

## **ANALISIS PUTUSAN PENGADILAN TERHADAP KASUS *DISPENSING* OBAT DALAM PEMENUHAN ASAS KEADILAN SUBSTANTIF**

**Agung Setiadi Nugroho\* dan Rimawati\*\***

### **Intisari**

Penelitian ini bertujuan untuk mengetahui dan menganalisis dasar pertimbangan hakim dalam kasus *dispensing* obat. Selain itu, penelitian ini juga bertujuan untuk mengetahui dan menganalisis putusan pengadilan yang sudah atau belum mencerminkan prinsip keadilan substantif dalam penyelesaian kasus *dispensing* obat.

Penelitian dalam tesis ini merupakan penelitian hukum normatif doktrinal yang bersifat deskriptif. Pendekatan yang digunakan dalam kajian ini adalah pendekatan studi kasus putusan pengadilan, konseptual, dan peraturan perundang-undangan. Jenis data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Data yang diperoleh kemudian dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa; 1) dasar pertimbangan hakim dalam kasus *dispensing* obat umumnya bersifat normatif, berlandaskan pada peraturan perundang-undangan seperti UU Kesehatan, KUHP, dan Permenkes. Putusan dipengaruhi oleh jenis perkara, tingkat pembuktian, dan posisi tanggung jawab pelaku. Namun, belum seluruhnya mencerminkan pertimbangan etik dan kompleksitas praktik pelayanan kesehatan; 2) berdasarkan lima putusan yang dianalisis, hanya empat putusan menunjukkan penerapan asas keadilan substantif sesuai teori Rawls dan Aristoteles, terutama dalam perlindungan hak pasien. Namun, masih terdapat kecenderungan dominannya pendekatan prosedural, sehingga penerapan keadilan substantif belum konsisten dan memerlukan penguatan perspektif etik serta sosiologis dalam penegakan hukum kesehatan.

**Kata Kunci:** *Dispensing* Obat; Keadilan Substantif; Putusan Pengadilan; Pertimbangan Hakim; dan Hukum Kesehatan.

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## **Analysis of Court Decisions on Drug Dispensing Cases In Fulfilling the Principle of Substantive Justice**

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### **Abstract**

This study aimed to identify and analyze the basis for judges' considerations in cases involving the dispensing of drugs. In addition, this study also aims to identify and analyze court decisions that do or do not reflect the principle of substantive justice in the settlement of cases involving the dispensing of drugs.

The research is descriptive, doctrinal, and normative legal research. The approach used in this study is a case study approach to court decisions, concepts, and legislation. The data used the secondary data, consisting of primary, secondary, and tertiary legal materials. The data obtained was then analyzed qualitatively.

The results of the study show that; 1) the basis for judges' considerations in drug dispensing cases is generally normative, based on laws and regulations such as the Health Law, the Criminal Code, and the Minister of Health Regulation. The verdict is influenced by the type of case, the level of evidence, and the perpetrator's level of responsibility. However, they do not fully reflect ethical considerations and the complexity of health care practices; 2) based on the five decisions analyzed, four decisions demonstrate the application of substantive justice principles in accordance with the theories of Rawls and Aristotle, particularly in the protection of patient rights. However, there is still a dominant procedural approach, so that the application of substantive justice is not yet consistent and requires strengthening of ethical and sociological perspectives in health law enforcement.

**Keywords:** *Drug Dispensing; Substantive Justice; Court Decisions; Judicial Considerations; and Health Law*

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