

The Role Model of Legal Protection for Pharmacists in Carrying Out Their Profession in Reviewed from Law No. 17 of 2023 Concerning Health

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ARTICLE INFO

Keywords: Pharmacist, Law
Number 17 of 2023,
Protection

Received : 25, June

Revised : 09, July

Accepted: 30, July

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ABSTRACT

The aim of the Indonesian State is to realize social welfare, especially in the health sector. Article 28 H paragraph (1) and Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia mandate that everyone has the right to welfare and health services, and the state is responsible for providing adequate public facilities and health services. This article uses literature review methods and normative legal research with a legislative approach to examine the legal system related to pharmacist protection. The research results show that there are no statutory regulations that specifically discuss protection for pharmacists in carrying out their practice. Therefore, regulations with heavier sanctions are needed to provide legal certainty for pharmacists and the public. The government needs to monitor pharmacies' compliance with pharmaceutical service standards, improve ongoing training, and update regulations to provide stronger legal protection for pharmacists. Further research is needed to evaluate policy implementation, risk analysis, and error management, as well as explore the role of technology in improving the quality of pharmaceutical services.

INTRODUCTION

The aim of the Indonesian State is to realize social welfare, especially in the health sector. Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, or the 1945 Constitution, states that every person has the right to physical and spiritual well-being, a place to live, a good and healthy living environment, and health services. Article 34 paragraph (3) of the 1945 Constitution stipulates that the state is responsible for providing adequate public facilities and health services. Health is the main capital that enables every person to live a productive life socio-economically. Therefore, it is very important for the government to make every effort to maintain and improve public health. This cannot be separated from the obligation of every individual to maintain and improve the health status of individuals, families and communities. Many health efforts have been made to improve public health. Management of pharmaceutical preparations, health supplies and food is one of the health efforts in question. Pharmacy personnel are responsible for success. health development through management of pharmaceutical preparations by experts. Pharmacy personnel must comply with a code of ethics and professional standards when carrying out their work. In reality, it is not uncommon for the media to broadcast negative news about pharmacists' ongoing work (Njoto, 2019).

In this regard, health is the main asset that allows every individual to live productively both socially and economically. Therefore, all health efforts carried out by the government and society are very important to maintain and improve health. Everyone also has a responsibility to participate in maintaining and improving the health level of themselves, their families and the community. Collaboration between individuals and institutions in maintaining and improving health is very important to achieve a healthy and productive. Health is defined by the World Health Organization (WHO) as a state in which a person feels good physically, mentally and socially, shows no signs of disease, and has strong resistance to the various challenges he faces every day. Apart from that, Article 1 paragraph 1 of Law no. 36 of 2009 concerning Health states that health is a physical, mental, spiritual and social condition that allows everyone to live a productive life socially and economically. Health resources, which include health workers (doctors, dentists, and pharmacists), as well as health facilities (hospitals, doctor's clinics, dental practices, and pharmacies), are needed to provide the health services needed by the community (Tangkudung, 2023). A pharmacy is a place where pharmaceutical work is carried out and pharmaceutical preparations and other health supplies are distributed to the public. Pharmacists play a role in patient-focused health services, especially in ensuring the availability of quality, safe and effective medicines. Pharmacists also play a role in overcoming health problems nationally and can be said to be a buffer for national health. Therefore, in establishing certain regional pharmacies, pharmacists are considered to support national health (Dumadi, 2016).

A Pharmacy Managing Pharmacist is responsible for the operational continuity of the pharmacy he manages and is obliged to implement quality

standards for pharmaceutical services. Based on Article of the Regulation of the Minister of Health of the Republic of Indonesia (PerMenKes) Number 73 of 2016 concerning Standards for Pharmaceutical Services in Pharmacies, it is stated that paragraph 1 (a) reads "Standards for pharmaceutical services in pharmacies include the management of pharmaceutical preparations, medical devices and consumable medical materials. Then in paragraph 1 (b) Clinical pharmacy services. According to Article 3 paragraph (1) of Minister of Health Regulation Number 9 of 2017 concerning Pharmacies, pharmacists can establish pharmacies with their own capital or capital from capital owners, both individuals and companies. According to APA (pharmacist in charge of pharmacies), pharmacists managing pharmacies can collaborate with other parties.

