ISSE
International Journal of Service Science, Management, Engineering, and Technology
pISSN 2964-7118 eISSN 2830-604X

THE NEGLIGENCE OF HEALTHCARE WORKERS IN THE USE OF HERBAL MEDICINES: LEGAL IMPLICATIONS AND IMPACTS ON PATIENTS

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Abstract-*The use of herbal medicines in Indonesia is an integral part of traditional health practices that are rich in cultural and historical value. The growing community interest in herbal medicines, however, poses various challenges in terms of legal aspects, supervision, and the responsibility of health workers. Law No. 17 of 2023 on Health provides a clear legal framework, but its implementation is often hampered. This research explores legal protection for patients in the use of herbal remedies and the legal responsibilities of health workers, including regulatory challenges, pharmacovigilance, and public education. The results of the research show that there are still gaps in the supervision of herbal medicines and legal protection for patients. To overcome these challenges, it is necessary to strengthen regulations, increase the supervisory capacity of the Indonesian Food and Drug Administration (BPOM), and provide better education to the public and health workers.*

Keywords: herbal medicines, legal protection, health regulations, healthcare workers' responsibilities, pharmacovigilance, community education, herbal medicine supervision.

INTRODUCTION

The use of herbal medicines in Indonesia has become an integral part of traditional health practices that are rich in cultural and historical value. The existence of herbal medicines not only reflects Indonesia's rich biodiversity, but also embodies local wisdom that has been passed down from generation to generation. Amidst the rapid development of modern medical technology, the use of herbal medicines has persisted and even become increasingly popular as public awareness of the importance of health has grown. The increasing popularity of herbal medicine, however, has given rise to new legal challenges, particularly regarding safety, quality, and the responsibility of health workers in its use (Irawati & Ayupermata, 2022).

Law No. 17 of 2023 on Health provides a clear legal basis for the regulation of natural medicines, including herbal remedies. In this law, natural medicines are defined as substances, ingredients, or products derived from natural resources, including plants, animals, microorganisms, or minerals used for health purposes. The implementation of these regulations often faces obstacles, especially in terms of supervision and enforcement by healthcare professionals in the field. The lack of understanding among health workers regarding the applicable legal framework can increase the risk of negligence that is detrimental to patients (Sembiring & Pasaribu, 2024).

The increasing popularity of herbal medicines also presents challenges in ensuring that the herbal products used are safe and effective (Khayru, 2022). The Food and Drug Supervisory Agency (BPOM), as the authority responsible for drug and food supervision, has established regulations related to registration, testing, and distribution permits for herbal medicines. The facts on the ground show that not all herbal remedies on the market meet these standards (Issalillah, 2020). As a result, patients who consume herbal products that do not meet the requirements potentially face serious health risks, ranging from allergies to life-threatening complications (Dewi, 2024).

The legal responsibility of health workers in the use of herbal ingredients is an important issue that needs to be considered. In medical practice, health workers have an obligation to provide safe, quality services that are in accordance with professional standards. In the use of herbal remedies, however, negligence often arises in relation to a lack of information provided to patients about potential side effects, interactions with other drugs, or incompatibility with certain health conditions. Such negligence can cause harm to patients, both physically and psychologically, and result in legal consequences for healthcare professionals.

The issue of legal responsibility for healthcare workers becomes increasingly complex when herbal remedies are used without adequate scientific evidence. Although many herbal medicines have been used traditionally, not all of them have undergone clinical trials to prove their safety and effectiveness (Dewi, 2018). In this situation, healthcare professionals are in a vulnerable position, because the use of herbal remedies without a scientific basis can be considered unprofessional and a violation of the medical code of ethics. This can worsen the relationship between healthcare professionals and patients, especially if harm results from the inappropriate use of herbal remedies (Abdurrahman, 2024).

Patients, as consumers of healthcare services, have the right to legal protection when harm occurs due to negligence on the part of healthcare professionals in the use of herbal remedies. Law No. 8 of 1999 on Consumer Protection provides

a legal framework that allows patients to seek compensation if they suffer harm due to the use of herbal products that do not meet standards. The implementation of this protection is often hampered by patients' lack of understanding of their rights and limited access to fair and efficient dispute resolution mechanisms (Atmoko & Baihaki, 2024).

