



Legal Analysis of The Use of Telemedicine In Traditional Based on The Perspective of Health Law No 17 of 2023

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Abstract: The advancement of information and communication technology, particularly telemedicine, has transformed the healthcare sector, including its application in traditional medicine in Indonesia. Traditional medicine is recognized under Law No. 17 of 2023 concerning Health; however, the implementation of telemedicine in this field has not yet been specifically regulated. This study aims to analyze the legal aspects of using telemedicine in traditional medicine based on the aforementioned Health Law. The research method employed is normative legal research using statutory and conceptual approaches. The findings reveal several challenges, including regulatory gaps, standardization issues, patient data protection, and practitioner competence. Although the Health Law provides a general legal framework, specific regulations regarding the use of telemedicine in traditional medicine are still lacking. The study concludes that additional regulations are needed to govern the use of telemedicine, ensure quality control, protect patient rights, and certify practitioners. The recommendations include drafting specific regulations, enhancing practitioner competence, and increasing public education to ensure the safe and effective implementation of telemedicine in traditional medicine.

Keyword: Telemedicine, Traditional Medicine, Health Law No. 17 of 2023, Regulation, Patient Protection.

INTRODUCTION

The development of technology today is advancing rapidly, especially in the era of Industry 4.0, where digitalization has become a central tool in nearly every aspect of societal life. Technology has increasingly taken root in this digital era, influencing all activities ranging from education, social interaction, and culture to healthcare. Technology is a broad and rapidly evolving concept. According to Melvin Kranzberg, technology is never neutral;

it is always influenced by and, in turn, influences the culture and life of society. The advancement of scientific knowledge applied to everyday human activities is what defines technology itself (Melvin Kranzberg, 1986).

Technological advancements are particularly evident in the fields of information and telecommunications, one of which is applied in the healthcare sector. The progress of information and communication technology has brought significant changes to healthcare, particularly through the development of telemedicine. Telemedicine refers to the use of health-related information and communication technology that enables patients to consult remotely with medical professionals without needing to visit healthcare facilities (Sesunan & Sulistiadi, 2022). According to the World Health Organization (WHO), telemedicine practices can be categorized into two types: asynchronous and synchronous. The key difference lies in how data necessary for online consultations is transmitted. In asynchronous telemedicine, patient data can be sent via email to the doctor, who then reviews the information and provides a diagnosis. Telemedicine serves as a healthcare service medium that utilizes modern information and communication technology to bridge geographical barriers, especially benefiting those in remote areas.

Healthcare service units provide telemedicine as an innovative solution to enhance healthcare delivery to the public. In Indonesia, telemedicine has been formally recognized through various regulations, including Law No. 17 of 2023 concerning Health, which emphasizes the importance of utilizing technology in healthcare services. Traditionally, telemedicine has been practiced exclusively by licensed medical professionals. However, in recent years, with the growing emphasis on healthcare rooted in local wisdom, telemedicine has started to attract the interest of traditional medicine practitioners as a means of delivering services.

Traditional medicine, which forms part of the national healthcare system, plays a vital role in preserving local wisdom and promoting community health. According to the World Health Organization (WHO), traditional medicine is defined as practices based on the knowledge, skills, and experiences of indigenous cultures used to prevent, diagnose, and treat various illnesses (Sinaga et al., 2023). However, integrating telemedicine into traditional medicine poses several challenges, particularly in terms of regulation, service standards, and patient protection. Traditional medicine has distinct characteristics that differ from modern medical services, such as the use of natural ingredients, manual techniques, and spiritually-based healing. This often involves direct interaction between practitioners and patients, raising questions about how telemedicine can be effectively implemented without diminishing the core essence of traditional medicine.

Law No. 17 of 2023 on Health provides a general legal foundation for telemedicine, yet specific regulations concerning the use of telemedicine in traditional medicine remain insufficient. Legal challenges such as patient data protection, quality standards, practitioner competence, and oversight of telemedicine services in traditional medicine must be addressed to ensure legal certainty and protection for all parties involved.

