

Circulation of Hard Drugs by A Pharmacy Without an Official Prescription of a Doctor Review Based on A Study of Health Law

Suroto¹

Ika Sukma Nur Indra Wibawa²

¹University 17 August 1945 Semarang

²University 17 August 1945 Semarang

ABSTRACT: *Drugs are one of the important components in health administration that must always be available and are indispensable in health administration. Drugs can interfere with health, when used inappropriately or when misused. The uniqueness of the over-the-counter drug trade is not something to be underestimated. Seeing the health opportunities that arise from self-medication and the widespread trade in hard drugs without specialist treatment, this fact should help the health regulatory requirements by public authorities as suppliers of health offices for the local area, for this situation the Food and Drug Supervisory Agency (BPOM) as the implementing unit specialized in drug and food management. Non-drug trading exchanges not only ignore Indonesia's health regulations but also shows the truth of individual freedom for health services which is not fulfilled by public authorities. The exploratory strategy used by the author is a standardized juridical technique, specifically breaking the relationship between relevant rules and guidelines with valid hypotheses and the act of implementing positive regulations on the problem being examined.*

Keywords=Hard Drugs, Non-Prescription Drugs, BPOM, Legislation

I. PRELIMINARY

Among local areas, medicine is recognized as one of the important components in the administration of health services. However, again, drugs can also be unfavourable to well-being if they don't fulfil a need, whenever used inappropriately or when abused. Furthermore, unlike other exchange products, the course of the drug is controlled to ensure the welfare, quality, and accuracy of its use. Of course, every movement or series of exercises appropriation, or administration of the readiness of drugs and clinical gadgets are both related to exchange.

Drug settings are therapy, restorative materials, human medicine, and beauty care products. The accuracy of this use is an important part of the use of drugs because the misuse of drugs can cause a lot of misfortune, both monetary misfortune, and misfortune to welfare. Until now, there are still many people who become victims since they buy drugs at pharmacies that do not have a license to operate and the drugs violate the law. By the Law of the Republic of Indonesia Number 2 of 2002 concerning the General Police of the Republic of Indonesia Article 13 paragraph: The main obligations of the State Police of the Republic of Indonesia are:

- a) Follow security and requests from the local area.
- b) Pass laws.
- c) Provide protection, security, and administration to the local area.

However, really, in terms of policing by some Indonesian police, one can say that it is not yet ideal so cases of illegal distribution of certain hard drugs have developed. The higher the payout rate, the higher the

individual's purchasing power. However, the higher the school level, the lower the use of hard drugs without a solution. Until now, there are still many people who become victims since they buy drugs at pharmacies that do not have a license to operate and the drugs violate the law. However, with the entry of Regulation No. 36 of 2009 on Welfare, it can build attention, readiness, and capacity to continue a solid life for everyone to understand the broadest level of the general welfare,

The spread of hard drugs is getting wilder among the general public or the market world, many business entertainers are ignoring customer insurance regulations and harming the interests of buyers, so the public authorities passed Rule No. Specific choices are made for comfort, safety, and well-being in consuming the product or for its potential benefits. What's more, the law controls the requirement for business entertainers who incorrectly complete their business exercise so that they can be acted upon to take up the unlawful deployment of certain hard drugs and provide support so that business entertainers make a constraining difference.

As stated in Articles 196, 197, and 198 of Regulation No. 36 of 2009 concerning Welfare, he manages entertainers who fail to maintain business legibility. To enforce welfare regulations, it is important to have a policing specialist and a legitimate one. In addition, related to Imam Welfare Statement Number 347 of 1990 concerning Compulsory Medicines for Drug stores, some strong drugs are allowed to be handed over by Drug specialists at drug stores without drugs. Nonetheless, for hard drugs that are excluded from the mandatory drug slums, drugstores must be supported. After all, nowadays there are many deviations in the course of certain hard drugs in the public eye. Business entertainers, for example,¹

II. RESEARCH METHODS

This study uses a regularization exploratory juridical technique, using two methodologies, namely a realistic approach to seeing the reality in the field and an administrative methodology (Fact approach) by analyzing regulations that use Regulation No. 36 of 2009 on Health, PP No. 51 of 2009, Guidelines for the Food and Drug Supervisory Agency to get Drug and Food Management Agreed online, BPOM No. 8 of 2002 where the law will be examined by different standards or legal arrangements which concentrate as well as the main topic of review. The research used in this research is scientifically clear and the procedure for investigating the valid material used is a subjective or qualitative examination technique.

