



Prosecutor's Review of Unlicensed Drug Trafficking Prosecution

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Abstract: The purpose of this research is to know and analyze about what is the impact of drug users without a permit at the Bone Bolango State Attorney. The type of research used is empirical research, using data types consisting of primary data and secondary data. Data collection techniques were carried out using interviews, observation, and documentation techniques. The results of the study show that the prosecutor's considerations in imposing criminal charges against the perpetrators in drug distribution cases without a license include objective and subjective considerations. To achieve legal certainty and the purpose of sentencing the accused. The impact of drug distribution without a permit in the Bone Bolango Region is that it is very disturbing to the community and also endangers physical, mental, and social health conditions.

Keywords: Prosecutor's Consideration; Prosecution; Drug Circulation.

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1. Introduction

Indonesia is the highest agreement of the state's formers, even though it has experienced a constitutional test when the 1945 Constitution was amended into the Constitution of the United Republic of Indonesia in 1949, even so, the recognition of the regions under the auspices of the State of Indonesia is still recognized.¹An absolute requirement for state sovereignty is the existence of a society that obeys the Constitution and its government.²Because the essence of the constitution is the conception of the state which is the basis and limitation of the constellation of the state administration system.³Therefore, 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.⁴

In our daily lives, even in society, to make ends meet, there are often crimes and violations committed by certain people and people who threaten some members of society, which in law is known as criminal acts.⁵At present, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has developed rapidly in Indonesia. Criminal sanctions are seen as an effective solution to tackling this problem. Criminal sanctions are a manifestation of the state's responsibility to maintain security and order as well as efforts to protect the law for its citizens. This is a logical consequence of the concept of forming a state which, according to JJ Rosseau, is based on community agreements. Furthermore, the people agreed to enter into a noble agreement (*modus vivendi*) which was outlined in a basic law in the form of the state constitution.⁶Legal protection is 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.⁷The state is firmly obliged to try to fulfill the rights of every citizen.⁸

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

²Mellisa Towadi 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., 69

³Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the the Principle of the Guardian of the Constitution." *Jurnal Konstitusi*. 16, No. 4 (2019): 785-808., 791

⁴Mohamad 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

⁵Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. 1 (2021): 57-76., 58

⁶Ramdan Kasim, "Dehumanization in the Excessive Application of Criminal Law (Overspanning van Het Strafrecht)," *Jambura Law Review*. 2, No. 1 (2020): 1-29., 3

⁷Jufryanto Puluhulawa, 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

⁸Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigenous People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

Behavior that is not by the norm can be called a violation of the law. Law violations and law enforcement can be called a unity that cannot be separated from one another. Law enforcement that occurs should not look at the status and position of the perpetrators of crimes, because remember that all Indonesian citizens have the same rights and position before the law, as our country's constitution emphasizes, that: "every citizen and his position in law and government and obligated to uphold the law and government with no exceptions."⁹

In everyday life, humans are often faced with an urgent need, a need for self-satisfaction, and sometimes even because of the desire or pressure to maintain one's status. In general, the needs of every human being will be fulfilled, although not completely, in circumstances that do not require pressure from within or from other people for urgent needs for fulfillment and must be fulfilled immediately, usually often carried out without careful thought which can harm the environment or other people. Things like this will cause negative consequences and are not balanced with a good life atmosphere. To return to an atmosphere of good value life, accountability should be required that must be carried out by the perpetrators in the form of delegating the inconveniences of the community so that one can also feel how the suffering or losses are experienced. The delegation is carried out by an individual or group of people who are authorized to do so as a task given to them by the community.¹⁰

Over-the-counter medicines can be purchased without a doctor's prescription at pharmacies and drug stores, usually, over-the-counter medicines can encourage self-medication or treatment of diseases without a doctor's examination and analysis from a doctor. It is this free sale of drugs that then becomes one of the factors in the existence of parties who produce and distribute drugs or pharmaceutical preparations that do not meet standards or are even counterfeit. A large number of cases of distribution of illegal drugs or pharmaceutical preparations without distribution permits is a problem that must be followed up on because this is very troubling for the community and has the potential to endanger the health of those who consume or use these drugs.

