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pencegahan tindak pidana pengadaan obat berbasis katalog elektronik
Dimas Cahyo Widhiantoro, Dr. Supriyadi,S.H., M.Hum.
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PENCEGAHAN TINDAK PIDANA PENGADAAN OBAT BERBASIS KATALOG ELEKTRONIK

Dimas Cahyo Widhiantoro[1] dan Supriyadi[2]

INTISARI

Penelitian ini bertujuan untuk menganalisis prosedur pengadaan sediaan farmasi berbasis katalog elektronik berdasarkan peraturan perundang-undangan yang berlaku. Penelitian ini juga bertujuan untuk merumuskan upaya pencegahan terjadinya tindak pidana dalam pengadaan obat berbasis katalog elektronik di masa mendatang.

Penelitian ini merupakan penelitian hukum normatif. Data yang digunakan dalam penelitian ini adalah bahan hukum primer, sekunder, dan tersier. Cara pengumpulan data dalam penelitian ini dilakukan melalui studi kepustakaan. Analisis data dalam penelitian menggunakan metode kualitatif-normatif dengan penafsiran dan sinkronisasi norma, sedangkan penarikan kesimpulannya dilakukan dengan metode deduktif.

Penelitian ini menunjukkan dua kesimpulan. Pertama, prosedur pengadaan sediaan farmasi (Obat) melalui e-katalog secara normatif telah diatur secara komprehensif, namun dalam praktiknya masih terdapat celah hukum berupa fragmentasi regulasi, ketidaksinkronan data lintas lembaga, dan kekaburan batas antara kesalahan administratif dengan tindak pidana yang memicu kejahatan tersembunyi (*hidden crime*). Kedua, upaya pencegahan di masa mendatang harus menggeser paradigma dari represif menuju tata kelola pencegahan terintegrasi melalui harmonisasi regulasi dengan prinsip *sequential enforcement*, rekayasa arsitektur sistem berbasis *compliance-by-design* (integrasi API *real-time* dan AI), penguatan sinergi kelembagaan, serta operasionalisasi pertanggungjawaban pidana korporasi berdasarkan KUHP 2023.

Kata Kunci: Pengadaan Sediaan Farmasi, Katalog Elektronik, Tindak Pidana, Pencegahan, Pertanggungjawaban Korporasi.

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PREVENTION OF CRIMINAL ACTS IN PHARMACEUTICAL PROCUREMENT BASED ON ELECTRONIC CATALOG

Dimas Cahyo Widhiantoro[3] and Supriyadi[4]

ABSTRACT

This study aims to analyze the procedures for procuring pharmaceutical preparations based on the electronic catalog according to applicable laws and regulations. This study also aims to formulate preventive measures against criminal acts in pharmaceutical procurement based on the electronic catalog in the future.

This research employs a normative legal research method. The data used in this study are primary, secondary, and tertiary legal materials. Data collection was conducted through library research. Data analysis used a qualitative-normative method with statutory interpretation and synchronization, while conclusions were drawn using a deductive method.

The results indicate two conclusions. First, although the e-catalogue procurement procedure is comprehensively regulated, its implementation still suffers from legal loopholes such as regulatory fragmentation, lack of cross-institutional data synchronization, and the blurred line between administrative errors and criminal acts, which trigger hidden crimes. Second, future preventive measures must shift the paradigm from repressive enforcement to integrated preventive governance. This strategy includes regulatory harmonization with sequential enforcement, system architecture engineering based on compliance-by-design (real-time API integration and AI anomaly detection), strengthening institutional synergy, and operationalizing corporate criminal liability under the 2023 Criminal Code (KUHP 2023).

Keywords: Pharmaceutical Procurement, Electronic Catalog, Criminal Act, Prevention, Corporate Criminal Liability.

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