



Circulation of Drugs Without a Permit Seen from the Side of Law Enforcement

David Lintangadi¹, Nuvazria Achir²

¹Faculty of Law, State University of Gorontalo, Indonesia. E-mail: dlintangadi@gmail.com

²Faculty of Law, State University of Gorontalo, Indonesia. E-mail: ulfaj@ung.ac.id

Abstract: This study aims to determine the circulation of drugs without a permit seen from the side of law enforcement. The method used in this research is the research methodology used is empirical research and uses a qualitative descriptive approach and qualitative analysis techniques. The results of this study indicate that law enforcement carried out by the Food and Drug Supervisory Agency includes two things, namely law enforcement before a case occurs and law enforcement after a case occurs. Law enforcement before a case occurs is usually carried out to provide socialization in the community and schools regarding awareness of the legal dangers of drug distribution without BPOM permission. While law enforcement after a case has occurred, the authorities usually take repressive action where the action takes the form of a legal process by applicable regulations.

Keywords: Circulation; Drug; Without permission;

@2022 Lintangadi, D., Badu, L.W, Achir, N.

Under the license CC BY-SA 4

How to cite (Chicago Style):

Lintangadi, D., Badu, LW, Achir, N., 2022. "Circulation of Drugs Without a Permit Seen from the Side of Law Enforcement" *Estudiante Law Journal* 4, no. 3 (2022): 759-774.

<https://doi.org/10.33756/ESLAJ.V4I2.18362>

1. Introduction

The 1945 Constitution became the Constitution of the United States of Indonesia in 1949, although the recognition of regions under the auspices of the State of Indonesia was still recognized.¹ The 1945 Constitution as the Indonesian constitution is the result of the long contemplation experienced by the Indonesian people in searching for, multiplying, and exploring constitutional ideas that are suitable and appropriate to be implemented in this country.² Therefore, in legal politics, legal discovery and new law-making that is by the goals of the State is a value that must be implemented to achieve legal supremacy and justice.³ In the constitution, one of the things that is protected is health as explained in Article 28 H paragraph (1) that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to get a good and healthy environment and has the right to receive health services and the state is obliged to provide it.⁴ Therefore the state is firmly obliged to strive to fulfill the rights of every citizen.⁵ Quoting what was said by Lisnawaty Badu where it was said that the right to life must also be protected by the state, especially the rule of law.⁶

Health is one of the basic human needs besides food and clothing and shelter, without a healthy life, human life becomes meaningless, because in a state of illness it is impossible for humans to carry out their daily activities properly. Besides that, people who are sick who cannot cure their own illness, have no other choice but to ask for help from health workers who can cure their illnesses and these health workers will do what is known as health efforts by providing health services.⁷

Efforts to improve the quality of human life in the health sector is a very broad and comprehensive effort. These efforts include improving public health both physically and non-physically. In the National Health System it is stated that health concerns all aspects of life whose scope and reach are very broad and complex. This is in line with the definition of health given by the international

¹ Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109–121., 110

² Lisnawaty W. Badu And Ahmad. "Purifikasi Pemberian Amnesti Dan Abolisi: Suatu Ikhtiar Penyempurnaan Undang Undang Dasar 1945." *Jurnal Ius Civile*. 5 No. 2 (2021): 93-111., 104

³ Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review*. 1, No. 1 (2019): 68-93., 73

⁴ "Pasal 28 H Ayat (1) Undang Undang Dasar 1945"

⁵ Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

⁶ Badu Lisnawaty, "Euthanasia Dan Hak Asasi Manusia," *Jurnal Legalitas*. 5, No. 1 (2012): 1-11., 1

⁷ Wila Chandrawila., *Hukum Kedokteran*. (Bandung: Mandar Maju, 2001)., 35

world as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity which means a state that is physically, mentally and socially established, not completely free of health problems.⁸

Health is also part of Human Rights (HAM) and part of the welfare element which must be realized based on the ideals of the nation as referred to in Pancasila and the Preamble of the 1945 Constitution and also confirmed in Law Number 36 of 2009 concerning Health. So in other words health is one element of basic human needs that must be met. One very important component of health is the availability of drugs as part of public health services. This is because drugs are used to save lives, restore or maintain health.⁹