III. DISCUSSION

1. CLASSIFICATION OF DRUG CLASS

To build safety and accuracy in the use and distribution of drugs, it is necessary to organize or classify these drugs, which is very important. The arrangement of drugs is based on the Regulation of the Minister of Health of the Republic of Indonesia Number 917/Menkes/Per/X/1993 which was refreshed by the Reverend Strength of the Republic of Indonesia Number 949/Menkes/Per/VI/2000 consisting of over-the-counter drugs, limited over-the-counter drugs, mandatory drugs at drugstores, psychotropic substances, and opiates.

Non-prescription medicines are over-the-counter medicines which means that they can be sold and do not need a doctor's prescription anymore. This drug has also been registered with the Service of Wellbeing or the Indonesian Ministry of Health and is excluded from the list of limited non-prescription drugs, hard drugs, psychotropics, and opiates. Based on the Declaration Letter of the Pastor of the People's Welfare of the Republic of Indonesia Number 2380/A/SK/VI/1983, over-the-counter drugs have an extraordinary effect, namely a green circle with a dark border.

Restricted over-the-counter medications are hard drugs that can be sold over the counter and don't require specialist solutions to purchase. This drug should only be sold in the manufacturer's first bundle or package and the manufacturer must include a dark warning sign containing a white notice. Based on the Decree of the Minister of Health of the Republic of Indonesia Number 2380/A/SK/VI/1983, over-the-counter drugs have an extraordinary effect, especially the blue circle with a dark border.

Drug store Compulsory Medication or Aptotek Mandatory Drugs (OWA) are hard drugs that can be sold by Drug stores The executive's Drug specialist or Pharmacist Management Pharmacy (APA) to patients and do not require specialist drugs to buy them. There is a need for OWA accommodation that APA has to make. Strong drugs are drugs that require specialist drugs to purchase because if their use is not under the supervision of a specialist, they are expected to interfere with the disease, poison the body, and even cause death. Given the Decree of the High Priest of Welfare of the Republic of Indonesia Number 02396/A/SK/VIII/1986, hard drugs have an extraordinary effect, namely a red circle with a dark border with the letter K touching the line. , and must include the phrase "Must be recommended by a Specialist"

According to Government Regulation Number 5 of 1997, Psychotropics are substances or drugs, both regular and engineered, not opiates that have sufficient psychoactive properties through certain effects on the focal sensory system that cause certain changes in mental movement and behaviour. Psychotropics themselves are divided into four groups, namely: (Ariestiana, 2020)

1. Group I

Psychotropics that must be used for logical purposes and cannot be used in medicine have a very large potential to cause dependence conditions. The models are Mescalina and Katina.

2. Group II

Psychotropics can be used in medicine and for logical purposes, and have the power to cause addictive conditions. The models are Methaqualone, Secobarbital, and Phenmetrazine.

3. Group III

Psychotropics are generally used in medicine and for logical purposes and may cause dependence disorders. The models are Amobarbital, Flunitrazepam, Pentobarbital, Cyclobarbital, and Catina.

4. Group IV

Psychotropics are generally used in medicine and for logical purposes and have a mild potential to cause addictive conditions. The models are Allobarbital, Barbital, Bromazepam, Diazepam, Fencamfamina, Phenobarbital, Flurazepam, Clobazam, Chlordiazepoxide, Meprobamate, Nitrazepam, and Triazolam.

Opiates or narcotics according to Law Number 3 of 2015 are substances or drugs obtained from plants or non-plants, either artificial or semi-engineered, which can cause reduced or altered consciousness, loss of taste, reduced pain, and can lead to trust. Opiates have unique markings, specifically the circle with the red cross inside.