Therefore, this study aims to analyze the legal aspects of using telemedicine in traditional medicine based on the framework of Health Law No. 17 of 2023. The research is expected to offer comprehensive recommendations to support the development of telemedicine in traditional medicine that is safe, legally sound, and aligned with the needs of society.

METHOD

This study employs a normative legal research method, which focuses on examining applicable legal norms found in legislation and legal doctrines. This method is used to analyze the use of telemedicine in traditional medicine from the perspective of Law Number

17 of 2023 concerning Health. The research utilizes a statutory approach by reviewing relevant legal frameworks, as well as a conceptual approach related to telemedicine, traditional medicine, and legal principles in health law, to gain a comprehensive understanding of the implementation of telemedicine in the context of traditional medical practices. Data analysis is conducted qualitatively, using a research approach aimed at gaining an in-depth and holistic understanding of social phenomena, behaviors, or experiences.

RESULTS AND DISCUSSION

Health efforts today are no longer solely focused on medical treatments and clinical procedures. Since the emergence of the first COVID-19 case in Indonesia in March 2020, a portion of the population has begun to shift toward local wisdom-based approaches, particularly traditional medicine. In recent years, the development and use of traditional medicine have gained significant momentum. In fact, some healthcare facilities have started collaborating with herbal therapists as part of their treatment processes. Traditional medicine, as defined in the Health Law No. 17 of 2023, refers to medicinal substances derived from natural sources, which are used based on traditional practices passed down through generations.

Health efforts today are no longer limited to conventional medical treatments. Since the first COVID-19 case emerged in Indonesia in March 2020, a growing segment of the population has turned to local wisdom-based approaches, particularly traditional medicine. In recent years, traditional medicine has been increasingly promoted and developed. Some healthcare facilities have even begun collaborating with herbal therapists in treating patients.

According to Health Law No. 17 of 2023, traditional medicine refers to treatments using natural ingredients, which are passed down from generation to generation, aimed at improving both individual and public health (President of the Republic of Indonesia, 2023). Traditional medicine is a skill practiced by individuals based on inherited experiences to cure diseases, often using herbal plants as remedies (Wahyuni, 2021). Articles 479 to 494 of Health Law No. 17 of 2023 specifically govern traditional medicine. These provisions are further elaborated in Government Regulation No. 28 of 2024, which defines traditional healthcare as a form of service rooted in local wisdom and the practitioner's experiential knowledge (Government of Indonesia, 2024).

While Health Law No. 17 of 2023 provides a legal foundation for the practice of traditional medicine, it does not yet specifically regulate the adaptation of technology such as telemedicine. Based on Article 1, Point 1 of Minister of Health Regulation No. 20/2019, telemedicine is defined as a healthcare delivery effort that utilizes information and communication technology to facilitate remote diagnosis, treatment, disease management, evaluation, and education to improve public health services (Ministry of Health, 2019). The Health Law emphasizes principles of safety, quality, efficiency, and patient protection. The use of telemedicine in traditional medicine holds great potential, especially in expanding access for communities in remote areas. Some possible opportunities include offering remote consultations for diagnosis and treatment recommendations, and using technology to monitor the effects of recommended traditional remedies.

Traditional medicine is acknowledged as a form of healthcare based on experience, local wisdom, and empirical evidence. While Health Law No. 17 of 2023 establishes the legal basis for traditional medicine, it has yet to include clear provisions for integrating technology such as telemedicine. Several major challenges remain, including:

1. Service Standardization – It is difficult to ensure traditional treatments meet standardized protocols suitable for virtual delivery;
2. Practitioner Competency – Traditional medicine is often practiced by individuals

without formal certification, making telemedicine delivery in this context riskier and requiring stricter oversight;

3. Patient Protection – Risks such as fraud, use of unsafe ingredients, and misinformation are significant concerns.

The integration of telemedicine in traditional medicine poses unique challenges, especially due to the absence of specific, comprehensive, and integrated regulations. This gap also reflects the lack of coordination between the public and the government, particularly the Ministry of Health. While Health Law No. 17 of 2023 may provide space for modernizing traditional medicine through technological support, it must be accompanied by stricter oversight. Patient data protection must also comply with the provisions outlined in the Personal Data Protection Law (Law No. 27 of 2022), especially considering the regulatory vacuum in this area.

