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INDONESIAN FAKE VACCINE DISTRIBUTOR AND MANUFACTURER SYNDICATE BUSTED

The numbers of children in perpetual suffering, sickness and even die as a result of being vaccinated with fake vaccines were vague and remain unaccounted for. Vaccines are meant to provide medical protection for children, especially to avoid any preventable disease or sickness.

Medical workers working in rural clinics (*Pusat Kesehatan Masyarakat "Puskesmas"*) or hospitals provide these vaccines as medical treatments towards certain preventable or curable diseases. However, these fake vaccines will not have any effect to the human bodies as they are fake or, even worse, these fake vaccines have long lasting side effects to the human bodies, including permanent health defect and disablement which could lead to death.

The fake vaccines were believed to have been distributed for a long time, and has infiltrated to several regions. However due to the collective effort of enforcement officials, no matter what it took, there was no such perfect crime, and the enforcement officials made good use of the the traces left behind by the master mind. The traces of fake vaccine distributor and manufacturer were detected by the legal enforcers, pursued by raiding several premises in Banten and West Java.

Directorate of Economic and Special Crime of Criminal and Investigation Division of Indonesian National Police has succeeded to bust and arrest the fake vaccine manufacturer, distributor and syndicate perpetrators. Until to date the police is still piecing the web-network of the case.

Tengku Bahdar Johan Amid, the Acting Head of National Agency of Drugs and Foods Controls (*Badan Pengawas Obat dan Makanan "BPOM"*), said that there were five fake vaccines discovered which were Tubercullin for TBC disease vaccine, Pediacel and Triacel for tetanus disease, Bioset for any allergy-caused disease and Hafren for hepatitis A. These are all preventable diseases / sicknesses.

Johan said that his institution has received information that such fake vaccines are sold to several rural clinics and private clinics of several regions. "The

distribution is believed not just only cover Jakarta, but also other regions” he said.

Director of Directorate of Economic and Special Crime of Indonesian National Police, Brigadier General (Pol.) Agung Setya stated that during the early stage of investigation, the police discovered several vaccine distributors who were not authorized to distribute such vaccines in Karang Satria, Bekasi.

He said that the Police discovered a location which stored a lot of vaccine (fake vaccines) where the case then developed. As a result, the police was arresting a store owner in Bekasi, and later discovered that the vaccines are manufactured by three syndicates which are the manufacturer, courier and seller, including a pharmacy's owner.

The evidences seized by the police were 195 packages of hepatitis B vaccine, 221 bottle of pediacel vaccines, 364 bottle of dried measles solvent, 81 packages of polio dropper, 55 vaccine anti-snake in plastic packaging, evidentiary document of selling of the (fake) vaccine and the vaccine manufacturer equipment.

The raid conducted by the police has proven that Indonesia still remain a haven for counterfeit products, which were not just fake vaccines / medicine, but also other products such as luxury bags, software, garment, toner, spare part, shoes and other items.

Such conditions put Indonesia on the priority watch list by the Government of United States America, due to its massive distributions of IP-violating goods and products activities.

In addition to the fake vaccine that managed to be raided by the Police, in early March 2016, the Directorate of Narcotic Crime of Indonesian National Police also succeeded to bust inter-regional fake medicine syndicate. Aside antibiotic, the police also seized traditional herbs/*jamu* containing chemical. Whereas, the law stipulates that herbs/*jamu* may not contain chemical substance.

The Police has discovered the abovementioned illegal business since 22 February 2016. At the beginning the Police investigated the chemical-contained herbs/*jamu*. From the investigation, it discovered these numbers of fake antibiotic from various trademarks. As the result of such, the police managed to arrest an offender in Cilacap, Central Java.

Justisari Perdana Kusumah, Secretary General of Indonesia Anti-Counterfeiting Society (*Masyarakat Indonesia Anti Pemalsuan, "MIAP"*), stated that according to a survey result conducted by Institute of Economics and Social Research University of Indonesia (Lembaga Penyelidikan Ekonomi dan

Masyarakat Universitas Indonesia (“*LPEM UI*”) in cooperation with MIAP in 2005, it is known that the pharmacy industries are amongst the biggest victim which suffer massive losses as the result of violation of distributing fake medicines.

“The market for original medicine but fake has been a major business. As it becomes permanent and accessible for anyone” he said recently.

MIAP itself, comprises of 12 different type of industries, such as pharmacy, electronic, cigarette, footwear, alcohol, cosmetic, water pump, pesticide, leather, lamp, oil and office stationery.

According to Justi, a intellectual property consultant from K&K Advocates, the counterfeited pharmacy product activities are usually conducted by inserting medicine materials which are sub-standard or hazardous in quality standards, however using the (well known) trademark.

“The other modus operandi is to decrease the “purity” of the ingredients of a medicine of certain trademarks” he said.

According to the data in 2002, there are 1.110 cases in *BPOM*, which comprise of 260 projustisia case, and the rest were non-justisia. From the pro-justisia cases, 199 of those were the case of fake and prescribed medicine, 29 cases are violation on food regulation, 20 cases on cosmetics, 8 cases on traditional herbs/*jamu*, 3 are medical equipment cases, and 1 of its drugs and prohibited additive substance.

Despite the high number of the cases being investigated, after the cases got to trial, the results are far from the expected, due to the light sentence given by the court to the cases.

According to the data, from 17 cases being trialed, the maximum punishment sentenced to the suspect is only six months imprisonment and with maximum fine for Rp.500.000. There is even a case being closed after the manufacturer released public apology statement. Whereas what the manufacturer has been done by distributing and selling the fake medicine is extremely dangerous, especially to human body.

It is admitted that law enforcement against offenders of intellectual property in Indonesia has yet to cause deterrent effect to the offenders. The fake vaccine distribution, selling and manufacturing activities are not just violating the intellectual property provisions but also consumer protection.

The Judge, in dealing with cases related to the intellectual property is expected to put more caution and wiser, in order to have Indonesia excluded from the

image of being weak on the intellectual property law enforcement.