

The Legitimacy of Medical Marijuana: Assessing the Intersection of Policy, Public Health, and Social Acceptance

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Abstract. Medical marijuana has become a controversial topic in many countries, including Indonesia. The legitimacy of medical marijuana use involves a confluence of policy, public health needs, and social acceptance. In this research, the researchers evaluate the intersection between these three aspects using a legal philosophy approach. The method used in this research is normative juridical with a statutory approach. The result concludes that currently there are still pros and cons in establishing regulations related to medical marijuana. Although it has been emphasized that medical marijuana is safe for several diseases and can be helpful, however, social acceptance plays an important factor for the use of medical marijuana. Comprehensive education and understanding of the benefits and risks of medical marijuana use can help reduce stigma and increase social acceptance. In this case, legal philosophy can be a guide in formulating policies that are in line with justice, freedom, and balance between individual interests and the interests of society as a whole. In assessing policies regarding medical marijuana, it is important to seek a balance between the interests of individuals who need access to this alternative medicine and the interests of society as a whole. It is important to continue conducting research in this field as it has potential benefits.

Keywords: Medical Marijuana, Health, Social

1 Introduction

The legitimacy of medical marijuana is an issue that has become a constraint in the creation and use of medicines needed by the public. Since the discovery of its beneficial properties, marijuana has become a controversial policy object, resulting in restrictions on research, use, and social acceptance. For some countries, medical marijuana is still considered an illegal substance and referred to as a "contaminant" in the use of medicines. However, most countries have changed their policies towards medical marijuana which has led to an increase in the use and development of medicines containing marijuana.[1]

Marijuana is a plant that has been used since ancient times. Its properties have been known since the ancient times and have been used for various purposes, including medicine, textile manufacturing, and religious purposes. However, in the 20th century, marijuana was confirmed to be a substance with beneficial properties, which can help overcome various diseases and

health conditions. Since then, marijuana has become a controversial policy object, which has led to restrictions on research, use, and social acceptance.[2]

Policies on medical marijuana vary from country to country, however, most countries have changed their policies on medical marijuana. Most countries have approved the use of medical marijuana for medicinal purposes, however, there are still some countries that approve the use of medical marijuana only in the form of clinical trials. Public health is a very important factor in clarifying policies on medical marijuana. Most countries have changed their policies towards medical marijuana which has led to an increase in the use and development of medicines containing marijuana. However, currently, medical marijuana is still confirmed to be a substance with beneficial properties, which can help overcome various diseases and health conditions.[3]

Social acceptance is a very important factor in clarifying policies on medical marijuana. Most countries have changed their policies towards medical marijuana but there are still some countries that approve the use of medical marijuana only in the form of clinical trials. Social acceptance plays a crucial role in shaping policies related to medical marijuana. This is due to its large positive impact on society, including improved health, increased productivity, and improved quality of life.

The legalization of medical marijuana has the potential to significantly benefit society by improving overall health, boosting productivity, and enhancing quality of life. However, policies on medical marijuana are still a very important limitation in the use of the medicines needed by the public. Research on medical marijuana can help identify its properties better, develop medicines containing marijuana, and develop more effective policies on medical marijuana. Currently, medical marijuana is still confirmed to be a substance with beneficial properties which can help overcome various diseases and health conditions.

Contemporary, medical marijuana is still confirmed to be a substance that has the best properties, which can help overcome various diseases and health conditions. However, policies on medical marijuana are still a very important limitation in the use of medicines needed by the community. Research on medical marijuana can help identify its properties better, develop medicines containing marijuana, and develop more effective policies on medical marijuana.[4]

Essentially, the legalization of medical marijuana can help address various diseases and health conditions, including epilepsy, cerebral palsy, and others. However, to ensure that the use of medical marijuana does not pose a risk to health, research needs to be conducted first. In this case, the use of marijuana-derived compounds such as cannabidiol, which does not have psychoactive activity, can be allowed. While the main compound tetrahydrocannabinol (THC), which is psychoactive, is still prohibited. Currently, the legalization of medical marijuana remains controversial and a contentious policy object. However, with further research and development of medicines containing marijuana, it may be possible to reduce these disadvantages and ensure that the use of medical marijuana can be allowed in a safe and effective manner.[5]

