

POLICY ON PROHIBITION OF ADVERTISING TRADITIONAL HEALTH SERVICES CONDUCTED BY TRADITIONAL HEALERS IN BALI

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ABSTRACT

The existence of misleading and false advertisements for traditional health services from unqualified and incompetent sources has led the central and regional governments in Bali to issue a policy banning the advertisement of traditional health services by healers or practitioners of traditional medicine who are considered to lack professional competence. In its implementation, this policy still finds many traditional healers advertising in the field, so a study needs to be conducted to provide a good understanding for traditional healers and the community to avoid misleading traditional health advertisements. This research uses a normative method, with a case and legislative approach to examine the nature of the policy banning advertising for traditional healers and the impacts it has on traditional healers and the community as users of the traditional health advertising ban policy implemented in central and regional legal products. Overall, the policy banning the advertising of traditional health services by traditional healers in Bali aims to protect public health and safety, improve the quality of traditional health services, and maintain a balance between traditional and modern medicine in Bali. By limiting excessive promotion, the government hopes to encourage safe, responsible, and integrated traditional medicine practices within the modern healthcare system. This will provide greater benefits to the Balinese community in obtaining comprehensive and quality healthcare services. The impact of the advertising ban on Traditional Healers generally reduces the number of services provided to the community, while for the service-using community, this ban has a positive effect by providing information and education about traditional health services from expert and competent sources.

Keywords: Advertising, Traditional Medicine, Traditional Healers

INTRODUCTION

Bali is one of the regions in Indonesia that has a highly valuable and unique cultural heritage, making it an attractive destination for tourists to visit. The rich cultural heritage in Bali is not only related to its arts and nature, but Bali also possesses traditions and legacies that are so captivating that they attract people to observe and study them. One of the traditions held by the Bali region is related to traditional healing methods and techniques passed down through Usadha lontars, which originate from the beliefs and faith of the Balinese people. The success in using traditional Balinese medicine, combined with the significant number of practitioners of traditional Balinese medicine, now referred to as traditional healers, has resulted in this tradition and heritage being preserved to this day. Even now in Bali, not only the tradition and culture of Balinese traditional medicine are developing and being applied, but also traditional medicine techniques and methods from outside the Bali region, such as acupuncture, herbal concoctions, and others, are starting to enter and collaborate in Balinese medicine, thereby strengthening and supporting the existing traditional health services in Bali.

Traditional health services practices throughout Indonesia have been ongoing for years and have become an integral part of the local community's life, developing alongside medical health services. However, in recent years, there has been concern among the community regarding the increasing promotion of traditional health services through advertisements by parties who are not yet competent and expert, leading to irresponsibility when issues arise (Ministry of Health of the Republic of Indonesia, 2018). The parties considered not yet expert are those who do not have the competence as traditional health workers. In the provisions of Government Regulations, types of traditional health practitioners are divided into two categories: traditional health workers and traditional healers (practitioners of traditional health). Traditional health workers can promote and advertise the traditional health services they provide, while traditional healers are not allowed to advertise, as their traditional healing abilities have not been tested and are based solely on ancestral experience. However, currently, there are many advertisements being made by traditional health practitioners in the media. This reality prompted the government to issue a policy banning the advertising of traditional health services by practitioners who are considered not yet expert and competent in the field of traditional health. Through Government Regulation (PP) Number 103 of 2014 concerning Traditional Health Services, Article 67 Paragraph (2) clearly states that "Traditional healers and health centers are prohibited from publishing and advertising the provided Empirical Traditional Health Services."

Concerns about the advertising of traditional health services, both in terms of treatment and service provision, by traditional healers or irresponsible parties are also felt by the Bali Provincial Government. Moreover, in Bali, the advertising of traditional health services is often carried out by herbalists, shamans, herbal medicine practitioners, and others, who, in the classification of traditional health human resources, fall into the category of Traditional Healers. Traditional healers are those who provide traditional health services based on experience and passed down through

generations, and have not undergone clinical or preclinical testing. In the policy issued by the Provincial Government of Bali through Article 12 of Governor Regulation (Pergub) Number 55 of 2019 concerning traditional Balinese health services, it clearly states that "Traditional healers, Traditional health workers, Panti Sehat Usada, and Grya Sehat are prohibited from publicizing and advertising the Traditional Health Services provided." In the provisions of this Governor Regulation, due to fears of misleading advertisements, even all traditional health practitioners are prohibited from advertising, whereas in the Government Regulation provisions, only traditional healers and health clinics are prohibited.