Efforts to improve health status are carried out through various health methods, including management of pharmaceutical preparations, health supplies and food. Pharmaceutical personnel play an important role in supporting health development by managing pharmaceutical supplies professionally. In carrying out their duties, pharmaceutical staff must comply with applicable professional standards and follow the established code of ethics. Pharmacists who are members of the Indonesian Pharmacists Association have legal status in Indonesia in accordance with the Decree of the Minister of Law and Human Rights Number: AHU-17.AH.01.07 of 2013. Legislation related to pharmaceutical work does not overlap with other regulations and has the force of law. However, the current sanctions are still administrative in nature. Therefore, legislation with heavier sanctions is needed to ensure legal certainty for both pharmacists and the public. This article discusses whether Law No. 17 of 2023 regulates the protection of pharmacists.

LITERATURE REVIEW

Pharmacist in Carrying Out His Profession

Pharmacists who are members of the Indonesian Pharmacists Association have legal status in Indonesia based on the Decree of the Minister of Law and Human Rights Number: AHU-17.AH.01.07 of 2013. The legal regulations governing pharmaceutical work do not overlap with other regulations and have the force of law. However, the sanctions contained in this regulation are still administrative in nature. Therefore, legislation with heavier sanctions is needed to ensure legal certainty for pharmacists and the public. the government has issued PP no. 51 of 2009 concerning Pharmaceutical Work. This regulation is part of the government's efforts to equalize and expand health services to the community and prevent the wrong use of drugs, drug abuse, or use of drugs that are not in accordance with a doctor's prescription. In addition, the use of drugs not only aims to eliminate and cure disease, but can also cause harm if used incorrectly, misused, or used not in accordance with a doctor's prescription (wensi, 2016).

A pharmacy is a place where pharmacists serve as professional health workers in the field of drug or pharmaceutical services. This means that in the service activities carried out by pharmacists, the minimum characteristics of a

profession can be found, namely that a profession is a high-ranking job consisting of experts who are skilled at carrying out special roles in society. A profession has exclusive competence regarding certain knowledge and skills that very important for society and clients, based on intensive education and certain discipline, developing a certain level of solidarity and exclusivity, based on mastery of knowledge and skills as well as responsibility to maintain honor and development, the profession is able to develop its own ethics and assess the quality of work, the profession tends to ignoring control from society or clients, and the profession is influenced by society, certain interest groups and other professional organizations, especially in terms of recognition of its independence (Putri et al, 2023).

A pharmacist's professional work in a pharmacy involves a series of activities based on knowledge, responsibility and professional ethics, which include preparing oneself as a source of information for fellow health professionals and the public about drugs/pharmaceutical ingredients based on the knowledge they possess with full responsibility. , Providing medicines/pharmaceutical ingredients needed to carry out their professional work based on pharmaceutical quality, Providing explanations to sufferers regarding everything about medicines/medicinal concoctions based on prescriptions from doctors, dentists, veterinarians and pharmaceutical ingredients so as to ensure optimal pharmacological effects, Preparing preparations medicines/pharmaceuticals according to the request of a doctor, dentist, veterinarian, or other authorized profession, and Preparing medicine/pharmaceutical preparations at the request of the patient, in accordance with the provisions of drug/pharmaceutical laws and regulations (Emma, 2011). In the beginning, pharmaceutical developments only focused on managing drugs as a commodity. However, over time, this focus changed to a more comprehensive service with the aim of improving the patient's quality of life. Therefore, pharmacists are required to continue to improve their abilities, considering their role as the spearhead of health services who interact directly with patients in the context of pharmaceutical care (Emma, 2011).