Furthermore, drugs circulating in the community must have a distribution permit, both domestically produced drugs and imported drugs, which are issued by the Head of the Food and Drug Supervisory Agency (Badan POM). Based on Article 106 paragraph (1) of Law Number 36 of 2009 concerning Health and Regulation of the Minister of Health of the Republic of Indonesia Number 1010/MENKES/PER/XI/2008 concerning Drug Registration states that pharmaceutical preparations and medical devices can only be distributed after obtaining a distribution permit. The existence of a distribution permit from the POM Agency shows that the drug is suitable for consumption and meets safety, efficacy/benefits, and quality requirements. If there is a drug that is not registered beforehand then the drug is an illegal drug.¹⁰

It should be noted that this act of illegal drug distribution has been regulated as in Article 197 of Law Number 36 of 2009 Concerning Health which states that "everyone who deliberately produces or distributes pharmaceutical preparations/and or medical devices does not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with imprisonment for a maximum of 15 (fifteen) years and a maximum fine of Rp. 1,500,000,000 (one billion five hundred million rupiah)".

The high circulation of illegal drugs in Indonesia proves the Indonesian government's lack of attention to things that endanger society. Allowing illegal drugs to circulate is the same as letting society face various bad risks, tantamount to allowing crime to develop in society, and demeaning the nation's dignity in

⁸ Wiku Adisasmito., *Sistem Kesehatan*. (Jakarta: PT Raja Grafindo Persada, 2010)., 52

⁹ Sri Siswati., *Etika Dan Hukum Kesehatan*. (Jakarta: Rajawali Pers, 2013)., 3

¹⁰ Syafrina Maisusri., "Penegakan Hukum Terhadap Tindak Pidana Peredaran Obat Impor Yang Tidak Memiliki Izin Edar Oleh Penyidik Pegawai Negeri Sipil Balai Besar Pengawas Obat Dan Makanan Di Pekanbaru.," *JOM Fakultas Hukum*. 3, No. 1 (2016): 1-15., 2

the eyes of the world. This also happens because of factors related to the opportunity for criminality to occur, both small and large violations.¹¹

It is impossible for us to comply with legal norms, without thinking deeply about the real events in society, which are to be regulated by these legal norms.¹²One of the supporting factors for the circulation of this drug is technology, which is currently growing rapidly. So that people no longer meet face to face if there is a need, because technology makes it easier for humans to be able to communicate remotely and not only that this technological development makes it easy for people to commit crimes. The development of digitalization of information and communication technology in the form of social media exposes the public to a new reality, namely the mortal world that is visible from the device/gadget screen but synchronized with real world life.¹³ As is the case with drug distribution, where perpetrators and victims communicate via social media, it is difficult to know the motives of the crimes that will be carried out. This is as conveyed by the Head of BPOM where it is said that:

"The development of this technology is also one of the factors that supports their actions, so they only make an appointment via social media without being known by many people"

Nowadays, the circulation of illegal drugs often occurs every year, but people find out about it too late. Lack of information and public knowledge of these illegal drugs has an impact on society as consumers falling into it. Similar to what happened in Gorontalo, it was reported by Liputan 6 that there was one case in Gorontalo, namely a young man with the initials ML (24) a resident of Donggala Village, Hulonthalangi District, Gorontalo City was arrested for selling hard drugs without a doctor's prescription and distribution permit.¹⁴The case data obtained from observations at BPOM Gorontalo:

Table. 1
Data on Cases of Unlicensed Drug Distribution

Year	Amount
2016	5
2017	4

¹¹ Et.al. Dasworo Saragih, "Analisis Yuridis Terhadap Tindak Pidana Peredaranobat-Obatan Yang Tidak Memiliki Izin Edar (Berdasarkan Tinjauan Kasus Putusan 139/Pid.Sus/2016/PN.Rta)," *Jurnal Tapis* 17, No. 2 (2021): 18-27., 19

¹² Hariyanto, "Development of National Law Based on Pancasila Values," *Journal of Volksgeist*. 1, No. 1 (2018): 53-63., 53

¹³ Hariyanto, "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila," *Jurnal Volksgeist*. 1, No. 1 (2018): 53-63., 53

¹⁴ Arfandi Ibrahim., "Edarkan Obat Keras Tanpa Izin, Pria Di Gorontalo Terancam 15 Tahun Penjara.," accessed January 7, 2023, Liputan6.com.

