



THE LEGAL POWERS AND RESPONSIBILITIES OF PHARMACISTS: REGULATIONS ON THE DISPENSING OF CONTROLLED MEDICINES, VIOLATIONS, AND MULTIDIMENSIONAL IMPLICATIONS UNDER LAW NO. 17 OF 2023

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Abstract

Pharmacists hold a strategic role as the front line of pharmaceutical services, responsible for the safety and quality of medications provided to patients. This writing analyzes the authority and legal responsibility of pharmacists based on Law Number 17 of 2023 concerning Health, covering the foundations of competence (pharmaceutical science, clinical skills, and communication), regulations for the dispensing of prescription-only drugs (with and without prescriptions), five forms of jurisdictional violations, as well as multidimensional legal implications including criminal sanctions (up to 12 years imprisonment), civil sanctions (compensation), administrative sanctions (revocation of license), consumer protection, and the systemic impact on public trust. The results of the analysis indicate that a pharmacist's authority does not stand alone without the ties of legal responsibility, and violations of authority remain rampant due to weak supervision and the minimal legal awareness of practitioners.

Keywords: pharmacist authority, prescription-only drugs, pharmaceutical violations, legal implications, health law 2023

Introduction

In the modern healthcare system, pharmacists hold a very strategic role because they are the last party to interact with patients before medication is consumed. Mistakes made at this stage, no matter how small, can have fatal consequences ranging from therapy failure to death. Pharmacists do not only deal with medicines but also with human lives. Every decision made in daily pharmaceutical practice, from checking prescriptions to handing over medication to patients, carries legal consequences that can shadow the pharmacist for a lifetime (Brushwood, 2022). This condition also encompasses the dimension of legal protection for the public in pharmaceutical preparation and personal medical device transactions, which are currently rampant on online platforms (Sulaiman et al., 2024). The state grants special authority to the pharmacy profession that is not given to other professions, yet this authority is not a license to act arbitrarily, but a mandate accompanied by significant legal responsibility.

The authority of a pharmacist is the right and power granted by statutory regulations to the pharmacy profession to perform specific actions in the pharmaceutical field (Supryadi, 2023). According to administrative law, authority is defined as the ability to perform public legal actions granted by applicable laws, not something inherent naturally in a person. Thus, a pharmacist cannot claim to have authority beyond what has been established by law, as it would exceed the limits of their authority and could be subject to legal sanctions. Law enforcement in the scope of medical and pharmaceutical practice absolutely requires clarity of licensing regulations and criminal sanctions to create a balance of legal protection for both patients and health workers (Sumardi et al., 2025). Pharmacists who are negligent in exercising their authority can be subject to criminal, administrative, or even civil sanctions. A deep understanding of this legal authority and responsibility is a necessity for every pharmacist (Latu et al., 2022).

For the authority granted by the state to be exercised properly, a pharmacist must possess adequate competence in various fields. Pharmaceutical science competence includes the mastery of various basic sciences that ensure the pharmacist has a deep understanding of drug mechanisms of action, drug interactions, and factors affecting therapy effectiveness. Furthermore, pharmacists are also required to possess clinical skill competence, such as the ability to take patient

medication histories, conduct simple physical assessments, interpret laboratory results, and make evidence-based clinical decisions. The standardization of this professional competence is part of the fulfillment of constitutional rights for workers within the continuously changing employment regulatory ecosystem (Suyuti et al., 2023). Communication skill competence is no less important, including the ability to communicate effectively with patients, families, and other health workers. Without this competence, pharmacists will not be able to exercise their authority responsibly (Baiquni & Valina, 2025).

The currently applicable health law provides a strong legal foundation for the implementation of pharmacist authority. Provisions in the law explicitly state that pharmacists are authorized to conduct pharmaceutical practices which include the manufacturing, processing, compounding, altering of dosage forms, mixing, storage, and dispensing of pharmaceutical preparations. These provisions confirm that pharmacists have exclusive authority in the pharmacy field that cannot be performed by other professions, particularly in terms of dispensing drugs that require a doctor's prescription. This regulation is a formal juridical instrument that guarantees the fulfillment of patient rights within the health insurance system (Tamaka et al., 2023). This legal foundation provides certainty while also protecting pharmacists, but simultaneously establishes boundaries that must not be exceeded. Equal legal certainty must be implemented for patients receiving pharmaceutical services at primary healthcare facilities such as public health centers (Tampil et al., 2023). Pharmacists who work according to professional standards will be legally protected, while those who are negligent can be prosecuted with severe sanctions (Ikhsan & Wahab, 2022).

