

Law Enforcement on Pharmacists Negligence in Giving Medicines to Patients

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Abstract. Buyer insurance is characterized as all endeavors that guarantee the conviction of the satisfaction of customer freedoms as a type of security to purchasers, then, at that point, shopper security regulation is only the law that manages endeavors to guarantee the acknowledgment of legitimate assurance for the interests of purchasers. In the regulation, shoppers have had legitimate security since the issuance of Regulation Number 8 of 1999 concerning Customer Assurance. However, in reality, violations of consumer protection legal norms are very visible from the start: the production process, product socialization through advertising practices, product distribution, product transactions, after product transactions for goods and/or services. Consumer protection is driven by awareness and understanding from both medical actors and patients themselves about their rights and obligations, especially patient rights: according to its nature and effectiveness.

Keywords: consumer protection, pharmacists, negligence

1 Introduction

Wellbeing improvement as one of the public improvement endeavors is aimed at accomplishing mindfulness, readiness, and capacity to carry on with a solid life for each resident to acknowledge ideal wellbeing degrees. To give legitimate conviction and security to improve, direct and give the premise to wellbeing advancement, dynamic wellbeing regulation instruments are required. In this way, the motivation behind wellbeing regulation is to manage relations in the field of wellbeing administrations where human wellbeing is focused on, so lawful specialists should attempt to fabricate a structure, which can give adaptability to the association of the calling to work ideally to help patients. Guidelines overseeing wellbeing are controlled in Regulation Number 36 the Year 2009 concerning Wellbeing, hereinafter alluded to as the wellbeing Regulation.

One of the wellbeing laborers who have the power to give medication to patients is a drug specialist. A drug specialist is somebody who has gotten a conventional schooling, obviously, it should be adequate to give master help to individuals out of luck. Drug specialists are important for wellbeing laborers; some are drug laborers. The connection among specialists and other wellbeing laborers, including drug specialists, has a prevailing position, while patients will more often than not be inactive. The legitimate connection among drug specialists and patients turned into a subject of conversation after the issuance of Regulation Number 8 of 1999 concerning Customer Security, hereinafter alluded to as the Buyer Insurance Regulation

(UUPK). The introduction of the UUPK is the legitimate reason for the execution of endeavors to engage Indonesian purchasers to become free shoppers, increment their pride, knowing their privileges and commitments can help a solid business environment.

In the Civil Code the provisions regarding the responsibilities of health workers in general, namely:[1]

Article 1365 of the Civil Code

"Every act that violates the law, which brings harm to another person, obliges the person who because of his fault published the loss, to compensate for the loss".

Article 1366 of the Civil Code

"Everyone is responsible, not only for losses caused by actions, but also for losses caused by negligence or carelessness"

Article 1367 of the Civil Code

"A person is not only responsible for losses caused by his own actions, but also for losses caused by the actions of people who are his dependents or caused by goods that are under his control"

Therefore, if a consumer who is a drug buyer demands a pharmacist because of an error in the drug he gave, the pharmacist in this case can be held responsible for an error in compounding the drug given to the consumer. The purpose of the Civil Code regarding the responsibility to provide protection to consumers/society so that they can provide legal protection whether it is done intentionally or unintentionally get punished either civilly or criminally for having neglected to give drugs and take people's lives.

Security of customers depends on commutative equity, in particular equity that provides for everybody however much as not considering individual services.[2] Buyer security seems to be a question of human interest; consequently, it is an expectation for all countries on the planet to have the option to get it going. Acknowledging purchaser insurance is understanding a relationship of different aspects that are interconnected and reliant between shoppers, business people, and the public authority.[3]

Purchaser privileges from a wide perspective can be alluded to as another element of common liberties that is developing and should be shielded from conceivable maltreatment or erratic activities in flat power relations among makers and shoppers.[4]

Drug specialists and other wellbeing laborers who are given full trust by patients, should focus on the great and atrocities and forever be cautious in overseeing medications to buyers. In like manner, drug administration exercises, which at first just centered around drug the executives as an item, turned into a help that expects to work on the personal satisfaction of patients.

