contractual obligation (Al-Moayatah, 2004). The contractual liability

is not triggered unless the doctor commits an error and the patient sustains damages due to the error. Civil liability is the actual contractual liability. Hence the doctor's liability is a tort liability (Al-Qasim, 1979).

Second: Tort Liability of the Doctor: Tort liability is defined as "the penalty imposed on the doctor as a result of his breach of a legal obligation which obliges him not to harm others, and an "unlawful error expresses it," and its criterion is a person's deviation in his behavior and actions from caution, foresight, and providing the patient with the necessary care.

The preceding sentence clarifies that if there is no contract between the doctor and the patient, the doctor's liability is based on tort. Consequently, everything that does not come under contractual duty falls under tort liability when its circumstances are met. Due to the absence of a contract between them and the doctor, the patient's family has the right to sue the doctor for tort blame in the event of the patient's death. If a patient is harmed due to the doctor's negligence in monitoring the patient, the doctor is also liable under tort law (Joseph, 1987).

When tort culpability and contractual liability were met, the regulator in the Kingdom of Saudi Arabia assigned them to the physician. This is evident from the regulator's characterization of the doctor's civil culpability. He noted that the doctor's obligations stemming from the rules governing the medical profession and the medical contract between the doctor and patient. Therefore, if the doctor commits a medical error that causes harm to the patient, the doctor will incur civil obligation (tort or contract) (Margin of the first section of Chapter Three, the executive regulations of the Saudi Law of Practicing Healthcare Professions, 2006).

Notable is that the Law of Practicing Healthcare Professions, article (41) and its content, requires all doctors and dentists working in public and private health facilities to be insured against medical errors and retain the rights of affected patients to reimbursement. On the other hand, it cannot be said that medical insurance against medical errors will protect the doctor from the consequences of his mistakes and cause him to slack off in his work and fail to fulfill his obligation to the fullest extent because the doctor's accountability is not limited to civil liability represented in material compensation but also includes penal and disciplinary responsibility.

As its personnel is tasked with performing a public service specified following the regulations that govern the operation of the public health institution, the general hospital's liability is based on tort liability. The hospital and the doctor are jointly questioned following the rules governing the subordinate's responsibility for subordinate actions, as well as for every error made during the performance of the assigned task, proper conduct, providing the necessary care to patients in general, proper use of equipment, and provision of sufficient equipment and sufficient numbers of employees. The official may refute this presumption because the damage was caused by an external factor in which he had no involvement.

Impact of Satisfaction on the Civil Liability of Plastic Surgeons:

Patient Satisfaction: It is the consent or acceptance of a person or his representative to perform for him a set of medical, curative, and surgical actions intended to preserve or restore health, or it is a set of actions that help to alleviate pain and suffering by obtaining the consent of patients and using medical means to maintain the body's health and safety. Plastic surgeons are bound by strict legal and judicial obligations, given the likelihood of a plastic surgeon's breach of legal duties owed to the patient and the non-therapeutic nature of the surgery. These include informing and educating the patient adequately, comprehensively, and, as in ordinary surgeries. Therefore, failure to report correctly constitutes an error for which the surgeon is responsible since he is obligated to advise his patient of the genuine nature of the surgery and its probable side effects and risks. Therefore, if he fails to do so, he will be judged to have made an error (Al-Sabaheen, 2012). However, most candidates for plastic surgery do not want to know the difficulties and risks of the procedure because it goes against their desires. However, suppose the plastic surgeon fails to obtain the consent of the person who desires cosmetic surgery. In that case, it will be considered a mistake for which he is liable, even if there is no evidence of negligence in the treatment or surgery (Al-Hasni, 1987).

In this regard, Mustafa (1942) states, "The doctor's liability for failing to seek the patient's agreement in advance is entirely separate from the liability arising from the therapeutic error. Therefore, the patient's discontent renders the doctor's treatment illegal, and he will be held guilty as an ordinary citizen.

The patient has the right to get information from his physician regarding the potential risks of surgery. Therefore, before performing the surgery, the physician must acquire the patient's approval by informing him

of the reality of his health situation and examining him thoroughly and exhaustively, particularly if numerous hazards are involved.