1. Business actors are prohibited from producing and/or trading goods and/services that:
 - a. Does not meet or does not comply with the required standards and provisions of laws and regulations;
 - b. Not by the net weight, net or net content, and the amount in the count as stated on the label or label of the goods;
 - c. Not by the size, measure, scale, and number in the calculation according to the actual size;

⁹ Bambang Waluyo, *Pidana Dan Pemidanaa* (Jakarta: Sinar Grafika, 2008).

¹⁰ Teguh Prasetyo, *Hukum Pidana* (Jakarta: PT. Raja Grafindo Persada, 2011).

- d. Not by the conditions, guarantees, features, or efficacy as stated in the label, etiquette, or description of the goods and/or services;¹¹

Based on this division, material criminal law or often referred to as general criminal law is a law that contains rules that determine and formulate actions that can be punished. One example of a legal action that can be subject to criminal sanctions is the distribution of pharmaceutical preparations without a distribution permit or drugs. illegal activities are increasing, and if not handled strictly it will cause harm to the community which causes illness and even death¹². As a result, it will have an impact on the level of public trust in healthcare facilities, health professionals, the pharmaceutical industry, and distributors of pharmaceutical preparations. One example of a drug that does not have a distribution permit is the type Trihexypenidyl which is included in the class of drugs on the G list it is an anti-Parkinson drug when used excessively can cause dependence and even affect the mental activity and behavior which tends to be negative

Apart from the loosening of social and family ties and the abuse of alcohol and drugs. The role of mass media should also play an important position in the development of children or adolescents today because the information received will shape the personality and mindset and mentality of the child. It must be admitted, we are currently in the millennial era where all access is so open and easy to obtain. Only with the power of the thumb through the means of a smartphone or gadget and support for internet access, we can get all information in such a practical way.¹³ According to Article 106 of Law Number 36 of 2009 (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063 concerning health reads:

1. Paragraph (1): Pharmaceutical preparations and medical devices can only be distributed after obtaining a distribution permit;
2. Paragraph (2): marking and information on pharmaceutical preparations and medical devices must meet the requirements of objectivity and completeness and not be misleading;
3. Paragraph (3): the government has the authority to revoke the distribution permit and order the withdrawal and distribution of pharmaceutical preparations and medical devices that have obtained a distribution permit, which are later proven to not meet the requirements for quality and/or safety and/or efficacy, to be confiscated and destroyed by statutory provisions. -invitation.

¹¹ Redaksi Sinar Grafika, *Undang-Undang Perlindungan Konsumen (UU RI NO.8 Tahun 1999)* (Jakarta Timur: Sinar Grafika, 2006).

¹² Afifah Naurah Salsabila Nasution, Dedi Gopindo Purba, Juwanda Calvari Ginting Munthe, Sonya Airini Batubara, "Tindak Pidana Mengedarkan Sediaan Farmasi Tanpa Izin Edar Menurut UU No.36 Tahun 2009 Tentang Kesehatan," *Doktrin Jurnal of Law* 3, no. 2 (2020): 99–100.

¹³ Moh.Fahrurrozie Hidayatullah Nur Musa Moh Rusdiyanto U. Puluhulawa, Jufryanto Puluhulawa, "Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiyaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo," *Jurnal Yuridis* 6, no. 2 (2019): 104.

In connection with the provisions of Article 197 of Law Number 36 of 2009, pharmaceutical preparations in the form of drugs sold in drug stores and pharmacies must have a BPOM label so that the drug has a distribution permit. If there is a violation of these provisions, a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp. 1,500,000,000.00. (one billion five hundred million rupiahs). Therefore, law enforcement against the sale of drugs that have distribution permits must be carried out by the government on an ongoing basis to protect the public.¹⁴One example of a case was handled by the Bone Bolango State Prosecutor's Office which handled a case regarding the criminal act of distributing drugs without a permit because it was against the law and the consequences of this action could be detrimental to society regarding drugs that should meet quality standards and have distribution permits. The description of the criminal case referred to is contained in the Claim Letter as follows:

Jefri Pulo is a man who distributes drugs that have not yet received a distribution permit. Initially, there was a dispute between the witnesses FP and BS and due to this dispute the village officials who were at the scene invited FP and BS to one of the houses of the village officials, and after being in the house one was found to be drunk and looked as if he was under the influence of drugs. - drugs, and for this incident one of the village officials contacted the Bone Bolango Police officer after being at the scene the officer immediately examined so they found 2 items of Trihexiphenidyl type drug in the pocket of the witness BS, and according to the BS account the drug was obtained from the defendant jefe island. Then at around 13.30 WITA, the defendant headed to Lombongo Village, sub-district.