Legal philosophy considerations related to medical marijuana involve many complex aspects. On the one hand, there are pro arguments that highlight human rights and individual freedom. In legal philosophy, the principle of individual autonomy is often considered a fundamental value that must be respected. Supporters of medical marijuana argue that individuals have the

right to access the treatment they need, especially if it helps overcome unbearable suffering or improve their quality of life. In addition, there is a moral argument that the prohibition of medical marijuana violates the principles of social justice because it causes unnecessary suffering to individuals in need.[6]

However, on the other hand, there are also counterarguments based on legal and ethical considerations that emphasize control and balance of the interests of society. Legal philosophy often emphasizes the importance of maintaining social order and protecting society from potential risks and dangers. Some opponents of medical marijuana are concerned about its side effects that may harm public health in general, such as dependence, abuse, and abuse by children. In addition, from a legal perspective, there are still many questions regarding regulation, supervision, and legal liability related to the use of medical marijuana that require serious attention.

Law aimed at achieving justice, ensuring legal certainty, order, and benefitting the society. Law also guarantees that an individual will receive certain benefits. Indonesia upholds the form of legal regulations to create the welfare of society so that the law is used as a tool to uphold human dignity. To achieve the goals of the law, which are to obtain justice and legal certainty, development is needed. One of which is development in the health sector. Development in the health sector is carried out in many ways, one of which is through health services, the most important thing in health services is medicine. Therefore, it can increase public awareness of health and encourage people to demand quality medicines and health services.

The urgency of research on the legitimacy of medical marijuana is very important considering its great potential in the health sector. In-depth and up-to-date research is needed to fully understand the effects, appropriate doses, and optimal ways of using medical marijuana in the context of treating various medical conditions. The problems that arise include questions about the efficacy of medical marijuana in relieving the symptoms of various diseases, its potential side effects and long-term risks, optimization of appropriate formulations and doses, as well as the legal and ethical implications of its use. In addition, research also needs to be focused on the working mechanisms of the active compounds in marijuana that can provide medical benefits, as well as comparisons with existing conventional therapies. Thus, this research will not only provide a strong scientific basis for the use of medical marijuana but can also help pave the way for the development of more effective and safer therapies for patients who need them.[7]

Based on the background above, the authors are interested in researching the legitimacy of marijuana, which will discuss the intersection between policy, public health needs, and social acceptance of the use of medical marijuana, the ways this intersection can be realized effectively through appropriate policies and practices, as well as the ways the implementation of this policy affects the accessibility of medical marijuana for patients who need it, including regulations related to its production, distribution, and use. By exploring these questions, this research can provide a deeper understanding of how the intersection between policy, public health, and social acceptance in the context of medical marijuana use can be identified and strengthened for the common good.

2 Method

The study employs a normative juridical research method, involving the analysis of various laws, regulations, and policies relevant to the issue of medical marijuana. A normative approach is used to understand the existing legal framework and evaluate the findings of this study. Additionally, this research involves an in-depth literature review to identify various perspectives and thoughts that have previously existed regarding this issue. The main data used in this research is secondary data because this type of research is normative. The way to collect data is through documentation, while the tool for secondary data is a documentation study or library research. Secondary data is collected through existing and written data or documents. Library research data is obtained from primary legal materials, which are binding legal materials, such as statutory regulations, consisting of:

1. The Constitution of the Republic of Indonesia
2. Law Number 35 of 2009 Regarding Narcotics

Furthermore, a secondary legal material which provides an explanation of all primary legal materials, will be in the consideration. For instance, books, scientific papers, articles, and other scientific literature materials. After processing the data through the literature, a qualitative data analysis is carried out, which means the results of this research are explained and described in sentences that are easily understood by the general public. To investigate what is being researched by the researcher, it is necessary to be able to describe specific facts related to the subject under discussion. Qualitative analysis means that after collecting documents from the required data, the data can be analyzed. The researcher uses legal construction, legal analysis, and legal reasoning in this research, deductively from general to specific, and analyzed using qualitative methods. Researchers collect document data using library research. The data are obtained from: legal theory, laws, practices, and expert opinions. The results of the analysis will be described in the form of writing that explains the legitimacy of medical marijuana and its health benefits.

3 Discussions

3.1 The Intersection of Policy, Public Health Needs, and Social Acceptance of Medical Marijuana Use.

The intersection of policy, public health needs, and social acceptance of medical marijuana use presents a complex issue that requires serious attention. First and foremost, policy must reflect a balance between protecting public health and the right of individuals to receive appropriate treatment. In the case of medical marijuana, it is important to establish strict regulations to control its distribution and use to avoid abuse and ensure its quality and safety for users. However, policies also need to be inclusive and responsive to the needs of patients who require medical marijuana as an effective therapeutic option.