Another challenge in the legal aspect of herbal medicine use is the uncertainty in regulating criminal liability for negligent health workers. The Criminal Code (KUHP) regulates criminal sanctions for individuals who cause serious injury or death due to negligence. The application of these articles related to the use of herbal remedies often encounters obstacles, especially in proving the causal relationship between the negligence of health workers and the harm suffered by patients. This uncertainty causes confusion, both for patients seeking justice and for health workers who want to protect their professional reputation (Purwanti & Arief, 2018).

Existing regulations also face obstacles in regulating the use of herbal remedies by health workers who do not have specific expertise in herbal medicine. In many cases, untrained health workers use herbal remedies as part of their practice without understanding the risks that may arise. This ignorance can increase the potential for negligence that impacts patient safety. The need for stricter supervision of health workers' practices in the use of herbal remedies is therefore an urgent issue that must be addressed (Sapto Aji, 2022).

The limited pharmacovigilance or herbal medicine side effect supervision system in Indonesia is also a hurdle in protecting patients from potential risks (Panggabean et al., 2024). The World Health Organization (WHO) has emphasized the importance of integrating pharmacovigilance in herbal medicine use, but its implementation in Indonesia is still far from optimal. This has resulted in many cases of herbal medicine side effects going unreported, thereby exacerbating uncertainty in legal regulations (Sutrisna, 2016).

These issues show that the legal aspects of the use of herbal medicines by health workers not only involve regulation and professional responsibility, but also include the protection of patient rights. The gap between existing regulations and practices in the field creates significant challenges in ensuring that the use of herbal medicines by healthcare professionals is safe, effective, and in accordance with the legal framework. This situation requires further attention to identify the underlying issues and ensure better protection for all parties involved (Sudjana, 2019).

This research aims to conduct an in-depth analysis of the legal aspects related to the use of herbal remedies by healthcare professionals in terms of professional responsibility and patient protection. This research seeks to understand the extent to which existing regulations, such as Law No. 17 of 2023 concerning Health and other related regulations, have provided a clear legal basis for regulating the use of natural medicines, including herbal remedies. The main focus of this study is to identify gaps or weaknesses in the applicable regulations, which could potentially pose risks to patients in terms of the safety, quality, and effectiveness of the herbal remedies used.

Another objective of this study is to evaluate the legal responsibility of health workers in the use of herbal remedies, particularly in relation to negligence that could cause harm to patients. This research also aims to explore the legal protection mechanisms available to patients who have suffered harm, whether in the civil, criminal, or administrative spheres. This research thus seeks to provide a clearer understanding of patients' rights in the use of herbal medicines and the responsibilities of health workers in medical practice.

This research also aims to explore the challenges faced in implementing regulations related to the use of herbal remedies, including obstacles in supervision, legal enforcement, and healthcare workers' understanding of the applicable legal framework. By describing the relationship between regulations, medical practices, and patient protection, this research is expected to contribute to the development of better health legal policies, particularly those related to the use of herbal medicines by healthcare workers in Indonesia.

RESEARCH METHODS

The research method used in this research is the normative legal method, which aims to analyze and evaluate legal rules and regulations relevant to patient protection in the use of herbal medicines. This method focuses on examining legal norms as stipulated in various legal regulations, legal documents, and academic literature. The main focus of the research is to analyze Law Number 17 of 2023 concerning Health, Law Number 36 of 2009 concerning Health, and regulations issued by the Food and Drug Supervisory Agency (BPOM) related to the management and use of herbal medicines.

This research began with the process of identifying and collecting relevant legal sources, including national regulations and supporting documents that discuss the legal framework for the use of herbal ingredients. After the legal sources were collected, an analysis was conducted to examine the definitions, criteria, and classifications of natural medicines as regulated in the applicable regulations. This research also highlights the provisions governing the legal responsibility of health workers, both civil and criminal, especially those related to negligence in the use of herbal ingredients.

A theoretical approach was applied to explore the legal concepts underlying this research. Legal responsibility theory was used to explain how the legal responds to negligence in health care practices, while consumer protection theory provided a framework for understanding patients' rights in receiving health care services. Through this approach, the

research seeks to explore the conceptual foundations that strengthen legal protection for patients (Atmoko & Baihaki, 2024). Case studies are also an integral part of this research. Analysis of relevant cases that have occurred is used to describe the application of legal practice, identify challenges faced, and evaluate the effectiveness of existing dispute resolution mechanisms. These case studies include real examples of legal disputes involving the use of herbal medicines and how the Indonesian legal system handles them.

