Integration of Traditional Medicine in the Perspective of Islamic Law and Positive Law

Nur Indah Rahma Dilla 1, Irwansyah 2, Nur Atifah 3
Department of Public Health,
Universitas Islam Negeri Sumatera Utara, Medan

Article Info
Article history:
Received January 9, 2024
Revised January 21, 2024
Accepted March 8, 2024

Keywords:
Health
Islamic Law
Positive Law
Traditional Medicine

ABSTRACT
Traditional medicine in Indonesia, as part of the archipelago's cultural heritage, has been the main choice in curing people's illnesses. Despite the growth of modern medical services, many still rely on traditional medicine, including reflexology, herbal drinks, aromatherapy, chiropractic therapy, cupping, and acupuncture. This study aims to examine and discuss traditional medicine in Indonesia, focusing on Battra (traditional medicine) and various types of traditional medicine such as reflexology, herbal drinks, aromatherapy, chiropractic therapy, cupping, acupuncture, as well as traditional medicine in the context of Islamic law. This research uses a descriptive qualitative approach through literature study. The results show that there is a link between the social relationship between traditional healers and patients as a legal relationship in terms of their respective interests. In addition, traditional medicine in Indonesia is not only seen as a cheap alternative, but also as an inseparable part of cultural identity and ancestral heritage that needs to be preserved. Health law also plays a role in regulating and protecting traditional medicine to prevent abuse and harmful practices.

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Corresponding Author:
Nur Indah Rahma Dilla
Universitas Islam Negeri Sumatera Utara

INTRODUCTION
Health is a human right and one of the elements of welfare that must be realized in accordance with the ideals of the Indonesian nation as stated in Pancasila and the 1945 Constitution of the Republic of Indonesia. Health is one of the basic human needs in everyday life. To get health, people do not only rely on medical services such as doctors. Although modern medical services are well developed in Indonesia, many Indonesians still rely on traditional medicine such as shamans and healers, massage, blind massage, fracture massage, child healers, and dental healers to cure diseases. Many people still use traditional medicine today. Traditional medicine is a form of health care that has existed in local communities long before modern medicine came to Indonesia. As part of the cultural heritage of the archipelago, the traditional medicine system is a cultural element that has grown, developed and maintained for generations in both urban and rural communities. Provisions regarding traditional medicine or known as batra are contained in Health Law No. 36 of 2009, Chapter 1, General Provisions, Article 1.16, which states that traditional health services are methods that refer to experiences and methods that have been hereditary and can be explained and applied in the community in accordance with applicable norms. Methods that can be applied Traditional medicine is treatment using natural materials, medicines and/or traditional therapies. People who practice traditional medicine are called traditional healers. In addition, Minister of Health Regulation No. 1076/Menkes/SK/VII/2003 on the Implementation of
Traditional Medicine categorizes traditional medicine into four groups, namely traditional herbal medicine (batra), technological batra, supernatural batra treatment, and religious batra approaches. Traditional medicine is a therapeutic approach that uses techniques, tools, and materials not found in standard medicine as a treatment or addition to treatment (Suwito et al., 2020). Therefore, the treatment process using traditional medicine in Indonesia is very diverse (Mulyani et al., 2017).

Even before the advent of Islam, the Arabs were familiar with the phenomenon of shamanism (Zaid, 2013). Divination and magic also existed in pre-Protestant Arab society. Both traditions had a significant impact on their lives, especially psychologically and spiritually. Diviners were highly respected in Arab society. The tradition of fortune-telling spread among various classes, including Christians, Jews and pagans. They regard fortune-tellers as doctors of the soul who treat psychological problems faced by society (Wijaya, 2016). Health is an expensive blessing and maintaining health is very important in Islamic teachings: according to the 2008 Indonesian Health Profile, the morbidity rate in Indonesia was 33.24%, of which 65.59% practiced self-medication with modern and traditional medicines (including treatment at traditional clinics). The remaining 34.41% chose to self-medicate at health centers, doctors and other health facilities. The social relationship between traditional healers and patients can be seen as a legal relationship between them in terms of their respective interests. Therefore, traditional healers should be aware of the legal implications of traditional medicine.