2018	6
Amount	15

Data source. BPOM Gorontalo

Lack of supervision of business actors who act fraudulently, they never think about the impact of their actions, they only think about their interests without thinking about the impact on others. And on the other hand, people are also easily fooled by counterfeit products whose quality is far from the original product. Even though this is very dangerous because these illegal drugs and foods are directly related to the health of the body. However, it is precisely products that use these hazardous ingredients that are very easy for us to find around us. Besides that, the service products that have existed so far have also harmed consumers. Seeing this, the government should be more assertive in protecting consumers, but until now the government's concern is still lacking.¹⁵

2. Method

The research method used is an empirical legal research method, where the author will dig up information directly and a qualitative approach is used in this study as well as qualitative data analysis techniques.

3. Causes and Countermeasures Against a Crime

The role of law enforcers is needed to enforce a rule of law. According to Soerjono Soekanto, a factor that has a big influence on the enforcement of a rule is the factor of law enforcement. This is because the application of a rule is carried out by law enforcement and law enforcement is considered a legal role model by the community.¹⁶ Therefore, law enforcement should be objective, where the law must apply fairly to society, both the rich and the poor. This provides an understanding that all people have equal rights before the law. Referring to Hamid Tome's opinion that the existing regulations provide equal rights for every citizen.¹⁷ The benefit is that it does not become clashes in the life of society and the state.¹⁸

¹⁵ Hijawati., "Peredaran Obat Illegal Ditinjau Dari Hukum Perlindungan Konsumen.," *Jurnal Solusi*. 18, No. 3 (2020): 394-406., 396

¹⁶ Soerjono Soekanto, *Kegunaan Sosiologi Hukum Bagi Kalangan Hukum*. (Bandung: Pt. Citra Aditya Bakti, 1989). 46

¹⁷ Abdul Hamid Tome, "Dynamics of Village Head Election Arrangements." *Jambura Law Review*. 3, No. Spesial Issue (2021): 96-116., 101

¹⁸ Lusiana Tijow, "Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah," *Jurnal Legalitas*. 3, No. 2 (2003): 79-90., 80.

Health is an element and basic human need that must be met, and one of the supports for health services is the availability of medicines. Drugs distributed to the public must also have a permit, both for domestic production and for imported drugs, and this is issued by the Head of the Food and Drug Supervisory Agency (BPOM). Based on Article 106 Paragraph (1) Law no. 36 of 2009 concerning Health and Permenkes RI No 1010/MENKES/PER/XI/2008 concerning Drug Registration states that pharmaceutical preparations and medical devices can only be distributed after obtaining a distribution permit. The existence of a distribution permit from BPOM shows that the drug is suitable for consumption and is safe, aka quality.¹⁹

According to the author, the above regulations are a form of protection for human interests, especially regulating the presence of drugs, where the government through the Ministry of Health requires that every drug product, before being marketed to the public, must have a certificate first, so that the benefits and composition are known, so that it does not harm the user. or consumers. The existence of traditional medicine among people who are sick is an alternative option in curing disease, even though medicine is actually intended for disease prevention. Legal protection is really needed because of efforts to integrate various needs in associations so that there are no conflicts between needs and can enjoy all the rights granted by law.²⁰

Law enforcement can be carried out through supervision or the application of sanctions by using various legal, administrative, civil and criminal law means with the intention that the applicable provisions can be obeyed. Concrete law enforcement is the application of positive law in practice as it should be obeyed. The functioning of the law, the mentality or personality of legal officers plays an important role, if the regulations are good, but the quality of the officers is not good, there are problems. Therefore, one of the keys to success in law enforcement is the mentality and personality of law enforcers.²¹The law is tasked with creating legal certainty because it aims to create social order. Instead, the community expects benefits in implementing or enforcing the law.²²Law is a political product, because the character of the contents of each legal product will

¹⁹ Maisusri., *Loc. Cit.*, 2

²⁰ Jufryanto Puluhalawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site" *Jurnal Reformasi Hukum* 24. No. 2 (2020): 189-208., 197