In practice, potent drugs (*obat keras*) occupy a very strategic yet high-risk position because their incorrect use can threaten a patient's life. Potent drugs are designed to treat serious illnesses, but in the wrong hands, they can turn into deadly toxins. Therefore, the state cannot allow the distribution of potent drugs to occur without strict and professional supervision. Generally, there are two main scenarios in the dispensing of potent drugs by pharmacists: dispensing with a doctor's prescription, which is the most common procedure, and the dispensing of certain potent drugs without a doctor's prescription as regulated in statutory provisions. However, existing

implementing regulations are still general in nature, and details regarding the list of certain potent drugs and specific dispensing procedures are still awaiting more detailed technical rules from health authorities (Tresnadi et al., 2025). The absence of detailed technical guidelines has the potential to trigger legal disputes, where medical records or drug dispensing logs will have their validity tested as evidence in court (Ustani et al., 2024).

The reality in the field is often different from what is expected by regulations. The practice of selling potent drugs without a doctor's prescription, by unauthorized parties, and even the abuse of authority by pharmacy personnel is still rampant. These violations are not merely ordinary administrative infractions, but a serious threat to public safety and the integrity of the national health system. Based on normative studies, there are five main forms of authority violations in the sale of potent drugs that frequently occur in the field, namely: sales without a doctor's prescription, sales by unauthorized parties, abuse of authority by pharmacy personnel, violations in the distribution and storage of potent drugs, and violations related to the advertising and promotion of potent drugs (Astuti et al., 2024). These cases of drug distribution deviations add to the long list of biomedical malpractice by health workers, which is now strictly regulated under Health Law Number 17 of 2023 (Vitrianingsih et al., 2023). These five forms of violation are interrelated and often occur simultaneously in society. Environmental factors as well as the social characteristics of urban communities also influence patterns of drug abuse and the vulnerability of the population's health levels (Warin, 2023).

Pharmacist authority violations cause complex and multidimensional legal implications. Criminal implications are the most severe aspect because they concern a person's freedom, with the threat of long prison sentences for offenders who cause serious harm to patients. Criminal liability due to these clinical errors is charged jointly to the individual health worker and the hospital corporation that houses them (Darmadi & Hardyansah, 2025). Civil implications provide a path for injured patients to obtain compensation for the material or immaterial losses they suffer. Administrative implications take the form of reprimands, fines, and even the revocation of practice licenses, which can end a pharmacist's career (Ayu & Zamroni, 2023). Beyond these

operational risks, negligence in the management of hazardous and toxic medical waste at health facilities also carries severe legal sanctions (Darmawan et al., 2025). Furthermore, violations of authority also impact consumer protection, which grants the public the right to claim compensation through available dispute resolution channels. The challenge of this oversight becomes increasingly complex in the era of globalization due to the reconfiguration and interaction between modern medicine and traditional medicinal systems (Khayru, 2022). No less important is the systemic impact on public trust, which can decrease the overall utilization of pharmaceutical services.

Based on the background of the problem, this writing aims to comprehensively outline and analyze the authority and legal responsibility of pharmacists based on the prevailing statutory regulations. More specifically, this writing will discuss the foundations of competence that pharmacists must possess, the regulations for dispensing prescription-only drugs (both with and without a prescription), five forms of jurisdictional violations that are rampant in the field, as well as the multidimensional legal implications covering criminal, civil, administrative, and consumer protection aspects, and the systemic impact on public trust. The results of the discussion are expected to provide a holistic understanding for pharmacists, the government, law enforcement officials, professional organizations, and the public regarding the importance of compliance with pharmaceutical regulations for the realization of services that are safe, professional, and equitable.

Method

This research is a normative legal research or doctrinal legal research, which is research that examines law as a system of norms, principles, regulations, and legal doctrines. The approaches used in this research are the statute approach and the conceptual approach. The statute approach is conducted by examining all relevant provisions in Law Number 17 of 2023 concerning Health, Government Regulation Number 28 of 2024, the Criminal Code, the Civil Code, as well as Law Number 8 of 1999 concerning Consumer Protection. The conceptual approach is conducted by examining relevant legal concepts and doctrines, such as pharmacist

authority, legal responsibility, pharmaceutical violations, and the principle of consumer protection.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the statutory regulations as mentioned above. Secondary legal materials include literature, scientific journals, legal articles, and expert opinions discussing health law, pharmacist authority, and professional responsibility. Tertiary legal materials consist of legal dictionaries and encyclopedias to assist in interpreting technical terms (Ikhsan & Wahab, 2022).

The technique for collecting legal materials is conducted through library research by tracing various relevant legal documents, literature, and scientific publications. All collected legal materials are then analyzed qualitatively using legal interpretation methods, namely grammatical interpretation (based on the text of the law), systematic interpretation (by connecting one article with another), and teleological interpretation (based on the purpose of the legislation's formation). The results of the analysis are presented in a descriptive-analytical manner in the form of a systematic and structured narrative to address the formulated problems.