METHOD

The methodology used in this research is a descriptive qualitative study using the literature review method. A literature review is a type of research that seeks to analyze, understand, and integrate existing literature on a particular discipline or topic (Muna et al., 2023). Descriptive research, on the other hand, aims to describe and illustrate the relationship between events, characteristics, and phenomena under study, to provide a systematic, realistic, and accurate picture and search for events with precise explanations. The reason for using the descriptive method in this research is to obtain answers in accordance with the views, opinions and perceptions of the community, so the discussion is qualitative and the language is descriptive. Literature studies have a significant impact on the validity of the findings of the research conducted.

DISCUSSION

Traditional medicine is an ingredient or mixture of ingredients in the form of plant materials, animal materials, mineral materials, preparation of sarian (galenik) or a mixture of these materials that have been used for generations for treatment based on the experience of the local community. There are many plants and plant species that can be used as traditional medicine, and Indonesia itself has many plant species that can be used as medicine. This is because Indonesia is rich in natural resources, one of which is various types of traditional plants, according to (Jennifer & Saptutyningsih, 2015), there are around 25,000-30,000 plant species in Indonesia that have the potential to be used as medicinal plants, and globally approximately 80% of the world’s medicinal plants grow in Indonesia, and the natural ingredients needed for treatment can be easily found everywhere around us. Traditional medicine is a collection of different knowledge, skills and practices based on theories, beliefs and experiences developed in different cultures. Traditional medicine is used to maintain health, diagnose and treat physical and mental illnesses.

Over time, traditional medicine has been divided into "empirical traditional medicine services", whose efficacy and safety have been empirically proven, and "complementary traditional medicine services", whose efficacy and safety have been scientifically proven and utilize biomedicine. Empirical and complementary traditional medicine can be divided into two categories based on treatment methods: treatment with manual techniques and treatment with herbal medicines.

Types of traditional medicine

Traditional medicine or alternative medicine can be in the form of herbal products or physical practices. There are many types of traditional: medicine, including:

1. Reflexology

The area of reflexology, specifically the activity of massaging the soles of the feet and palms of the hands using fingers and other tools to provide therapeutic services. (Harahap, 2023). Reflexology is commonly used for conditions such as pain, muscle spasms, and colds. Reflexology is different from other types of massage therapy or regular massage because it focuses on certain nerve points in the body, especially the feet and hands. Massage therapy is believed to not only relieve muscle tension, but also reduce stress, improve sleep, and strengthen the immune system. Massaging the right nerve points balances the energy of the connected body parts. This massage technique calms the central nervous system, promotes
relaxation and helps you recover faster from illness. The risks associated with massage are generally very low when performed by an experienced and qualified professional.

2. Herbal Drinks
   It includes alternative medicine that uses various parts of plants such as leaves, flowers, seeds, and roots. There are several types of herbal drinks:
   a. Jamu
      Is a traditional medicine derived from plants, animals or minerals, or a mixture of ingredients used based on experience.
   b. Natural extracts
      Is a traditional medicine derived from extracts or natural ingredients in the form of plants, animals or minerals, and this type is usually supported by research and scientific evidence in the form of preclinical studies including criteria for potential content, production standards for medicinal plant extracts, hygienic methods of making traditional medicines, acute and chronic toxicity studies. This is supported by the following data.
   c. Phytopharmaca
      are preparations from natural ingredients whose safety and efficacy have been scientifically proven through preclinical (in experimental animals) and clinical (in humans) tests; the raw materials and products are standardized; phytopharmaceuticals can be aligned with modern medicine because the production process is standardized and scientifically tested.