²¹ H. R. Ridwan, "Arti Penting Asas Keterbukaan Dalam Penyelenggaraan Pemerintahan Yang Bebas Dari Korupsi, Koiusi, Dan Nepotisme (Kkn).," *Jurnal Hukum Ius Quia Iustum* 11, No. 27 (2004): 50-61., 53

²² Novia Rahmawati A Paruki and Ahmad, "Efektivitas Penegakan Hukum Tambang Ilegal," *Batulis Civil Law Review*. 3, No. 2 (2022): 177-186., 179

be determined or colored by the balance of power or the political configuration that gave birth to it.²³

The explanation above concerns the personality and mentality of law enforcers, that so far there has been a strong tendency among the public to interpret law as legal officers, meaning that law is identified with the real behavior of officers or law enforcers. Unfortunately, in exercising their authority, problems often arise due to attitudes or treatment that are seen as exceeding authority or other actions that are considered to tarnish the image and authority of law enforcement, this is due to the low quality of these law enforcement officials. This can result in not understanding the limits of authority, due to a lack of understanding of the law, resulting in abuse of authority in carrying out investigative duties and other police duties.

It is necessary to be aware of the presence of drugs mixed with hazardous substances that can cause serious illness. The circulation of medicinal products containing hazardous substances has reached areas not only in big cities, but also in other small towns. The existence of a drug product without a distribution permit violates the rules because it cannot show the requirements that the drug product is produced correctly and meets the applicable standards. Drug products that do not have distribution permits and industrial business licenses, even in terms of price, are very troubling because they will lead to unhealthy competition so that their quality is not guaranteed.²⁴This is in line with what was said by the Head of the Gorontalo City Food and Drug Supervisory Agency that:²⁵

“Basically what needs to be considered is the drug that has been mixed, which then has side effects for the user. So this cannot be allowed, especially in Gorontalo. In Gorontalo itself, the distribution of drugs without a permit is already very serious.”

The circulation of drugs in Gorontalo itself ranges from 15 cases that were found by BPOM, not to mention cases of distribution which were not yet known and carried out by actors with various kinds and strategies. The large number of cases of distribution of illegal drugs without a distribution permit is certainly a problem that must be followed up, because it is troubling the public and has the potential to endanger the health of those who use the product, because the drugs being distributed are not necessarily suitable. Of course this proves that the

²³ Ahmad dan Nasran, “Comparison Of Judicial Review: A Critical Approach To The Model In Several Countries” *Jurnal Legalitas* 14, No. 2 (2021): 85–105., 88

²⁴ Ita Mentayani. Salundik, “Peredaran Obat Tradisional Tanpa Ijin Edar Dalam Perspektif Hukum Pidana.” *Jurnal Ilmu Hukum Tambun Bungai*. 6, No. 1 (2021): 39–55., 44

²⁵ “Hasil Wawancara Bersama Bapak Agus Yudi Prayudana Selaku Kepala Badan Pengawas Obat Dan Makanan Kota Gorontalo. 14 Desember 2022”

country's defense is still weak in this regard. By allowing illegal drugs to circulate, it is the same as allowing society to face the worst risks and allowing crime to develop in society. Not only that, but also humiliating the dignity and pride of the nation.

As happened in Gorontalo where there are many cases of drug distribution without permission even though this is very dangerous because it directly affects the health of the body. The Gorontalo City Food and Drug Supervisory Agency itself has sections with important duties such as the examination section and the investigation section. Both of them played a major role in enforcing regulations regarding drug distribution permits for the city of Gorontalo. According to the results of an interview with the Head of the Gorontalo City Food and Drug Supervisory Agency, the duties of these two sections have been regulated in regulations, while their duties are:²⁶

1. Examination Section. In charge of carrying out inspections, taking samples for testing, inspection of production facilities and distribution of drugs and dangerous food products.
2. Investigation Section. Responsible for conducting investigations into cases of law violations in the field of drug and food products and hazardous materials.