From a legal standpoint, according to Health Law No. 17 of 2023 and its implementing regulation (Government Regulation No. 28 of 2024), Articles 558 and 562 specify that telemedicine may only be conducted within licensed healthcare facilities and by recognized healthcare resources. Those authorized to carry out telemedicine include medical personnel, healthcare workers, and healthcare support staff.

In contrast, traditional medicine is often provided by individuals who are not yet formally certified. Based on Government Regulation No. 103 of 2014, traditional health practitioners must hold a SIPTKT (License to Practice Traditional Health Workers) in order to deliver complementary traditional health services (Government of Indonesia, 2014). However, in practice, many traditional practitioners still lack this formal certification. As outlined in the relevant articles of Health Law No. 17 of 2023, it is clear that traditional medicine practitioners without legal recognition are not permitted to engage in telemedicine services. This legal gap is critical, as in cases of malpractice—whether side effects or harm caused by traditional remedies—it would be extremely difficult to resolve legal accountability without proper licensing.

The second major issue involves the **standardization of healthcare services**, which remains unintegrated with official government platforms (Wahyuni, 2021). Creating complementary services that are aligned and synergized with the Ministry of Health is a crucial technical step toward ensuring legal protection and the safe implementation of traditional healthcare services.

CONCLUSION

The use of telemedicine in traditional medicine presents a significant opportunity to improve access to healthcare services based on local wisdom in Indonesia. However, a juridical analysis based on Law Number 17 of 2023 concerning Health reveals that the regulations surrounding the implementation of telemedicine in traditional medicine still require substantial reinforcement, particularly in the following areas:

1. Legal Aspects – While Law No. 17 of 2023 provides a general legal framework for telemedicine, it does not specifically address traditional medicine as part of technology-based healthcare services.
2. Safety and Quality – Service standards for traditional medicine delivered via telemedicine need to be established to ensure service quality and patient safety.
3. Patient Protection – The use of telemedicine must ensure maximum protection of patients' rights, including the confidentiality of personal data, as stipulated in the Personal Data Protection Law.
4. Practitioner Certification and Oversight – It is crucial to certify and supervise traditional medicine practitioners who use telemedicine to prevent malpractice and ensure service quality. Telemedicine in traditional medicine holds great potential for integration into the

national health system, provided it is supported by clear regulations, adequate supervision, and public education.

Recommendations

Based on the findings of this study, the following recommendations are proposed:

1. Formulation of Specific Regulations – There is a need to develop specific regulations governing the use of telemedicine in traditional medicine, covering legal aspects, service quality standards, practitioner competencies, and patient protection.
2. Enhancing Practitioner Competency – Special training and certification programs should be provided for traditional medicine practitioners intending to use telemedicine, ensuring their skills meet the standards of technology-based services.
3. Strengthening Government Oversight – Government and related institutions should develop strict mechanisms for monitoring and evaluating telemedicine practices in traditional medicine to ensure compliance with health law principles.
4. Integration of Traditional Medicine into the National Telemedicine System – Traditional medicine-based telemedicine services should be integrated into the national digital healthcare system to maximize their benefits, especially for remote communities.
5. Public Education – The public should be educated on the benefits and risks of using telemedicine in traditional medicine, as well as their rights as patients to receive safe and high-quality care.
6. Collaboration with Digital Technology Providers – The government should collaborate with technology providers to develop telemedicine platforms tailored to the characteristics of traditional medicine, prioritizing data security and service efficiency.

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