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Regulation and Online Shopping of Illegal Drugs During The Outbreaks of Covid-19 Pandemic

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ABSTRACT

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The rapid development of information technology has changed the perspective, mindset and even changed human life, including the way people do shopping. Nowadays, we are getting used to hear terms such as online shopping, e-commerce, and e-business that change the way people do business. Online buying and selling activities are carried out without any physical meeting of the producers, distributors, and consumers as buyers because the whole transaction is carried out using electronic media or the internet. One of the products that are widely offered online is medicinal products. Generally, consumers are interested in buying medical products online, i.e., drugs, herbals, cosmetics, etc. They are influenced by the advertisements made by manufacturers or distributors without knowing the ingredients and the particular functions of these medicines. The general public's lack of literacy about medication and therapy often makes them trapped in buying illegal drug products online. This paper seeks to explain the regulation and sale of drugs, including illegal drugs online, considering that during the Covid-19 pandemic, people are often afraid to travel and see doctors for fear of the coronavirus. The existence of large-scale social restrictions also increases those who are reluctant to go to the doctor and finally end up buying illegal drugs online without knowing the ingredients, functions, uses, or efficacy of the drugs because they do not follow the doctor's instructions.

Keywords: Regulation, Drugs, Online Shopping, Consumer, Covid-19 Pandemic

BACKGROUND

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The rapid development of information technology has changed the perspective, mindset and even changed human life, including how to shop. New terms such as online shopping, e-commerce, e-business, digital marketing in doing business, and shopping are now in our vocabularies. Digitally, shopping could be done through the online marketplace (online department store), websites, and social media. Online buying and selling activities are carried out without any meeting of the business actors, i.e., producers, distributors, and consumers, as transactions are carried out using electronic media as a connecting tool. Various kinds of products are offered by multiple merchants (online stores). Some of the widely offered products in online shops are drugs, herbal, cosmetic, and vitamin products.

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During the Covid-19 Pandemic outbreak, the government has made various efforts to prevent the spread of this virus by implementing large-scale social restrictions (LSSR/PSBB). In Indonesia, to reduce physical contact of the community in preventing the spread and transmission of Covid -19, the government enacted LSSR

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Regulation in ⁴⁷ Government Regulation Number 21 of 2020 (Government Regulation 2020). Some drugstores (located in shopping centers) and pharmacies are closed during the ¹⁹ large-scale social restrictions. To reduce the chain of Covid-19 transmission, hospitals even limit patient visits and only handle those with an emergency. Traditional buying and selling transactions are closed or modified, while people still need to fulfill their daily needs, including medication. The condition finally caused people to start using online shops to fulfill these needs by purchasing medicines, herbs, cosmetics, and vitamins online. For fear of going out of the house and contracting Covid-19, people are starting to learn self-medication. Self-medication is the practice of self-medicating for some minor ills/ailments without consulting any doctor first¹.

Purchasing light medicines, herbs, and vitamins through online shopping is an alternative that people take during work from home to increase of medical treatment affordability and medication availability during the Covid-19 Pandemic. Generally, people are interested in buying medical products online influenced by the advertisements made by manufacturers or distributors without knowing the ingredients, the accuracy of doses, functions, and or how to use these drugs. Besides, they also lack the side effects and effects of existing drug interactions. This condition can lead to drug abuse and drug misuse.

We can look at online drug buying from two sides, namely the supply and demand perspectives. During the Covid-19 Pandemic, the public's need for medicines and vitamins is very high. Still, the general public's lack of literacy about drugs often makes them trapped in the online buying of illegal products. People don't understand the limitation that drugs that could be purchased online are limited only to free and free limited medicine. They are not allowed to buy, i.e., antibiotics and other kinds of pills contain any narcotics. Some medicines can only be obtained through ¹⁵ a doctor's prescription and given by pharmacies on the pharmacist's instructions. Without any doctor's prescription, people will not understand the dosage and the function of the drugs purchased, whether the drugs are fake and whether the drugs already have a distribution permit. In Indonesia, the drug classification is divided into 4 (four) categories, namely: 1) Narcotic drugs. Narcotics are drugs that are available only on doctors' prescriptions. They are listed and under strict supervision by the Ministry of Health; 2) Prescription drugs. These drugs are also available on doctors' prescriptions only. The drugs have a red dot and are considered to be potent/strong medicine; 3) Free limited medicines. These kinds of drugs are available to the public only through a pharmacy or licensed drug stores. The term used for this type is cautionary labeling drugs (obat bebas terbatas) and have a blue dot on the package; 4) Free medicines. These are free drugs available to the public (obat bebas) and have a green dot on the package.

