

PERAN BADAN PENGAWAS OBAT DAN MAKANAN DALAM PENANGGULANGAN TINDAK PIDANA PEREDARAN GELAP DAN PENYALAHGUNAAN OBAT-OBAT TERTENTU DI KALANGAN ANAK

Widodo¹ dan Supriyadi²

INTISARI

Penelitian ini bertujuan untuk mengetahui dan mengkaji problematika yang dihadapi Badan Pengawas Obat dan Makanan (BPOM) dalam penegakan hukum dan pencegahan tindak pidana peredaran gelap dan penyalahgunaan Obat-Obat Tertentu di kalangan anak. Penelitian ini juga bertujuan untuk mengetahui dan menganalisis upaya Badan Pengawas Obat dan Makanan (BPOM) dalam penanggulangan tindak pidana peredaran gelap dan penyalahgunaan Obat-Obat Tertentu di kalangan anak di masa mendatang

Penelitian ini adalah penelitian normatif-empiris dengan sifat deskriptif. Sumber data utama penelitian ini menggunakan data sekunder berupa data kepustakaan dan dilengkapi dengan data primer berupa hasil wawancara dengan narasumber dan responden. Hasil penelitian dianalisis secara kualitatif dan disajikan dengan metode deskriptif analitis dan preskriptif.

Berdasarkan hasil penelitian dan pembahasan dapat ditarik dua kesimpulan. Pertama, problematika yang dihadapi BPOM dalam penegakan hukum tindak pidana peredaran gelap dan penyalahgunaan Obat-Obat Tertentu di kalangan anak terkait regulasi, Sumber Daya Manusia (SDM), sarana prasarana serta kurangnya kepatuhan hukum masyarakat sedangkan problematika dalam upaya pencegahan meliputi perubahan pola peredaran gelap dan jenis Obat-Obat Tertentu yang sering disalahgunakan, disharmonisasi regulasi, keterbatasan kewenangan dalam tugas pengawasan serta kurangnya tingkat *awareness* dan pemahaman masyarakat. Kedua, Upaya BPOM dalam penanggulangan tindak pidana peredaran gelap dan penyalahgunaan Obat-Obat Tertentu di kalangan anak di masa mendatang melalui sarana penal dilakukan dengan perkuatan dan revisi peraturan perundang-undangan, penerapan pasal Tindak Pidana Pencucian Uang (TPPU), peningkatan kerjasama dan koordinasi PPNS BPOM dengan POLRI dan Kejaksaan serta Peningkatan Kompetensi Ahli BPOM sedangkan upaya melalui sarana non penal dilakukan dengan mengubah penggolongan Obat-Obat Tertentu menjadi golongan narkotika/psikotropika, melakukan audit komprehensif terhadap sarana produksi/distribusi Obat-Obat Tertentu, menggalakkan kegiatan KIE (Komunikasi, Informasi dan Edukasi) kepada Target Potensial.

Kata Kunci: BPOM, penanggulangan, Obat-Obat Tertentu, peredaran gelap, penyalahgunaan, anak

¹ Mahasiswa Program Magister Hukum Kesehatan Universitas Gadjah Mada Yogyakarta (widodo.mangkoesoedarmo@gmail.com)

² Dosen Program Magister Hukum Kesehatan Universitas Gadjah Mada Yogyakarta (supriyadi@ugm.ac.id)

THE ROLE OF NATIONAL AGENCY OF DRUG AND FOOD CONTROL IN OVERCOMING CRIMES OF ILLICIT CIRCULATION AND ABUSE OF CERTAIN MEDICINES AMONG CHILDREN

Widodo³ dan Supriyadi⁴

ABSTRACT

This study aims to explore and examine the NADFC's problem on law enforcement and prevent of illicit circulation criminal and abuse of certain medicines among children. This research was also conducted to explore and analyze the NADFC's role on controlling illicit circulation criminal and abuse of certain medicines among child in the future.

The method utilized in this study is a description empirical-normative research method. The data source of this study uses secondary data in the form of library data, which is complemented by primary data in the form of interviews with experts and respondents. The research's findings were qualitatively examined and presented using descriptive, analytical, and prescriptive methodologies.

Based on the results of research and discussion, two conclusions can be drawn. First, the NADFC's problems on the law enforcement activity in overcoming crimes of illicit circulation and abuse of Certain Medicines among children are about regulations/laws, lack of investigators and law enforcement facility and also lack of awareness and legal culture of the people, meanwhile the problems on prevention are about the change of illicit circulation pattern of Certain Medicines, disharmonization of regulations, lack of NADFC's authority on controlling drug and also the lack of awareness and knowledge of people on drug abuse Second, the NADFC's effort in overcoming crimes of illicit circulation and abuse of Certain Medicines among children with penal method in the future held by sthrengthten and make revision on laws, implementing money laundering crime law and also enhancement the coordination and colaboration with police and prosecutor, meanwhile non penal method held by changing the category of Certain Medicines as narcotics/psychotropics substance, getting the comprehensive inspection on the production and distribution facilities of Dextrometorphan official medicine and also intensification on socialization and education activity about abuse of Certain Medicine to youth.

Keywords: NADFC, overcoming, Certain Medicines, illicit circulation, abuse, children

³ Master Student of Health Law of Gadjah Mada University Yogyakarta (widodo.mangkoesoedarmo@gmail.com)

⁴ Lecturer of Health Law of Gadjah Mada University Yogyakarta (supriyadi@ugm.ac.id)