With the chronology of the above cases and based on the criminal charge letter filed by the public prosecutor which is basically as follows:

1. Declare the defendant Jefri Puloo Alias Emil, guilty of committing the crime of "intentionally producing or distributing pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1)" as in the first indictment violating Article 197 of the Law -Law of the Republic of Indonesia Number 36 of 2009 concerning Health
2. Sentenced a crime against the defendant Jefri Puloo Alias Emil, with imprisonment for 8 (eight) months in prison and a fine of Rp. 5,000,000 (five million rupiahs) subsidiary 1 (one) month in prison minus the detention period the defendant has served
3. Establish evidence in the form of:
11 (Eleven) drugs in silver-colored sachets with the trademark Trihexyphenidyl. Forfeited to be destroyed.
4. Stipulates that the defendant be burdened with paying court costs in the amount of Rp. 5,000 (five thousand).¹⁵

¹⁴ M.Khoir Fadjri Izaldi, "Penerapan Sanksi Pidana Terhadap Pelaku Peredaran Sediaan Farmasi Obat Tanpa Izin Edar" (Universitas Sriwijaya, 2019).

¹⁵Bone Bolango State Prosecutor's Charge Letter

In this case, the defendant was subject to criminal sanctions based on law No. 36 of 2009 concerning health article 197 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 by a maximum imprisonment of 10 to 15 years and a maximum fine of Rp. 1,500,000,000.00. Whereas in this case the public prosecutor only charged the defendant for 8 months and a fine of Rp. 5,000,000 with the stipulation that if the fine is not paid it is replaced by one month in prison, the reason for the prosecutor's charge was only 8 months against the defendant.

According to the author, the Public Prosecutor should prioritize legal certainty, justice, and expediency in submitting criminal charges against the accused. This is very important to do so that it can create a deterrent effect and can prevent the perpetrator from repeating his actions according to the authors, the 8-month charge given by the Prosecutor is too light for the perpetrator, the perpetrator should be given a sanction which can create a deterrent effect for the perpetrator so that he can reduce the number of illegal drug distribution in the future. The impact of drug distribution without a permit is very dangerous to public health as consumers of these drugs because it can increase crime and epidemics of addiction to victims.

Based on the description and data above, prospective researchers focus on studying what causes cases and criminal acts of neglect which are entitled "**Prosecutor's Considerations in Prosecuting Cases of Drug Distribution Without a Permit at the Bone Bolango State Prosecutor's Office**".

2. method

This type of research is empirical research, the research method is a way of doing something by using the mind carefully to achieve a goal by searching, writing, formulating, and analyzing a report.¹⁶ This research uses techniques of data analysis is a research activity in the form of studies or research on the results of data processing using previously obtained theories

3. Analysis And Discussion

The Impact of Drug Distribution Without a Permit in the Bone Bolango Region

Living a healthy life is everyone's desire but not always that desire in reality and also health problems are a serious concern in every country, both developed and developing countries, one example is Indonesia. The state has an obligation to its people to provide health services and establish legal rules related to the interest of protecting health. It can

¹⁶ Chilid Narbuko dan Abu Achmadi, *Metodologi Penelitian* (Jakarta : PT. Bumi Aksara, 2003).

be concluded that health is very important for the survival of the community and also one of the supporting health services is the availability of drugs.

The researcher also interviewed Ms. Linda a Bone Bolango community living in East Suwawa District regarding her opinion about what happened in their area or environment and the impact of drug trafficking without a permit.

"In my opinion, the impact that occurs when there is a distribution of drugs without a distribution permit in our area, the impact is that it will endanger and threaten our health conditions at any time, especially what is being circulated is medicine, which is one of the supports for us as a society in terms of healing and as well as health services¹⁷