In the first six months of the Covid-19 pandemic, the sale of illegal drugs and food had increased by 100% compared to 2019². The Drug and Food Surveillance Office

¹ Hashemzaei, Mahmoud, Mahdi Afshari et al. 2021. "Knowledge, attitude, and practice of pharmacy and medical students regarding self-medication, a study in Zabol University of Medical Sciences; Sistan and Baluchestan province in south-east of Iran." (BMC Medical Education) (ISSN: 1472-6920). Accessed Juli 2021. doi:<https://doi.org/10.1186/s12909-020-02374-0>.

² Mufarida, Binti. 2020. *DPR Beri Perhatian Serius Maraknya Obat Ilegal Selama Pandemi*. Sindonews.com. Jakarta, September 26. Accessed Juli 25, 2021.

(BPOM) said that in September 2020, they found several herbal medicines sold online without marketing authorization. Those medicines even contained dangerous chemicals. More than 50 thousand internet links sell drugs containing hydroxychloroquine, asymptomatic, and dexamethasone during the pandemic. Those drugs are commonly used to treat Covid-19 patients and should only be obtained through a doctor's prescription³. High demand makes some market players fill the supply without heeding the applicable regulations.

PROBLEMS

Based on the reality that online drug sales are increasing, especially during the Covid-19 Pandemic, the problem discussed in this paper are: 1) what are the reasons for the rise in online drug sales during the Covid-19 Pandemic; and 2) What are the existing regulations governing online drugs sales, given that many illegal drugs are sold online, especially during the Covid-19 Pandemic?

METHODS

The study is a normative-qualitative study on regulations related to online shopping, particularly online drug sales. The data were obtained by conducting the regulation review and analyzing the phenomenon of drugs/medicines online shopping on the internet, including an illegal one, during the Covid-19 pandemic.

DISCUSSION

A. Online Drugs Selling during Covid-19 Pandemic

In General, consumers are interested in buying medical products online because of practical reasons, mainly convenience. They do not have to be bothered to go to the pharmacy to get the medicine. Some are also affected by the advertisements without knowing the contents, functions, and usage of these drugs.

Deciding and buying drugs online without instructions and a doctor's prescription can harm patients/consumers. The absence of a doctor's prescription and instruction could lead to unwanted side effects from the drugs consumed. Without a doctor's instructions, a sick person will not get a proper or accurate information about the drug's function, dose, and side effects. Side effects can also be found due to interactions between medications when one's taking several kinds of medicines simultaneously. Those situations could cause detrimental effects to the patients.

That is why providing information and education to consumers to be careful in purchasing drugs online regarding the possibility of illegal/forged drugs or unregistered/unofficial registered drugs is essential. There are many drugs/medicines sold online that are not registered by the National Drug and Food Surveillance Office

<https://nasional.sindonews.com/read/177074/15/dpr-beri-perhatian-serius-maraknya-obat-illegal-selama-pandemi-1601075390>.

³ Fajriani, Dewi. 2020. BPOM Temukan Obat Ilegal terkait Covid dijual online. CNN Indonesia. Jakarta, DKI, September 25. Accessed Juli 2021.

⁸ <https://www.cnnindonesia.com/nasional/20200925175729-20-551091/bpom-temukan-obat-illegal-terkait-covid-dijual-online>.

(BPOM). Therefore, detailed regulations are needed for online drug sales to protect consumers.