Result and Discussion

Pharmacist Authority and Legal Responsibility: Foundations of Competence, Regulation, and Criminal and Administrative Sanctions

In the modern healthcare system, pharmacists hold a very strategic role because they are the last party to interact with patients before medication is consumed. Mistakes made at this stage, no matter how small, can have fatal consequences ranging from therapy failure to death. Therefore, the state grants special authority to the pharmacy profession that is not given to other professions. Pharmacist authority is the right and power granted by statutory regulations to the pharmacy profession to perform specific actions in the pharmaceutical field. This concept of authority is closely related to the professional competence possessed by pharmacists as health workers responsible for pharmaceutical services (Shaumy & Soleha, 2025). A pharmacist cannot exercise their authority arbitrarily but must base it on capabilities and expertise proven through education and certification. The quality of pharmaceutical services and the determination of strategic

healthcare facility locations directly influence the level of patient satisfaction regarding the fulfillment of their health rights (Mardikaningsih, 2022).

In administrative law, authority can be defined as the ability to perform public legal actions, or the ability to act granted by applicable laws to conduct legal relations. Thus, authority is not something naturally inherent in a person, but a grant from the state through statutory regulations. Pharmacist authority is a manifestation of the power granted by the state to the pharmacy profession to carry out specific functions within the healthcare system. However, this authority is not a license to act arbitrarily, but a mandate accompanied by significant legal responsibility. A pharmacist cannot claim to have authority beyond what has been established by law, as it would exceed the limits of their authority and could be subject to legal sanctions. Pharmacists who are negligent in exercising their authority can be subject to criminal, administrative, or even civil sanctions (Shashiashvili et al., 2024). Economic factors in society often become the main determinants that limit access for vulnerable groups, such as women, in reaching adequate reproductive health services (Nalin, 2025).

For the authority granted by the state to be exercised properly, a pharmacist must possess adequate competence in various fields. Pharmaceutical science competence includes the mastery of basic pharmaceutical sciences such as pharmacology (the study of drugs and their effects on the body), pharmacokinetics (the fate of drugs in the body from absorption to excretion), pharmacodynamics (the effects of drugs on the body), and formulation (techniques for making drug preparations). This competence ensures that the pharmacist has a deep understanding of drug mechanisms of action, drug interactions, and factors affecting therapy effectiveness. Mastery of this competence is essential for accurate clinical decision-making, such as when a pharmacist must determine whether a drug is safe to be given to a patient who is taking other medications. Without this competence, pharmacists will not be able to exercise their authority responsibly (Uriti, 2025). The juridical review regarding the fulfillment of the right to health services must be expanded in scope so that it can reach and protect underprivileged patient groups (Noor et al., 2023).

In addition to basic science competence, pharmacists are also required to possess clinical skill competence. This competence includes the ability to take patient medication histories, perform simple physical

assessments, interpret laboratory results, and make clinical decisions. The presence of this competence reflects the evolution of pharmaceutical practice from being product (drug) oriented to patient oriented. This means that a pharmacist no longer merely dispenses drugs according to a prescription, but must also be able to conduct a holistic assessment of the patient's condition. Pharmacists are expected to be able to assess patient conditions and provide therapy recommendations based on the latest scientific evidence (evidence-based), for example by recommending dose adjustments or alternative therapies if problems are found in the patient's medication. This clinical competence is what differentiates a professional pharmacist from a mere drug technician (Khan et al., 2019). Law enforcement against cases of malpractice by other health professions, such as midwives in midwifery services, demonstrates the importance of clinical competence standardization to avoid fatal errors (Safitri et al., 2023).

Another competence that is no less important is communication skills. This competence includes the ability to communicate effectively with patients, patients' families, and other healthcare professionals such as doctors and nurses. A pharmacist must be able to convey complex information about medications in simple language that can be understood by patients, including how to take the medication, potential side effects that may arise, and what to do if an undesirable drug reaction occurs. Pharmacists must also be able to provide persuasive counseling to increase patient adherence to medication, as non-adherence is one of the main causes of therapy failure (Baiquni et al., 2025). This communication competence is crucial for patient safety in medication use (medication safety) and therapeutic success (therapeutic outcomes). A pharmacist who is scientifically capable but unable to communicate well will struggle to provide optimal service, as important messages about the medication are not correctly conveyed to the patient. Limitations in clinical communication also encompass medical advertising regulations which must be strictly supervised to provide protection for patients as consumers of health services (Sahidu et al., 2023).

The authority of pharmacists in the Indonesian health system is an integral part of healthcare aimed at ensuring the safety, efficacy, and quality of medications provided to patients. In the health legal system, this authority

is not only a right held by the pharmacy profession but also an obligation that must be carried out with full responsibility in order to protect the public from the risks of inappropriate drug use. In other words, the rights and obligations of pharmacists are two sides of the same coin that cannot be separated. Pharmacists cannot claim their right to dispense medication while refusing responsibility if an error occurs due to their negligence. A deep understanding of this legal authority and responsibility is a necessity for every pharmacist to perform their profession safely and professionally (Shaumy & Soleha, 2025). Errors in diagnosis enforcement or clinical interpretation by doctors give rise to serious civil and criminal legal liabilities within the Indonesian health legal system (Setiyadi et al., 2023).