Basically, in law enforcement against the distribution of illegal drugs, there are two things, namely preventive law enforcement and repressive law enforcement. Based on what the Head of BPOM said, there are two law enforcements that we have continued to do, including:

1. Law Enforcement Before the Crime Occurs (preventive)

Preventive law enforcement is a series of action efforts intended as prevention so that there are no violations or deviations from existing provisions. This preventive law enforcement can be carried out by providing provision of understanding and awareness for the community, as well as related parties.²⁷In line with what the Head of BPOM said that:²⁸

"Regarding this prevention, we have carried out socialization among the community and especially in schools which are prone to drug trafficking, not only that, we have taken other preventive measures by

²⁶ "Pasal 12 Dan 13 Peraturan Kepala Bpom Nomor 14 Tahun 2014 Tentang Organisasi Dan Tata Kerja Unit Pelaksana Teknis Di BPOM"

²⁷ Victorianus Mh Randa Puang, *Hukum Pendirian Usaha Dan Perizinan* (Yogyakarta: Deepublish, 2015)., 63

²⁸ "Hasil Wawancara Bersama Bapak Agus Yudi Prayudana Selaku Kepala Badan Pengawas Obat Dan Makanan Kota Gorontalo. 14 Desember 2022."

providing education to the public through social media that is easily accessible to all. people"

Educating the public is of course an easy thing for those who will do it, because with the development of increasingly sophisticated technology, many people use social media as their realm to see world developments. Therefore, this can be used to provide education through various articles about the dangers of distributing drugs without BPOM permission.

The statement above is not in line with the reality on the ground, where socialization among the public has not been carried out by BPOM. As one member of the community said:²⁹

"I myself have never seen BPOM hold socialization in the community, even though there are those who participate in distributing drugs without a permit like that and I even become a victim of it"

The author can understand that a statement or theory must be based on its implementation in the field, so that it does not appear that the authorities are indifferent to violations of law that occur in the community.

2. Law Enforcement After the Crime Occurred

Repressive law enforcement is carried out, if there has been a violation of the law. The purpose of repressive law enforcement is not as an effort to prevent violations, but rather to overcome legal problems, especially if there are violations.³⁰

Repressive law enforcement or it can be said that law enforcement after a crime has occurred will basically lead to how to deal with crimes that occur as is the case with criminal law enforcement. The point is that at this point no longer use the word prevention but how a crime can be handled in accordance with applicable legal procedures.

Criminal sanctions themselves are given to business actors who are included in the projustitia category, namely by referring to Article 197 of Law Number 36 of 2009 concerning Health. Any person who deliberately produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be subject to imprisonment for 15 (fifteen) years and a

²⁹ "Wawancara Bersama Bapak Tahir Selaku Masyarakat Dan Pengguna Obat Atau Sediaan Farmasi Di Kota Gorontalo. 17 Desember 2022"

³⁰ Victorianus, *Loc. Cit.*

maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiah).³¹

Basically a policy that has been made is at least enforceable for those who violate existing legal provisions. Although in other perceptions there is a settlement path that is carried out non-penalty. However, according to the author, giving a deterrent effect to perpetrators and potential perpetrators is by imposing legal sanctions in accordance with applicable legal procedures. Policy is very important to take, because it can become a strong legal umbrella for local governments to protect.³² As Fenty Puluuawa said in his writing also that the government as the holder of power and as a policy maker through regulations, what must be prioritized is to do it for the sake of justice.³³ Quoting as said by Suwitno Yutye Imran that justice serves as a guideline to distinguish between just and unfair actions, elements of the aspect of justice can be contained in substance.³⁴

Law Enforcement Against Unlicensed Drug Distribution in Gorontalo City is carried out with the following procedure:³⁵

- 1) **Investigation.** In the BPOM structure itself there are PNS Investigators at the Food and Drug Monitoring Agency who have the expertise and authority to carry out investigations based on Law no. 36 of 2009 concerning Health and Law no. 8 of 1981 concerning the Criminal Procedure Code, by coordinating in advance with Police Investigators. In the case in Gorontalo itself, law enforcement against acts of drug distribution without a permit is carried out with the following mechanism;
 - a. PNS investigators from BPOM are conducting an investigation into allegations of distribution of drugs without permission by irresponsible persons. This investigation was carried out on the suspects and the locations where they were distributed and then followed up on them. Usually this investigation begins