Given the dangerous side effects, efforts to supervise online shops selling drugs on the marketplace should be strictly carried out by the competent authorities (BPOM). BPOM must also take strict legal enforcement against pharmaceutical companies, drug distributors, pharmaceutical wholesalers, pharmacies, and drug stores that sell drugs online, especially narcotics, under-prescriptions, injectable, forged, and unauthorized distribution drugs.

In reality, it turns out that during the Covid-19 Pandemic, online drug purchases are increased, partly due to the following reasons:

1. People are afraid to check themselves in a hospital for fear of contracting Covid-19.

People are often afraid to travel and check themselves to the hospital to fear contracting the coronavirus. Sugeng Adji Soenarso in the Kontan tabloid conveyed the results of the Mark plus Inc. Industry survey that of 110 respondents, 71.8% claimed to have never visited a hospital or clinic since the Covid-19 outbreak, and 64.5% of respondents preferred to restore their health at home independently, by resting and eating healthy foods⁴.

In a virtual discussion held between the Indonesian Hospital Association (PERSI) and the National Disaster Management Agency (BNPB), PERSI Secretary-General Lia G. Partakusuma stated that only about 20% of non-Covid-19 patients usually come to the hospital, return to the hospital. Society's will to go to the hospital is very low because they are afraid of contracting Covid-19 if they examine themselves at the hospital⁵.

2. The existence of Large-Scale Social Restrictions (PSBB) or PPKM (Enforcement Restrictions on Community Activities).

The existence of large-scale social restrictions (PSBB and PPKM), which are enforced to prevent the transmission of Covid-19, also raised the number of people that are reluctant to go to the doctor, even though they were sick. This condition increased online drug shopping without knowing the contents, functions, usage, efficacy of the drugs, including illegal drugs shopping.

Several pharmacies that already have online sales facilities, including delivery service networks, revealed that since the beginning of the pandemic, especially with the enactment of large-scale social restrictions, their sales of vitamins and over-the-counter medicines have increased rapidly⁶.

⁴ Soenarso, Sugeng Adji. 2020. *Survei Markplus: Masyarakat enggan mengunjungi rumah sakit sejak pandemi Covid-19*. Edited by Handoyo. Jakarta, DKI : Kontan.co.id, Juni 30. Accessed Juli 25, 2021. <https://nasional.kontan.co.id/news/survei-markplus-masyarakat-enggan-mengunjungi-rumah-sakit-sejak-covid-19>

⁵ Guritno, Tatang. 2021. *Ada Kecenderungan Pasien Non-Covid-19 Khawatir ke Rumah Sakit*. Edited by Icha Rastika. Prod. Kompas.com. Jakarta, DKI , Februari 17. Accessed Juli 25, 2021. <https://nasional.kompas.com/read/2021/02/17/13035531/ada-kecenderungan-pasien-non-covid-19-khawatir-ke-rumah-sakit>

⁶ Kartanah, Eni. 2021. *Masyarakat Diimbau Tetap Waspada saat Beli Obat secara Online*. Media Indonesia.com. Jakarta, DKI, Februari 26. Accessed Juli 22, 2021.

3. People do not have enough money to go to the Doctor. Indonesia's economy was hit and experienced a very significant decline during the Pandemic, while the necessities of life have remained or even increased due to the Pandemic. The purchase of masks for the whole family, antiseptic liquid soap, hand sanitizers, vitamins, and medicine for disease prevention which was not a daily necessity during a non-pandemic situation, has turned into one of the primary needs. In this case, people have to spend extra money. Buying drugs and vitamins at pharmacies is often more expensive than buying them in online stores. In these difficult times, people are becoming more critical of purchasing everything. They always compare prices in one place with another, especially with the many existing online stores. A minimum literacy regarding pharmaceutical regulations and distribution of vitamins and drugs and public ignorance about the authenticity of these vitamins and medicines often make people neglect their safety and keep looking for the lowest possible prices. The experts from the Drug and Medical Devices Regulatory Agency in Ireland (HPRA) explained the differences between buying drugs at pharmacies and online. When purchasing online, consumers do not meet directly with pharmacists. They do not understand and could not check the purchased drugs until they arrived. Buying medicines online has risks --the risks include not knowing the drug's authenticity, the original form of the drug, and the marketing authorization of the drugs. When buying medicines online, people do not have an opportunity to consult with a pharmacist about using them and the side effects. In addition, the cleanliness of the place compounding prescriptions, their storage, and the accuracy of the delivery is also unknown. Some drugs need a specific temperature, and some are defective at a certain temperature⁷.

