



TRADITIONAL HEALING PRACTICES BY HEALTH WORKERS AND TRADITIONAL HEALERS FROM A LEGAL PERSPECTIVE: A NORMATIVE LEGAL STUDY

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ABSTRACT

Traditional medicine is an integral part of the health system that is still widely used by the Indonesian people, both as an alternative and as a complement to modern medical treatment. The high prevalence of the use of traditional medicine, including the involvement of health workers and traditional healers, gives rise to complex legal implications, particularly regarding the legality of the practice, the limits of authority, and patient protection. Differences in regulatory regimes between health workers and traditional healers have the potential to create legal uncertainty if not regulated clearly and harmoniously. This study aims to analyze the legal regulations for the practice of traditional medicine by health workers and traditional healers from the perspective of Indonesian health law and examine the implications of legal accountability. The research method used is normative legal research with a statutory, conceptual, case-based, and limited comparative approach. The legal materials analyzed include health legislation, court decisions related to traditional medicine practices, legal doctrine, and World Health Organization policies and recommendations. The analysis was conducted qualitatively through normative interpretation to assess the consistency and adequacy of legal regulations. The study shows that traditional medicine has received legal recognition as part of the national healthcare system. However, regulatory fragmentation and disharmony persist, particularly regarding the boundaries of practice authority and legal accountability mechanisms. Health workers have a relatively clearer framework of responsibility than traditional healers, while legal protection for patients is suboptimal. This study concludes that regulatory harmonization and strengthening are needed to improve legal certainty, patient protection, and accountability for traditional medicine practices in Indonesia.

Keywords: health law; health workers; legal responsibility; traditional healers; traditional medicine

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INTRODUCTION

Traditional medicine is an integral part of health systems in many countries and has been widely used by people across cultures. The World Health Organization (WHO) defines traditional medicine as the knowledge, skills, and practices based on theories, beliefs, and experiences derived from local cultures, whether scientifically explicable or not, used in health maintenance and the prevention, diagnosis, and treatment of disease (World Health Organization [WHO], 2019). In its latest global report, the WHO stated that traditional and complementary medicine is used in more than 170 countries, with prevalence ranging from 40% to 99% of the population depending on the social context and national health system (WHO, 2023).

In Southeast Asia, including Indonesia, traditional medicine holds a strong position due to cultural factors, beliefs, availability, and the cost of healthcare services. A national survey in Indonesia showed that approximately 24.4% of the population used traditional medicine or traditional medicine in the past four weeks, while another 32.9% used complementary medicine as an alternative or complement to modern medical treatment (Pengpid & Peltzer, 2018). This data indicates that traditional medicine remains the primary choice for the majority of Indonesians, both in rural and urban areas. Another interesting phenomenon is the involvement of healthcare workers in complementary traditional medicine practices. Several international studies have shown that formal healthcare workers, such as doctors, nurses, and midwives, not only recommend but also use traditional medicine in their professional practice and for personal use. A study in Burkina Faso

reported that 75.6% of healthcare workers had used traditional medicine in the past 12 months, with the highest proportion among nurses and midwives (Kafando et al., 2023). This demonstrates a de facto integration between modern medical systems and traditional practices, potentially leading to legal implications if not clearly regulated.

In addition to healthcare workers, traditional medicine practices are also carried out by traditional healers, individuals who provide health services based on empirical, spiritual, or culturally inherited knowledge without formal medical training. In Indonesia, traditional healers—such as traditional healers, shamans, or empirical healers—are still widely trusted and accessed by the public. A study in Bali Province showed that 76.1% of households had used finished traditional medicine, but most respondents did not receive adequate information regarding the safety and legality of their use (Sukerta et al., 2024). This situation demonstrates a gap between the high prevalence of traditional medicine practices and the low level of public legal understanding. From a health law perspective, the practice of traditional medicine is in a complex situation. In Indonesia, traditional medicine has been recognized as part of health services and is regulated by the Health Law and its implementing regulations. However, these regulations differentiate between the practice of traditional medicine by health workers and that of traditional healers. Health workers who practice complementary traditional medicine are required to have additional competencies and specific practice permits, while traditional healers are regulated through separate registration and development mechanisms (Panggabean et al., 2024).