The results of the analysis of regulations, theoretical approaches, and case studies are systematically synthesized to provide a comprehensive understanding of legal protection for patients and accountability mechanisms for health workers in the use of herbal medicines. With this structured and in-depth approach, the research is expected to contribute significantly to the development of health legal reform in Indonesia and strengthen the patient protection system, particularly in the safe and standard-compliant use of herbal medicines.

RESULTS AND DISCUSSIONS

Legal Protection for Patients in the Use of Herbal Medicines

The legal framework governing the use of herbal remedies in Indonesia is regulated through various regulations covering definitions, classifications, requirements, and legal responsibilities. Law Number 17 of 2023 concerning Health defines Natural Medicines in Article 1 Number 17 as materials, herbs, or products derived from natural resources, such as plants, animals, microorganisms, minerals, or other materials (Susanti, 2024). This definition includes combinations of these materials that have been used traditionally and proven to have efficacy, safety, and quality based on empirical or scientific evidence.

The use of Natural Medicine aims to maintain health, improve quality of life, prevent disease, and restore patients' conditions (Khayru & Issalillah, 2021). Article 141 of this law stipulates that the use of Medicines and Natural Medicines must be carried out correctly, prioritizing patient safety. The standards and requirements for herbal-based pharmaceutical preparations are outlined in Article 142, which refers to the Indonesian herbal pharmacopoeia or other officially recognized standards (Pardomuan & Prasetyo, 2024).

To provide a clearer framework, Article 321 of Law Number 17 of 2023 divides Natural Medicine into several categories: herbal medicine, standardized herbal medicine, and phytopharmaceuticals.

1. Herbal medicine is a natural-based product derived from traditional knowledge or Indonesian cultural heritage, used to maintain health, prevent disease, and treat minor ailments.
2. Standardized herbal medicines refer to products that have been scientifically proven to be safe and effective through preclinical trials, with standardized raw materials.
3. Phytopharmaceuticals are herbal-based products that have passed clinical trials, proven to be safe and effective, with raw materials and final products that meet standards.

The Central Government has the authority to establish or update this classification based on developments in science and technology, ensuring adaptive and relevant oversight in line with community needs. This authority may also be used to review the status of products already on the market if significant new safety data is discovered.

Supervision and Legal Responsibility in the Use of Herbal Medicines

Supervision of herbal medicine use in Indonesia is regulated by the Food and Drug Supervisory Agency (BPOM) as the government agency responsible for the safety, efficacy, and quality of health products. BPOM has a mandate to ensure that all herbal medicine products on the market meet applicable standards. BPOM Regulation No. 32 of 2019 provides guidelines on the safety, efficacy, and quality requirements for traditional medicines, health supplements, and cosmetics. This supervision covers all stages, from raw materials and the production process to the finished products that are distributed.

To obtain a distribution permit, every herbal medicine product must go through a registration process at BPOM. Products that meet the standards will be granted a distribution permit, allowing them to be marketed legally. After the permit is granted, BPOM continues to monitor side effects and adverse reactions that may arise while the product is circulating in the community. This supervision is part of a pharmacovigilance system aimed at protecting the safety of patients and the community (Sutrisna, 2016). In addition, BPOM also has the authority to withdraw products from circulation if evidence of unsafe products is found after they have been marketed.

The supervision of herbal medicine safety is not only carried out at the national level. The World Health Organization (WHO) also emphasizes the importance of integrating herbal medicine safety supervision into the global pharmacovigilance system. In the guidelines published by the WHO, the involvement of health workers in the supervision process is essential to ensure that any reported side effects can be quickly identified and appropriately addressed (Abdurrahman, 2024). This harmonisation of global oversight standards aims to increase trust and safety in the international trade of herbal medicines.

From a legal perspective, healthcare professionals who use or recommend herbal medicines to patients have an obligation to provide clear information about the benefits, risks, and possible side effects (Sapto Aji, 2022). Law No. 36

of 2009 concerning Health, which is still relevant in this aspect, emphasizes that all health workers are required to provide transparent explanations to patients regarding diagnoses, medical procedures, and associated risks. This obligation is part of the principle of informed consent, which protects the patient's right to make decisions based on complete information.

If there is negligence in providing information or using herbal medicines that do not meet standards, legal liability may arise. Article 1365 of the Civil Code (KUHPerdata) states that any unlawful act that causes harm to another person gives rise to an obligation to provide compensation. Healthcare professionals or institutions may therefore face civil lawsuits if patients suffer losses due to a lack of information or the use of herbal medicines that do not meet standards. Claims for damages may include medical expenses, economic losses, and even compensation for the emotional distress experienced by the patient.