This prohibition policy is certainly caused by several factors, including the increasing number of traditional medicine practices that do not meet safety and quality standards. (Badan Pengawas Obat dan Makanan, 2020). In addition, there are concerns that excessive promotion of traditional health services can mislead the public and hinder their access to more proven modern healthcare services (Ministry of Health of the Republic of Indonesia, 2019). Thus, this policy was issued with the aim of protecting public health and safety, as well as maintaining a balance between traditional and modern medicine.

According to data from the Bali Provincial Health Office, the number of traditional medicine practices in Bali has been increasing year by year. In 2018, there were approximately 2,500 traditional medicine practices, and by 2020, this number had risen to 3,200 practices (Bali Provincial Health Office, 2020). However, only about 40% of these practices have been registered and meet the safety standards set by the government. This raises concerns about the safety and effectiveness of the widely promoted traditional health services.

In addition, several cases that occurred in Bali were also taken into consideration in the implementation of this policy. In 2019, there was a case of a patient who experienced serious complications after using traditional medicine to treat their illness (Bali Post, 2019). A similar case occurred in 2020, where a patient died after using traditional medicine to treat cancer. (Radar Bali, 2020). These incidents highlight the need for stricter supervision of traditional medicine practices in Bali. This issue is compounded by the numerous television and radio media in Bali that advertise traditional health services by traditional healers, which in turn increases cases of deviation in traditional medicine within the community. Based on this background, the Bali Provincial government has issued a policy banning the advertisement of traditional health services by traditional healers. This policy is expected to enhance the safety and quality of traditional health services in Bali, as well as protect the community from irresponsible practices by unqualified parties.

METHODS

The method used in this research is the empirical legal research method by examining the implementation of the ban on advertising traditional health services by traditional healers issued by the Central Government and the Bali Provincial Government. In the empirical research, the gap between the content of existing legal provisions or policies and the reality of practices on the ground will be observed. The approach used in this research is a case approach and also employs a regulatory approach. Followed by the collection of primary data conducted through observation and interviews, and analyzed descriptively and systematically. The initial observation conducted shows a gap between the legal provisions regulating the prohibition of advertising traditional health services by traditional healers and the reality on the ground, which actually shows that some traditional healers are still advertising in mass media such as television and print media. Therefore, an analysis of this advertising ban policy was conducted so that the public becomes clear and understands the intentions of the policymakers, which are solely to prioritize the safety and health of the community at large by providing quality healthcare services and to understand the impacts caused by this advertising ban policy.

FINDINGS AND DISCUSSION

The Essence of the Policy Prohibiting the Advertising of Services by Traditional Healers

The policy prohibiting the advertising of traditional health services by traditional healers in Bali has several main objectives. First, this policy aims to improve the safety and quality of traditional health services available in Bali. By limiting the promotion of traditional health services, the government hopes to encourage traditional healers to adhere to the established safety and quality standards. (Kementerian Kesehatan RI, 2019). This policy aims to protect the public from irresponsible traditional medicine practices. Excessive promotion of traditional health services can mislead the public and hinder their access to more proven modern healthcare services. (Badan Pengawas Obat dan Makanan, 2020).

Therefore, the restriction on promotion is expected to help the community make more informed decisions in choosing healthcare services that meet their needs. This policy aims to maintain a balance between traditional and modern medicine in Bali. The government recognizes that traditional medicine plays an important role in Bali's public health system. However, excessive promotion can create an imbalance and hinder the public's access to modern healthcare services. (Dinas Kesehatan Provinsi Bali, 2020). For example, excessive claims of traditional medicine can encourage the public to abandon conventional medical treatment and switch to traditional medicine whose effectiveness has not been proven. This can endanger public health, especially for those who require regular medical care.

Therefore, this policy is expected to create a better balance between the two types of healthcare services. This policy aims to enhance supervision and regulation of traditional medicine practices in Bali. By limiting promotions, the government hopes to focus more on monitoring and evaluating existing traditional medicine practices (Ministry of Health of the Republic of Indonesia, 2018). This is expected to improve the compliance of traditional healers with established safety and quality standards.