³¹ "Pasal 197 Undang-Undang Nomor 36 Tahun 2009 Tentang Kesehatan"

³² Novendri Mohamad Nggilu, Lisawaty Wadju Badu, and Suwitno Yutye Imran, "Legal Protection Bonda And Bulango Languange : In Reality And Prospect." *Jambura Law Review*. 3, No. 1 (2020): 19-36., 32

³³ Sutrisno, Puluuulawa Fenty, and Lusiana Margaereth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review*. 3, No. 2 (2020): 168-187, 184

³⁴ Suwitno Yutye Imran, "The Urgency of Regulation of the Ultra Qui Judicat Principle in Criminal Judgments." *Jambura Law Review*. 3, No. 2 (2021): 395-410., 398

³⁵ "Hasil Wawancara Bersama Bapak Agus Yudi Prayudana Selaku Kepala Badan Pengawas Obat Dan Makanan Kota Gorontalo. 14 Desember 2022."

with reports from the public about the sale and distribution of disturbing drugs, or even victims who have consumed these drugs. This is because, consumers feel harmed or even threatened their health. According to BPOM, usually the type of drug being distributed is trihexphenidly or a type of sedative.

- b. After carrying out the investigation, then make an investigation report (BAP) which collects witness statements, and confiscates evidence. This witness's testimony can come from the wider community, both those who report illegal drug distribution and from the victims themselves.
- 2) Destroy unlicensed drugs so that they no longer reach the community and prosecute suspects. In this section the investigator then decides how much and what type of sanction will be applied to the suspect. If it relates to criminal sanctions, then the case is handed over to the police for further processing, by first preparing the required files.
- 3) Delegation of cases to the police and courts. After the implementation and investigation, BPOM then hands over the handling of the case to the police to determine the type of criminal sanction that will be given later to the perpetrators of drug dealers without a permit, which will ultimately be decided by the court.
- 4) Prosecution by prosecutors. Furthermore, in this stage, the suspect then undergoes a prosecution process at the prosecutor's office, which usually uses article 196 or 197 of Law no. 36 of 2009 concerning Health with a maximum threat of 15 years.
- 5) Court proceedings. Cases whose prosecution files are complete will then be tried in court and then sanctions will be given for what was done based on the facts of the trial and witness statements, including the presence of evidence.

In accordance with the results of interviews with investigators at the Gorontalo City Food and Drug Supervisory Agency, Gorontalo City Food and Drug Supervisory Agency gives more sanctions in the form of:³⁶

- a) Administrative sanctions for business actors violating distribution permits. Usually this sanction is given to shops that sell drugs but do not have a permit or even have drugs that do not have a permit number from BPOM.

³⁶ "Hasil Wawancara Bersama Bapak Agus Yudi Prayudana Selaku Kepala Badan Pengawas Obat Dan Makanan Kota Gorontalo. 14 Desember 2022."

- b) sanctions in the form of a written warning. Similar to the previous statement, that this sanction is imposed by sending a letter of direct warning not to carry out buying and selling activities.
- c) temporary suspension of production activities, especially for factories or business entities that produce drugs.
- d) destroy unlicensed products, and make statements for the perpetrators not to do the same thing, give strict warnings, and cancel the distribution permits for these drug products.

According to researchers' interviews with BPOM investigators, that the sanctions imposed on perpetrators have so far been more directed towards administrative sanctions and fines, on the grounds that there is not much production of the drugs being distributed and there are still few consumers. This means that the market for these products is still limited and has not been widely circulated. Apart from that, another reason is to give the perpetrator an opportunity to improve himself and not repeat the crime. The delay in imposing criminal sanctions on researchers is not proportional to the impact caused by the effects of drugs that can threaten the lives of many people. On the other hand, there are over-the-counter drugs that can be purchased or without a doctor's prescription in pharmacies or drugstores. Usually these drugs can lead to self-medication or to treat diseases without examination or analysis. This free sale of drugs then becomes one of the factors causing parties to produce and distribute drugs or pharmaceutical preparations that do not meet standards or are counterfeit. However, according to the researcher, law enforcement against these perpetrators does not have a deterrent effect, because the sanctions given are not severe compared to the threats stated in the existing laws and regulations.