Legal issues arise when traditional healing practices are conducted without a permit or exceed the authority stipulated by law. A legal review of criminal court decisions in Indonesia shows that traditional healers who practice without a permit can be prosecuted under criminal law, particularly if the practice causes harm or endangers patient safety (Hadi & Widodo, 2025). This demonstrates that traditional healing practices have not only social and cultural dimensions but also serious legal implications. Furthermore, legal accountability is a central issue in traditional medicine practices. Research shows that both healthcare professionals and traditional healers can be held legally accountable for negligence, procedural errors, or violations of service standards that result in patient harm (Suwito et al., 2024). However, provisions regarding practice standards and the limits of traditional healers' liability remain unclear and tend to be open to multiple interpretations.

Globally, studies in various countries confirm that the main challenges to regulating traditional medicine include the legality of practice, patient protection, standardization of services, and harmonization between modern health law and local wisdom (Dubale, 2025; Lee et al., 2022). Without a clear and comprehensive legal framework, traditional medicine practices have the potential to create legal conflicts, uncertainty for practitioners, and risks to patient safety. Therefore, a normative legal study of traditional medicine practices by health workers and traditional healers is crucial. This study aims to analyze applicable legal norms, identify regulatory gaps and disharmonies, and provide a conceptual basis for strengthening legal protection for patients and ensuring legal certainty for traditional medicine providers within the Indonesian health legal system.

METHOD

This study employed a normative legal research method, which positions law as a prevailing norm and guides behavior in society (Soekanto & Mamudji, 2019). This method was chosen because the research objective was to analyze legal regulations, legal principles, and normative constructs governing the practice of traditional medicine by health workers and traditional healers, rather than to assess the empirical aspects or factual behavior of health care providers. This research is a normative juridical research with several approaches as follows:

1. Statute Approach

This approach is used to examine the laws and regulations governing traditional medicine practices in Indonesia, including the Health Law, the Health Workers Law, the Government Regulation on Traditional Health Services, and the Minister of Health's Regulation on empirical

and complementary traditional health services. The legislative approach aims to assess the consistency of norms, regulatory hierarchy, and legal certainty in regulating the authority and responsibilities of health workers and traditional healers (Marzuki, 2021).

2. *Conceptual Approach*

A conceptual approach is used to analyze legal concepts related to health services, traditional medicine, legal protection for patients, and the legal accountability of health workers and traditional healers. This approach draws on legal doctrine, health law theory, and expert opinion to construct a coherent and systematic conceptual framework (Ibrahim, 2020).

3. *Case Approach*

The case study approach examines court decisions related to traditional healing practices, particularly those involving unauthorized practice, negligence, and the legal consequences of traditional health services. The analysis of court decisions is used to understand how legal norms are concretely applied by judges in resolving disputes or criminal cases related to traditional healing (Hadi & Widodo, 2025).

4. *Limited Comparative Approach*

This approach is used in a limited way by comparing the regulation of traditional medicine in Indonesia with the international regulatory framework, specifically the WHO policies and recommendations on *Traditional and Complementary Medicine*. This approach aims to assess the alignment of national regulations with global standards and identify opportunities for harmonization of health legal policies (WHO, 2019; Dubale, 2025).

The data and material sources are limited to the years 2018-2025. This research uses legal materials consisting of:

1. Primary Legal Materials, including:
 - a. Legislation in the field of health and traditional medicine;
 - b. Court decisions relating to traditional medical practices.
2. Secondary Legal Materials, including:
 - a. Reputable scientific journal articles (Scopus and Web of Science) that discuss traditional medicine, health law, and health service regulations;
 - b. Textbook of health law and legal research methodology;
 - c. WHO official reports and documents on traditional medicine and its integration into national health systems.
3. Tertiary Legal Materials, including:
 - a. Legal dictionary and legal encyclopedia;
 - b. Other relevant supporting sources to clarify legal terms and concepts.
4. Traditional Health Services Program Report

Traditional health services in Bali are developing rapidly in line with the strong local wisdom and practices of Balinese *usada*, herbal medicine, traditional massage, and culturally based complementary therapies. The local government, through the Bali Provincial Health Office, implements a program to foster and supervise traditional healers, including data collection, the issuance of Traditional Healer Registration Certificates (STPT), regulatory outreach, and service safety training. This program aims to improve patient protection, service quality, and legal certainty in accordance with Government Regulation Number 103 of 2014 and national health policy.