Based on the description of the results of the researcher's interview with one of the Bone Bolango residents above, the researcher concluded that the problem of drug distribution that does not meet standards and does not have permission from the authorities will have an impact on their health conditions as consumers. The lack of information about illegal drugs also makes the public or consumers fall prey. Even though the drugs being circulated are not necessarily correct and have the right composition so that people who don't even know become victims of them. According to Law Number 8 of 1999 concerning Consumer Protection contained in Article 8 letter e where business actors are prohibited from producing and/or trading goods and/or services that: "are not by the quality, level, composition, processing, style mode, or certain use as stated in the label or description of said goods and/or services". Several things should be considered in this case, namely, those who are victims are public, where they do not know and have little information regarding the drugs they buy or consume, in this case, of course, the consumer protection law is made to protect the public from all adverse effects. in terms of health, especially in buying and consuming drugs, but often the public or consumers do not pay attention to this so they make themselves harm and are easily harmed by certain irresponsible parties. Therefore, the community should be more sensitive in paying attention to and using all things related to health,

The researcher also conducted interviews with Mr. Roni Lintangadi a Bone Bolango community who lives in Tilongkabila District regarding his opinion on the impact of drug trafficking without a permit in the Bone Bolango area.

"I, as part of the residents/community of Bone Bolango, strongly disagree with the circulation of drugs in the Bone Bolango area, because the impact caused by the circulation of drugs that do not have a distribution permit is primarily health conditions, not only in adults but can also impact for students who are currently studying at school, the Bone Bolango Police as the protector in the Bone Bolango district area has a responsibility to the community in eradicating the distribution of

¹⁷Wow resultsinterview with Mrs. Linda, as a community member of East Suwawa District, Bone Bolango Regency.

drugs that do not have a permit in the Bone Bolango area, in a way that can be taken such as outreach to the community, junior high school students, SMA about the dangers of using drugs that do not have a distribution permit.¹⁸

Based on the results of the researcher's interview with one of the Bone Bolango residents, namely Mr. Roni Lintangadi, he said that he did not agree with the existence of illegal drug distribution in their area, because the impact was very troubling and would also endanger their health condition and also this impact would not only affect people adults but also almost all groups. He also appealed to the authorized officers to be able to carry out socialization related to the distribution of illegal drugs, considering the lack of information they get about the dangers of using drugs that do not have a distribution permit. The distribution of drugs without a distribution permit in the community, of course, can endanger the safety of the lives of those who consume them. Therefore it is necessary to enforce the law against the perpetrators who distribute these drugs and what is no less important as a preventive measure is to strictly supervise the distribution of drugs that do not have a permit. This is intended so that drugs in circulation or those being traded can be known both in terms of the benefits and composition and dosages of these drugs so that they do not harm the user.

For those who produce or distribute drugs that do not have a distribution permit beforehand, they are subject to criminal penalties as stipulated in Article 197 of Law Number 36 of 2009 concerning Health, which reads: "Everyone who deliberately produces or distributes pharmaceutical preparations and/or medical devices those who do not have a distribution permit as referred to in Article 106 paragraph (1) shall be subject to imprisonment for a maximum of 15 years and a fine of Rp. 1,500,000,000.00".

In general, people do not understand the causes and effects that can arise from the use or use of illegal drugs, this is because they do not understand or understand the ingredients contained in illegal drugs or those that do not have a distribution permit. Therefore, the role of BPOM as an agency that has authority in drug and food control must continue to strive to fulfill the wishes of the community by increasing its role in protecting the community from the dangers of drug distribution that do not meet quality and safety requirements. In this case, the authorized officer should be serious in overcoming any violations committed by dealers who do not comply with the regulations, especially in medicinal products which are one of the health supports but they do not pay attention or consider the consequences. This is very dangerous if the circulation of illegal drugs continues to occur, not only harming the community but also concerning the health and safety of the soul as consumers who consume them.

¹⁸ The results of an interview with Mr. Roni Lintangadi as a Bone Bolango resident who lives in Tilongkabila District

The researcher also conducted interviews with Mrs. Poni Lihawa a member of the Bone Bolango community who lives in Oluhuta Utara Village, Kabila District, regarding her opinion if there is an impact on drug distribution in the Bone Bolango area.

"So in my opinion, the community regrets the existence of this illegal drug distribution, because of which the consequences or impacts on us as consumers or the public feel disadvantaged and also the distribution of this drug will seriously endanger our health, the violations committed by dealers need to get BPOM's attention is related to its function in carrying out supervision of the distribution of drugs without a permit.¹⁹

In the interview, he said that as a community, he was very disapproving of the distribution of drugs that did not have a distribution permit, because as a consumer he felt aggrieved and also that the existence of illegal drug distribution had an impact and consequence on them, namely that it would seriously endanger their health. Therefore, he also suggested that the violations committed by these dealers need to get the attention of the authorized officers. In this case, according to the researchers, the main factor in the impact of drug distribution without a permit is the lack of supervision from authorized officers against dealers acting fraudulently, because these perpetrators never think about the impact of their actions, they only think about their interests without thinking about the impact on others. Seeing this, the government or authorized officers should be more assertive in protecting consumers or the public.