3. Aromatherapist
   According to (Harahap, 2023), someone who provides treatment using aromatic substances such as essential oils and other aromatic compounds produced from pure oil essence, this therapy is claimed to be able to improve psychological and physical health. Aromatherapy is an alternative health maintenance therapy that uses the aroma of essential oils. Aromatic oils are extracted from plant extracts such as rose, jasmine, lavender and sandalwood. Essential oil molecules provide specific benefits, such as anti-itch skin and joint pain relief. However, sometimes essential oils can have negative effects, such as irritation and inflammation. Aromatherapy has the following health benefits: relaxes the mind and body. Improves sleep quality and reduces insomnia. Reduces pain, e.g. menstrual cramps, pain caused by kidney stones, osteoarthritis pain. Reduces stress. When applied to the skin, it can fight bacteria, viruses and fungi. Traditional Indian medicine has also used fresh and dried herbs as an important medicinal tool. Aromatherapy can be used in a variety of ways, including:
   a. Inhalation.
      Essential oils can be effectively inhaled by pouring the oil vapor into a container of hot water or through a cloth moistened with essential oil. Inhale the essential oil vapor directly into the nostrils or oral cavity.
   b. Aromatherapy massage
      When performing an aromatherapy massage, care should be taken to choose the appropriate essential oils.
   c. aromatherapy bath
      An aromatherapy bath consists of immersing body parts in hot water at around 40°C for 15-30 minutes, without using foaming soap.
   d. Sauna
      The high temperature of a sauna dilates blood vessels and allows essential oils to penetrate the body more easily, thus stimulating the airways and making the body more relaxed (Michalak, 2018).

4. Chiropractic Therapy
   This therapy is performed by applying pressure to the joints using the hands or specialized instruments. Chiropractors are trained to treat and rehabilitate conditions related to bones, muscles, and joints. They also aim to restore misaligned bones and reduce pain. This bone therapy can restore joint and soft tissue mobility. It can also relieve muscle pain and stiffness until the soft tissues heal completely. In addition, chiropractic care can be effective in treating neck pain, muscle pain and headaches. Chiropractic adjustments straighten the spine, improve posture, and reduce stress on the nervous system. In addition, the adjustment helps to relax tense muscles, increase range of motion and improve mobility. Chiropractic adjustments can also help reduce pain and inflammation in the muscles of the body. When the spine is properly aligned, there is less pressure on the nerves and muscles. Some people experience temporary side effects after treatment, such as fatigue and dizziness. Some people experience mild side effects for a few days after treatment. For example, headaches, fatigue and pain in the treated area. Nevertheless, this treatment method is effective for back pain, headaches and other spine-related conditions. According to (Wulandari, 2020), the main goal of chiropractic care is to improve the
functional ability of patients, teach them how to manage their daily lives and take responsibility for their own health. (Wulandari, 2020).

5. Cupping
Cupping is a traditional or alternative medicine that can be used as a treatment to relieve back pain, neck pain, headaches, and symptoms of rheumatoid arthritis. The way cupping works is to drain blood locally from small incisions in the skin. Cupping is a treatment method that involves the removal of static (thick) blood containing toxins from the human body. Cupping involves suctioning of the skin and removal of blood. It is performed using special cups that are placed on specific parts of the body, usually the back or abdomen. The wound then creates pressure that pulls on the skin and is said to release toxins or "dirty blood". Today cupping can be done with a modern device called a rubber pump. The therapist uses this rubber pump to apply pressure to pull the skin. However, before the advent of these modern tools, cupping therapy involved placing flammable materials into a cup and setting it on fire first. Once the flame was extinguished, the cup would be placed directly on the surface of the skin and allowed to sit for approximately 3 minutes. As the temperature of the air inside the cup begins to cool, air is drawn into the skin and muscles, causing the skin to turn red and blood vessels to dilate. This procedure is also known as dry cupping therapy.