Criminal provisions also apply if negligence on the part of healthcare professionals causes serious injury or death to patients. The Criminal Code (KUHP) regulates criminal sanctions for such cases in Articles 359 and 360, which stipulate penalties for perpetrators who cause physical harm due to negligence. Therefore, vigilance and compliance with professional standards and regulations are essential in healthcare practice.

Legal Accountability Mechanisms in the Use of Herbal Medicines

The legal responsibility mechanism related to the use of herbal medicines by health workers involves several legal aspects, both in the civil, criminal, and administrative spheres. These three legal spheres are designed to provide protection to patients while ensuring that health workers carry out their duties with professionalism and responsibility. In the civil sphere, the responsibility of health workers regarding the use of herbal medicines is regulated by Article 1365 of the Civil Code (KUHPerdata). This article stipulates that “any unlawful act that causes harm to another person gives rise to an obligation to provide compensation.”

Healthcare professionals can be held liable if it is proven that negligence in providing information or the use of herbal medicines that do not meet standards has caused harm to patients (Panggabean et al., 2024). These civil lawsuits are usually filed by patients or their families to obtain compensation for material and immaterial losses. Compensation may take the form of restoration to the original condition (in natura) or financial compensation commensurate with the harm suffered by the patient (Pardomuan & Prasetyo, 2024).

The criminal realm regulates sanctions against health workers whose negligence causes serious harm, such as severe injury or death of a patient. Articles 359 and 360 of the Criminal Code (KUHP) form the legal basis in this case. Article 359 of the Criminal Code regulates negligence resulting in death, with a maximum penalty of five years' imprisonment or one year's detention. Article 360 of the Criminal Code regulates negligence resulting in serious injury, with a maximum penalty of five years' imprisonment or one year's detention.

In the case of herbal medicine use, negligence may include inappropriate recommendations, incorrect dosages, or failure to provide information about the side effects and risks of the herbal medicine. If proven, health workers may be subject to criminal sanctions in accordance with applicable regulations. Proving negligence often requires expert testimony and a thorough examination of medical records and procedures followed.

Outside the civil and criminal spheres, health workers may also be subject to administrative sanctions if they are found to have violated the provisions set forth in regulations related to herbal medicines. The Food and Drug Supervisory Agency (BPOM) have the authority to revoke the distribution permit of herbal products that are proven to cause harm, issue warnings to manufacturers or distributors, and recommend sanctions against negligent health workers. These recommendations for administrative sanctions will then be followed up by the professional organization or the Ministry of Health, which has the authority to revoke practicing licenses.

Minister of Health Decree No. 1076/Menkes/SK/VII/2003 on the Practice of Traditional Medicine also stipulates that a violation in the practice of traditional medicine is subject to administrative sanctions. These sanctions include warnings, suspension of practice licenses, or even revocation of the practice licenses of the healthcare professionals concerned. The application of these sanctions aims not only to punish violators, but also to create a deterrent effect and improve discipline in traditional medicine practices as a whole.

The legal procedure for filing a lawsuit if a patient suffers losses due to the use of herbal medicine involves important steps aimed at ensuring justice and accountability for the parties involved. The first step that needs to be taken is to identify the type of lawsuit that is appropriate for the problem at hand. If the harm suffered by the patient is caused by negligence or violation of consumer rights, the lawsuit can be filed through civil proceedings (Atmoko & Baihaki, 2024). Conversely, if there are criminal elements such as negligence resulting in serious injury or death, the lawsuit can be filed through criminal channels in accordance with the provisions stipulated in the Criminal Code (KUHP).

The next step involves reporting to the Food and Drug Supervisory Agency (BPOM). Patients or related parties can report the adverse event so that BPOM can investigate the herbal product used. This investigation aims to identify potential violations related to the safety and quality of herbal products consumed by patients. BPOM acts as the authority that ensures that herbal products on the market meet established standards (Sapto Aji, 2022). This report can be made through official channels such as the BPOM website or consumer complaint service units.

After the report is filed, the lawsuit can proceed to court according to the type of case identified. In civil lawsuits, patients are required to provide strong evidence that the harm they suffered was caused by negligence on the part of health workers or violations of professional standards. In criminal lawsuits, legal authorities will gather relevant evidence to prosecute the perpetrator in accordance with applicable criminal legal provisions. This process includes examining documents, medical records, and testimony from experts who can corroborate the patient's claim of damages (Susanti, 2024). The success rate of a lawsuit depends heavily on the completeness and strength of the evidence presented.