Public health needs should be a primary focus in establishing policies related to medical marijuana. In-depth scientific studies and research are needed to understand the medical benefits

and health risks associated with the use of medical marijuana. With a better understanding of the potential of medical marijuana in treating certain medical conditions, policies can be designed to ensure safe and guaranteed access for patients in need. At the same time, it should minimize the negative impact on overall public health.

Social acceptance of medical marijuana use is also an important factor that must be considered. The public needs to be educated about the benefits and risks of medical marijuana use, as well as eliminating the stigma that is sometimes attached to the use of this substance. Effective education can help change public perception and promote a better understanding of the use of medical marijuana as a legitimate and important therapeutic option for some individuals suffering from certain medical conditions. In addition, open and collaborative dialogue between the government, health professionals, and the public is essential to reach an agreement that is acceptable to all parties involved. This involves comprehensive discussion of the legal, medical, and social aspects associated with the use of medical marijuana. By involving various stakeholders, the policies implemented can reflect the diverse needs and values within the society.[8]

Continuous evaluation of the policies implementation regarding medical marijuana is also very important to ensure that public health goals are still being pursued. Monitoring the impact of medical marijuana use, both positive and negative, needs to be done periodically to ensure that existing regulations remain relevant and effective. With a sustainable and adaptive approach, the intersection between policy, public health needs, and social acceptance of medical marijuana use can be found for the welfare of society as a whole[9]

In Indonesia, there are several movements who wished for the legalization of marijuana to be realized immediately. One of them is the Lingkar Ganja Nusantara (LGN). LGN is the largest organization in Indonesia who raises the issue of utilizing marijuana as a basis for struggle, that marijuana has potential benefits and can be optimized for its benefits.[10] The main objective for the Indonesian government in implementing the Narcotics Law is certainly to protect the Indonesian people from the dangers of abuse and illicit trafficking of narcotics, as well as to ensure the availability of drugs for only people in need as a medicine.

In the context of legal philosophy, it is important to find a balance between the interests of individuals who need medical marijuana for their health and the interests of society as a whole. Legal principles such as justice, freedom, and balance must be applied in formulating policies related to the use of medical marijuana. Policies must ensure that access to medical marijuana is not limited to certain groups, but also pays attention to the health needs of the whole community. In addition, policies must also protect the public from the risk of abuse and other negative impacts that may arise from the use of medical marijuana. Social acceptance is also an important factor in determining the success of policies related to medical marijuana.

By building public understanding and support for the use of medical marijuana through appropriate education and campaigns, the stigma against the use of medical marijuana can be reduced. In this case, legal philosophy can be a guide in formulating policies that are in line with justice, freedom, and a balance between individual interests and the interests of society as a whole.[11] In this context, policies must consider the health needs of the community who need access to this alternative medicine. Medical marijuana has been shown to be effective in treating several medical conditions, such as epilepsy, cancer, and other chronic diseases. Therefore, policies that restrict or prohibit the use of medical marijuana can be an obstacle for patients who

need it. Legal philosophy, emphasizing justice, freedom, and balance, dictates that policies concerning medical marijuana must prioritize equitable access for all who need it, while simultaneously safeguarding the overall health of the public.

The prohibition of marijuana use for health services by the government is not appropriate because the benefits of the marijuana plant itself have been proven to have a positive effect on specific users. The losses suffered by the community due to the prohibition of this marijuana plant have occurred in Indonesia in several cases, for example the case of Fidelis Arie Sudewarto who treated his wife using marijuana plants because treatment using commercial drugs no longer had an effect on his wife, even worsening his wife's condition. Another case that befell Musa Ibnu Hassan Pedersen, the son of Dwi Pertiwi, who died after 16 years of suffering from cerebral palsy. Musa had received therapy using marijuana in Australia in 2016. Therapy with marijuana for a full month was quite fruitful, even Musa no longer experienced seizures. The prohibition of the use of marijuana plants for health services has a very big impact on the Indonesian people who really need this plant as an alternative treatment.