B. Existing Regulations Governing Online Drugs Sales

In Indonesia, online transactions have been regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions. This law has been amended by Law Number 19 of 2016. In these laws, various requirements for the implementation of electronic transactions are regulated⁸. Whereas, in general, consumer protection is regulated in Law Number 8 of 1999 concerning Consumer Protection⁹. Considering that the distribution and sale of drugs significantly affect public safety and security, the

⁷ <https://mediaindonesia.com/humaniora/387335/masyarakat-diimbau-tetap-waspada-saat-beli-obat-secara-online>. See also Liputan6.com. 2020. *Beli Obat dan Vitamin Secara Online Meningkat di Masa Pandemi*. Prod. Liputan6.com. Jakarta, DKI, Oktober 8. Accessed Juli 22, 2021. <https://www.liputan6.com/citizen6/read/4377590/beli-obat-dan-vitamin-secara-online-meningkat-di-masa-pandemi>.

²⁰ Anindyaputri, Irene. 2020. *Sebenarnya, Bolehkah Beli Obat-obatan dari Aplikasi Online?* Edited by Tania Savitri. Hello Sehat.com. Jakarta, DKI, Oktober 9. Accessed Juli 22, 2021. <https://hellosehat.com/obat-suplemen/beli-obat-online-aman/>.

⁸ See Act Number 11 Year 2008 and Act number 19 Year 2016 on Information and Electronic Transaction.

⁴⁸ Act Number 8 of 1999 on Consumer Protection

government has issued several special implementing regulations. These implementing regulations were issued because nowadays, people can easily buy medicines online. This condition is hazardous because these drugs can be misused to pose a risk to public health and safety and even cause casualties.

Problems found with purchasing drugs online are many due to a lack of community literacy. Some of them are as follows:

- a. Purchasing fake drugs or strong medicines that require a doctor's prescription. In general, most people do not know how to distinguish the authenticity of vitamins and drugs. They do not realize that drugs they purchased online may be counterfeit/faked drugs, illegal drugs, drugs whose ingredients are not functional, and expired drugs or toxic drugs. During Covid-19 Pandemic, drug and food sales violations are increasing, especially those sold online. The Pandemic situation somehow, by some irresponsible persons, is used to seek illegal profit by publishing excessive false advertisements. False advertisements are very dangerous. Due to inaccurate information, the drugs consumed could harm one's general health conditions, especially if consumed intensively¹⁰.

Most of the illegal drugs circulating online during the Pandemic are herbal medicines that claim various health benefits. According to BPOM, more than 50,000 online advertisements sell illicit drugs (and food). These include hydroxychloroquine, actinomycin, and dexamethasone, which factually must be given under doctor's prescriptions. Some drugs purchased are still being studied by experts, and some drugs could factually only be purchased at official pharmacies¹¹.

- b. Several domestic and foreign medicinal products sold online are illegal drugs that do not have distribution permits.

Medicines, herbs, vitamins, etc., can only be circulated or sold after obtaining marketing authorization. Authorization is necessary to ensure the requirements of quality, safety, and benefit for consumers. Without meeting the requirements, the government has the authority to impose sanctions on those selling these drugs.

Considering that during the Pandemic, online drug sales increased, then in June 2020, BPOM issued Regulation of the Food and Drug Supervisory Agency Number 11 of 2020 concerning Criteria and Procedures for Registration of Health Supplements (PB POM No. 11/2020). This regulation was issued to supervise the

¹⁰ Gatra.com. 2020. *Peredaran Obat Ilegal Semakin Marak Selama Pandemi*. Prod. Gatra.com. Jakarta, DKI, September 25. Accessed Juli 22, 2021.