Before a lawsuit is filed in court, mediation or adjudication is often the first step taken to resolve disputes amicably. This process is usually carried out through the Consumer Dispute Settlement Agency (BPSK) as stipulated in Law No. 8 of 1999 concerning Consumer Protection. Mediation provides an opportunity for the disputing parties to reach an agreement without going through a more formal and time-consuming court process. This process is considered more efficient and can maintain the relationship between consumers and businesses.

If the mediation or adjudication process does not reach an agreement, the dispute will be continued in court. During the trial, the judge will consider all evidence submitted, including medical records, expert testimony, proof of purchase of herbal products, and other relevant documents. The judge's decision is based on an analysis of the legal facts revealed during the trial, with the aim of providing a fair verdict for all parties (Dewi, 2024). This court ruling is final and binding, and is legally enforceable.

With this procedure in place, patients who suffer losses have a clear legal path to seek legal recourse, while negligent healthcare professionals or herbal product manufacturers who violate regulations can be held accountable in accordance with applicable legal provisions. This process also serves to improve compliance with legal and ethical standards in the use of herbal medicines, thereby ensuring maximum protection for patients. Ultimately, this mechanism creates a safer and more responsible ecosystem within the herbal medicine industry.

Challenges in the Supervision of Herbal Medicine

The supervision of herbal medicines in Indonesia faces various challenges that affect the effectiveness of regulations and consumer protection (Atmoko & Baihaki, 2024). These challenges include regulations that are not yet fully comprehensive, limited supervisory resources, lack of public education, and a lack of pharmacovigilance systems. This complexity highlights the urgent need to strengthen the monitoring system to ensure the safety, quality, and effectiveness of herbal medicine use.

One of the main challenges is inadequate regulation. Although there are various regulations in place, such as Law No. 17 of 2023 on Health and BPOM Regulation No. 32 of 2019, the implementation of these regulations still faces obstacles. Several important aspects, such as restrictions on negligence in the use of herbal medicines and specific standards governing the practice of health workers, have not been regulated in detail. This regulatory vacuum can create legal loopholes that make it difficult to enforce the legal consequences of violations (Susanti, 2024).

Another challenge is the lack of supervisory resources. The Food and Drug Supervisory Agency (BPOM), which is the main authority in supervising herbal medicines, often faces limitations in human and technological resources. These limitations hamper BPOM's ability to conduct thorough inspections of the production, distribution, and marketing of herbal medicines throughout Indonesia. As a result, the effectiveness of supervision is less than optimal, making it difficult to detect and deal with potential violations in this sector in a timely manner (Juliana & Kurniawan, 2024).

The lack of public education is also a significant obstacle. Many Indonesians have limited information about the risks and benefits of using herbal medicines (Karmono et al., 2023). This encourages the misuse or improper use of herbal medicines. This lack of knowledge not only increases health risks for consumers but can also lead to errors in the use of herbal medicines, which are supposed to be an alternative solution (Pardomuan & Prasetyo, 2024).

The lack of a pharmacovigilance system has exacerbated the situation. Supervision of herbal medicine side effects has not been fully integrated into the national health system. As a result, reports of herbal medicine side effects or adverse reactions are often not properly documented. This incomplete data complicates the process of evaluating herbal medicine safety and developing effective evidence-based policies (Sutrisna, 2016).

The high community interest in alternative medicine also increases pressure on the surveillance system. With growing demand, the herbal medicine market has become more complex and difficult to supervise comprehensively. This opens opportunities for herbal products without adequate standards to circulate in the market, thereby threatening consumer safety (Panggabean et al., 2024).

From the perspective of healthcare professionals, the challenge of ensuring the appropriate use of herbal medicines is also a concern. The lack of specific training on herbal medicine in medical curricula has resulted in a low level of understanding among healthcare professionals regarding the indications, dosages, and potential interactions of herbal medicines. This can increase the risk of negligence in medical practices involving herbal medicines (Abdurrahman, 2024).

Equally important, weak coordination between relevant agencies such as BPOM, the Ministry of Health, and educational institutions also hinders collective efforts to strengthen herbal medicine supervision. Policy and program implementation inconsistencies are factors that hinder the creation of an integrated supervision system (Dewi, 2024).