Here, a distinction should be made between the consent by which the medical contract is validly concluded between the two parties and the requirement to obtain informed and insightful permission with the anticipated risks before beginning surgical work, which should be included in the contract itself. It should be noted that, as a general rule, no precise formula is required for the patient's agreement to surgical operation; nonetheless, the patient or his agent typically offers written consent for surgical procedures with substantial risks. As a fundamental tenet of medical science, the plastic surgeon must ensure that the person undergoing cosmetic surgery is satisfied, as this is an essential requirement. Therefore, the physician must get the patient's informed consent before surgical intervention. This gratification in plastic surgery is unique because the surgery in question is not urgently required. The approval of the recipient of cosmetic surgery does not remove the attribute of error from the activity of his doctor, who must be watchful even if he is asked to disregard it. Therefore, if it is proven that the plastic surgeon performed a serious operation that the client's health condition did not permit, the consent will not remove the character of a mistake from his action; rather, he will be considered to have committed an error and been negligent in performing his duties, even if the person who requested the operation accepts all the consequences.

On the other hand, the permission of the customer who sustained the injury cannot be construed as a waiver of liability. Even though they are uncommon, the plastic surgeon must notify the client of all risks and side effects associated with surgical intervention. In this way, he should produce a result.

The rationale for the preceding remark is that this type of surgery is performed under cautious conditions since there was no necessity for it, and there was no emergency that necessitated its performance promptly, as well as on a healthy body. Therefore, it was vital to educate the customer about all the dangers and consequences so that he could make an informed choice (Al-Budairat, 2021). Furthermore, the obligation to provide insight to the patient has not been accorded the importance it merits in the Kingdom, as the Law of Practicing Healthcare Professions makes no explicit reference to it, even in therapeutic medical interventions, except for Article (19), which stipulates the requirement to obtain the patient's consent before performing therapeutic or surgical interventions (Al-Budairat, 2021).

As common knowledge, informing the customer is to assist and enlighten him so that he can make the best decision regarding his body. Thus, it can be claimed that several elements contribute to determining the scope of this obligation and, consequently, what should be disclosed by the physician and what should be kept confidential according to the needs of each specific instance (Sageer, 2015). One of the most important responsibilities of the doctor, and the plastic surgeon, in particular, is to inform the customer. It would make little difference if the treatment were administered in a hospital or clinic, as the doctor considers patient happiness complementary (Boulhabbal, 2022).

Considering the obligation and commitment to inform the customer about plastic surgery, a credible perspective holds that plastic surgery is subject to the same general rules as therapeutic surgery. The necessary conditions must be met, such as there must be a proportion between the danger and benefit to the patient, and there must be a justification for violating the human body's integrity.

Regarding therapeutic procedures or operations, or non-therapeutic procedures such as cosmetic enhancement, the written agreement must be obtained from an adult and sane patient or his guardian or representative.

The issue depends on the degree of its requirement or need, and each instance is evaluated independently. In this instance, the terms of paragraph (a) regarding medical consent will apply. Medical consent is invalid in circumstances that have been established to be prohibited, such as sex change operations.

However, suppose the plastic surgeon fails to gain the client's consent but does not conduct any carelessness in the treatment or cosmetic surgery. In that case, it will be regarded as an error for which he is liable. (Hanna, 2008)

General Terms and Conditions for Plastic Surgery:

The operation must achieve a reasonable aim, such as restoring the function, correcting the fault, and restoring the character to its original form. It must not cause more harm than expected benefit. According to Resolution

No. 142 (15/8) of the Council, the work in this instance must be performed by a competent, specialized physician; otherwise, he will be held accountable.

In a court case, the Sharia Health Board in the Makkah Al-Mukarramah area of Jeddah ruled that the plastic surgeon and his colleagues were not certified (Resolution No. 1295 for the Year 1430 AH).

In the plaintiff's claim, it was revealed that his wife visited a clinic (plastic surgeon) in one of the private hospitals for abdominal liposuction and was advised to have a cosmetic procedure to tighten her abdominal muscles. At the time of the operation, while the anesthetic was being administered, the patient wanted to stop the process. Still, the anesthesiologist indicated that the doctor would soon arrive, and the patient was subsequently anesthetized, and the operation was completed. After the surgery, her condition was unstable due to a rapid heartbeat and shortness of breath, and it did not improve, so her husband transported her to a different hospital. The patient was diagnosed with pneumonia and intestinal fluid reflux into the trachea (Mendelson's syndrome). She stayed in critical care for five days before being discharged with a stable condition. He wanted the return of the 45 thousand riyals he had paid to the treating physician at the plastic surgery clinic.