Law Number 17 of 2023 concerning Health provides a strong legal foundation for the implementation of pharmacist authority. Article 184 paragraph (1) explicitly states that pharmacists are authorized to perform pharmaceutical practices which include the manufacturing, processing, compounding, altering of dosage forms, mixing, storage, and dispensing of pharmaceutical preparations. These provisions confirm that pharmacists possess exclusive authority in the pharmacy field that cannot be performed by other professions, particularly in the dispensing of medications that require a doctor's prescription. This means that other health workers such as nurses or midwives do not have the same authority as pharmacists regarding medication management, unless specifically regulated by law. This legal foundation provides both certainty and protection for pharmacists in carrying out their professional duties (Shaumy & Soleha, 2025). Guarantees of accessibility and legal rights to health services must also be implemented inclusively for persons with disabilities without discrimination (Subiakso et al., 2023).

Criminal liability for pharmacists can arise if actions taken during the dispensing of medication fulfill the elements of a criminal offense as regulated in statutory regulations. Several criminal provisions that can be applied to pharmacists originate from the Criminal Code (KUHP) as well as the 2023 Health Law itself. Article 359 of the Criminal Code regulates negligence that causes the death of another person, which can be applied if an error in dispensing medication causes the patient's death. Negligence in this article is defined as failing to exercise the caution required by law (Syarbaniati et al., 2025). For example, a pharmacist who negligently

checks a drug dose that is too high for a child and results in death can be charged under this article. It is important for pharmacists to understand that professional negligence does not only result in administrative sanctions but can lead to imprisonment that threatens their freedom. This aspect of accountability also encompasses legal protection for consumers in transactions for personal medical devices obtained through electronic commerce facilities (Sulaiman et al., 2024).

Meanwhile, Article 360 of the Criminal Code regulates negligence that causes serious injury to a patient. The application of this article requires a clear causal link between the pharmacist's negligence and the serious injury suffered by the patient. Without a proven causal link, this article cannot be applied. In addition to provisions in the Criminal Code, the 2023 Health Law also regulates criminal sanctions relevant to pharmaceutical practice. Article 435 of the law states that any person who produces or distributes pharmaceutical preparations that do not meet the standards and requirements of safety, efficacy, and quality can be punished with imprisonment for up to 12 years or a maximum fine of Rp5,000,000,000 (five billion rupiah). This provision is highly relevant for pharmacists involved in the drug distribution chain, especially if they are negligent in ensuring that the drugs dispensed to patients meet the established quality standards (Novianti & Kholib, 2023). Law enforcement efforts in medical practice emphasize the urgency of licensing regulations and the application of criminal sanctions to achieve a balance of protection between patients and health workers (Sumardi et al., 2025).

The administrative responsibility of a pharmacist relates to violations of administrative provisions in pharmaceutical practice. Administrative sanctions can take the form of oral or written warnings, temporary suspension of activities, revocation of practice licenses, or administrative fines. Forms of administrative violations in drug dispensing include failing to properly record every drug transaction, failing to store prescription documents in accordance with applicable provisions, failing to report serious drug side effects, or failing to comply with established pharmaceutical service standards. These administrative sanctions are imposed by authorized agencies, such as the Health Office or professional organizations, after a review process that gives the pharmacist the opportunity to defend themselves. The primary purpose of administrative sanctions is not to punish, but to ensure

compliance with regulatory provisions and prevent the recurrence of similar violations in the future (Supryadi, 2023).

Pharmacists who work in accordance with professional standards, service standards, and standard operating procedures will be protected by law. Conversely, pharmacists who are negligent, careless, or intentionally violate provisions can be subject to severe criminal sanctions, such as up to 12 years in prison, as well as administrative sanctions such as the revocation of their practice license, which effectively ends their career. This severe criminal threat demonstrates how serious the state is in protecting the public from the circulation of unsafe drugs. Therefore, every pharmacist is obliged to have a thorough understanding of the provisions of Article 359 of the Criminal Code, Article 360 of the Criminal Code, Article 184 of the Health Law, and Article 435 of the Health Law, as this understanding is not merely academic knowledge, but a practical necessity to protect oneself while serving the public safely and professionally (Shaumy & Soleha, 2025).

Thus, it can be understood that the authority of pharmacists in the Indonesian health system does not stand alone without the bond of legal responsibility. Law Number 17 of 2023 concerning Health has provided a clear legal foundation while establishing boundaries that must not be exceeded by pharmacists in carrying out their profession. The authority granted by the state must be balanced with adequate competence in the fields of pharmaceutical science, clinical skills, and therapeutic communication. Pharmacists who work according to standards will be legally protected, while those who are negligent can be prosecuted with criminal sanctions of up to 12 years in prison, fines of billions of rupiah, and the revocation of their practice license, which ends their career. In the final analysis, the enforcement of pharmacist legal responsibility is part of the state's efforts to protect patient safety and maintain public trust in the pharmacy profession. Every pharmacist must realize that the profession they hold is not just a job, but a mandate laden with legal and moral responsibility.