With these various challenges, supervision of herbal medicines in Indonesia still requires significant efforts to be improved. The absence of a solid supervision system has the potential to pose greater health risks in the future, both for individuals and the community as a whole. This emphasizes the importance of in-depth analysis of these issues to ensure optimal protection for consumers and improve accountability in the health sector (Atmoko & Baihaki, 2024).

Challenges in Resolving Disputes over Herbal Medicines

The process of resolving disputes related to the use of herbal medicines faces a number of significant challenges, both in litigation and non-litigation channels. These challenges hinder the effective achievement of justice for injured parties and often complicate legal processes that are supposed to provide solutions. One of the main challenges is the difficulty in proving a causal relationship between herbal medicine consumption and the health effects experienced by patients.

One of the main challenges is the burden of proof. In disputes related to herbal medicines, patients or plaintiffs must be able to prove that the harm suffered was directly caused by the use of a particular herbal medicine. This evidentiary process involves collecting medical records, statements from health experts, and clear evidence of a causal relationship between the herbal product used and the negative effects experienced (Pardomuan & Prasetyo, 2024). Given the nature of herbal medicines, which often lack clinical data equivalent to modern medicines, this effort to prove liability becomes more complex. Lack of documentation or scientific evidence often weakens the plaintiff's position in legal proceedings.

The gap in mediator capacity is another challenge in non-litigation channels. Dispute resolution through mediation is often considered more efficient than litigation. The success of mediation, however, depends heavily on the mediator's ability to understand the substance of the dispute, including technical issues related to herbal medicines and their health implications. When mediators lack sufficient knowledge about herbal medicines, the effectiveness of mediation in achieving a fair and satisfactory solution is reduced. This can hinder the mediation process and increase the risk of dissatisfaction among the disputing parties.

The litigation process also has its own challenges, particularly in terms of duration and cost. Litigation often takes a long time, from the reporting stage, evidence gathering, to the trial. For patients who have suffered urgent losses, the time required to resolve disputes through litigation can be a significant emotional and financial burden The costs associated with the litigation process, including attorney, expert, and court fees, can be an obstacle for many patients, especially those from lower-middle-income groups.

An additional obstacle in the litigation process is the complexity of the laws involved. Legal regulations governing the use of herbal medicines and the responsibilities of health workers are often scattered across various laws and regulations, such as the Criminal Code, the Consumer Protection Law, and health regulations. This makes it difficult for patients or plaintiffs to fully understand their rights and access justice effectively (Atmoko & Baihaki, 2024).

With these challenges, the resolution of disputes related to herbal medicines requires a more structured approach and stronger institutional support. A more integrated evidence-gathering process, enhanced mediator capacity, and simplified litigation procedures are aspects that require attention to ensure fairer and more efficient dispute resolution. This approach also needs to be supported by an integrated information system between BPOM, hospitals, and courts to accelerate data exchange and case analysis.

Solutions for Supervision and Dispute Resolution

To address the various challenges in the supervision, regulation, and dispute resolution related to herbal medicines, targeted and comprehensive strategic measures are needed. One of the main approaches is to strengthen regulations related to herbal medicines in Indonesia. The government must develop more detailed rules regarding the responsibilities of health workers, herbal product safety standards, and sanction mechanisms for violations (Abdurrahman, 2024). The development of national guidelines that refer to international standards, such as those from the World Health Organization (WHO), should be a priority to ensure that these regulations are in line with global best practices.

Increasing the capacity of the Food and Drug Supervisory Agency (BPOM) is also key to ensuring effective supervision. Support in the form of adequate budgets, advanced technology, and human resource strengthening is needed to improve BPOM's ability to monitor the production, distribution, and use of herbal medicines. The use of digital technology, such as side effect reporting applications, can be integrated to facilitate monitoring and provide a rapid response to potential risks of herbal products on the market (Sapto Aji, 2022).

Community awareness of the safe use of herbal medicines must also be increased through educational campaigns involving various parties, including health workers, academics, and the government (Dewi, 2024). These programs can take the form of training, seminars, or the dissemination of information through various media, so that the community has better knowledge about the risks and benefits of herbal medicines and how to use them properly. A specific pharmacovigilance system for herbal medicines needs to be integrated into the national health system. This system enables the systematic collection of data on the side effects of herbal medicines, which can be used to identify risks and take the necessary corrective measures (Pardomuan & Prasetyo, 2024). With this approach, the supervision of herbal medicine safety can be significantly improved.