Quoted from WHO:

"Safe administration of drugs is a major concern when administering drugs to patients. As officers who are directly involved in administering drugs, officers must know those related to regulations and procedures in drug administration because almost all errors in drug administration are related to regulations and procedures. Staff must know information about each drug before it is given to patients to prevent errors. Carrying out drug administration correctly and according to doctor's instructions, properly documenting and monitoring the effects of drugs is the responsibility of all officers involved in drug administration. If the drug is not given as it should be then the incidence of medication errors can occur. Incidents of drug administration errors that have serious effects or do not have to be reported"[5]

There are two types of drug errors, namely the first error in drug preparation which consists of wrong dose, wrong drug/liquid, wrong patient, wrong time, wrong drug form, wrong solution, and unlabelled drug container. The second is medication administration errors.[6] Meanwhile, Barker et al revealed that there were 6 (six) types of medication errors, namely omission errors

(failure to deliver the dose as ordered), unauthorized drug use, wrong dose, wrong route, wrong drug preparation, and wrong timing.[7]

2 Methodology

In this study the creator utilizes the Regularizing Exploration strategy, which is a regulating juridical examination which basically underlines the rational technique as the principal guide, and the inductive strategy as a supporting work method. This examination was led to recognize existing legitimate ideas, rules and standards by utilizing existing library materials and pertinent regulations and guidelines.

The approach method used in this research are:

- a. Legislative Approach (Rule Approach), in particular the legitimate methodology is completed by auditing all regulations and guidelines connected with the lawful issues being taken care of. The legal methodology in standardizing lawful exploration has reasonable and scholastic purposes.
- b. Conceptual Approach (Calculated Approach) is a reasonable methodology that leaves from the perspectives and teachings that foster in the study of regulation. By concentrating on the perspectives and precepts in lawful science, specialists will find thoughts that bring forth legitimate understandings, lawful ideas, and lawful standards applicable to the main things in need of attention.

3 Result and Discussion

a. Consumer Protection Law

Shopper security regulation is characterized as the general standards and legitimate guidelines that manage and safeguard purchasers in their connections and issues with suppliers of customer merchandise as well as administrations.

Fundamentally, both shopper regulation and customer security regulation discussion about exactly the same thing, in particular the lawful interests (privileges) of purchasers. How the privileges of purchasers are perceived and managed in regulation and how they are implemented in the act of public activity, that is the topic of conversation. Buyer security regulation or shopper regulation can be deciphered as the whole lawful guideline that manages the privileges and commitments of purchasers and makers that emerge in their endeavors to address their issues.

Shopper insurance is characterized as all endeavors that guarantee the sureness of the satisfaction of purchaser privileges as a type of security to customers, then, at that point, buyer security regulation is only the law that controls endeavors to guarantee the acknowledgment of legitimate insurance for the interests of buyers.

Article 1 point 1 of Law no. 8 Years 1999 "gives the understanding of consumer protection as all efforts that guarantee legal certainty to provide protection to consumers"

Shopper Security expects to safeguard customers to satisfy their requirements as purchasers and doesn't plan to kill business entertainers, yet turns into a whip for business entertainers to work on the nature of their items and administrations. As alluded to in the arrangements of Article 3 of Regulation Number 8 of 1999, the targets of customer security are:

- 1) Increment purchaser mindfulness, capacity, and freedom to safeguard themselves;

- 2) Raise the respect of shoppers by keeping them from the negative overabundances of utilizing merchandise and additionally benefits;
- 3) Increasing purchaser strengthening in picking, deciding, and requesting their freedoms as buyers;
- 4) Creating a purchaser insurance framework that contains components of lawful conviction and data revelation along with admittance to data;
- 5) Growing consciousness of business entertainers in regards to the significance of customer security with the goal that a legitimate and mindful demeanor fills in carrying on with work;
- 6) Improving the nature of products or potentially benefits that guarantee the congruity of the matter of creating merchandise as well as administrations, wellbeing, solace, security, and wellbeing of customers.

