



## **KEBIJAKAN KRIMINAL DALAM PENANGGULANGAN PEREDARAN OBAT TRADISIONAL TANPA IZIN EDAR**

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### **INTISARI**

Penelitian ini bertujuan untuk mengetahui dan mendeskripsikan upaya penanggulangan tindak pidana peredaran obat tradisional tanpa izin edar di Provinsi Daerah Istimewa Yogyakarta, yang dilakukan oleh Balai Besar Pengawas Obat dan Makanan di Yogyakarta, Kepolisian Daerah Daerah Istimewa Yogyakarta, dan Dinas Kesehatan Daerah Istimewa Yogyakarta. Penelitian ini juga ditujukan untuk mengkaji prospek kebijakan penanggulangan tindak pidana peredaran obat tradisional tanpa izin edar di masa mendatang.

Penelitian ini bersifat normatif empiris. Data yang digunakan adalah data primer yang diperoleh dari penelitian lapangan dan data sekunder yang diperoleh dari studi pustaka, kemudian dianalisis secara kualitatif. Hasil analisis data disajikan secara deskriptif kualitatif.

Hasil penelitian menunjukkan: 1) Upaya penanggulangan peredaran obat tradisional tanpa izin edar lewat jalur penal dilakukan melalui penegakan hukum yang dilaksanakan oleh PPNS BBPOM di Yogyakarta dengan bantuan Korwas PPNS Polda D.I. Yogyakarta. Upaya penanggulangan peredaran obat tradisional tanpa izin edar lewat jalur non penal dilakukan melalui upaya-upaya preventif yang dilakukan oleh BBPOM di Yogyakarta maupun Dinkes D.I. Yogyakarta. Hambatan yang dihadapi yaitu sumber daya manusia yang masih terbatas, tidak berwenangnya PPNS BBPOM di Yogyakarta untuk melakukan pengeledahan, minat masyarakat terhadap obat tradisional tanpa izin edar yang masih tinggi, dan keberatan pelaku usaha produksi obat tradisional dalam memenuhi standar CPOTB. 2) Kebijakan penanggulangan peredaran obat tradisional tanpa izin edar di masa mendatang dengan *penal policy*, yakni memberikan kewenangan pengeledahan kepada PPNS, penentuan pidana pengganti denda berupa perampasan aset bagi korporasi yang tidak membayar pidana denda, dan membuat Peraturan Pemerintah untuk menggantikan PP Nomor 72 Tahun 1998 tentang Pengamanan Sediaan Farmasi dan Alat Kesehatan sebagai peraturan pelaksana dari UU Nomor 36 Tahun 2009 tentang Kesehatan, dan dengan *non-penal policy*, yakni meningkatkan penggunaan media sosial, menambah jumlah sumber daya manusia, melakukan evaluasi CPOTB, serta melakukan restrukturisasi organisasi Badan POM agar memiliki unit pelaksana teknis hingga tingkat Kabupaten/Kota.

***Kata Kunci: Kebijakan Kriminal, Tindak Pidana, Obat Tradisional Tanpa Izin Edar.***

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## **CRIMINAL POLICY TO OVERCOME CRIMINAL ACTS OF DISTRIBUTING TRADITIONAL MEDICINE WITHOUT DISTRIBUTION PERMIT**

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### **ABSTRACT**

This research aims to describe efforts to overcome the criminal act of distributing traditional medicine without distribution permit in the Province of Yogyakarta Special Region, conducted by BBPOM Yogyakarta (Provincial Office of National Agency of Drug and Food Control at Yogyakarta), Polda D.I. Yogyakarta (The Regional Police of Yogyakarta Special Region), and Dinkes D.I. Yogyakarta (Public Health Office of Yogyakarta Special Region). This research is also aimed to analyzing the prospects of policy to overcome the criminal act of distributing traditional medicine without distribution permit in the future.

This research is an empirical normative. The data used are primary data obtained from field research and secondary data obtained from the literature, then analyzed qualitatively. The results of data analysis are presented descriptively qualitative.

The results showed: 1) The efforts to overcome the distribution of traditional medicine without distribution permit through the penal path is done through law enforcement implemented by PPNS BBPOM Yogyakarta with the assistance of Korwas PPNS Polda D.I. Yogyakarta. The efforts to overcome the distribution of traditional medicine without distribution permit through non-penal path is done through preventive efforts conducted by BBPOM Yogyakarta and Dinkes D.I. Yogyakarta. The obstacles faced are limited human resources, PPNS BBPOM Yogyakarta unauthorized to conduct searches, people's interest in traditional medicine without distribution permit is still high, and traditional medicine businessman's objection in meeting traditional medicine production standards. 2) Criminal policy to overcome criminal acts of distributing traditional medicine without distribution permit in the future with the penal policy are to authorize the PPNS to conduct search, the determination of a substitute of fines for corporation in the form of deprivation of assets, and to make Government Regulation to replace the Government Regulation No. 72/1998 about Security of Pharmaceutical Products and Medical Devices as the implementing regulation of Law Number 36 Year 2009 about Health, and with non-penal policy are to increase the use of social media in disseminating information about traditional medicine, increasing the number of human resources, evaluating the traditional medicine production standards, and restructuring the organization of Badan POM to have representative office up to the district/city level.

***Keywords: Criminal Policy, Criminal Act, Traditional Medicine Without Distribution Permit.***

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