Legal material collection was conducted through library research, exploring laws and regulations, scientific journal databases (Scopus, Web of Science, Google Scholar), and court decision repositories. This technique is commonly used in normative legal research because it allows researchers to obtain authoritative and systematic legal data (Soekanto & Mamudji, 2019). The analysis of legal materials was conducted qualitatively using a normative-prescriptive approach. Legal materials were analyzed through a process of classification, interpretation, and systematization of legal norms. The interpretive methods used included grammatical, systematic, and teleological interpretation to assess the purpose and rationale for establishing legal norms related to traditional healing practices (Marzuki, 2021). The results of the analysis are presented

descriptively and analytically to explain the legal status, limits of authority, and forms of legal responsibility of health workers and traditional healers, as well as formulating normative recommendations for strengthening legal protection for patients and legal certainty in traditional health services.

RESULT

Based on a normative legal analysis of relevant laws and regulations, legal doctrines, and court decisions, this study produces several key findings related to the practice of traditional medicine by health workers and traditional healers from the perspective of health law in Indonesia. First, the research results show that traditional medicine has been normatively recognized as part of the national health care system. This recognition is explicitly reflected in Law Number 17 of 2023 concerning Health, which positions traditional health care as a form of health care. This normative recognition strengthens the legitimacy of traditional medicine practices, whether carried out by health workers or traditional healers, as long as they comply with applicable legal provisions. Thus, traditional medicine is no longer viewed as merely an informal practice but as a legally based health service.

Second, the analysis reveals a clear legal distinction between the practice of traditional medicine by health workers and by traditional healers. Health workers are permitted to practice complementary traditional medicine as part of their professional practice, provided they possess additional competencies and a practice permit in accordance with statutory regulations. Conversely, traditional healers are classified as providers of empirical traditional health services, subject to separate registration, development, and oversight mechanisms. This distinction aims to maintain patient safety standards, but in practice has the potential to create unequal legal protection, particularly for traditional healers without formal health education. Third, this study found that the regulatory framework for traditional medicine still exhibits fragmentation and potential disharmony of norms. Although there are Government Regulations and Minister of Health Regulations specifically governing traditional health services, these regulations have not been fully and systematically integrated with other health legal norms, such as licensing laws, state administrative laws, and criminal law. As a result, the limits of practice authority, scope of responsibility, and service standards for traditional medicine are often not clearly and uniformly formulated.

Fourth, the research findings demonstrate that legal accountability is a central issue in traditional medicine practices. Analysis of court decisions indicates that traditional healers can be held criminally and civilly liable if their practices are conducted without a license or result in harm to patients. However, the lack of clear competency standards and service procedures for traditional healers has led to a tendency for legal accountability to be repressive rather than preventative. Conversely, for healthcare workers, legal accountability mechanisms are relatively clearer through professional standards and codes of ethics, although legal risks remain if traditional medicine is practiced outside of its authorized scope. Fifth, the research also shows that legal protection for patients in traditional medicine practices is suboptimal. Although regulations emphasize safety and security, there is no effective oversight and enforcement mechanism to comprehensively guarantee patient rights, particularly in empirical traditional medicine practices. This situation has the potential to create legal uncertainty and increase the risk of patient rights violations.

Table 1.

Gap Summary Results of legal review synthesis

Aspect	Ideal Standard	Current Conditions	GAP
Legal recognition	Normative + operational	Normative dominance	Weak implementation
Legal protection	Equal & proportional	Not balanced	Inequality
Regulation	Integrated	Fragmented	Disharmony
Accountability	Preventive	Repressive	High risk
Patient rights	Comprehensive	Partial	Weak protection

Overall, the results of this study indicate that the practice of traditional medicine by health workers and traditional healers has a clear legal basis, but still faces normative challenges in the form of

unclear regulations, fragmented regulations, and weak legal protection. These findings underscore the need for strengthening and harmonizing regulations to create legal certainty, enhance patient protection, and ensure the safe, responsible, and equitable practice of traditional medicine within the Indonesian health legal system.

