Medical Environmental Competitiveness: Law Protection for Patient and Traditional Alternative Medicine Practitioners

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Abstract: Traditional alternative medicine is an alternative therapy used as a substitute for health inexistence of service or cure for most of the people around the globe including in Pekanbaru Indonesia. The possibility of solving a disease or other medical problems so far in the society seems attract many people to use the services. Therefore, the Government issued the regulation No. 103 of 2014 to cover the Traditional Health Worker Practitioners License (SIPTKT). It issued by the regional government to have full authority in regulating and enforcing regulations in supervising the circulation of traditional medicines. However, the data revealed from this study showing that many of them still do not have SIPTKT. This is means to protect the rights of patients or the practitioners its self still low. The qualitative research using sociological law perspective based on the results of research lacking in understanding that patients should asking for accountability from their traditional medical practitioners. Their act must be registered for legality and credibility of the services. To ensure if problems occur between the parties, both patients and traditional medicine practitioners can settle it through (law) peace and agreement between the parties.

Keywords: Law protection, patient, traditional medicine practitioners

1. Introduction

Health is one of the basic human needs apart from clothing, food and shelter needs, without living a healthy life human life becomes meaningless because in a state of illness humans will not be able to carry out daily activities properly. Healthy conditions that include physical, mental, spiritual and social aspects and can be socially and economically productive. Mental health (mentality) includes the mind, emotional and spiritual components reflected in religious practices, beliefs and good deeds in accordance with the norms in society. In an effort to improve the degree of public health, an effort is needed by providing health services as stipulated in Law Number 36 of 2009 concerning Health \[1\], hereinafter referred to as the Health Law, in Article 48 of the Health Law regulates the implementation of health efforts implemented through activities such as traditional health services. Traditional health service is an alternative therapy as a substitute for health problems for the community, especially with the existence of conventional health care malpractice that makes people open themselves to traditional health services that offer the concept of back to the nature even the possibility of recovering from a disease that has not been found in the medical world.
Based on the Decree of the Minister of Health of the Republic of Indonesia Number 1076 / MENKES / SK / VII / 2003 states that the classification of traditional medicine has various treatment techniques such as medical techniques through skills, potions, religious and supernatural approaches. Whereas in Government Regulation Number 103 of 2014 concerning Traditional Health Services in Article 1 number 1-3 the types of traditional health services include; traditional empirical, traditional complementary and traditional integration. For empirical health services, health workers are called traditional health professionals who must have the skills and Traditional Health Registered Letters (STPT) issued by the local Health Office and complementary health services called traditional health workers who must have certain high school skills equivalent to a Diploma (D3) and Letter Traditional Health Worker Practice (SIPTKT) licenses issued by the regional government have full authority in regulating and enforcing regulations in monitoring the circulation of traditional medicines that are not registered and even containing chemicals that can endanger the government so that the government needs to regulate it in order to provide protection for health workers and users of traditional health services [3].

In Pekanbaru, the practice of traditional health services has sprung up, and even attracted the public. Almost every road in Pekanbaru are found practices of traditional health services by giving promises to cure chronic diseases without expensive costs and the guarantee that even advertisements and testimonials from patients in print media, local television are available. This patients right specifically regulated in Law No. 29 of 2004 concerning Medical Practices but the law only covers the protection of patients who use medical health services performed by doctors, if there are complaints against doctors, patients can submit to the Medical Ethics Code Assembly (MKEK) and so on for internal processing first or later it might be a legal conflict that requires court intervention.

Health workers in traditional medicine do not include medical personnel. In traditional service practices, if there is a claim of dissatisfaction or loss borne by the patient both as a result of unbalanced information received and as a result of certain actions from the practice. With the necessity of registering through the Pekanbaru City Health Office to obtain practice permits as a guarantee of legal protection for patients and traditional medicine personnel to protect the rights of patients. Based on the description, the writer conducts research with the title: Legal Protection of Patients and Health Personnel Based on Government Regulation Number 103 of 2014 concerning Traditional Health Services in the city of Pekanbaru.

Therefore, this study would like to explore the legal protection for patients and health workers based on government regulation number 103 of 2014 concerning traditional health services in Pekanbaru and to see the solutions to losses between patients and health workers based on government regulation number 103 of 2014 concerning traditional health services in Pekanbaru.