Pharmacist Authority in Dispensing Potent Drugs: Regulations, Violations, and Public Protection

In the healthcare system, potent drugs occupy a very strategic yet high-risk position because their incorrect use can threaten a patient's life. Potent drugs are designed to treat serious illnesses, but in the wrong hands, they

can turn into deadly toxins. Therefore, the state cannot allow the distribution of potent drugs to occur without strict and professional supervision. This is where the role of the pharmacist becomes critical, as they are health workers authorized by law to manage, dispense, and provide information about potent drugs to the public. This authority is only granted to parties whose competence has been tested through education and certification (Tresnadi et al., 2025). The principle of accountability in formal medical actions also applies post-surgery, where the boundaries between informed consent, clinical risk, and civil or criminal legal liability must be clearly established (Amir et al., 2024). Without clear legal regulation, the distribution of potent drugs could become unregulated and endanger public safety.

Legal regulation regarding the authority of pharmacists in the service and dispensing of potent drugs is a fundamental aspect of the health system aimed primarily at protecting patient safety and the wider community. Law Number 17 of 2023 concerning Health has brought significant changes in the regulation of this authority, particularly regarding the management of potent drugs, which indeed requires very strict supervision. This change reflects an evolution in the understanding of the pharmacist's role as a gatekeeper in a distribution system for safe, rational, and responsible medication. In other words, pharmacists are no longer merely clerks who hand over drugs, but active professionals who ensure that every potent drug leaving the pharmacy is truly targeted and safe for the patient (Subono et al., 2024). The smooth functioning of pharmaceutical services is supported by a mature understanding of operational policies, including procedures for filing health insurance claims to ensure the efficiency of the administrative system (Hakim et al., 2024).

As defined in statutory regulations, potent drugs are pharmaceutical preparations that can only be obtained through a doctor's prescription or can be dispensed by a pharmacist based on specific clinical considerations. The classification of drugs into this potent category is based on three main factors: the drug's safety profile, the potential side effects that may arise, and the complexity of drug use, which indeed requires professional supervision. However, the reality in the field is often different from what is expected by regulations. The practice of selling potent drugs without a doctor's prescription, by unauthorized parties, and even the abuse of authority by

pharmacy personnel is still rampant. These violations are not merely ordinary administrative infractions, but a serious threat to public safety and the integrity of the national health system (Zaky et al., 2025). This real challenge is part of the grand agenda for national health development in Indonesia, which encompasses legal aspects, the expansion of service access, and communicable disease control management (Harianto et al., 2024).

Violations of authority in the sale of potent drugs occur due to three main factors: weak oversight by authorities, a lack of legal awareness among business actors who only pursue profits, and economic pressures that ignore aspects of safety and legality. Under Indonesian law, this violation of authority is regulated in various statutory regulations, ranging from the Health Law and Ministerial Regulations to the Consumer Protection Law. Every violation has different legal consequences, depending on the nature and impact caused (Puspitasari et al., 2024). One person who buys antibiotics without a prescription and consumes them inappropriately can contribute to antibiotic resistance, which endangers many people in the future. Besides physical drug distribution deviations, the *modus operandi* of violations in the medical realm often involves the forgery of health certificates an illegal act that violates criminal law as well as the professional code of ethics (Hartika et al., 2023).

Based on a normative study, there are five main forms of authority violations in the sale of potent drugs that frequently occur in the field. The first form is the sale of potent drugs without a doctor's prescription, which constitutes a violation of statutory provisions. This practice is carried out through various methods, such as sales without any prescription verification, the use of forged or expired prescriptions, and the implementation of "repeat prescription" systems without clear doctor approval. The impacts of this violation are very serious, ranging from the risk of side effects that endanger the patient to increased antibiotic resistance and death. Offenders can also be subject to criminal and civil liability (Candra & sw, 2025). This phenomenon reinforces the importance of protecting patient rights through the lens of law and medical ethics in order to reduce the rate of malpractice (Herisasono et al., 2023).

The second form is the sale of potent drugs by unauthorized parties. According to statutory regulations, only official pharmacies are permitted to sell potent drugs. However, illegal practices are still frequently found in

grocery stores, small stalls, and even unauthorized online platforms. The primary risk of this practice is the circulation of counterfeit drugs and drugs with unassured quality, as the sellers lack the knowledge and adequate facilities to store the medication properly (Sahar et al., 2024). Efforts to prevent the circulation of illegal drugs and ensure public safety are a form of implementing sustainable policies that prioritize health levels and social equality (Issalillah, 2021). The third form is the abuse of authority by pharmacy personnel themselves, which includes the sale of potent drugs without direct supervision by a pharmacist, providing services that exceed the competence of pharmaceutical technical personnel, and the manipulation of prescriptions for personal gain.