One example of the facts that occurred in the field regarding the distribution of drugs that did not have a distribution permit was the case handled by the Bone Bolango State Prosecutor's Office, Jefri Pulo, a man who distributed drugs that had not yet received a distribution permit. Initially, there was a dispute between the witnesses FP and BS and due to this dispute the village officials who were at the scene invited FP and BS to one of the houses of the village officials, and after being in the house one was found to be drunk and looked as if he was under the influence of drugs. - drugs, and for this incident one of the village officials contacted the Bone Bolango Police officer after being at the scene the officer immediately examined he found 2 items of the drug type Trihexiphenidyl in the pocket of the witness BS BS, and according to the BS account, the drug was obtained from the defendant Jefri Pulo. Then at around 13.30 WITA, the defendant headed to Lombongo Village, sub-district. East Suwawa and will meet with FP who has ordered the drug, but before meeting with FP the Bone Bolango Police Narcotics Unit Team immediately arrested the defendant and found 19 Trihexiphenidyl type drugs wrapped in an LA cigarette packs in a jacket pocket which he admitted ownership by the defendant.

Based on this, the criminal sanction imposed on the defendant refers to Article 197 of Law Number 36 of 2009 concerning Health, which reads "everyone who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as intended in Article 106 paragraph (1) shall be punished with

¹⁹ The results of the interview with Ms. Foni Lihawa, as a member of the Bone Bolango community

imprisonment of 15 years and a maximum fine of Rp. 1,500,000,000.00 (one billion five hundred million rupiahs). However, based on the reality or facts that exist and according to the sanctions imposed on the perpetrators themselves, they are still very light and far from the sanctions that should and should be, where the perpetrators are only sentenced to 8 months in prison. So according to the researchers themselves law enforcement against drug distribution without a permit is still not effective, one of which is because the sanctions are very light on the perpetrators so that in this case according to the researchers it will not cause a deterrent effect for the perpetrators, considering the case of drug trafficking that does not have a permit will vary endanger the health conditions of the public or consumers who consume the drug. Therefore, authorized officers should pay more attention to this matter, because drug distribution cases are very disturbing to the public.

Researchers also conducted interviews with Mrs. Wahyuni Hasan S. Kep, one of the health workers at the Iffa Farma Pharmacy, regarding her opinion on the impact of drug distribution without a permit.

“In my opinion, the most prominent impact is of course on health. Because drugs that do not have a distribution permit mean that the safety and quality of the drug are not guaranteed. So if it is circulated forcibly, it will affect the health of the community itself.”²⁰

The results of the researcher's interview with one of the health workers, namely Mrs. Wahyuni Hasan, said that the most prominent impact on the distribution of drugs that do not have a distribution permit is of course on health, because the safety and quality of these drugs are not guaranteed so that they affect the health of the community itself. Therefore, according to the researcher, this will have a dangerous impact on the community regarding the circulation of drugs that do not have permits in the community. Finally, people do not know whether the drug has efficacy and safety for them to consume. It is also easy for the public to be tricked by dealers with low prices and markings that look similar to drugs in circulation so people will be tempted by this.

There are still many people who cannot distinguish between drugs that do not have a permit and drugs that have a permit from the government or health officials. Therefore the government or health workers should urge the public to be careful in taking drugs or buying drugs. Therefore, the role of health workers or BPOM is very much needed to always supervise the circulation of drugs that do not have a permit circulating in the community as a form of prevention and also reduce the risk of circulating illegal or counterfeit drugs. This means that in the case of drug distribution, it must be safe, efficacious, or useful, of good quality and affordable, so for everyone who does not have

²⁰The results of an interview with Mrs. Wahyuni Hasan S. Kep, one of the health workers at the Iffa Farma pharmacy

expertise in the field of pharmaceutical preparations, especially in halo-drugs, it is strictly forbidden to procure, store, process,