Pharmacist Protection Specs in Law Number 17 Of 2023

In drug prescription services at pharmacies, there is a legal relationship between the various parties involved, namely the patient as the drug consumer, the pharmacist and the doctor. Therefore, research is needed to understand the duties and authority of pharmacists in carrying out pharmaceutical work in pharmacies based on legal regulations in the health sector. This research also aims to determine and formulate the legal aspects of pharmacist responsibilities in serving medicines prescribed by doctors (Dewi, 2023). Every person has the right to obtain legal protection for the rights inherent in him or her. Legal protection is an effort to provide protection for human rights that are harmed by other people. The aim is to provide protection to subjects or individuals by using legal instruments against their rights being violated, so that they can enjoy the rights they should get based on the law. This applies both to pharmacists and society in general (Putri et al, 2023)

Judging from law number 17 of 2023 concerning health, regarding the profession of pharmacist, namely in article 199 of law number 17 of 2023 paragraph 5 which states that the types of health personnel included in the group of pharmaceutical personnel as intended in paragraph (1) letter d consist of pharmaceutical vocational personnel, pharmacists, and specialist pharmacists. Then in article 286 of law number 17 of 2023 paragraph (3) letter c, namely vocational pharmaceutical staff who provide pharmaceutical services which are under the jurisdiction of pharmacists within certain limits. Then in article 320 of law number 17 of 2023 discussing medicines, article 320 paragraph (3) states that prescription medicines are delivered by pharmacists at pharmaceutical service facilities in accordance with the provisions of statutory regulations. Then in article (5) apart from over-the-counter medicines and limited over-the-counter medicines, certain hard medicines can be dispensed by pharmacists without a prescription in accordance with the provisions of statutory regulations.

METHODOLOGY

This article was written using a literature review. The articles found were identified, evaluated and interpreted to answer the most frequent sections of legal protection for the pharmacist profession. The literature search used a combination of keywords using Indonesian, namely pharmacist, law number 17 of 2023, and professional protection. The words AND and OR are added to the word search to expand and focus the article search. The writing method used in this writing is normative legal research with a statutory approach. This writing examines the legal system related to the legal issues discussed. The approach is descriptive analytical, describing statutory regulations connected to the theory and practice of implementing positive law related to the problem. This writing is a descriptive analytical research that uses a case study design with a qualitative approach. Inclusion criteria are articles that discuss electronic medical records, with a qualitative or quantitative research design. Research must be conducted in Indonesia and articles must not be in the form of a systematic review or literature review. The article must be in English or Indonesian and published between 2000-2024. A systematic review was carried out referring to the PRISMA guidelines (Liberati et al., 2009). Online databases such as Google Scholar, Garuda Portal, Emerald, and DOAJ were searched systematically to obtain empirical articles in English and Indonesian. In this writing, three types of legal materials are used: primary, secondary and tertiary. Primary legal materials include laws and regulations relating to traditional health services. Secondary legal materials consist of books, journals and relevant legal articles. Tertiary legal materials include journal articles and books discussing traditional health services. The technique for collecting legal materials is carried out through document or literature study using a content identification approach.

RESEARCH RESULT

Health workers are individuals who dedicate themselves to the health sector and have knowledge and skills through education in this field. Some types of health workers require special permits to carry out health efforts. Based on the Health Workers Law, health workers have an important role in improving the optimal quality of health services for the community. This aims to increase people's awareness, will and ability to live a healthy life, so that maximum levels of health are achieved. This effort is an important investment for the development of socially and economically productive human resources, and is part of the general welfare described in the Preamble to the 1945 Constitution of the Republic of Indonesia. As health workers, pharmacists are no exception and are responsible for improving the quality of service. public health so that people can increase awareness, desire and ability to live a healthy lifestyle to achieve the best level of health.