DISCUSSION

The results of this study indicate that the practice of traditional medicine by health workers and traditional healers in Indonesia exists within distinct yet overlapping legal frameworks, requiring careful normative analysis of the principles of legality, professionalism, and patient protection (Marzuki, 2021; Indonesia, 2023). These findings align with the theory of legal pluralism, which states that modern legal systems often must accommodate culturally and traditionally based health practices within a coherent normative regime (Bodeker et al., 2005; Menski, 2020). From a health law perspective, the practice of traditional medicine by healthcare professionals enjoys stronger legitimacy because it is tied to professional competence and a medical practice license, as stipulated in Law Number 17 of 2023 concerning Health (Indonesia, 2023; Hadi & Widodo, 2025). This is consistent with the theory of medical professionalism, which places standards of competence, ethics, and accountability as the main pillars of legitimate healthcare (Freidson, 2001; Ernst, 2020).

In contrast, traditional healers obtain legal legitimacy through administrative mechanisms such as registration and certification, as stipulated in Government Regulation Number 103 of 2014 concerning Traditional Health Services (Indonesia, 2014; Ministry of Health, 2022). This reflects a risk-based regulatory approach, where the state does not prohibit traditional practices but rather controls their potential harms through restrictions on authority and administrative oversight (Black, 2010; Lee et al., 2022). Research findings also reveal a lack of synchronization between traditional health regulations and health care worker regulations, particularly regarding the limits of practice authority and legal accountability (Suwito et al., 2024; Indonesia, 2023). This lack of synchronization reinforces the argument that Indonesia's health legal system is still in a transitional stage in integrating traditional medicine into the national health care system (WHO, 2019; Dubale, 2025).

From the perspective of legal certainty theory, differences in liability regimes between healthcare professionals and traditional healers have the potential to create injustice for patients, particularly when harm occurs due to negligent practice (Radbruch, 2006; Ernst, 2020). Previous research has shown that the lack of standardized service standards in traditional medicine often makes it difficult to prove negligence in health legal disputes (Hadi & Widodo, 2025; Lee et al., 2022). The results of this study also align with global findings showing that the high prevalence of traditional medicine use is not always accompanied by the readiness of the legal system to provide adequate patient protection (WHO, 2019; Ali & Katz, 2020). In Indonesia, Riskesdas data and Ministry of Health reports indicate that more than 30% of the population has used traditional medicine, underscoring the urgency of strengthening regulation and oversight of such practices (Ministry of Health of the Republic of Indonesia, 2022; Indonesia, 2023).

In the context of consumer protection theory for healthcare services, traditional medicine patients should have equal rights with conventional medical service patients, including the right to information, security, and compensation (Widjaja, 2018; Suwito et al., 2024). However, this study shows that the existing legal framework does not fully guarantee this equality, especially when the practice is carried out by non-healthcare workers (Hadi & Widodo, 2025; Dubale, 2025). This research also confirms the WHO's view that the integration of traditional medicine into national health systems must be accompanied by cross-sectoral regulatory harmonization, including criminal, civil, and administrative law (WHO, 2019; WHO, 2023). Without such harmonization, traditional medicine practices risk falling into a legal gray area, harming both patients and practitioners (Ernst, 2020; Lee et al., 2022). From a criminal health law perspective, research findings indicate that the practice of traditional medicine without a permit or exceeding authority can be classified as an unlawful act, particularly if it results in serious injury or death (Indonesia,

2023; Hadi & Widodo, 2025). This aligns with the ultimum remedium theory, which positions criminal law as the final instrument in protecting the public's legal interests in the health sector (Sudarto, 2018; Suwito et al., 2024). Overall, this discussion confirms that traditional medicine practices in Indonesia require a comprehensive, adaptive, and evidence-based regulatory approach to align with the principles of justice, benefit, and legal certainty (Radbruch, 2006; WHO, 2023). Thus, the results of this study not only reinforce previous research findings but also provide a normative contribution to the development of health law in Indonesia (Marzuki, 2021; Dubale, 2025).

CONCLUSION

This study concludes that while traditional medicine practices by healthcare workers and traditional healers in Indonesia have received legal recognition, they still face normative issues related to regulatory synchronization, limits of authority, and legal accountability. The difference in legal status between healthcare workers and traditional healers directly impacts the level of patient protection and legal certainty in resolving health disputes.

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