During wet cupping therapy, after the cups have been in place for 3 minutes, they are removed and the therapist makes a small incision in the skin where the cups were used to draw blood. Once done, the cup will be returned to its original position within a few minutes. The incision is then cleaned, given antibiotic ointment, and bandaged to prevent the risk of wound infection. (According to the Ministry of Health 2022) Cupping itself is said to increase blood flow throughout the body. Blood flow is the body's way of healing itself naturally, says Houman Danesh, MD, assistant professor of anesthesiology and rehabilitation medicine at Mount Sinai Hospital. Cupping therapy can reduce the pain that occurs in the body due to optimized blood circulation. However, during the procedure, this condition sometimes causes pain but changes and does not cause pain.

6. Acupuncture
Acupuncture is a Chinese alternative medicine that has been used for generations to relieve pain. This holistic treatment technique involves sticking thin needles into specific areas of the body, such as the back and legs. The pricking of fine needles at certain points is believed to stimulate the nerves and muscles to release natural pain-relieving hormones in the body. Acupuncture can be used in the treatment of pain, allergies, inflammation, metabolic disorders, and post-cancer. (Kuriawan & Ibrahim, 2017) Acupuncture originated from the discovery that stimulation of certain areas of the skin (acupuncture points) affects the function of certain organs. (Rachmi, Rahmayani, & Utami, 2019) Acupuncture is also a stimulation of certain anatomical points on the body through various methods, using thin iron needles that are inserted into the skin manually or by electrical stimulation. According to the concept of acupuncture, disease is caused by a disturbance in the flow of qi due to an imbalance in the strength of yin and yang energy. (Hardi, Wardani, & Aisyah, 2021) found that acupuncture, if used significantly, has a significant effect in reducing a number of health problems including depression, anxiety, coping with stress and improving sleep quality, reducing postpartum pain, reducing nausea and vomiting, and frequency of urination.

Traditional Medicine According To Islamic Law
Although times have become modern and medicine has become very sophisticated, people still remember traditional medicine and continue to support it. One of the reasons is because traditional medicine is a culture that has been passed down from generation to generation and should be preserved. Traditional medicine is also considered relatively cheaper than modern medicine and safer without side effects, therefore many people prefer traditional medicine over modern medicine. According to (Jennifer & Saptutyningisih, 2015), traditional medicine is simple, cheap, effective and balanced. Traditional medicine is simple, cheap, effective and applied depending on the mood of the people in the family, which is related to the concept of health and the need to strive to maintain it. This is because if health conditions are not met, people will experience health complaints that are crucial to maintaining health and can cause pain that can cause disruption of activities.

Being sick is about finding a cure to make yourself feel well again, which can be done in many ways. For example, seeking help from a doctor, midwife, or other health professional. In addition to medication, there is also self-medication, which is buying medicine from kiosks carefully, and trying to treat illnesses with traditional medicines kept at home. Education has a significant relationship with treatment selection (Jennifer & Saptutyningisih, 2015), while employment has no relationship with treatment selection, in accordance with the theory stating that people who have jobs and mediocre income choose traditional medicine. Education has a significant relationship with treatment choice. In Islam, health is essential for carrying out daily activities and worship. In worship, when a person falls ill, he is allowed to undergo treatment to cure his illness. Whenever there is an illness, Allah must have created a cure. It's just that some people know about it and others don't
know about it. The scholars of the Hanafi, Maliki, Shafi’i and Hanbali schools of thought agree that seeking treatment to cure an illness is permissible. This is because every disease must have a cure. If the medicine used touches directly on the root of the disease, then Insha Allah the disease will disappear and the patient will recover. However, if the cause of the disease is unknown or no cure is found, then treatment will take a long time. One of the characteristics of Islamic medicine is the gentle and realistic combination of natural (medical) medicine and al-Iraj al-Rabbani wa al-Nabawi (the medicine of God and the Prophet), without prejudice, superstition and magic. Examples of Islamic medicine include:

1) Syariah Ruqyah
The word ruqyah is the jama’ form of the phrase ruqyah, taken from a root word consisting of three letters (Ra, qof, alif), roqo-’i’il mahdi. ruqyah has three basic meanings: rising, mound, or protection. Ruqyah syar’iyah is ruqyah with ta’awudz and other forms of Allah’s asma. If the person reciting the ruqyah is well-spoken, then Insha Allah it will bring about healing.