To support dispute resolution, special training for mediators in the health sector should be a priority. Mediators with in-depth knowledge of health issues, particularly the use of herbal medicines, will be able to help disputing parties reach fair and effective solutions. This training can also improve the quality of mediation as a more efficient dispute resolution mechanism compared to litigation. The training can be organized through collaboration between the Ministry of Health, health professional organizations, and alternative dispute resolution service providers.

On the other hand, access to litigation channels must also be improved to overcome time and cost constraints that are often obstacles. The government can consider establishing special courts to handle cases related to herbal medicines or expedite legal processes through administrative digitization. This approach aims to provide swift and efficient justice for patients who have been harmed. Judges in these special courts also need to be given specific training on medical complexities and herbal medicine regulations.

With the implementation of these solutions, the supervision and resolution of herbal medicine disputes in Indonesia are expected to be more effective, providing better protection for patients and encouraging improvements in the quality of herbal products and responsible medical practices. The long-term impact is increased public trust in Indonesia's healthcare system and law enforcement.

The Role of Health Institutions in Supervision Herbal Medicines

Health institutions, including hospitals, clinics, and community health centers, play a very important role in ensuring the safe and responsible use of herbal medicines. As information centers, these institutions can educate the public based on reliable scientific data. The information provided should cover the benefits, risks, and limitations of herbal medicine use, especially when used in conjunction with conventional medicine. This education aims to increase public understanding of the potential and limitations of herbal medicine in supporting their health.

The healthcare institution is responsible for providing consultation to patients who are interested in using herbal medicine in their treatment plan. These consultations include in-depth discussions between patients and health workers regarding underlying medical conditions, potential interactions between herbal medicines and chemical drugs, and recommendations for appropriate dosages to minimize the risk of side effects. This approach ensures that patients receive safe treatment that is appropriate for their health needs (Abdurrahman, 2024). Therefore, health institutions need to allocate sufficient time and resources for these consultation services.

Supervision side effects or adverse reactions resulting from the use of herbal medicines is also the responsibility of health institutions. By accurately documenting side effects, health institutions not only support the national pharmacovigilance system but also assist the Food and Drug Supervisory Agency (BPOM) in evaluating the safety of herbal products on the market. This documentation enables the identification of risk patterns arising from the use of certain herbal medicines, which can then be used as a basis for providing better treatment recommendations and developing evidence-based health policies. This responsive reporting system is the foundation for swift and appropriate corrective action.

Improving the competence of health workers in the use of herbal medicines is also one of the main roles of health institutions. Health workers, such as doctors, nurses, and pharmacists, must be equipped with adequate knowledge through special training or certification programs. This knowledge includes how herbal medicines work, their benefits, risks, and potential interactions with other drugs. Health institutions can also collaborate with educational or research institutions to develop relevant training curricula, so that health workers have a more comprehensive understanding and are able to provide high-quality services (Ratman, 2018). Periodic evaluations of these competencies need to be conducted to ensure the effectiveness of the training programmed.

Cooperation with BPOM and related institutions is another important aspect. Health institutions can support the monitoring of herbal medicines by reporting adverse effect data, assisting in investigations of products suspected of being dangerous, and providing input on existing regulations. Health institutions can also contribute to community-based monitoring programs by involving health cadres and local volunteers to detect and report adverse reactions to herbal medicines (Pardomuan & Prasetyo, 2024). This form of cooperation can be formalized through a memorandum of understanding to ensure the smooth exchange of data and information.

The development of clinical protocols is also a strategic step that health institutions must take to ensure that the use of herbal medicines in medical services complies with scientific standards. These protocols include guidelines for the use of herbal medicines for various medical conditions, dosage recommendations, and steps for monitoring the safety of herbal therapies. The development of these protocols involves experts to ensure compliance with best practices in the health sector and must be disseminated to all health workers for consistent implementation (Fitriani & Sulistiyono, 2024). Dynamic protocols must also be reviewed and updated regularly in line with scientific advances.

Health institutions also need to provide easy and reliable access to information for patients. Through brochures, health applications, or online portals, patients can access complete information about the benefits, risks, interactions, and how to use herbal medicines. This step helps patients make better decisions regarding their health care. The information material must be presented in language that is easy to understand and tailored to the patient's background.