Regarding the case mentioned above, it was determined that the accompanying physician (a second plastic surgeon) violated Article (9) of the Law of Practicing Healthcare Professions by performing a surgical procedure that exceeded his qualifications and license. Consequently, he must be punished following Article (28) of the legislation. As for the anesthesiologist, she violated Articles (2) and (27) of the Law of Practicing Healthcare Professions because she worked in the hospital without a license and did not make the appropriate intervention for the patient, such as recovery after the operation, which resulted in the occurrence of pneumonia; therefore, he must be punished following Articles (28) and (30).

The hospital violated Article 8 of the Health Institutions Law by allowing the unlicensed anesthesiologist to work at the facility. The Sharia Health Board investigated the entire matter.

According to the regulations, surgical work must be performed with the patient's consent (the applicant for surgery). The doctor (specialist) is required to inform the patient of the anticipated and potential risks and complications of the surgery and the fact that there is no less harmful treatment method available.

Article 2 of the Saudi Commission for Health Specialties is tasked with designing programs (professional health specialization), approving and supervising them, ranking health degree holders, evaluating their degrees, establishing the standards for practicing health professions, and registering health practitioners. It is a reference for general and specialized medical practice.

If the surgery is performed by a person who is not a doctor, even under the supervision of a doctor, such as a physician assistant or one of the technicians of the equipment typically used in plastic surgery, such as lasers and the like, or if it was performed by a doctor who was not licensed to practice medicine or who was not licensed to perform this type of surgery, such as a general physician or a dermatologist who performs cosmetic surgery, the patient is in error.

Riyadh Health published a statement stating, "Based on the allegation of a mother of a girl against an Arab doctor working as an assistant in a plastic surgery clinic in a specialized complex in Riyadh. Her daughter wanted to remove fat from her abdomen and re-inject it into her buttocks, but after the procedure, her health deteriorated. She was admitted to a government hospital in Riyadh, where it was decided that her hands should be amputated from the elbow joint and her right foot should be amputated from the knee joint due to health complications. He was arrested, a preliminary investigation was conducted with him, and his statements were heard, which revealed that the operation lasted approximately two hours, was performed with Topical anesthesia, and took place in his clinic, which is a clear violation of the law and a disregard for regulations and legislation. This medical therapy resulted in the patient's amputation of three body parts.

Riyadh Health reported: "The Department of Private Health Sector Affairs for Health Affairs in Riyadh organized an emergency committee with two members from King Saud Medical City. The committee inspected the complex and determined that the administrative and medical organization within the facility did not meet the basic requirements, violating the Health Institutions Law.

"After the committee examined the operating room where the doctor performed liposuction and fat injection on the citizen-patient, it was discovered that there was no monitoring device for vital signs, as well as no

cardiopulmonary resuscitation cart, a manual ventilation balloon, or an oxygen mask, which falls under the clause of ensuring patient safety in the event of complications. The committee confirmed that the lack of certain medical materials in a clinic where minor or major surgical procedures are done constitutes a clear infringement.

Based on these investigations and their findings, the committee recommended issuing a decision to suspend the doctor and referring the case to the Sharia Health Board to investigate the private right and implement the law by revoking the doctor's license to practice the health profession and removing his name from the register of licensees, as well as referring the case to the "Committee of Looking into the Violations of Private Health Institutions" in Oman.

The Saudi Arabian Ministry of Health shuttered a private medical clinic for plastic surgery in Riyadh after a lady died while receiving plastic surgery. According to the local newspaper (Sabq), the decision to close the medical center was made after it was determined that the center was responsible for the poor level of health service provision and its failure to adhere to the health standards and procedures, which led to the death of a patient undergoing cosmetic surgery at the center, as well as other violations. Following the Law of Private Health Institutions and the Law of Practicing Healthcare Professions, the Ministry decided to refer the full dossier of the private center to the Shariah Health Board's competent authority for issuance of the appropriate ruling.

Estimation of Compensation for Liability of Plastic Surgeon:

The civil liability of the plastic surgeon is based on the same three pillars as medical liability: the error, the damage, and the causal relationship between the error and the damage. Civil liability does not exist in plastic surgery unless these three pillars are established. It is the antithesis of punishment because it attempts to reward the offender for his behavior and dissuade others. The compensation is designed to compensate the victim for their sustained harm.