Overall, the policy banning the advertising of traditional health services by traditional healers in Bali aims to protect public health and safety, improve the quality of traditional health services, and maintain a balance between traditional and modern medicine in Bali. By limiting excessive promotion, the government hopes to encourage safe, responsible, and integrated traditional medicine practices within the modern healthcare system. This will provide greater benefits to the Balinese community in accessing comprehensive and quality healthcare services.

Traditional healers have a variety of practices rooted in local culture, but not all of these services have proven to be safe or effective. Advertising bans are often intended to ensure that only traditional healers who meet certain standards are allowed to promote their services openly. Traditional healers can still introduce their services, but through more ethical channels, such as community education or official certification. The ban on commercial advertising aims to avoid excessive commercialization of traditional medicine, which can neglect aspects of moral responsibility and professionalism. Unrestricted and unmonitored advertising can encourage unhealthy competition among traditional healers, where they race to make promises or promotions that may not necessarily be true. This policy aims to keep competition fair and based on the quality of services, not on irresponsible advertising claims. This ban policy often becomes part of the government's efforts to integrate traditional medicine practices into the formal healthcare system. By restricting advertisements, the government can more easily identify traditional healers who meet the standards, allowing them to be granted official licenses or certifications. Traditional medicine is often rooted in culture and local wisdom. This policy is intended to prevent these practices from being excessively commercialized, which could damage the cultural values and traditions contained within them.

The essence of the policy banning advertising for traditional healers is to create a system that protects the community from the risk of false or misleading information, improves the quality of traditional healer services, and ensures ethical and responsible practices. This policy is not intended to hinder traditional medicine practices, but to regulate and promote safe, quality, and integrity-driven services.

The Impact of Implementing the Ban on Advertising Traditional Health Services for Traditional Healers in Bali

In implementing the ban on advertising traditional health services by traditional healers in Bali, the Bali Provincial Government has issued several regulations and guidelines that must be adhered to. One of the main regulations is Bali Governor Regulation Number 79 of 2019 concerning the Regulation of Traditional Medicine Practices (Bali Provincial Government, 2019). This regulation stipulates that any traditional healer who wishes to promote their services must first obtain permission from the Bali Provincial Health Office. Additionally, the allowed promotional content may only contain basic information about traditional medicine practices, such as the types of services, costs, and the background of the traditional healer. Promotion that is exaggerated or misleading is strictly prohibited. (Dinas Kesehatan Provinsi Bali, 2020). To ensure compliance with these regulations, the Bali Provincial Government

has formed a supervisory team consisting of representatives from the Health Office, the Food and Drug Supervisory Agency, and the Bali Regional Police. This team is tasked with conducting routine monitoring of traditional medicine practices in Bali and taking strict action against any violations found. (Kementerian Kesehatan RI, 2019). In addition, the Bali Provincial Government has also conducted socialization and education for the community regarding this policy. The public is urged to be more cautious in choosing traditional health services and to ensure that the selected traditional healers are registered and meet the established safety standards. (Bali Post, 2020). In its implementation, this policy has shown positive results. Based on data from the Bali Provincial Health Office, the number of registered traditional medicine practices that meet safety standards has increased from 40% in 2018 to 60% in 2020. (Dinas Kesehatan Provinsi Bali, 2020). Moreover, there have been no more cases similar to those that occurred in 2019 and 2020, indicating an improvement in the safety and quality of traditional healthcare services in Bali. The Bali Provincial Government implemented this policy to protect the public from potential unstandardized medical practices. This is related to the proliferation of traditional medicine claims that have not been scientifically proven or are performed by providers without clear competence. Traditional service providers are required to follow the standards set by local health authorities, such as being members of official associations like Gotra Pangusada and registered with the Health Office.

In the Bali Regional Regulation (Perda) Number 6 of 2020 on Health Administration, traditional health services are regulated in an integrated manner. Traditional healers are only allowed to operate in officially recognized and supervised healthcare facilities, such as Panti Sehat. The ban on advertising aims to ensure that the services provided meet standards and are not misleading. Bali has a strong health tradition based on local culture. However, the government prioritizes that traditional medicine must be practiced with appropriate responsibility and ethics, without exploiting the public's trust through excessive or unverifiable advertising.

The implementation of the advertising ban policy for traditional healers (such as shamans, witch doctors, herbalists, or alternative medicine practitioners) can certainly have a significant impact on both parties, namely the traditional healers themselves and the community of service users. This impact can be viewed from various perspectives:

The impact on traditional healers is generally negative, as the advertising ban directed at them inevitably results in a decrease in the number of services provided to the community. Here are the details of this impact.