2) Honey
Honey is food after food, medicine after medicine, drink after drink, sweetener after sweetener, favorite food after favorite food. Honey is a miracle of nature bestowed upon mankind. This thick liquid has a sweet taste and contains many vitamins and minerals that the body needs. Until today, people use the properties of honey to maintain health and as a natural medicine.

3) Cupping
Cupping (Al-Hijama) is one of the traditional remedies recommended in Islam, as mentioned above. It comes from the Arabic words "hajama", which means "to suck", and "hijama", which means "to remove dirty blood". The verbs are hajjamah-yahjimu and hajjamah-yahjimu. Al-hajjam refers to the person who sucks the holes in the cupping device; mihjam and mihjama refer to the cupping device, including the device for sucking blood, the device for collecting blood, and the device for cutting during cupping.

4) Dates
Dates are a member of the palm family, native to Iraq and widely cultivated in the Middle East and North Africa. Most dates grow in Arab countries (Marpaung, 2020), dates are one of the Prophet’s favorite fruits and contain many health benefits. The benefits of dates include relieving constipation, indigestion, heart disease, anemia, sexual dysfunction, diarrhea, and stomach cancer.

In Islam, treatment is recommended for people with diseases. Any disease has a cure except old age. There are various ways to cure diseases, not only modern medicine but also traditional medicine. In Islam, many traditional treatments are recommended to cure diseases so that we are always healthy so that it is easy to move and be productive.

Positive Law In Traditional Medicine
Law is a set of rules consisting of norms and sanctions. Law is a set of methods and principles that govern order, including the institutions and processes that make the application of law a social reality. In the medical world, law is also used to prevent abuse and fraud by health care providers. Expert definition of medical law (Takdir, 2018):

1. C.S.T. Kansil, SH.: "Health law is the body of laws and health regulations governing health services and health facilities. Health here is a condition that includes physical, mental (soul) and social health, not just the absence of disability, disease or deficiency.”
2. Prof. Dr. Rang: "Health law is the relationship between all legal rules and legal statuses that directly develop or determine a person’s state of health."

According to Health Law No. 23 of 1992, all forms of alternative medicine are recognized, regardless of the materials used in the treatment, but the treatment must be described and a Traditional Medicine Permit (SIPT) is required. In Indonesia, alternative medicine is one of the oldest recognized forms of medicine. According to the data we received, the number of people using alternative medicine almost exceeds the number of people using traditional medicine. Article 1 paragraph 8 of the Health Law, which is Law No. 39 of 2009, explains that “medicine is a material contained in biological products that is used to influence the physiological system or state of pathology for the purpose of diagnosis, prevention, treatment, health improvement or contraceptive determination in humans”. The law has an important function in accordance with the purpose of the law itself, namely the protection, maintenance of order, and peace of society. According to legal principles,
the law has three functions: 1. the function of expediency; 2. the function of justice; and 3. the function of legal certainty. In principle, the three functions of law provide "protection" in the form of "law" to all people and parties in various fields of life. In other words, the three legal functions provide "legal defense" when legal problems arise in social life. Therefore, the law must be respected in all fields, including in the health sector. Thus, the safety and welfare of the community can be guaranteed.

**CONCLUSION**

Health is very important for everyone. This is because if someone falls ill, they will not be able to carry out their activities properly and will not be as productive as usual. There are many treatments available to cure diseases, one of which is traditional medicine. If modern medicine is not desirable, many traditional remedies can be used. Herbal drinks, cupping, acupuncture, reflexology, etc. Traditional medicine is also protected by law, so those who want to get traditional medicine have safe and secure legal protection. Muslims are also encouraged to seek treatment when they fall ill to make it easier to worship and live their daily lives.

**REFERENCES**