2. Research methods

The type of the research is sociological legal research which focuses on the discussion of the effectiveness of law and legislation in the midst of society. The object of this research is legal protection for parties related to patients and traditional health workers as well as ways to resolve problems that occur in practice. This study limits its data only to cover Pekanbaru City Health Office, in the department of Pekanbaru Drug and Food Supervisory Agency (BPOM) and traditional medicine clinics in the city of Pekanbaru.
3. Discussion

3.1 Legal protection

Legal Protection of Patients and Health Personnel Based on Government Regulation Number 103 of 2014 concerning Traditional Health Services in the City of Pekanbaru. The form of traditional medicine is divided into two types, however this study only focuses on Traditional Medicine Registrant (STPT). This is mandatory for all traditional healers who carry out traditional medical work as stipulated in article 4 of the Decree of the Minister of Health of the Republic of Indonesia Number: 1076 / Menkes / SK / VII / 2003 concerning Implementation of Traditional Medicine. The traditional Medication Permit (SIPT) can be given to traditional healers whose methods have met the screening, assessment, research and testing requirements and proven safe and beneficial to health. One of the things that has been recognized for obtaining this SIPT is the acupuncturist as stipulated in article 9 paragraph (2) of the Decree of the Minister of Health of the Republic of Indonesia Number: 1076 / Menkes / SK / VII / 2003 concerning the Implementation of Traditional Medicine which reads: "Acupuncturists who have passed the competency test from the association of professional organizations in the field of traditional medicine concerned can be given a Traditional Treatment Permit (SIPT) based on this Decree " [5]

Traditional medicine is one of the alternative health services that is relatively up to now is still the choice of the community, therefore the health community seeks to recognize and if it can include traditional treatments registered in health services at the Health Service. Based on the Decree of the Minister of Health of the Republic of Indonesia Number 1076 / MENKES / SK / VII / 2003 Article 3, traditional medicine is classified in types of skills, potions, religious and supernatural approaches: a. Traditional healers have skills that consist of: massage, fractures, circumcision, shaman, reflection, acupressure, acupuncturist and chiropractor, b. Traditional remedy for herbs, traditional medicine with Indonesian herbs: herbal medicine, gurah, shinse physician, homeopathy and aroma therapist, c. Traditional healers with a religious approach: Islam, Christianity, Catholicism and Buddhism, d. Supernatural traditional medicine consists of traditional healers: inner power (Prana), paranormal, reiky master, qigong and inner shaman.

Apart from the foregoing in the implementation of traditional medicine centers which are obstacles, there are still many medical practices that have not been registered, which do not understand the patient, whether prohibition restrictions, benefits, type of drug, dosage, treatment period and the price to be issued, as well as other conditions given by the treatment center. Where the provisions are written in brochures and also in small written drug packages so that it is difficult to read or understand by patients, even some patients claim to be reluctant to ask for accountability from the treatment center, for fear of incurring additional costs for treatment again,

3.2 Completion of Losses

Legal efforts are a way or path that can be taken to overcome various legal issues between patients and medical staff in traditional medicine clinics, they tend to solve the problem through peace and agreement or choose the way of settlement outside the court and the difficulty to prove it, because there is no administration clear. In addition to the Health Act and Consumer Protection Act, people who experience or are aware of a dispute between consumers and business actors must report the matter to the Consumer Dispute Settlement Agency (BPSK). Even this problem can also be resolved through civil channels, the traditional medicine center can be said to be in default, where the traditional medical center has denied or does not want to be responsible for promises made so cause patient harm.
The government can supervise traditional medical practices through the Health Service and the Drug and Food Supervisory Agency (BPOM) as a preventive measure to prevent acts that can harm patients, especially standard operating procedures for treatment. The patient needs to know about the explanation of the medicines used, whether the drugs have met the qualifications and have been registered with the BPOM as medicines that can be used by patients.

3. Conclusion

Legal protection for patients and health workers is still ineffective as stipulated in the legislation, where there are still many traditional medical practices that have not been registered with the Health Office so that if problems occur they can be detrimental to both patients and traditional health workers. Completion of losses between patients and traditional health professionals tends to resolve the problem through peace and agreement between the parties, but not all of them provide positive results by providing free remedies or compensation. Patients who seek treatment in traditional medicine, beside standard operating treatment procedures, the patient needs to know about the explanation of the medicines used by the medication, whether the medicines are qualified and have been registered with BPOM as medicines that can be used by patients.

4. Suggestion

Patients should be able to be more critical, and consciously use their rights without feeling afraid if they feel disadvantaged by the practice of traditional medicine and can understand the laws and regulations so that if they experience losses in the traditional treatment process can take legal action. Traditional medicine practices should be able to understand the laws, government regulations and regulations related to traditional medicine, so as to ensure the rights of patients and the rights of treatment providers.

The Health Office and BPOM Pekanbaru and related agencies can synergize with each other to conduct supervision and licensing of traditional medicine practices in the city of Pekanbaru. And it is hoped that it will be more assertive in following up on traditional medical practices established without official permission to prevent unwanted possibilities as regulated by the Health Act, Minister of Health Regulations, as well as other regulations governing traditional medicine.

5. Referance

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