Furthermore, there are also concerns about the risk of abuse and negative impacts that may arise from the use of medical marijuana. Although medical marijuana has been shown to be effective in treating several medical conditions, there are risks of abuse and side effects that need to be considered. The Indonesian government may want to ensure that the use of medical marijuana is carried out with strict supervision and control to avoid abuse and negative impacts on society. In addition, there are also challenges related to infrastructure and regulations that need to be resolved before the use of medical marijuana can be legalized in Indonesia. Clear and transparent arrangements must be implemented to regulate the production, distribution, and use of medical marijuana. In addition, adequate infrastructures, such as laboratories and medical facilities, are also needed to support the safe and effective use of medical marijuana.

3.2 The Ways Implementation of the Narcotics Law Affects the Accessibility of Medical Marijuana for Patients in Need.

At the end of 2020, The Commission on Narcotic Drugs (CND) decided to follow the recommendation of the World Health Organization (WHO) to remove Cannabis and Cannabis Resin from Schedule IV of the 1961 Convention so that both remain on Schedule I of the 1961 Convention. It has sparked controversy among the world community, especially in Indonesia. The results of the CND decision, which is one of the commissions under the United Nations for narcotics issues, at the Reconvened 63rd session, were concluded by some groups in Indonesia that the world supports efforts to legalize marijuana (Humas BNN, 2021). The fact that cannabis and cannabis resin remain on Schedule I of the 1961 Single Convention reinforces that the control of cannabis and cannabis resin remains strictly controlled for medical and research purposes. Therefore, the UN does not legalize marijuana for all purposes. They only removed marijuana from Schedule IV and remains on Schedule I.

However, this policy is not fully acknowledged by some people who have been exposed to information about efforts to legalize marijuana in Indonesia so that it can be used, both for medical and recreational purposes. In fact, Indonesia has laws and regulations regarding narcotics, namely Law Number 35 of 2009 Regarding Narcotics, which is a revision of Law Number 22 of 1997 Regarding Narcotics. In addition to narcotics, the law also regulates narcotic

precursors, which are starting substances or chemicals used in the manufacture of narcotics. This research focuses on the developing opinion on the issue of marijuana legalization triggered by the proposal for a material test by a group of people regarding Article 6 Paragraph (1) in this law, namely: "Narcotics as referred to in Article 5 are classified into: a) Narcotics Group I; b) Narcotics Group II; and c) Narcotics Group III."

In this law, what is meant by 'Narcotics Group I' is the narcotics that can only be used for the purpose of developing science and not used in therapy, and has a very high potential for causing dependence. In the appendix of the law, marijuana and its derivatives are included in Group I, among others: Marijuana plants, all plants of the genus cannabis and all parts of the plant including seeds, fruit, straw, processed marijuana plants or parts of marijuana plants including marijuana resin and hashish Tetrahydrocannabinol, and all isomers and all stereo chemical forms. Delta 9 tetrahydrocannabinol, and all its stereo chemical forms.

According to the United Nation Office of Drugs and Crime (2017), marijuana or cannabis is one of the most frequently used psychoactive substances after alcohol. Globally, research conducted in 2017 by UNODC, cannabis is used by 75% of recorded abusers (UNODC, 2017). Berke et al. (2021) reported that marijuana is now completely legal and available for medical and recreational use in two United Nations member states, namely Canada and Uruguay, in addition to 18 US states where marijuana is legal, 37 other states have legalized it for medical use.

Although some countries allowed the use of marijuana for medical purposes to improve a person's health quality, the Commission on Narcotic Drugs (CND) gives authority to each country to regulate the use of marijuana for their country. The National Narcotics Agency, through Public Relations and the Deputy for Law and Cooperation, stated that the Indonesian government still rejects the legalization of marijuana for both medical and recreational purposes. The firm stance taken by the National Narcotics Agency (BNN) as the leading sector in handling drug problems in Indonesia states that with the very high situation and conditions of abuse and illicit trafficking of narcotics, especially marijuana, in Indonesia, efforts to legalize marijuana are unlawful acts that can be subject to sanctions in accordance with Law Number 35 of 2009 Regarding Narcotics.

The government's policy in rejecting the ECDD WHO recommendation on the use of marijuana for medical purposes has several underlying reasons, including that the results of research on the marijuana content in Indonesia have a high THC (a content in marijuana plants that is very dangerous because it is psychoactive) of 18% compared to CBD which is only 1%. The next reason is that marijuana used as a therapy is marijuana from the results of genetic engineering cultivation which can produce high CBD content and low THC content. Then the last reason is that the risk of marijuana abuse will be even greater if medical marijuana is legalized, those who want to consume marijuana for recreation can argue for treatment therapy.