The fourth form is violations in the distribution and storage of potent drugs, such as purchasing drugs from illegal distributors, storage that fails to meet temperature and humidity standards, and weak physical security. The consequences are highly dangerous as they can lead to drug degradation, contamination risks, and the potential for abuse. The degradation of pharmaceutical preparations or exposure to hazardous chemical substances risks triggering chronic health disorders, including accelerating the progression of systemic diseases related to periodontal tissue health (Issalillah, 2022). The fifth form is violations related to the advertising and promotion of potent drugs. In accordance with regulations, advertising potent drugs to the general public is prohibited because it can encourage drug use without a doctor's supervision. Common violations include advertising in mass media, promotion through social media, and providing misleading information regarding a drug's efficacy (Zaky et al., 2025). The enforcement of strict medical advertising regulations serves as an instrument of protection for patients in their position as consumers of health services (Sahidu et al., 2023).

In general, there are two main scenarios for the legal dispensing of potent drugs by pharmacists. The first scenario is the dispensing of potent drugs with a doctor's prescription, which is the most common procedure in daily practice. This procedure is emphasized within the framework of the 2023 Health Law and Government Regulation Number 28 of 2024, and highlights the importance of close collaboration between doctors and pharmacists for patient safety. The steps taken include prescription reception, prescription screening (pharmaceutical care), drug preparation,

labeling, dispensing of the medication along with counseling to the patient, and documentation of the entire process. Each of these stages has its own purpose and standards that must be adhered to by the pharmacist (Suwisman et al., 2025). This interprofessional synergy minimizes the risk of misdiagnosis or therapeutic errors that lead to legal liability lawsuits for medical practitioners (Setiyadi et al., 2023).

The second scenario is the dispensing of certain potent drugs without a doctor's prescription. Article 320 paragraph (5) of the 2023 Health Law explicitly states that certain potent drugs may be dispensed by pharmacists without a prescription, provided it is in accordance with applicable statutory provisions. Although Government Regulation Number 28 of 2024 has been issued, this regulation is still general in nature and has not yet detailed the specific potent drugs in question. Details regarding the list of such potent drugs, as well as specific dispensing procedures, will still be regulated further in the upcoming Minister of Health Regulation (Esti et al., 2025). For now, pharmacists must still await these technical regulations before they can broadly exercise the authority to dispense potent drugs without a prescription. The fulfillment of the legal right to access safe health services that are free from bureaucratic obstacles must be guaranteed inclusively, including for persons with disabilities (Subiakso et al., 2023).

The pharmacist's authority in conducting counseling and therapy monitoring places this profession as a healthcare provider responsible for the success of patient therapy. Pharmacists have the authority to provide complete and accurate information about drugs, conduct patient education on the correct way to take medication, and perform therapeutic follow-up to ensure the safety and effectiveness of potent drug use. This authority requires good therapeutic communication competence and the ability to perform adequate clinical assessments (Kasar et al., 2023). A pharmacist who is unable to communicate effectively will find it difficult to ensure that patients understand medication instructions correctly. Failures in educational communication in marginal areas located near waste disposal sites have the potential to exacerbate the environmental health burden borne by vulnerable communities (Issalillah & Mardikaningsih, 2022).

With the enactment of Law Number 17 of 2023 and Government Regulation Number 28 of 2024, the procedures for dispensing potent

drugs have been affirmed and modernized, although the fundamental principles remain the same as before. As the frontline in pharmaceutical services, pharmacists play a critical role in executing these procedures. In every action, pharmacists are required to adhere to the principles of caution and high professionalism, as errors in dispensing potent drugs can have fatal consequences for patient safety. Pharmacists must also continuously keep up with developments in the laws and regulations in their field, including the upcoming Minister of Health Regulations that will govern in more detail the specific potent drugs that may be dispensed without a prescription (Tresnadi et al., 2025).

The issues surrounding the violation of authority in the sale of potent drugs illustrate the complexity of the challenges within the Indonesian health system. The five forms of violations mentioned do not occur in isolation; rather, they are interrelated and often happen simultaneously in the field. Selling without a prescription, for example, is frequently carried out by unauthorized parties who also disregard storage standards and engage in illegal promotion. This indicates a weakness in law enforcement and the overall supervision of the distribution and service of potent drugs (Papiah et al., 2024). Therefore, comprehensive efforts are needed from all stakeholders, starting from the government, law enforcement officials, professional organizations, and pharmacists, to the public.

Thus, it can be understood that legal regulations concerning pharmacist authority in the service and dispensing of potent drugs involve not only the technical aspects of drug distribution but also legal protection for patients, pharmacists, and the wider community. Clarity of procedure, both for dispensing with a prescription and without one, serves as the foundation for creating professional and responsible pharmaceutical practice. Pharmacists must not fall into the routine of dispensing drugs without a deep understanding of their legal authority and limitations. The government must strengthen regulations and oversight, law enforcement must take firm action against violators, professional organizations must improve internal supervision, pharmacists must uphold professional ethics, and the public must be educated about the dangers of buying potent drugs haphazardly. Only through synergy between clear regulations, adequate pharmacist competence, firm law enforcement, and high public

awareness can the pharmaceutical service system in Indonesia operate safely, effectively, and equitably for all parties.