<https://www.gatra.com/detail/news/491324/kesehatan/peredaran-obat-ilegal-semakin-marak-selama-pandemi>. See also: Mufarida, Binti. 2020. *DPR Beri Perhatian Serius Maraknya Obat Ilegal Selama Pandemi*. Sindonews.com. Jakarta, September 26. Accessed Juli 25, 2021. <https://nasional.sindonews.com/read/177074/15/dpr-beri-perhatian-serius-maraknya-obat-ilegal-selama-pandemi-1601075390>.

¹¹ Mufarida, Binti. 2020, Loc.Cit.

circulation of health supplements in the market¹². The enactment of BPOM No. 11/2020 requires all health supplements to meet some criteria. The criteria are safety, efficacy, and quality. The use of raw materials must also comply with the Indonesian Pharmacopoeia, the Indonesian Herbal Pharmacopoeia, overseas Pharmacopoeia and/or recognized scientific references. In addition, it is necessary to have evidence of safety and benefits through empirical and/or scientific studies. The evidence includes the manufacturing process carried out under the provisions of laws and regulations¹³.

To ensure the criteria, it is regulated in article 18, BPOM No. 11/2020 that any health supplements distributor or actor is required to have a distribution permit. If the ³⁰business actor does not have a distribution permit, according to article 19, administrative sanctions may be imposed. The sanctions are a formal written warning; withdrawal of health supplement products from circulation; cancellation of the registration process; postponement of registration services; prohibition of applying for registration of health supplements; and/or cancellation of distribution permit¹⁴.

Pharmaceutical industries or industrial workers who practice selling illegal drugs, according to article 197 of Health Law, are subject to imprisonment for ²³a maximum of 15 (fifteen) years and a maximum fine of Rp. 1,500,000,000.00 (one poin five billion rupiahs). Sanctions for pharmacies that sell illegal drugs also refer to the provisions of Permenkes 9/2017. Every pharmacy that circulates illegal drugs is subject to administrative sanctions, i.e., written warning letter, temporary suspension, revocation of pharmacy license (SIA), pharmacist practice license (SIPA) and a pharmacist registration certificate (STRA)¹⁵.

The regulations mentioned above are applied to pharmaceutical manufacturers, pharmaceutical wholesalers, pharmaceutical distributors, and pharmacy even drugstore. In fact, the online sale of drugs and vitamins does not only occur at online pharmacies or institutions, or pharmaceutical installations that are officially licensed or registered. We could find many online store entrepreneurs or even those using social media who sell vitamins and drugs without official

¹² BPOM. 2020. *Peraturan Badan Pengawas Obat dan Makanan Tentang Kriteria Dan Tata Laksana Registrasi Suplemen Kesehatan*. Badan Pengawas Obat dan Makanan, Jakarta: Peraturan.go.id. Accessed Juli 20, 2021.

<https://peraturan.go.id/common/dokumen/bn/2020/bn610-2020.pdf>.

¹³ Dharmawan, Dwiki Julio. 2020. *Hati-Hati! Mengedarkan Suplemen Kesehatan Tanpa Izin Edar Dapat Dikenai Sanksi*. Smartlegal.id. Jakarta, DKI, Juli 16. Accessed Juli 20, 2021.

<https://smartlegal.id/uncategorized/2020/07/16/hati-hati-mengedarkan-suplemen-kesehatan-tanpa-izin-edar-dapat-dikenai-sanksi/>. See also: BPOM. 2020, Loc.Cit.

¹⁴ Dharmawan, Dwiki Julio. 2020, Loc.Cit. See also BPOM. 2020, Op. Cit.

¹⁵ Yusuf, Muhammad Fadhali. 2020. *Awas! Jual Obat Secara Online Bisa dipidana?* Prod. Smartlegal.id. Jakarta, DKI, Maret 17. Accessed Juli 18, 2021.

<https://smartlegal.id/hki/pendaftaran-paten/2020/03/17/awas-jual-obat-secara-online-bisa-dipidana/>.

permission. In general, some do not even have adequate knowledge because they are only doing business as an extension of a larger online store.