Opiates are separated into three groups, specifically: Doni Albert Kela, "The Abuse of Narcotics given Law No. 35 of 2009 on Narcotics," *Lex Crimen* 4, no. 6 (2015): 1–15.

1. Group I

Narcotics that must be used for logical purposes and cannot be used in medicine, and have a very large potential to cause dependence conditions. The models are Heroin, Cocaine, Opium, Maryjane, and others.

2. Group II

Narcotics that can be used in medicine and for logical purposes, and have a major area of strength for causing dependency conditions. The models are morphine, pethidine, fentanyl, methadone, and others.

3. Group III

Narcotics are generally used in medicine and for logical purposes and have a mild potential to cause dependence disorders. The models are Codeine, Buprenorphine, Ethylmorphine, Codeine, Nicocodina, Polkodina, Program, and others.

2. CIRCULATION LICENSE REGULATION

Article 106 paragraph (1) of the Law related to health states that "regulation of drugs and clinical equipment must be circulated after obtaining a distribution permit." This means that various kinds of drugs must get a dispersion grant before being distributed to a wider area. This permit was obtained through the Indonesian Food and Drug Supervisory Agency (BPOM). The procedure for obtaining this transportation permit is also regulated

in the Announcement of the Head of the Food and Drug Supervisory Agency of the Republic of Indonesia Number: HK.00.05.3.1950 concerning Drug Registration Standards and Techniques. The choice of the Head of BPOM stated that before treatment was carried out, the drug must first be registered with BPOM. Since then, drug class characterization has not been set in stone. Then, at that moment,

Drugs that are circulated online have also been regulated in the Food and Drug Administration Organization Guidelines Number 8 of 2020 concerning Drug and Food Control which are provided on the web. In this guideline, BPOM emphasizes that drugs that are circulated on a web-based basis must first obtain a distribution permit as regulated in the Decree of the Head of the Food and Drug Supervisory Agency of the Republic of Indonesia Number: HK.00.05.3.1950 concerning Models and Strategies for Drug Registration. Splunk and Ita Mentayani, "Circulation of Traditional Medicines Without a Circulation Permit in Criminal Law Perspective," *Tambun Bungai 6 Legal Studies Journal*, no. 1 (2021): 39–55.

It is possible to reason that various drugs, including those circled on the web, must initially have a transport permit before being distributed to a wider area. This distribution permit is obtained through drug registration at BPOM. If the drug being circulated does not have a distribution permit, then the drug which is circulated without such approval is illegally circled. Veni Rosalina, "Law Enforcement Against the Crime of Selling Expired Drugs From a Positive Legal Perspective in Indonesia," *Lex Generalis 2 Legal Journal*, no. 7 (2021): 568–587.

3. REVIEWING REGULATION LICENSES OF pharmacies and pharmacies in the distribution of hard drugs

a. BASED ON PP PHARMACEUTICAL WORK

The flow of various drugs (non-prescription drugs, limited non-prescription drugs, drugs needed for hard drug stores, psychotropics, and opiates) is regulated in the Drug Work Guidelines or the Pharmaceutical Work Regulations. In this PP, it is understood what is remembered by the drug administration office, especially pharmacies, clinical drugstores, health centres, medical centres, pharmacies, or joint practices. In drug administration, especially in drug-as-drug dispersion settings, drug specialists are responsible for training their use. Based on the results of a study led by the Branch of Worldwide Wellbeing and Improvement, London School of Cleanliness and Tropical Medicine, London, England, drugstores are the drug administration offices that are most often used by Asians who have centres to reduce finances. class to gain admission to the recipe. SYAFRINA MAISUSRI, "LAW ENFORCEMENT ON CRIMINAL ACTS OF CIRCULATION OF IMPORTED DRUG THAT DOES NOT HAVE A CIRCULATION LICENSE BY Investigators of CIVIL SERVANTS CENTER FOR DRUG AND FOOD CONTROL IN PEKANBARU" III (2019): 9–25.