Internal supervision of herbal medicine use should also be a priority. Healthcare institutions need to ensure that herbal products used meet safety, efficacy, and quality standards through product evaluation and regular audits. This includes ongoing training for healthcare workers to keep them up to date with the latest developments in herbal medicine. With strong internal monitoring mechanisms, healthcare institutions can maintain the quality of healthcare services while protecting patients from potential risks. This mechanism should also include an internal reporting channel for staff to raise concerns regarding the safety of herbal medicines.

Legal Obligations of Health Institutions in Herbal Medicine Supervision

Health institutions have an important legal responsibility in supervising the use of herbal medicines, especially in providing transparent information to patients. Based on Law Number 17 of 2023 concerning Health, health workers are required to provide clear and accurate explanations regarding the pharmacological effects, indications, contraindications, and potential side effects of herbal medicines used. The main purpose of this obligation is to protect patients from risks that may arise from the inappropriate use of herbal medicines. The information provided must be simple but still cover all important aspects so that it is easily understood by patients. Ambiguity or negligence in providing such information can lead to legal consequences, including lawsuits under Article 1365 of the Civil Code (KUHPerdata) related to unlawful acts.

Health institutions are also responsible for implementing strict standard operating procedures (SOPs) in the use of herbal medicines. These SOPs cover the process of selecting herbal products, evaluating benefits and risks, and steps for handling adverse reactions. As part of this obligation, healthcare institutions must comply with regulations set by the Food and Drug Supervisory Agency (BPOM). These regulations require the use of only herbal products that have been registered and have a distribution permit. Violations of these regulations not only threaten the quality of health services but can also result in legal liability, both civil and criminal.

The administrative responsibility of health institutions in the management of herbal medicines is also an important aspect. This involves storing herbal medicines according to quality standards, accurate stock records, and supervising product expiration dates. Healthcare institutions must also ensure that herbal products used meet BPOM certification requirements before being given to patients. Failure to fulfill these administrative responsibilities may result in sanctions such as warnings, fines, or even revocation of the healthcare institution's operating license, as stipulated in applicable laws and regulations.

Cooperation with BPOM and the Ministry of Health is a strategic element in ensuring compliance with regulations. Health institutions must actively report the use of herbal medicines on a regular basis, participate in pharmacovigilance programs, and support investigations related to problematic herbal products. This cooperation also includes the collection of accurate data on the use of herbal medicines in the community, which can later assist the government in formulating more effective policies for consumer supervision and protection.

Health institutions may be held legally liable if they are found to have been negligent in supervising the use of herbal medicines, resulting in harm to patients. This negligence can take the form of using herbal products that do not meet quality standards, providing insufficient information to patients, or failing to treat side effects that arise. According to civil law, lawsuits can be filed under Article 1365 of the Civil Code, which allows patients to claim compensation for material and immaterial losses suffered.

To improve service quality, healthcare institutions have an obligation to provide training and education for healthcare workers on the use of herbal medicines. This training program must include an in-depth understanding of applicable regulations, the safety and effectiveness of herbal medicines, and skills in recognizing and handling adverse reactions. Training must also keep pace with the latest developments in science and technology related to herbal medicines. By taking these steps, healthcare institutions can ensure that medical personnel have the necessary competencies to provide high-quality services and maintain optimal patient safety.

CONCLUSIONS

The use of herbal medicines in Indonesia has significant cultural and historical value, but legal challenges, supervision, and the professional responsibility of health workers in their use remain major issues. Although regulations such as Law No. 17 of 2023 on Health exist, their implementation often faces obstacles, particularly in terms of supervising herbal products and enforcing legal responsibility by health workers. Patients who use herbal remedies often face risks due to a lack of adequate information and non-compliance with quality standards. Pharmacovigilance system that is not yet fully integrated and limited monitoring capacity by the Indonesian Food and Drug Administration (BPOM) exacerbate this situation. Uncertainty in legal enforcement, both in civil and criminal matters, as well as a lack of training for health workers on herbal medicines, further complicate patient protection.

To address these challenges, strategic measures are needed, including strengthening more detailed regulations on the responsibilities of health workers, supervision, and herbal product safety standards. BPOM requires additional support in the form of technology and human resources to increase its supervisory capacity. Community education

campaigns on the safe use of herbal medicines must also be promoted to increase community awareness and understanding. The development of a specific pharmacovigilance system for herbal medicines and training for healthcare workers on the use of herbal medicines should be a priority. Close cooperation between health institutions, BPOM, and relevant agencies is necessary to ensure effective supervision. With these measures, it is hoped that herbal medicines can be used safely, responsibly, and in accordance with the legal framework.

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