The official place of drug sales, according to applicable regulations, is a pharmacy with a pharmacist in charge who knows drugs. In online drug stores, it is inevitable that most of them do not use pharmacists and only have limited knowledge about drugs. Circulation of drugs by non-expertise persons is prohibited by law. Article 98 paragraph (2) of Health Law Number 36 of 2009 states that anyone²⁸ who does not have the expertise and authority to procuring, storing, processing, promoting, and distributing drugs and materials with medicinal ingredients shall be sanctioned¹⁶ with imprisonment for a maximum of 10 (ten) years and a fine of not more than one billion rupiahs. This regulation is also emphasized by Article 14 paragraph (1) of Government Regulation Number 51 of 2009 on Pharmaceutical Worker. According to this regulation, any drug distributor or facility of pharmacy supplies distributors must have an in-charge Pharmacists¹⁶.

- c. Difficulties in filing a complaint, especially if someone experiences side effects
One of the difficulties online shopping consumers face is filing complaints if they experience side effects, let alone fatal effects. Many online stores do not have after-sales customer service. Online stores that distribute drugs could suddenly also disappear from search sites engine. Meanwhile, regulation and legal protection for drug consumers are only limited to the official distribution/sale of drugs purchased at pharmacies that have official licenses with a registered SIPA and STRA pharmacist only.

The sale of drugs without distribution permits in online stores violates¹⁰ consumer rights based on Article 4 of Law Number 8 of 1999 concerning Consumer Protection, namely the right to comfort, security, and safety in consuming goods and/or services. In addition, the sale of drugs without a distribution permit in online stores is also a violation of the rights of consumers to obtain authentic and transparent¹⁴ information regarding the conditions and guarantees of goods and/or services¹⁷.

Consumers who consume drugs without a registered distribution could experience discomfort, insecurity, and safety disturbances. The insecurity could probably occur because unregistered drugs have not passed the feasibility and safety tests. In addition, consumers can also be harmed if it turns out that: 1) the drugs contain hazardous materials; 2) the dose of the drugs is not in accordance with the necessities needed; 3) there are a mismatch of medicinal benefits; and 4) cause adverse side effects or even fatal malfunction side effects, even death.

¹⁶ Muhammad Alfian Nur Zuhaid, Bambang Eko Turisno, R. Suharto . 2016. “Perlindungan Konsumen terhadap Peredaran Obat Tanpa Izin Edar yang Dijual secara Online di Indonesia.” *Diponegoro Law Journal* Volume 5, Nomor 3, Tahun 2016 . Accessed Juli 28, 2021.

<https://media.neliti.com/media/publications/19230-ID-perlindungan-konsumen-terhadap-peredaran-obat-tanpa-izin-edar-yang-dijual-secara.pdf>.

⁴³ Act No. 8 of 1999 on Consumer Protection, <https://jdih.kemenkeu.go.id/fulltext/1999/8TAHUN-1999UU.htm>.

The consumer protection law has regulated prohibitions that business actors may not carry out in the process of buying and selling goods/services. In this act, business actors are prohibited from selling goods and/or services that do not meet or do not comply with the required standards and provisions regulated by laws. These prohibitions are regulated in Article 8 of Law No. 8 of 1999 concerning Consumer Protection. In addition to the prohibition mentioned above, this law also regulates the prohibition of publishing any advertisements or drugs promotion without an official permission¹⁸.

d. Lack of consumer literacy regarding drug sales regulations

Given the rapid development of online drug sales during the Covid-19 Pandemic, the lack of society's education, information, and literacy, as well as the government's obligation to protect consumers, on June 18, 2020, the Food and Drug Supervisory Agency (BPOM) issued BPOM Regulation No. 8 the Year 2020 concerning the Control of Drugs and Foods Circulated Online. It is one of the government's efforts to protect society while buying drugs online. In addition, the Head of the National BPOM emphasized that the regulation was issued to meet all criteria needed, which are safety, quality, and benefit. Society is also advised to be strictly careful when buying medicinal products online. BPOM, as the in-charge agency, will continue to take various ways to improve literacy and supervision of online drug circulation to avoid losses¹⁹.