In Indonesia, based on the PP, it is regulated that the transportation of drugs, especially hard drugs, opiates, and psychotropics must be completed with specialist drugs and handed over directly by a drug specialist. Direct circulation by pharmacists of solutions should improve access for non-drug patients to hard drugs. Organization of hard drugs without solutions is bad behaviour that results in inappropriate use of assets, resistance to pathogenic microorganisms can also increase the stakes of unfavourable drug response.

b. BASED ON BPOM RULES

The Food and Drug Supervisory Agency (BPOM) does not provide explicit guidelines regarding the distribution of hard drug grants. However, BPOM has developed a guideline that fully influences the course of drugs and food to meet needs and is confirmed to have been registered by BPOM. This drug stream also includes online distribution that is committed to enabling drug delivery and meeting standards for production and treatment as per regulations and guidelines.

Under these guidelines, web-based drug flows (counting hard drugs) must be completed by Drug Businesses and Drug Wholesalers with their electronic framework. Especially for hard drugs taught on the web, e-medicine must first be entered and transferred into the e-regulation of Drug Businesses and Drug Wholesalers. Delivery of hard drugs to patients/buyers must be by the solution written in the electronic framework. If the drug is not given directly or using a delivery service, the drugstore must send the drug by involving an outside party as a legal item.

c. BASED ON THE CODE OF ETHICS OF A PHARMACEUTICAL

The course of hard drugs that do not have specialist solutions or in the sense that they do not have a doctor's prescription is negligence in drug work. Some drug specialists who give strong drugs to buyers without the reason for the doctor's treatment argue that the drug must be ensured to be used frequently by patients, so they give the drug without thinking about the dangers that will occur. These drug experts are quite aware that they ignore the existing guidelines, but in a review conducted by several students of the Faculty of Pharmacy, Universitas Gadjah Mada, these drug experts feel that administering hard drugs without drugs from specialist doctors is a common thing and they consider it a matter of course. reasonable. Even unfortunately, some pharmacists give medicine for fear of losing their patients. Rahmi Yuningsih, "Protection of Public Health Against Drug and Food Circulation Online," *Aspiration: Journal of Social Issues* 12, no. 1 (2021): 47–62.

The Drug Specialist Set of Principles or Pharmacists Code of Ethics governs the commitment of drug specialists to patients who expect drug specialists to focus on local interests. This is also followed by a drug specialist's concern for his patient. The specialist may take a strategy that is not the same as the doctor's request, but this should be resolved by prior correspondence unless regulations and guidelines allow the drug specialist to decide on options for assisting the patient. Assuming you look at the Drug Expert Rules, in article 7, its implementation as a drug specialist must increase public understanding of drugs. Assuming hard drugs are administered without effective drugs, of course,

4. THE DANGERS OF CIRCULATION OF DRUGS WITHOUT PRESCRIPTION FROM THE SIDE OF THE PROTECTION OF BASIC SOCIAL RIGHTS OF THE COMMUNITY

It should be noted that the trading of hard drugs in Indonesia requires a prescription from a specialist as a presentation. This is certainly not a guide without simple contemplation and contemplation of well-being. Public authority as the person in charge of the essential social rights of the Indonesian people as referred to in Article 28 paragraph (1) and 34 paragraph (3) of the 1945 Constitution must be focused on meeting the needs of the general welfare. In addition to ensuring the fulfilment of public welfare needs, the Public Agency is also obliged to filter the security and technical similarity of welfare offices obtained by the general public as an important type of social rights guarantee.

One of the important types of social freedom is access to proper and quality health facilities. With the peculiarities of trading hard drugs without drugs from a specialist, the satisfaction of important social privileges by Public authorities is unclear. This peculiarity usually occurs in non-industrialized countries where clinical benefits are still very poor and require expert control in the distribution of existing medicinal products, as well as the notion that health administration is a type of waste for most individuals. The basis for recognizing the peculiarities of the drug trade without the help of a specialist is very troubling, how most of the people there really need health services that are open, responsive, and free from heavy costs so that they will tamper with existing hard drugs. Mia Amelia and AM Tri Anggraini, "GOVERNMENT'S ROLE IN SUPERVISING THE CIRCULATION OF CLASS G DRUGS WITHOUT A CIRCULATION LICENSE ACCORDING TO LAW NUMBER 8 OF 1999 CONCERNING CONSUMER PROTECTION (Case Study: Decision Number 874 / Pid. Sus / 2018 / PN PN . A. Background of Confession I," *Adigama Law Journal* 3, no. 1 (2020): 269–295.