1. Decreased exposure and income without advertising, traditional healers will find it more difficult to introduce their services to the public, especially those outside the local community. this can reduce the number of patients and directly impact their income.
2. The challenge in building trust through advertising is often used to establish reputation and trust. With the ban, traditional healers need to find other ways, such as relying on word-of-mouth recommendations, which may take longer.

3. The change in marketing strategies for traditional healers may need to adapt to new policies, such as using communication methods that are not considered "direct advertising," like community education or participation in community events.
4. Difficulty in reaching new patients for traditional healers who do not have a regular patient base will struggle to reach new patients, especially if their treatments are unique or different from what is commonly known in society.

The impact of the advertising ban by unqualified parties on the Service User Community certainly leads to positive effects, as detailed below:

1. Potentially reducing access to information, the ban on advertising can make it difficult for the public to find information about various available traditional medicine services, especially for those seeking alternatives to modern medicine.
2. Reducing the risk of misleading advertisements is one of the reasons this policy is usually implemented to protect the public from exaggerated or misleading health claims. with the ban, it is hoped that the public will be better protected from unethical practices.
3. Dependence on personal recommendations due to the lack of advertising, the public may rely more on recommendations from friends or family. although this can increase trust, access to new services may be more limited.
4. The encouragement to use official services from this policy can prompt the public to prefer health services recognized by the government or scientifically verified, thereby improving the quality of the services used.

From the impact analysis caused by the ban on advertising by traditional healers, it is certainly necessary to consider policies so that the advertising ban does not harm both parties. It is important to accompany it with supporting measures, such as:

1. Socialization and Education: The government can provide guidelines on recognized and safe traditional healing services.
2. Supervision and Certification: Ensuring that operating traditional healers meet certain standards, so the public feels safe without needing to rely on advertisements.
3. Use of Alternative Platforms: Traditional healers can be facilitated to introduce their services through media regulated or supervised by the government. Therefore, it is necessary to revise the policy by providing additional support from the relevant Health Department for advertising conducted by traditional healers.

With a balanced approach, this policy can protect the community without undermining the livelihoods of traditional healers.

Currently, traditional healers such as shamans, balian, herbal medicine sellers, massage therapists, and others cannot advertise traditionally because the services or traditional treatments they provide are still based on their experiences or hereditary traditions. They cannot validate the services and traditional treatments they provide because they are not based on valid testing, either clinically or preclinically. The traditional services they currently provide still require monitoring, supervision and

assistance from the Health Department in their respective cities or regencies, so that monitoring or evaluation of traditional services that do not meet standards can be carried out. In addition, traditional healers have now been formed into a professional association of traditional healers which in Bali is called Gotra Pengusada. The presence of this association of traditional healers is also intended to standardize and fulfill the quality of empirical traditional health services provided, so that there are no more traditional healers who provide non-standard services in the health centers they have.

CONCLUSION

Based on the discussion above, the following conclusions can be drawn: The essence of the advertising ban policy for traditional healers is to create a system that protects the public from the risk of false or misleading information, improves the quality of traditional healer services, and ensures ethical and responsible practices. This policy is not intended to hinder traditional medicine practices, but to regulate and promote services that are safe, high-quality, and ethical.

The impact caused by the policy banning the publication and advertising of traditional health services is:

1. For Traditional Healers:

Negative Impact: Traditional healers face challenges in promoting their services, which can reduce the number of new patients and affect their income. Additionally, they must seek alternative methods, such as relying on word-of-mouth recommendations or direct education, to remain relevant amidst the competition.

Positive Impact: This policy can encourage traditional healers to improve the quality of their services and build a reputation based more on trust than advertising claims. This also provides an opportunity for those who meet the standards to be officially recognized.

2. For Service Users

Negative Impact: The community may have difficulty obtaining information about available traditional medicine services, especially if they live in areas far from service provider centers. This can limit their options in seeking alternative treatments.

Positive Impact: This policy protects the public from potential risks due to misleading or exaggerated medical claims. The public is also encouraged to be more cautious and choose verified health services.

The policy banning traditional health advertising has both positive and negative impacts on traditional healers and the community. To maximize benefits and minimize losses, this policy needs to be supported by other measures, such as public education, fair supervision, and providing ethical promotional access for traditional healers who meet the standards.

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