According to Law Number 8 of 1999 concerning Consumer Protection, Article 1 (2) states: "Every person who uses goods and/or services available in the community, both for the benefit of himself, his family, other people, and other living creatures and is not for trade. Consumers are defined not only individuals (people), but also a company that becomes the final buyer or user. As for what is interesting here, consumers do not have to be bound in a buying and selling relationship, so that by themselves the consumer is not identical with the buyer.

Rights and obligations can arise from the existence of an agreement made by the parties or that has been determined by law. An agreement made by the parties, will lead to an engagement, in which the engagement is the content of an agreement. So, the engagement that has been carried out by the parties in an agreement, provides demands for the fulfilment of rights and obligations for the implementation of the contents of the agreement.[8] Consumer rights as stated in Article 4 of Law no. 8 of 1999 are as follows:

1. The right to comfort, security, and safety in consuming goods and/or services;
2. The right to choose goods and/or services and to obtain such goods and/or services in accordance with the exchange rate and the promised conditions and guarantees;
3. The right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services;
4. The right to have their opinions and complaints heard on the goods and/or services used;
5. The right to get advocacy, protection, and efforts to resolve consumer protection disputes properly;
6. The right to receive consumer guidance and education;
7. The right to be treated or served correctly and honestly and not discriminatory;
8. The right to obtain compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or not properly;
9. Rights regulated in the provisions of other laws and regulations.

Rights cannot be separated from obligations. Consumer obligations under Article 5 of the Consumer Protection Act are:

First, reading or following information instructions and procedures for the use or utilization of goods and/or services, for the sake of security and safety; second, have good faith in making transactions for the purchase of goods and/or services; third, Pay according to the agreed exchange rate; fourth, following the legal settlement of consumer protection disputes”

b. Pharmacist

In view of the Declaration of the Priest of Soundness of the Republic of Indonesia Number 1027/Menkes/SK/IX/2004, a drug specialist is a drug store graduate who has passed proficient training and has made a vow in light of material regulations and guidelines, and has the privilege to accomplish drug work in Indonesia as a drug specialist.

Drug specialists play a vital part in helping, giving directing, assisting patients with forestalling and control confusions that might emerge, forestalling and controlling symptoms of medications, and changing the portion of medications that should be consumed by patients is the obligation of the drug calling. Drug specialists in the administration of drug stores should continuously can endlessly offer great assistance, pursue the ideal choices, the capacity to convey between callings, position themselves as pioneers, the capacity to oversee HR really, forever show restraint all through their vocations, and assist with giving training and offer help. amazing chances to increment information.

The freedoms and commitments of drug specialists as drug administrations are portrayed in Regulation Number 23 of 1992 concerning wellbeing as follows:

- 1) Pharmacist rights:
 - a) Get proper rewards and rewards
 - b) Get legal protection
 - c) Refuse to carry out a conspiracy or agreement that is contrary to humanity and justice.
- 2) Responsibilities of pharmacists:
 - a) Ensuring drug delivery services to patients with full responsibility in accordance with applicable regulations.
 - b) Maintain and protect pharmaceutical preparations from the influence of weather, temperature, natural disasters, insects, etc. that reduce drug quality.
 - c) Maintain patient confidentiality
 - d) Maintain a clean pharmacy environment
 - e) Provide counselling and residential services
 - f) Provide correct information regarding side effects and contraindications of drugs
 - g) Ensuring that dangerous drugs including narcotics are only given when necessary
 - h) Maintain service quality.