Using drugs, especially hard drugs without a solution, turns out to be very dangerous for well-being, considering that drugs are very subtle drugs for the human body. Moreover, in the view of self-determination, the reasonableness of medicine turns into an unavoidable problem. Some of these things will generally be overlooked in danger when trading for hard drugs without a solution:

1. Restriction on the age of the drug's purpose
2. The reasonable dose of the drug is according to the seriousness of the infection, weight, age, way of life, and so on.
3. Possible aversion to drug substances and their secondary effects
4. The suitability of determining the disease and the drugs taken
5. Expiration point and drug viability

This failure to keep things in mind can drive well-being at stake, the potential for drug hoarding errors, chronic drug use, and an open acceptance of reverse dependence on hard drugs. To have the option of describing the current welfare dangers for people and their fundamental social freedoms, the authors summarize two examinations that can serve as models. The main exploration is directed at pregnant women. As research shows, 63.9% of pregnant women experiencing different ailments have had their medication without medication and specialist advice which their self-prescribing added to the therapeutic error. This is a very dangerous thing not only for the mother who is pregnant but in addition to the contained embryo,

The next examination led to the type of anti-toxin drug. Anti-infective agents are drugs that can fight bacteria in diseases caused by bacterial growth. This drug is intended to develop different microbes that can eliminate disease-causing microorganisms because the rules of activity are very confusing, anti-venom must accompany a part and a solution that complies with the requirements. Of the many over-the-counter prescription drugs, anti-infective agents are the most over-the-counter prescription drugs. With an over-the-counter purchase without the drug, the antibacterial power of the anti-toxin counter counts down due to its non-solution use. Improper use will shape the general public to have anti-toxin obstruction and its catastrophe, which is projected to 2050,

The uniqueness of the drug trade without drugs is not something to be underestimated. Given the welfare stakes that arise from self-medication and the widespread trafficking of hard drugs without specialist solutions, this reality should help the implementation of welfare regulations by the Public authorities as coordinators of the welfare office for the general public. Non-drug trading exchanges not only ignore the regulation of Indonesian welfare regulations but also demonstrate the truth of individual freedom to obtain welfare which is not fulfilled by the public authorities. Indonesia currently has guidelines regarding deals and acquisitions of hard drugs that are expected to benefit from treatment. Nevertheless, Zsalsabella Putri Moudzie, "The Role of the Food and Drug Supervisory Agency in Consumer Protection Against Pharmacy Concoction Drugs Without a Doctor's Prescription," *Jurist-Diction* 4, no. 5 (2021): 2091.

IV. CLOSING

1. CONCLUSION

Medicine is one of the important components of health care. Starting from anticipation, analysis, treatment, and healing, treatment is one of the main parts that must always be available and indispensable in health administration. However, once again, these drugs can be detrimental to health if they do not meet the requirements, when used inappropriately or when misused. The accuracy of this use is one of the important factors in the use of drugs because the wrong use of drugs can cause a lot of losses, both financial losses and health losses.