Legal Implications of Pharmacist Authority Violations: Criminal, Civil, Administrative, Consumer Protection, and Systemic Impacts

A pharmacist does not merely deal with medications, but also with human lives. Every decision made in daily pharmaceutical practice, from reviewing prescriptions to dispensing medication to patients, carries legal consequences that can haunt the pharmacist for a lifetime. When a pharmacist exceeds or violates their authority for instance, by dispensing potent drugs without a doctor's prescription or forging prescriptions they are not simply dealing with oral warnings or reprimand letters. They may face criminal charges that threaten their freedom, civil lawsuits that deplete their assets, the revocation of their practice license that ends their career, and the loss of invaluable public trust (Indati & Darmoko, 2024). This career risk aligns with the reality that patient satisfaction in healthcare facilities is heavily determined by the quality of clinical services and the accessibility of the service location (Mardikaningsih, 2022). An understanding of these various legal implications is essential, not to incite fear, but to awaken every pharmacist to the significant responsibility inherent in their profession.

Violations of authority committed by pharmacists in conducting pharmaceutical practice create complex and multidimensional legal implications. These implications do not only relate to the sanctions that may be imposed on the individual pharmacist but also concern aspects of consumer protection, professional liability, and systemic impacts on public trust in the pharmacy profession as a whole. According to Indonesian law, the legal implications for pharmacist authority violations are regulated under various legal instruments, ranging from criminal law, civil law, and administrative law, to professional disciplinary law (Sembiring & Iswahyudi, 2024). This complexity emphasizes that every formal medical action must fully respect informed consent and the patient's autonomy in clinical practice (Issalillah et al., 2023). In other words, a pharmacist who violates their authority may be prosecuted under more than one type of sanction simultaneously, depending on the nature and severity of the violation.

Pharmacist authority violations in pharmaceutical practice, particularly those related to the sale of potent drugs without a doctor's prescription, generate legal implications covering five main aspects. First, the criminal aspect. Second, the civil aspect. Third, the administrative aspect. Fourth, the consumer protection aspect. Fifth, the systemic impact on public trust. These five aspects do not stand alone; they are interrelated and often appear simultaneously in a single case of violation. A pharmacist who sells potent drugs without a prescription, for instance, may face criminal prosecution, a civil lawsuit from an aggrieved patient, administrative sanctions in the form of license revocation, and the loss of trust from the surrounding community (Khomsiyah et al., 2024). Amidst economic hardships, limited access to safe reproductive health and pharmaceutical services is frequently triggered by financial factors faced by vulnerable groups (Nalin, 2025).

Criminal legal implications are the most severe aspect as they concern a person's liberty. The sale of potent drugs without a prescription, prescription forgery, and negligence resulting in patient harm may be subject to criminal sanctions under Law Number 17 of 2023 concerning Health, Law Number 36 of 2009 concerning Health, and the Criminal Code. Sanctions that may be imposed include imprisonment, heavy fines, and the revocation of the right to practice the profession. The primary objective of these criminal sanctions is to create a deterrent effect for offenders while maintaining the integrity of the pharmacy profession in the eyes of the public (Syarbaniati et al., 2025). This enforcement of criminal sanctions clearly distinguishes between the medical risks inherent in treatment actions and the clear elements of negligence that lead to allegations of medical malpractice (Kurniawan, 2013). A pharmacist legally and convincingly proven to have committed a criminal violation can languish in prison and lose a reputation built over many years in a matter of days.

Civil legal implications provide a pathway for injured patients to obtain compensation for the damages they have suffered. Pharmacists can be held civilly liable on the basis of tortious acts (Article 1365 of the Civil Code) or breach of contract (Article 1243 of the Civil Code). The compensation that can be claimed includes material losses, such as additional medical expenses, as well as immaterial losses, such as psychological suffering resulting from drug side effects. What pharmacists

must be aware of is that this civil liability is not limited to them personally, but can be extended to the institution where they work through the principle of vicarious liability (the responsibility of an employer for the actions of their subordinates). A hospital or pharmacy can be sued for the errors of a pharmacist working under its supervision (Novianti & Kholib, 2023). The provision of civil compensation also serves as part of the fulfillment of legal rights for underprivileged patients to achieve equality in health access and protection (Noor et al., 2023).

Administrative legal implications are the aspect most directly felt by pharmacists because the process does not involve the courts. Violations of authority can be subject to administrative sanctions in the form of written warnings, administrative fines, or the revocation of the Certificate of Registration or the Pharmacist Practice License. The revocation of a practice license means that the pharmacist is no longer permitted to exercise their profession, which effectively ends their career as a pharmacist. This strict licensing system is essential, considering that the legality of practice is the primary instrument of legal protection, even in medical emergency situations where health workers are expected to act without being subject to license violation sanctions (Juliarto et al., 2023). The imposition of administrative sanctions must observe the principles of due process of law, proportionality (sanctions commensurate with the violation), and legal certainty. Pharmacists subject to administrative sanctions also have the right to file objections or challenge the decision in the Administrative Court if they consider it unfair (Usman et al., 2025).

