

## **PENEGAKAN HUKUM TERHADAP KEBERADAAN TOKO OBAT TANPA IZIN**

### **ABSTRAK**

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Obat yang boleh diedarkan oleh Toko Obat hanya berupa Obat Bebas dan Obat Bebas Terbatas, akan tetapi kenyataannya di lapangan sekarang ini ditemukan Toko Obat tanpa izin. Penegakan hukum terhadap Toko Obat tanpa izin belum terlaksana secara optimal, sehingga dilakukan penelitian untuk mengetahui penegakan hukum terhadap keberadaan Toko Obat tanpa izin yang dirasa kurang optimal serta langkah yang dapat dilakukan untuk mengoptimalkan penegakan hukum terhadap keberadaan Toko Obat tanpa izin.

Penelitian hukum yang dilakukan adalah merupakan penelitian hukum deskriptif-preskriptif serta merupakan penelitian hukum normatif-empiris. Penelitian dilakukan di Kabupaten Tangerang, dengan data primer yang didapat dengan wawancara dengan responden yaitu Pemilik Toko Obat yang tidak berizin di wilayah Kabupaten Tangerang, Kepala Seksi Farmasi dan Pengawasan Keamanan Pangan Dinas Kesehatan Kabupaten Tangerang, Kepala Bidang Penindakan Balai Besar Pengawas Obat dan Makanan di Serang dan Kepala Bidang Penyelenggaraan Pelayanan Perizinan dan Non Perizinan Bidang C Dinas Penanaman Modal dan Perizinan Terpadu Satu Pintu Kabupaten Tangerang. Pengambilan sampel terhadap subjek penelitian diperoleh dengan cara non-probability sampling dalam bentuk *purposive* sampling, dan data yang didapatkan dianalisa secara kualitatif.

Kesimpulan dari penelitian yang dilakukan bahwa adanya hambatan dalam proses penegakan hukum disebabkan antara lain karena adanya ketidakjelasan kewenangan dalam melakukan pengawasan terhadap Toko Obat, ketidakpatuhan masyarakat terhadap aturan yang ada mengenai perizinan Toko Obat, adanya tindakan ilegal yang dilakukan oleh Apotek dan Toko Obat, sarana dan prasarana pengawasan yang kurang memadai, serta kurangnya pengetahuan masyarakat akan penggunaan obat. Sehingga untuk mengoptimalkan penegakan hukum terhadap keberadaan Toko Obat tanpa izin, ada beberapa hal yang dapat dilakukan yaitu perubahan isi dalam peraturan yang memuat kewenangan dari pengawas, dalam hal ini petugas dari Dinas Kesehatan, perlunya sosialisasi peraturan tentang perizinan ke masyarakat, edukasi ke masyarakat untuk mengajarkan agar menjadi konsumen cerdas yang dapat memilah informasi sehingga paham akan tindakannya.

**Kata Kunci:** Penegakan Hukum, Perizinan, Kewenangan

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## **LAW ENFORCEMENT OF EXISTENCE OF DRUG STORES WITHOUT LICENSES**

### **ABSTRACT**

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Drugs that may be distributed by Drug Stores are only OTC drugs, but the reality is that in the field there are currently found Drug Stores without licences. Law enforcement against drugstores without licences has not been carried out optimally, so this research is carried out to find out the law enforcement of the existence of drugstores without licences that are felt to be less than optimal and also to figure out steps that can be taken to optimize law enforcement against the existence of drugstores without licences.

The research conducted is a descriptive-prescriptive research and constitutes a normative-empirical research. The study was conducted in Tangerang Regency, with the primary data obtained by interviews with respondents, which are drugstore owner who is not licensed in Tangerang Regency, Head of Pharmacy Section and Food Safety Supervision in Tangerang District Health Office, Head of Enforcement Division of Drug and Food Supervisory Office in Serang and the Head of the Division of Licensing and Non-Licensing Services in the Field C of the One-Stop Integrated Investment and Licensing Office of Tangerang Regency. Sampling of research subjects was obtained by means of non-probability sampling in the form of purposive sampling, and the data obtained were analyzed qualitatively.

The conclusion from the research conducted that there are obstacles in the process of law enforcement caused by among others due to unclear authority in conducting supervision of drugstores, community non-compliance with existing regulations regarding licensing of drugstores, illegal actions taken by pharmacies and drugstores, facilities and inadequate monitoring infrastructure, as well as a lack of public knowledge about drug use. So as to optimize law enforcement against the existence of a drugstore without permission, there are a number of things that can be done, namely changes in the content of regulations that contain the authority of supervisors, in this case officers from the Department of Health, the need for socialization of regulations on licensing to the community, education to the community to teach in order to become smart consumers who can sort out information so they understand their actions.

**Keywords:** Law Enforcement, Licensing, Authority

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