According to Law Number 36 of 2014, Article 11 paragraph (1) letter e concerning Pharmaceutical Personnel and paragraph (6) concerning Types of Health Personnel who are included in the group of pharmaceutical personnel, which are mentioned in paragraph (1) letter e consist of pharmacists and medical personnel. Pharmacy techniques are the legal basis for the existence of the pharmacist profession in Indonesia as a group of health workers. Pharmacist is a profession which is a life's calling to dedicate oneself to humanity in the health sector, requires high knowledge obtained from formal education, and the main orientation must be aimed at the interests of society. According to Law Number 36 of 2014, Article 11 paragraph (1) letter e concerning Pharmaceutical Personnel and paragraph (6) concerning Types of Health Personnel, the pharmacist profession in Indonesia is designated as a group of health workers. included in the group of pharmaceutical personnel as mentioned in paragraph (1) letter e, including pharmacists and pharmaceutical technical personnel. Pharmacist is a profession which is a life's calling to dedicate oneself to humanity in the health sector, requiring knowledge high level of knowledge obtained from formal education, and its primary orientation must be aimed at the interests of society (Njoto 2019).

The government has issued PP no. 51 of 2009 concerning Pharmaceutical Work as part of efforts to expand and equalize health services to the community, as well as prevent the wrong use of drugs, drug abuse, or use of drugs that are not in accordance with a doctor's prescription. The use of medicines not only aims to eliminate and cure disease, but can also cause harm if used incorrectly, misused, or not in accordance with the doctor's prescription. In drug prescription services at pharmacies, there is a legal relationship between the various parties involved, namely the patient as the drug consumer, the pharmacist and the doctor. Therefore, research is needed to understand the duties and authority of pharmacists in carrying out pharmaceutical work in pharmacies based on legal regulations in the health sector, as well as to determine and formulate legal aspects of pharmacist responsibilities in serving medicines prescribed by doctors (Wendi, 2016).

DISCUSSION

Based on Government Regulation no. 51 of 2009 concerning Pharmaceutical Work, Pharmaceutical Personnel consist of Pharmacists and Pharmaceutical Technical Personnel. A pharmacist is a pharmacy graduate who has graduated as a pharmacist and has taken the pharmacist's oath of office. This means that a pharmacist is someone who, in accordance with applicable laws and regulations, has the right to carry out pharmaceutical work in Indonesia. According to the regulations above, pharmaceutical work includes manufacturing, securing, procuring, storing, distributing or dispensing drugs, as well as controlling the quality of pharmaceutical preparations. drug administration, administering drugs according to a doctor's prescription, providing information about drugs, and creating drugs, medicinal ingredients and traditional medicines. A pharmacy is a place where people can do pharmaceutical work and get medicine on a doctor's prescription. Pharmacists in pharmacies are tasked with pharmacotherapy and medicines, while pharmacists in hospitals are tasked with providing doctor's advice and drug education to the public. Pharmacists in industry are involved in drug production and research (Komalawati, 2020).

Errors that often occur in drug services at pharmacies are at the dispensing stage, namely the wrong way of administering the drug, giving the wrong label, wrong dosage, and wrong preparation. Pharmacists can be held legally responsible if they commit negligence that causes harm to consumers. The pharmacist's responsibility if a consumer experiences a loss is to handle and resolve various complaints and consumer complaints. Consumer protection for pharmacy patients as consumers is intended so that patients have the right to make complaints and use mediation forums to resolve disputes simply, cheaply and quickly (Nasution, 2013). In the explanation of Article 51 Paragraph 3 PP No. 51 of 2009 emphasizes that "In the event that the Pharmacist is assisted by Pharmaceutical Technical Personnel, the implementation of Pharmaceutical services is still carried out by the Pharmacist and the responsibility remains in the hands of the Pharmacist".

Therefore, pharmacists are responsible for errors made by pharmaceutical technical personnel. However, not all actions of pharmaceutical technical personnel, especially those related to pharmaceutical work, are the responsibility of pharmacists. It is necessary to have a certain relationship between the actions of pharmaceutical technical personnel and work relations. Claims for compensation imposed on pharmacists due to the actions or deeds of people under their supervision can be felt to be very heavy, so that if they were fully borne by the pharmacist, it would be considered unfair. Therefore, even though compensation payments are fully borne by the pharmacist, after the case is decided, the pharmacist can request a return of part of the compensation payment from the pharmaceutical technical staff who made the mistake (Wendi, 2016). After further review, there are no laws and regulations that discuss protection for pharmacists in carrying out their practices. In UU 17 of 2023 concerning health, it specifically only discusses the areas that pharmacists

can carry out in their practice, there is nothing that discusses protection for pharmacists themselves.