The BPOM Regulation Number 8 of 2020 regulates some essential points, including²⁰:

- 1) The types of drugs and food that are allowed and prohibited to be sold online
- 2) Business actors who are officially allowed to distribute and sell drugs online; the types of guidance and administrative sanctions applied to business actors who violate the BPOM provisions; and the type of parties permitted to sell drugs online. They are the pharmaceutical industry, pharmaceutical wholesalers and their branches, and registered pharmacies. In addition, these pharmacies should have a pharmacist in charge that already has SIPA and STRA.
- 3) The company obligation to use an electronic system, including 1) the company's capabilities to store and keep data in a safe archive, 2) the company information and data that can be traced for a minimum of five years, and 3) the company periodic reports under applicable laws and regulations. The periodic report includes the name and address of the drug sellers, a list of drugs sold, and transaction data.

¹⁸ Ibid. See also Muhammad Alfian Nur Zuhaid, Bambang Eko Turisno, R. Suharto . 2016, Loc.Cit

¹⁹ BPOM. 2020. *Badan POM Terbitkan Peraturan Peredaran Obat dan Makanan Online*. Edited by Biro Hubungan Masyarakat dan Dukungan Strategis Pimpinan. BPOM. Jakarta, DKI: BPOM, Juni 18. Accessed July 20, 2021. <https://www.pom.go.id/new/view/more/berita/18692/Badan-POM-Terbitkan-Peraturan-Peredaran-Obat-dan-Makanan-Online.html>.

²⁰ Bpom. 2020. "Peraturan Badan Pengawas Obat dan Makanan Nomor 8 tahun 2020 tentang Pengawasan Obat dan Makanan yang Diedarkan secara Daring." Badan Pengawas Obat dan Makanan, Jakarta. Accessed Juli 20, 2021.

<https://jdih.pom.go.id/download/product/861/8/2020>. See also Mutmainah, Isti. 2021. *Bijak Menyikapi Peredaran Obat secara Online*. Himpunan Seminar Farmasi Rumah Sakit Daerah Istimewa Yogyakarta. Yogyakarta, DIY, Maret 22. Accessed Juli 20, 2021. <http://hisfarsidiy.org/bijak-menyikapi-peredaran-obat-secara-online/>.

- 4) If the drug requires a doctor's prescription, it should be legal and issued by an authorized physician with a legal practice license and a clear and definite address. The patient must submit the original doctor's prescription to the pharmacy via an online delivery service courier. The validity of prescribed drugs must be checked through an official distribution permit number, not expired, not being withdrawn from circulation, not dangerous, and not containing narcotics and psychotropic. Some drugs do not require a doctor's prescription so that they could be sold freely. Some limited medicines can also be sold with prior education on their use by pharmacists.
- 5) The delivery of drugs purchased online can be done independently by the delivery service system owned by the pharmacy or in collaboration with third parties who are legal entities. In this delivery process, pharmacies are responsible for the safety and quality of drugs. These responsibilities include: 1) making product information, 2) providing labels or usage information, 3) maintaining confidentiality on delivery, 4) storing drugs in closed containers, 5) ensuring that drugs are sent to the correct destination, and 6) documenting the delivery of drugs to patients.

Official pharmacies, both selling online and at the drugstore, must have a pharmacist who has a pharmacist's practice license (SIPA) and a pharmacist registration certificate (STRA). Pharmacists have some responsibilities in controlling the preparations of drugs to be sold online, particularly in procurement, storage and distribution. They also have to monitor pharmaceutical supplies used by patients, ensure the safety and quality of drugs, ensure the authenticity of prescriptions, and provide drugs information to avoid misuse. In addition, they have to ensure the arrival of the drugs and ensure the handover document of drugs sold, both conventionally and online²¹.

To prevent violations of online drug sales, BPOM cooperates with relevant security forces, one of which is the Indonesian E-Commerce Association (IDEA). One of the IDEA tasks is removing online stores links selling illegal drugs. From the results of the cyber team patrols from March to September 2020, i.e., approximately 50,000 links selling illegal and unregistered medicines have been taken down. The sale or supply of these illicit drugs factually will not happen without any demand. Therefore, society should be encouraged not to look for and buy drugs that should be obtained under a doctor's prescription and/or purchased from health care facilities, as, during this Covid-19 pandemic, the illegal not registered drugs are being circulated in various online marketplaces²².