As a result of the prohibition of the use of health services, Indonesia has misinterpreted the 1961 Single Convention on Narcotic Drugs which stated that medical marijuana does not violate it. This is contained in Article 33 of the 1961 Single Convention on Narcotic Drugs which states "the party shall not permit the position of them, except under national authority." This means that it can only punish those who distribute narcotics without permission from the state, therefore full state control is given. Another goal as a result of the prohibition of the use of this interest, Indonesia is finally unable to control narcotics in ensuring the country has the availability of narcotics for health and scientific interests, and preventing the circulation of

narcotics that do not have a permit. The two articles contained in Law Number 35 of 2009 Regarding Narcotics are contrary to the intent and purpose of the 1961 Single Convention and, at the same time, contrary to Law Number 35 of 2009 Regarding Narcotics itself.[12]

The 1961 Single Convention on Narcotic Drugs and the 1971 Psychotropic Convention must be interpreted in the context of health, availability of medicines, and the purpose of developing science. It should not be interpreted for the prohibition of legal use by countries, and punishing its users. This is in line with Law Number 36 of 2009 Regarding Health, where Article 5 paragraph (1) states that everyone has the same right to access resources in the health sector. Article 5 paragraph (3) states that everyone has the right to independently and responsibly determine the health services they need. The use of narcotics for health services is also regulated in Law Number 36 of 2009 Regarding Health, in Article 102 paragraph (1) states that the use of pharmaceutical preparations in the form of narcotics and psychotropics can only be done based on a doctor's or dentist's prescription and is prohibited to be abused. Then Article 103 paragraph (1) states that everyone who produces, stores, distributes, and uses narcotics and psychotropics must meet certain standards and/or requirements.[13]

The law enforcement against the illegal use of medical marijuana can intimidate patients and doctors who are considering medical marijuana as a therapeutic option. Patients who need medical marijuana may be afraid to seek it out for fear of possible legal consequences, even if they are sure that medical marijuana can help manage their medical conditions. In fact, some diseases desperately need medical marijuana as a treatment. Thus, the implementation of the Narcotics Law directly affects the accessibility of medical marijuana for patients who need it. Changes in narcotics regulations that are more inclusive and responsive to patient needs can help improve the accessibility of medical marijuana for those who need it for the management of their medical conditions.

4 Conclusion

Based on the descriptions above, the authors conclude as follows:

The intersection of policy, public health needs, and social acceptance of medical marijuana use demonstrates a complexity that needs to be considered seriously. Policies must reflect a balance between protecting public health and the right of individuals to appropriate treatment, by establishing strict regulations to control its distribution and use. Public health needs should be a primary focus in establishing policies, with in-depth scientific studies to understand the medical benefits and health risks involved. Social acceptance of medical marijuana use is also important, with objective education to reduce stigma and promote better understanding. Continuous evaluation of policy implementation is needed to ensure public health goals are still being achieved.[14]

At the end of 2020, The Commission on Narcotic Drugs (CND) decided to follow the recommendation of the World Health Organization (WHO) to remove Cannabis and Cannabis Resin from Schedule IV of the 1961 Convention sparked controversy among the world community, including in Indonesia. Although Cannabis and Cannabis Resin remain on Schedule I of the 1961 Convention, some people misunderstood that the world supports efforts to legalize marijuana. However, the fact that marijuana remains strictly controlled for medical and research

purposes shows that the UN does not legalize marijuana as a whole. Indonesia has laws governing narcotics, including marijuana. However, the Indonesian government rejects the legalization of marijuana for both medical and recreational purposes. The reasons behind this refusal include the high THC content in marijuana in Indonesia and the risk of abuse that could increase if medical marijuana is legalized. However, the prohibition of the use of medical marijuana can also affect accessibility for patients who need it.[15]

The legalization of medical marijuana in Indonesia is a complex process and requires careful consideration from various aspects. This decision must consider legal, social, health, and the interests of society as a whole. In this context, open discussion and in-depth research are important to ensure appropriate and sustainable decision-making regarding the use of medical marijuana in Indonesia. In addition to legal and social factors, there are also considerations regarding the risk of abuse and negative impacts that may arise from the use of medical marijuana. The government needs to ensure that the use of medical marijuana is strictly regulated to prevent abuse and adverse side effects. The process of legalizing medical marijuana also involves strong research and scientific evidence to support the benefits and safety of its use.[16]

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