

Analisis yuridis kewenangan dokter dan apoteker dalam hal dispensing obat = Juridical analysis of authority between doctor and pharmacist in drug dispensing

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Abstrak

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Dokter dan apoteker merupakan salah dua dari tenaga kesehatan yang saling bersinergi dalam memberikan pelayanan kesehatan, dimana dokter melakukan penanganan medikal sementara apoteker yang akan menindaklanjuti produk (resep) dari dokter tersebut, yakni dispensing. Namun demikian, tidak sedikit dokter melakukan pemberian obat secara langsung (dispensing) kepada pasien. Tumpang tindih praktik dispensing yang dilakukan antara dokter (tenaga medis) dengan apoteker (tenaga kefarmasian) tersebut menyebabkan ketidakpastian hukum, sehingga perlu diketahui bagaimana sebenarnya regulasi yang mengatur mengenai kewenangan antara dokter dengan apoteker terkait praktik dispensing. Adapun metodologi penelitian yang digunakan dalam penelitian ini adalah normatif, yakni dengan meneliti terhadap bahan primer, sekunder, dan tersier. Hasil penelitian ini menemukan bahwa pengaturan mengenai praktik dispensing yang merupakan lingkup bagian kefarmasian, telah memiliki regulasi yang jelas, baik mengenai pihak yang berwenang melakukan pekerjaan di bidang kefarmasian, mengenai apa saja yang termasuk bidang kefarmasian dan mengenai larangan serta sanksi bagi yang tidak berwenang namun melakukannya. Namun demikian, praktik dispensing tersebut tetap terbuka bagi dokter dalam keadaan dan situasi tertentu. Oleh karena itu, peran aktif masyarakat dan upaya dari masing-masing profesi untuk menghormati kewenangan antar profesi sangat diperlukan supaya hukum yang ada dapat ditegakkan sehingga tercapai kepastian hukum.

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**ABSTRACT
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Doctor and pharmacist are part of health labour that synergy in giving health service, in which doctor do the medical treatment while pharmacist will work based on the doctor's prescribing, which is called dispensing. However, not few doctor do the dispensing straightforward to the patient by themselves. The overlap practice of dispensing which is done by doctor (medical labour) with pharmacists (pharmacy labour) causing law uncertainty, so it is important to know about how actually the regulation that regulate about authority between doctor and pharmacist in dispensing practice. Using the methodology of the normative legal research conducted a study of the primary material, secondary, tertiary. This research found out that regulation of dispensing practice which is part of pharmacy, has well regulated, that regulate the subject who has authority in doing pharmacy's work, regulate about what is include in pharmacy section and regulate about the prohibition and sanction for subject who don't have authority in doing work in pharmacy section but still do it. However, dispensing practice is still applicable for doctor in some condition and situation that has been regulated. Therefore, society's active role and each profession effort to honour authority between those two professions are really needed so that regulation can be enforced and will be result on law certainty.