The author concludes that the task in the field of enforcement is to carry out intelligence operations and investigate violations of statutory provisions in the field of drug and food control. The enforcement action based on this investigation was carried out by the Gorontalo City BPOM regarding drug stores or pharmacies selling illegal drugs. Sometimes there are also reports from the public regarding illegal drugs circulating in their environment, which are very helpful in terms of preventing and dealing with illegal drugs. BPOM conducts sweeps at every drugstore or pharmacy in Gorontalo City, and if it is known or proven to be selling illegal drugs, BPOM, especially in the field of enforcement, will conduct a search of the drug store or pharmacy and confiscate drugs that do not have a permit from BPOM and contain hazardous materials. Furthermore, the perpetrators were processed by the BPOM and an investigation was carried out. Not all of the perpetrators of illegal drug dealers were handed over to law enforcement. If the perpetrator has only been proven to be selling drugs without a permit once, and the amount of evidence found is only a small amount, then the perpetrator is only given a warning and knowledge regarding illegal drugs

and their impact on society, with the aim of not selling them again. However, if the perpetrator has been proven to be distributing drugs without a permit, and does not heed BPOM's warning, then he will be brought to law enforcement to be punished for the violation he committed. the perpetrators were processed by the BPOM and an investigation was carried out which not all of these illegal drug dealers were handed over to law enforcement. If the perpetrator has only been proven to be selling drugs without a permit once, and the amount of evidence found is only a small amount, then the perpetrator is only given a warning and knowledge regarding illegal drugs and their impact on society, with the aim of not selling them again. However, if the perpetrator has been proven to be distributing drugs without a permit, and does not heed BPOM's warning, then he will be brought to law enforcement to be punished for the violation he committed. the perpetrators were processed by the BPOM and an investigation was carried out which not all of these illegal drug dealers were handed over to law enforcement. If the perpetrator has only been proven to be selling drugs without a permit once, and the amount of evidence found is only a small amount, then the perpetrator is only given a warning and knowledge regarding illegal drugs and their impact on society, with the aim of not selling them again. However, if the perpetrator has been proven to be distributing drugs without a permit, and does not heed BPOM's warning, then he will be brought to law enforcement to be punished for the violation he committed. then the perpetrators are only given warnings and knowledge regarding illegal drugs and their impact on society, with the aim of not repeating re-selling. However, if the perpetrator has been proven to be distributing drugs without a permit, and does not heed BPOM's warning, then he will be brought to law enforcement to be punished for the violation he committed. then the perpetrators are only given warnings and knowledge regarding illegal drugs and their impact on society, with the aim of not repeating re-selling. However, if the perpetrator has been proven to be distributing drugs without a permit, and does not heed BPOM's warning, then he will be brought to law enforcement to be punished for the violation he committed.

4. Conclusion

Law enforcement carried out by the Food and Drug Supervisory Agency includes two things, namely law enforcement before a case occurs and law enforcement after a case occurs. Law enforcement before a case occurs is usually carried out to provide socialization in the community and schools regarding awareness of the legal dangers of drug distribution without BPOM permission. While law enforcement after a case has occurred, the authorities usually take repressive action where the action takes the form of a legal process in accordance with applicable regulations.

The government and law enforcers need to carry out regular assistance and increase public understanding regarding the dangers and sanctions for drug distribution without a permit. In addition, increase the number and competence of BPOM's PNS staff and investigators through training and comparative studies in other areas

References

Buku

Adisasmito., Wiku. *Sistem Kesehatan*. Jakarta: Pt Raja Grafindo Persada, 2010.

Chandrawila., Wila. *Hukum Kedokteran*. Bandung: Mandar Maju, 2001.

Puang, Victorianus Mh Randa. *Hukum Pendirian Usaha Dan Perizinan*. Yogyakarta: Deepublish, 2015.

Siswati., Sri. *Etika Dan Hukum Kesehatan*. Jakarta: Rajawali Pers, 2013.

Soekanto, Soerjono. *Kegunaan Sosiologi Hukum Bagi Kalangan Hukum*. Bandung: Pt. Citra Aditya Bakti, 1989.