The obligation of pharmacists as stated in the Regulation of the Minister of Health Number 922/Menkes/SK/X/2002 concerning Provisions and Procedures for Granting Pharmacy Permits, namely:

- a) Pharmacists are obliged to serve prescriptions in accordance with their responsibilities and professional expertise based on the interests of the community.
- b) Pharmacists are not allowed to replace generic drugs written in prescriptions with patented drugs.
- c) If the patient is unable to redeem the drug written in the prescription, the pharmacist must consult with the doctor for a more appropriate drug selection.
- d) Pharmacists are required to provide information:
 1. Relating to the use of drugs that are handed over to consumers.
 2. The use of drugs appropriately, safely, rationally at the request of the community.

c. Law Enforcement on Pharmacists Negligence in Giving Medicines to Patients

Based on Articles 56 – 58 of Law Number 36 of 2009 concerning Health, namely:

“Article 56: (1) Everyone has the right to accept or reject part or all of the relief measures that will be given to him after receiving and fully understanding the information regarding the action. (2) The right to accept or reject as referred to in paragraph (1) does not apply to: a) Patients with diseases whose diseases can quickly spread to the wider community. b) The state of an unconscious person or; c) Severe mental disorders (3) Provisions regarding the right to accept or reject as referred to in paragraph (1) shall be regulated following the provisions of laws and regulations”

“Article 57: (1) Everyone has the right to the confidentiality of his health condition that has been disclosed to the health service provider. (2) The provisions regarding the

confidentiality of personal health conditions as referred to in paragraph (1) do not apply if: a. statutory orders; b. Court order; c. Permit in question; d. the public interest or e. the interest of the person"

"Article 58: (1) Everyone has the right to claim compensation for a person, health worker, and/or health provider who causes a loss due to an error or negligence in the health service he/she receives. (2) The claim for compensation as referred to in paragraph (1) does not apply to health workers who take action to save life or prevent a person's disability in an emergency. (3) Provisions regarding the procedure for filing a claim as referred to in paragraph (1) shall be regulated under the provisions of the laws and regulations"

In the legislation, consumers have legal protection since the issuance of Law Number 8 of 1999 concerning Consumer Protection. However, in reality violations of consumer protection legal norms are very visible from the start: the production process, product socialization through advertising practices, product distribution, product transactions, to after product transactions for goods and/or services.

Consumer protection is driven by awareness and understanding from both medical actors and patients themselves about their rights and obligations, especially patient rights: according to their nature and effectiveness.

a. Preventive Law Enforcement

The 1945 Constitution affirms the government to: "form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed" from these laws and regulations, it can be seen that several departments and or certain government institutions carry out administrative actions in the form of supervising the development of business actors. and certain behaviour in the administration of the legislation.

Preventive policing that dynamic oversight is done in consistence with guidelines without direct occasions including substantial occasions that lead to doubts that lawful guidelines have been abused. Instruments for preventive policing guiding, checking, and the utilization of administrative powers. Accordingly, the primary policing government authorities/mechanical assembly approved to give allows and forestall carelessness of drug specialists.

b. Repressive Law Enforcement

Abusive policing did as far as acts that disregard guidelines and means to end straightforwardly the demonstration of abusing the law. Regulation Number 8 of 1999 concerning Customer Assurance, as well as deciding freedoms and commitments, likewise controls legitimate cures that can be taken by shoppers who experience misfortunes because of the activities of business entertainers. With regards to the overall set of laws in force in Indonesia, endeavors or implies that can be taken to battle for the privileges of the local area can be sought after by applying legitimate approvals for the people who abuse the law, both managerial and common assents.

In law enforcement, there are various law enforcement systems, namely: the State Administrative Law enforcement system. Administrative law regulates the activities of structuring government control over various activities of community life, including making laws and regulations, issuing permits or licenses, planning, and providing subsidies. The administrative actions carried out by the competent authorities against those who violate the provisions of the laws and regulations are to protect consumers and entrepreneurs who are honest and in good faith.