As an authorized agency, BPOM continues to increase the intensity of law enforcement through enforcement and intelligence efforts. This effort is carried out with the National Police-Criminal Investigation Agency (Bareskrim Polri) and other related parties²³.

²¹ Mufarida, Binti. 2020. *Sepanjang Pandemi Covid-19, Loc.Cit. See also Mutmainah, Isti. 2021.Loc.Cit*

²² Mufarida, Binti. 2020. *Ibid*

²³ Mufarida, Binti. 2020. *DPR Beri Perhatian Serius Maraknya Obat Ilegal Selama Pandemi, Loc.Cit*

In order to be wiser and not fall into the illegal purchase of drugs, vitamins, herbs, or supplement products, several things that drugs consumer must consider are as follows²⁴:

- a. Purchase drugs only on official websites or official online pharmacies having permits and pharmacists in charge;
- b. Be aware of the sale of counterfeit and illegal drugs by checking the legality of drugs on the official BPOM website;
- c. Check the safety of drugs using the 'CLICK' method (packaging, labels, distribution, and expiration dates) owned by BPOM;
- d. Ensure that the packaged drugs, vitamins, or supplements purchased are not damaged, not perforated, ripped, rusted, or dented;
- e. Carefully read the product information on the listed label regarding the indications, dosages, potential side effects, and how to store drugs;
- f. Ensures that shops selling drugs have a distribution permit from BPOM; and
- g. Consults with licensed doctors to obtain prescriptions through telemedicine services or consultation services.

CONCLUSIONS AND SUGGESTIONS

The rapid development of information technology has changed the way people do shopping. Online shopping is carried out using electronic media or the internet. Products sell in online shopping, among other things, are medicines, herbs, vitamins, and food supplements. Since the Covid-19 Pandemic, the purchase of these products has significantly increased. Unfortunately, consumer affordability and the need to buy vitamins and medicines are often done by buying them at online stores or through social media mediated by unregistered online marketplaces that do not have official/formal permission to distribute and/or sell them. Regulations that regulate drug transactions online already exist, but the lack of regulation literacy often makes people trapped by buying fake and illegal drugs. Existing laws are often violated due to very high supply and demand, primarily because of the fear of the Covid-19 Pandemic.

Currently, the investigation, confiscation, and deletion of links on the internet carried out by the authorities do not seem to stop the distribution and sale of illegal drugs, vitamins, supplements, or health products. The lack of monitoring of the distribution chain from the producer to the buyer is a contributing factor to why distributing illegal drugs, or counterfeit drugs has not been resolved. Therefore, all parties need to cooperate in monitoring and breaking counterfeit and illicit transactions of medicines. Given that many medications, vitamins, health supplements, and other health products are being sold in various online marketplaces, new laws are

²⁴ Saputra, Helmi Ade. 2020. *Tips Aman Beli Obat Online dari BPOM di Masa Pandemi Covid-19*. Okezone.com. Jakarta, DKI, Mei 27. Accessed Juli 25, 2021. <https://lifestyle.okezone.com/read/2020/05/27/481/2220437/tips-aman-beli-obat-online-dari-bpom-di-masa-pandemi-covid-19?page=2>. See also Mutmainah, Isti. 2021. Loc.Cit. See also BPOM. 2020. *Tetap Aman dan ceria belanja online obat dan makanan di masa pandemik Covid-19*. BPOM. Jakarta, DKI, Agustus 5. Accessed Juli 2021. <https://www.pom.go.id/new/view/more/berita/19129/Tetap-Aman-dan-Ceria-Belanja-Online-Obat-dan-Makanan-di-Masa-Pandemik-Covid-19.html>.

needed to regulate their sale, and violations of these laws should be sanctioned/punished. Online drug stores that do not have official permission and do not have a pharmacist in charge should be stopped selling their products to protect the consumers.

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