Jurnal

Ahmad Dan Nasran. "Comparison Of Judicial Review: A Critical Approach To The Model In Several Countries." *Jurnal Legalitas* 14, No. 2 (2021): 85-105.

Badu Lisnawaty. "Euthanasia Dan Hak Asasi Manusia." *Jurnal Legalitas*. 5, No. 1 (2012): 1-11.

Dasworo Saragih, Et.Al. "Analisis Yuridis Terhadap Tindak Pidana Peredaranobat-Obatan Yang Tidak Memiliki Izin Edar (Berdasarkan Tinjauan Kasus Putusan 139/Pid.Sus/2016/Pn.Rta)." *Jurnal Tapis* 17, No. 2 (2021): 18-27.

Hariyanto. "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila." *Jurnal Volksgeist* 1, No. 1 (2018): 53-63.

"Hasil Wawancara Bersama Bapak Agus Yudi Prayudana Selaku Kepala Badan Pengawas Obat Dan Makanan Kota Gorontalo. 14 Desember 2022,"

Hijawati. "Peredaran Obat Illegal Ditinjau Dari Hukum Perlindungan Konsumen." *Jurnal Solusi*. 18, No. 3 (2020): 394-406.

Imran, Suwitno Yutye. "The Urgency Of Regulation Of The Ultra Qui Judicat Principle In Criminal Judgments." *Jambura Law Review*. 3, No. 2 (2021): 395-

410.

Maisusri., Syafrina. "Penegakan Hukum Terhadap Tindak Pidana Peredaran Obat Impor Yang Tidak Memiliki Izin Edar Oleh Penyidik Pegawai Negeri Sipil Balai Besar Pengawas Obat Dan Makanan Di Pekanbaru." *Jom Fakultas Hukum*. 3, No. 1 (2016): 1-15.

Mandjo, Julius. "The Right To Obtain Free Assistance And Legal Protection For The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77.

Moh. Rusdiyanto U. Puluhulawa Dan Riski Husain. "Body Shaming Through Social Media As A Digital Crime In The Era Of Disruption." *Jambura Law Review*. 3, No. 01 (2021): 112-23.

Muhtar, Mohamad Hidayat. "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review* 1, No. 1 (2019): 68-93.

Nggilu, Novendri M. "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo." *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109-21.

Nggilu, Novendri Mohamad, Lisnawaty Wadju Badu, And Suwitno Yutye Imran. "Legal Protection Bonda And Bulango Languange : In Reality And Prospect." *Jambura Law Review* 3, No. 1 (2020): 19-36.

Paruki, Novia Rahmawati A, And Ahmad Ahmad. "Efektivitas Penegakan Hukum Tambang Ilegal." *Batulis Civil Law Review*. 3, No. 2 (2022): 177.

Puluhulawa, Jufryanto, Mellisa Towadi, And Vifi Swarianata. "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection Of The Leato Underwater Site" *Jurnal Reformasi Hukum*. 24, No. 2 (2020): 189-208.

Ridwan, H. R. "Arti Penting Asas Keterbukaan Dalam Penyelenggaraan Pemerintahan Yang Bebas Dari Korupsi, Koiusi, Dan Nepotisme (KKN)." *Jurnal Hukum Ius Quia Iustum* 11, No. 27 (2004): 50-61.

Salundik, Ita Mentayani. "Peredaran Obat Tradisional Tanpa Ijin Edar Dalam Perspektif Hukum Pidana." *Jurnal Ilmu Hukum Tambun Bungai*. 6, No. 1 (2021): 39-55.

Sutrisno, Puluhulawa Fenty, And Lusiana Margaereth Tijow. "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim

Tindak Pidana Korupsi." *Gorontalo Law Review*. 3, No. 2 (2020): 168-87.

Tijow, Lusiana. "Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah." *Jurnal Legalitas*. 3, No. 2 (2003): 79-90.

Tome, Abdul Hamid. "Dynamics Of Village Head Election Arrangements." *Jambura Law Review*. 3, No. Spesial Issue (2021): 96-116.

Towadi, Mellisa, And Nur Mohamad Kasim. "An Indication Of China ' S Policy Towards Uighurs And Its Implications By International Law Aspects." *Jambura Law Review*. 3, No. 01 (2021): 55-71.