Preferably, the mediation of the State Chairman ought to be propelled by the aim to shield the more extensive local area from hurt, particularly in regards to the wellbeing and security of customers. Makers as business entertainers have the obligation and commitment to partake in establishing and keeping a solid business environment that upholds the improvement of the

public economy in general. Subsequently, makers are accused of the obligation regarding the execution of these obligations and commitments, specifically the utilization of lawful standards of consistence, and maintaining the predominant traditions in the business world. The organization of regulatory assents is helped out through a few phases, in particular: (1) advance notice, (2) government pressure, conclusion, then, at that point, repudiation of permit to operate.

A few things should be viewed as in purchaser debates, specifically: the buyer in the question should be the shopper alluded to in Regulation Number 8 of 1999, in particular the client, client, as well as usage of merchandise or potentially administrations to address the issues of themselves, their families or their families. , others or for other residing creatures and not so much for business purposes, and the item is products and additionally benefits that are for the most part utilized, utilized, or used to satisfy the interests of self, family, as well as family of customers, others or for other living creatures.

Moreover, Article 64 of the Shopper Security Regulation expresses "all arrangements of regulations and guidelines pointed toward safeguarding customers that have existed at the time this Regulation is proclaimed are pronounced to stay essentially for however long they are not explicitly managed as well as in opposition to the arrangements of the Law. this. Moreover, as indicated by the Shopper Security Regulation, the gatherings question, particularly from the buyer side, it is feasible to resolve debates following a few legal conditions, for instance, the general court or the customer can pick a settlement out of court. This is affirmed in Article 45 passage (2) of the Purchaser Assurance Regulation on question goal, which expresses "settlement of buyer debates can be sought after through the courts or out of court in view of the willful decision of the questioning gatherings".

To defeat the exciting bends in the road of the court cycle in the general court, the UUPK gives an answer for purchaser debate goal outside the general court. Article 45 section (4) of the Customer Security Regulation states, in the event that a purchaser debate settlement out of court has been picked, a claim through the court must be required in the event that the work is proclaimed fruitless by one of the gatherings or different gatherings to the question. This implies that debate goal in court stays open after the gatherings neglect to determine their question out of court. Article 47 of the Customer Insurance Regulation states "settlement of buyer questions out of court is held to agree on the structure and measure of pay as well as administrations in regards to specific activities to "ensure" that there won't be a rehash of the misfortunes endured by shoppers". Settlement of debates out of court Elective question goal (ADR) can be sought after in different ways, which can be as discretion, intervention, pacification, exchange, pseudo-settlement processes, and different structures. Of the numerous approaches to settling questions outside the court.

Besides, in the settlement of lawful debates, a question starts when one party feels bothered by the other party. At the point when the party who feels bothered passes his disappointment on to the subsequent party and the subsequent party shows a distinction of assessment, a debate or question happens. Debates can be settled through proper implies that form into a settlement cycle comprising of a court interaction and non-settlement, specifically discretion or casual means in light of the understanding of the questioning gatherings through prosecution and non-suit. The method for settling the issue on the off chance that the drug specialist is careless in giving wellbeing administrations is as per the following: For patients who have been hurt by the carelessness of the drug specialist concerned, the patient can report the drug specialist worried to the experts for handling or document a claim with the Buyer Debate Settlement Organization (BPSK), which is the office liable for entrusted with taking care of and settling questions between business entertainers and customers.

4 Conclusion

Policing can be done by patients as customers can be completed in a preventive and severe way, as per its temperament and viability. Legitimate cures that can be taken by buyers who are hurt because of drug specialist mistakes are that they can sue business entertainers through establishments entrusted with settling debates among customers and business entertainers or through courts inside the general court climate. In the event that a customer question goal exertion has been picked out of court, a claim through the court must be required in the event that the work is pronounced fruitless by one of the gatherings or by the questioning party. As to case referenced over, the endeavors taken are through serene endeavors outside the court, in particular an understanding between the two gatherings, for this situation, the general wellbeing place (puskesmas) is completely capable until the casualty's eyes get back to business as usual for the mix-up of the drug specialist who gave some unacceptable medication.

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