Implications for consumer protection are regulated under Law Number 8 of 1999 concerning Consumer Protection. Violations of pharmacist authority can infringe upon consumer rights, particularly the right to safety (that the drugs provided are safe for consumption), the right to information (honest information about the drugs), and the right to fair service. This form of protection includes guarantees of safety against the negligence of health workers, including in the use and dispensing of herbal preparations or supplements that have clinical implications for patients (Mansyur et al., 2024). Injured consumers are entitled to claim compensation through two channels: the general courts or the Consumer Dispute Resolution Agency. The Consumer Dispute Resolution Agency channel is often faster and less costly because it is non-litigious (out of court). The historically low number of formal

malpractice claims or lawsuits from injured patients is often influenced by normative factors and a cultural preference for out-of-court dispute resolution preferred by society (Kurniawan et al., 2024). The existence of this channel provides easier access to justice for the general public who may not be able to afford lawyers for litigation in court (Simanjuntak et al., 2025). This regulatory aspect of consumer protection ultimately strengthens the right of patients to obtain adequate legal remedy for the fatal negligence of health workers (Lethy et al., 2023).

In addition to the five legal implications above, there is also an equally important systemic implication: the impact on public trust. Practice violations by pharmacists, even if committed by only a few individuals, risk lowering public trust in the entire pharmacy profession. Society tends to engage in negative generalization, meaning they will suspect all pharmacists based on the behavior of a few individuals caught committing violations (Okoro, 2023). This decline in public trust has the potential to damage social support systems that are desperately needed in providing sustainable healthcare services for vulnerable populations, such as the elderly (Khayru, 2022). As a result, people may be reluctant to utilize pharmaceutical services, opting to buy drugs indiscriminately at grocery stores or distrusting the information provided by pharmacists. This mistrust can trigger incorrect self-medication in marginal areas, such as residential neighborhoods near waste disposal sites, which ultimately worsens the community's environmental health burden (Issalillah & Mardikaningsih, 2022). This decline in trust ultimately has a negative impact on public health at large, as this systemic damage also triggers the neglect of clinical drug advice, which in the long term accelerates the progression of chronic diseases due to therapy failure (Issalillah, 2022).

The legal implications of pharmacist authority violations, as outlined above, demonstrate the complexity and multidimensional nature of this issue. A pharmacist who violates their authority cannot simply be subjected to one type of sanction, as they can be prosecuted criminally, civilly, administratively, under consumer protection laws, and simultaneously lose public trust. These five aspects of implication are interrelated and often appear simultaneously, so they cannot be handled partially. Addressing pharmacist authority violations requires a comprehensive and integrated approach, involving various legal aspects

and multiple stakeholders, ranging from law enforcement officials, professional organizations, and healthcare institutions to the public itself. Only with such an approach can pharmacist authority violations be prevented and addressed effectively. Ultimately, these efforts aim to protect the interests of society, maintain the dignity of the pharmacy profession, and ensure that pharmacists remain trusted as the frontline in safe and professional pharmaceutical services.

Conclusion

Pharmacist authority is a state-granted mandate that must be balanced with professional competence (pharmaceutical science, clinical skills, and communication) as well as compliance with regulations. Law Number 17 of 2023 concerning Health reaffirms the exclusive authority of pharmacists in pharmaceutical services. Pharmacists who are negligent can be subject to criminal sanctions (up to 12 years imprisonment), civil sanctions (compensation), administrative sanctions (revocation of license), and the loss of public trust. Jurisdictional violations in the sale of prescription-only drugs remain rampant in five main forms, namely sales without a prescription, sales by unauthorized parties, misuse of pharmaceutical personnel, violations of distribution and storage, and illegal advertising.

For pharmacists, every violation of authority results in multidimensional sanctions that threaten freedom, assets, career, and reputation. For patients, they have the right to demand compensation through civil channels or the Consumer Dispute Resolution Agency (BPSK). For health institutions (pharmacies/hospitals), they can be held jointly liable civilly for the mistakes of pharmacists working under their supervision. For the government, weak supervision is the primary root of the rampant violations in the field. For the public, illegal practices such as the sale of prescription-only drugs without a prescription contribute to antibiotic resistance, which endangers public health on a broad scale.

Pharmacists are obliged to understand the provisions of Article 184, Article 435 of the 2023 Health Law, as well as Articles 359-360 of the Criminal Code, and always work in accordance with professional standards and operational procedures. The Government and the Health Office must immediately issue a Minister of Health Regulation that

specifically regulates the list of certain prescription-only drugs that can be dispensed without a prescription along with the procedures, while also strengthening supervision and firm enforcement against violators. Pharmaceutical professional organizations need to enhance internal supervision, provide continuous legal education to members, and take firm action against members proven to have committed violations through ethical sanctions. The public should be educated not to purchase prescription-only drugs without a prescription, to only use official pharmacies, and to report illegal practices to the authorities. Law enforcement officials must take firm action against perpetrators of pharmacist authority violations, including sales without prescriptions, the distribution of counterfeit drugs, and illegal promotions.

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