CONCLUSIONS AND RECOMMENDATIONS

Health services in Indonesia, especially in the pharmaceutical sector, have an important role in improving people's welfare. The 1945 Constitution of the Republic of Indonesia mandates that everyone has the right to adequate health services. Pharmacists as professional health workers have a big responsibility in ensuring the correct and safe use of medicines. However, the challenges faced by pharmacists include service that is still below standard, replacement of duties by unqualified technical personnel, and errors in drug dispensing which can harm consumers. The government has issued various regulations, such as PP no. 51 of 2009, which aims to expand and improve health services through proper management of pharmaceutical supplies. However, the existing sanctions are still administrative in nature and do not provide strong legal certainty for pharmacists. UU no. 17 of 2023 concerning Health has provided a legal basis for the pharmacist profession, however clear and firm legal protection for pharmacists is still needed.

Therefore, the Government needs to supervise and ensure that all pharmacies comply with established pharmaceutical service standards. Routine inspections and ongoing training for pharmacists and pharmaceutical technical personnel must be improved. Legislation must be updated to provide stronger legal protection for pharmacists. This includes establishing heavier sanctions for violations committed by pharmaceutical technical personnel as well as a fair compensation mechanism for pharmacists who experience losses due to errors beyond their control. Increasing pharmacist competency through continuous training programs is very important. Apart from that, education to the public about the importance of proper use of medicines and consultation with pharmacists must be improved (Alfarizi et al, 2022). The government must ensure strict law enforcement against violations in the pharmaceutical sector. This includes taking firm action against pharmacies that do not meet service standards and against pharmaceutical technical personnel who make mistakes. Further research on legal protection for pharmacists and its impact on the quality of health services needs to be carried out. The results of this research can be the basis for developing better policies in the future. With these steps, it is hoped that pharmaceutical services in Indonesia can be improved, pharmacists will get proper legal protection, and the public will get better and safer health services.

ADVANCED RESEARCH

Further studies are essential to strengthen understanding and develop effective policies in protecting and improving the quality of pharmaceutical services in Indonesia. Some areas that require more in-depth research include:

1. Evaluation of Policy Implementation: Conduct a study to evaluate the effectiveness of policy implementation related to pharmacist protection and pharmaceutical service standards. This research could involve

analyzing data from various pharmacies throughout Indonesia to identify successes and challenges faced in implementing policies.

2. Risk Analysis and Error Management: Examines the most common types of errors that occur in pharmacies and how they can be prevented. This research should also include risk analysis and development of effective error management systems to minimize harm to patients and pharmacists.
3. International Comparison: Conduct comparative studies with other countries that have more advanced legal protection systems and pharmaceutical service standards. This can provide insight into best practices that can be adapted and implemented in Indonesia.
4. Patient Satisfaction and Trust: Examining the level of patient satisfaction and trust in pharmaceutical services in Indonesia. The results of this research can be used to identify areas that require improvement and to develop strategies for improving service quality.
5. Education and Training: Conduct research on the effectiveness of continuing education and training programs for pharmacists and pharmaceutical technical personnel. This research can identify specific training needs and develop better curricula to improve professional competence.
6. Pharmacist Welfare: Examining the welfare of pharmacists in carrying out their duties, including workload, stress, and balance between work and personal life. The results of this research can be used to develop policies that support the well-being and mental health of pharmacists.
7. Technological Innovation: Explores the role of technology in improving the quality of pharmaceutical services, including the use of health information systems, mobile applications, and telepharmacy. This research can help identify innovative ways to improve efficiency and accuracy in pharmaceutical services. With further research in these areas, it is hoped that more effective solutions can be found to overcome the challenges faced in pharmaceutical services in Indonesia, as well as providing better protection for pharmacists and improving the overall quality of health services.

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