First: Error in the Field of Plastic Surgery:

Al-Fazl (2000) defines medical error as "a breach by the doctor of his duty to exercise emotional care and vigilance following the established scientific facts" or as "a failure in the doctor's behavior that would not occur by a vigilant doctor in the same external circumstances as the responsible physician." (Al-Hiyari, 2005) Therefore, in plastic surgery, a mistake may take the shape of a violation of a technical or legal requirement associated with the scientific and technical standards of the profession.

In light of the reality that every act, whether undertaken accidentally or intentionally, causes harm to others. Therefore, the person who caused the harm must compensate the victim; if the defendant (the plastic surgeon) is accountable for the harm caused to the subject during surgery, he must compensate the subject.

According to the preceding statement, it is accurate to claim that, in the sphere of civil responsibility for doctors and surgeons, compensation is the fruit of liability, i.e., the penalty for the liability coming from the surgeon's error resulting in patient injury.

The Medical Errors which occur in the field of Plastic Surgery:

- 1) The inexperience of the doctors due to their youth and lack of surgical practice.
- 2) Some physicians rush to utilize new experimental treatments or extremely modern materials that have not been proven helpful and are free of long-term problems. On the other hand, people request these extensively marketed treatments without recognizing that these are experimental techniques that have not been proven beneficial.
- 3) Using low-quality materials, particularly cosmetic medicine, causes injury and disfigurement. Quality cannot be compromised in medicine because substandard care harms the patient. Medicine is neither a business in which it is permissible to hunt for the lowest price nor to take advantage of this fact, as doing so has fatal consequences.
- 4) There is no genuine interaction between the doctor and patient, as the doctor must explain what is possible and what is not and give the patient an idea of the anticipated outcome. The patient must provide sufficient detail to his physician regarding his request and desired outcome.

- 5) The patient visits a non-specialized or unlicensed cosmetic clinic and accepts cosmetic procedures from individuals who may or may not have a medical degree or a specialty in aesthetic medicine and who have a certificate of competence gained after only a few months of study.
- 6) The doctor makes all decisions without discussing the patient, resulting in unanticipated outcomes for the patient.
- 7) The patient does not adequately enquire about his physician and the outcomes of his surgeries. People frequently follow media and advertising hype that may be false.

Second: Harm in the Field of Plastic Surgery:

To receive compensation for a loss in plastic surgery, the failure must conform to the general principles governing compensation. For a doctor to be held civilly liable for plastic surgery, it is not enough for him to make a mistake while performing his medical duties; rather, this error must harm the patient. Additionally, the physical harm caused by plastic surgery must have injured a legitimate interest. The injury must have occurred during plastic surgery, regardless of whether it has occurred or will occur in the future, as long as it is certain. For a judgment on compensation, it is necessary to demonstrate that the injured party would have been in a better position if the surgeon had not made a mistake, such as avoiding burns, vision loss, disfigurement, etc.

Third: The Causal Relationship between Error and Damage in Plastic Surgery:

Mistakes or errors made by the plastic surgeon during his work are insufficient to satisfy his civil liability. Rather, this miscalculation must have caused injury to the individual undergoing plastic surgery. In addition, there must be a causal relationship between the doctor's error and the patient's damage, as represented by the phrase "the causal relationship," which is the third and final element for establishing guilt. So, according to the general rules, the causal relationship is represented by the direct link between the medical error committed by the doctor and the harm that befell the patient. This means that it is not sufficient to harm the patient due to the doctor's error merely; rather, it is necessary to demonstrate the existence of a relationship between this error and the harm.

Nonetheless, determining the causal relationship is one of the most difficult and demanding tasks in medical liability. This is owing to the complexity of the human body, the alteration of its characteristics, and the lack of clarity regarding the causes of the apparent problems. It is more challenging to demonstrate the relationship between harm and error if the sources of the damage are distant or intangible aspects associated with the patient's bodily composition, whose integrity is difficult to prove. (Husain, 2001) In plastic surgery, however, the judicial tended to assume this relationship existed as soon as the error and harm happened, without searching for the reasons for pathological and health changes and the effect of the surgeon's error on the surgical outcome. As the Law of Civil Liability (both contractual and tort) was established to prove a medical error, the Saudi regulator did not include any provision for reimbursement for damages resulting from medical mishaps.