The uniqueness of the drug trade without a solution is not something to be underestimated. Given the health gambling that has arisen from self-medication and the uncontrolled trafficking of hard drugs without specialist solutions, this fact should help with the health regulatory requirements by public authorities as coordinators of health offices for the general public. Non-drug trading exchanges not only ignore Indonesia's health regulatory arrangements but also demonstrate the truth of individual rights to health services that are not fulfilled by public authorities. Indonesia currently has guidelines regarding the sale and purchase of hard drugs that are expected to take advantage of drugs. However,

By looking at various guidelines such as the Health Regulations, the Drug Work Guidelines, and a set of drug specialist regulations, drug specialists and drugstores who sell hard drugs without solutions must receive appropriate criticism and support, both authoritatively and criminally. Furthermore, to stop the spread of drug exchange without a solution, it is necessary to implement different regulations. This policing can be carried out with various activities, for example, the formation of a team of Extermination of Hard Drugs without Solutions and Grants from the Welfare Service in a joint effort with BPOM, drafting managerial approvals by the Welfare Service through the Upper Welfare Office to refuse SIPA and Drug Store Permits for people who exchange drugs. without legal remedies, regulatory authorization arrangements by MEDIA,

2. SUGGESTION

Several ideas can be given from the consequences of this review, which are as follows:

1. To BPOM

(BPOM to further develop anticipatory and countermeasures programs against illegal drugs and expand offices and human resources so that the execution of the prevention and control of illegal drugs goes according to its form. In addition, it also offers the best support for the local area if there are complaints about illegal drugs and provides information about illegal drugs to the general public.

2. To the local area

People, in general, should continue to be vigilant and guard against the flow of illegal drugs to balance the safety of the general welfare. Community groups should have the option of assisting BPOM during the time spent checking and preventing the flow of illegal drugs.

3. For policing

Policing and non-policing continue to work on open security and demand and reduce the percentage of crime in the public arena. Furthermore, they can collaborate in assisting cases of handling drugs that violate the law for the safety of public welfare. What's more, it can continuously assist and coordinate in the management and control of the passage of illegal drugs for the welfare of the general welfare.

BIBLIOGRAPHY

- [1.] Amelia, M., & Anggraini, A. M. T. (2020). PERAN PEMERINTAH DALAM MENGAWASI PEREDARAN OBAT KERAS GOLONGAN G TANPA SURAT IZIN EDAR MENURUT UNDANG- UNDANG NOMOR 8 TAHUN 1999 TENTANG PERLINDUNGAN KONSUMEN (Studi Kasus : Putusan Nomor 874 / Pid . Sus / 2018 / PN . Sda) A . Latar Belakang Pengakuan I. *Jurnal Hukum Adigama*, 3(1), 269–295.
- [2.] Ariestiana, E. (2020). Analysis of Drugs and Certain Medicines Circulation Through Online Media. *Indonesian Private Law Review*, 1(2), 65–76. <https://doi.org/10.25041/iplr.v1i2.2054>
- [3.] Kela, D. A. (2015). Penyalahgunaan Narkotika Ditinjau Dari Undang-Undang No 35 Tahun 2009 Tentang Narkotika. *Lex Crimen*, 4(6), 1–15.
- [4.] MAISUSRI, S. (2019). PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEREDARAN OBAT IMPOR YANG TIDAK MEMILIKI IZIN EDAR OLEH PENYIDIK PEGAWAI NEGERI SIPIL BALAI BESAR PENGAWAS OBAT DAN MAKANAN DI PEKANBARU. III, 9–25.
- [5.] Moudzie, Z. P. (2021). Peranan Badan Pengawas Obat dan Makanan dalam Perlindungan Konsumen Terhadap Obat Racikan Apotek Tanpa Resep Dokter. *Jurist-Diction*, 4(5), 2091. <https://doi.org/10.20473/jd.v4i5.29835>
- [6.] Rosalina, V. (2021). Penegakan Hukum terhadap Tindak Pidana Penjualan Obat Kadaluwarsa Ditinjau dari Perspektif Hukum Positif di Indonesia. *Jurnal Hukum Lex Generalis*, 2(7), 568–587.
- [7.] Salundik, & Mentayani, I. (2021). Peredaran Obat Tradisional Tanpa Izin Edar dalam Perspektif Hukum Pidana. *Jurnal Ilmu Hukum Tambun Bungai*, 6(1), 39–55.
- [8.] Yuningsih, R. (2021). Pelindungan Kesehatan Masyarakat Terhadap Peredaran Obat dan Makanan Daring. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 12(1), 47–62. <https://doi.org/10.46807/aspirasi.v12i1.2020>