According to Article (41) of the "Saudi Law on Practicing Healthcare Professions," the doctor must have cooperative insurance for the profession's risks. The executive regulation has precisely established the terms and method of insurance, as well as the doctor's and medical facility's shared duty for the determination of the compensation that is in the injured person's best interest and a guarantee for the execution of the decision.

The compensation that is a necessary consequence of the plastic surgeon's liability due to the surgeon's medical error must be reimbursed financially.

Compensation in Kind: The judge directs the surgeon to repeat the plastic surgery to restore the patient's state to what it was before the incident.

Compensation in Cash: It is a monetary amount that the judge assigns to the party liable for the medical error, regardless of whether the culpability is contractual or tortious. Due to the difficulties and impossibility of compensation to return the situation to its original state, this technique remains the most likely to be used and the best compensation. However, in some rare instances, compensation in kind may be adequate. The patient can receive monetary or in-kind compensation for injuries sustained.

Conclusion:

In this study, the concept of plastic surgery, its types, the level of the plastic surgeon's commitment, and the influence of patient satisfaction on the plastic surgeon's civil liability was presented to examine the impact of patient satisfaction on the plastic surgeon's civil liability.

Following are the findings and recommendations of the study:

Findings of the Study:

1. Plastic surgery has become one of the most commonly performed surgeries. Due to its continual progress in the modern era has expanded from the necessary plastic surgery required for treatment to cosmetic or elective surgery.
2. In therapeutic procedures, a plastic surgeon's commitment is to provide treatment, whereas in aesthetic or elective procedures, the surgeon's responsibility is to achieve a specific result. As a result of scientific and technical advancements, there is an exception to this rule, as there are numerous technical and medical operations in which the surgeon's commitment is to achieve a result and not to take care, and failure to achieve the result is a mistake for which the doctor will be questioned.
3. There is a need to inform and educate the patient in an adequate, comprehensive, and straightforward manner, as is the case with ordinary surgeries, so that the plastic surgeon's commitment to obtaining the consent of the person desiring cosmetic enhancement is based on their free and informed will, which is true consent. Therefore, improper communication constitutes an error for which the surgeon bears responsibility.
4. The patient's happiness does not absolve the plastic surgeon of obligation, and the medical error is the basis for the physician's civil liability. There are two types of surgeon errors: a contractual tort and an unintentional mistake. This medical error is, in essence, subject to the customary laws regulating civil culpability for mistakes. Conversely, the victim's permission for the injury cannot be read as an agreement to release him from obligation.
5. Cosmetic surgery is typically performed under a medical contract in which the patient's will and the surgeons will coincide; however, this contract has a feature that is unique and distinguishes it from the other agreements; this feature is the mutual trust between the plastic surgeon and his patient, without which the contract would not have been concluded. In addition to the humanitarian aspect of this contract, it is also based on personal factors such as the surgeon's extensive knowledge and sincerity in his treatment.
6. The plastic surgeon incurs civil liability if they make a mistake while performing surgery, which in this case is failing to obtain the patient's consent. This error must have caused the patient's injury, which must have been caused by this error, establishing a causal relationship between the two.
7. The laws, regulations, and ordinances about the human medical profession in the Kingdom of Saudi Arabia did not specify guidelines for plastic surgery. Still, they defined the doctor's general duties and obligations and the ethics and conditions of its practice. Because plastic surgery is included among the medical professions, its definition, types, governing regulations, and legislation must be specified. Since the Saudi Regulator did not control plastic surgery with unique restrictions since there are no scriptures that can be cited, even indirectly, it is required to turn to Islamic Sharia law.

Recommendations:

- The study indicated that the provision of the law of medical and health duty should clearly state that the doctor's responsibility to the patient in cosmetic procedures is to accomplish the desired result and not to provide care.
- Plastic surgery should be personalized with particular regulations governing it, and the doctor should be required to carry out his professional duties, including the obligation to inform the patient of all dangers and side effects of plastic surgery.
- A plastic surgeon's responsibilities should be stringent, as this strictness includes informing the patient of all prospective, implausible, and rare hazards to acquire explicit and informed permission.

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