Then drugs that have distribution permits must meet the indicators as set out in Article 4 of the Minister of Health concerning Drug Registration, it is stated that drugs that have distribution permits must meet the following criteria: Convincing efficacy and adequate safety proven through animal trials and clinical trials or other evidence by the status of the scientific development concerned, Quality that meets the requirements as assessed from the production process according to good drug manufacturing practices, specifications and testing methods for all materials used and finished products with valid evidence, Marking contains information that complete and objective which can ensure the proper, rational and safe use of drugs, by the real needs of society.²¹

Researchers also conducted interviews with Mrs. Ratih, one of the officers from the Gorontalo Food and Drug Supervisory Agency regarding her opinion regarding the impact of the distribution of unlicensed drugs in the Bone Bolango Region.

"For distribution of drugs without a distribution permit, it can result in losses for those who consume these drugs, especially for those who use drugs without a distribution permit, in the form of Trihexil, Heximer, Destro and other illegal drugs, because this can damage the system. the brain works and can damage future generations of the nation.²²

Based on the results of the researcher's interview with Mrs. Ratih, one of the Gorontalo Food and Drug Supervisory Agency (BPOM) officers, she said that the circulation of drugs that do not have a license will result in losses for consumers who consume these drugs, especially those who use them. drugs that do not have permission in the form of Trihexil, Heximer, Destro and other illegal drugs, because this can damage the working system of the brain and also the nation's future generations. Therefore, according to researchers controlling the circulation of drugs that do not have a permit, it is necessary to have good cooperation between the law enforcers themselves and the relevant agencies that must handle how the distribution of drugs that have been regulated and permitted by applicable regulations, Therefore, the POM Agency has the authority to control drugs and food and must pay more attention to drugs and food consumed by the public. However, in this case, the implementation of supervisory duties is not only borne by the government or health workers but also delegated to the community, so that the community can conduct surveys of drugs in circulation that can be consumed by them, for example, surveying on the writing/inclusion of the expiry date of certain products. outstanding. Because if a drug product is sold without a distribution permit it happens

²¹ Nabilah Amir Marisca Gondokusumo, "Peran Pengawasan Pemerintah Dan Badan Pengawas Obat Dan Makanan Dalam Peredaran Obat Palsu Di Negara Indonesia Di Tinjau Dari Undan-Undang Nomor 36 Tahun 2009 Dan Peraturan Badan Pengurus Obat Dan Makanan," *Jurnal Prespektif Hukum* 21, no. 2 (2021): 282.

²²The results of the interview with Mrs. Ratih, one of the Gorontalo BPOM officers

because it has not received eligibility and also cannot be said to be safe from containing harmful ingredients for the body, the risks that will be posed will be very dangerous for the safety of the consumer's life and also for survival, for fear of increasing the crime rate. One example of this case was handled at the Bone Bolango State Prosecutor's Office.

Based on this, the community must be more sensitive in paying attention to and using matters relating to health, so that they themselves can guarantee and obtain good health. Therefore, in order to create a healthy society and avoid all kinds of negligence from the effects of using drugs that have a strong composition and are not registered with BPOM, with the existence of an official distribution permit for each drug preparation, we can be sure that the drug will go through the following stages: the correct steps in the flow of securing pharmaceutical preparations. It is important to know that every drug in circulation must first go through a registration process which in practice requires strong cooperation and commitment from various parties.

Then the researcher also asked Mrs. Ratih about her opinion regarding BPOM's efforts to prevent the distribution of drugs that do not have a distribution permit in the Bone Bolango area.

"So within the Agency for Drug and Food Control (BPOM) there is such a thing as a substance group whose duty is to deal with violations related to drugs and food, narcotics, psychotropics or food. In this case the enforcement officers of the Food and Drug Supervisory Agency (BPOM) always carry out cyber patrols and carry out investigations and up to the investigation stage to eradicate the circulation of drugs without a distribution permit, especially those whose purpose is for things that can damage the nervous system, the brain and the nation's generation. forward".²³

Based on the results of the researcher's interview with Mrs. Ratih regarding her explanation of the efforts of the Food and Drug Supervisory Agency (BPOM) in preventing the distribution of drugs that do not have a distribution permit in the Bone Bolango Region. In the interview, he said that within the drug and food control agency, there is a group whose name is enforcement substance, namely the substance in charge of dealing with violations against drugs and food, narcotics, psychotropics or food. And also in this case BPOM conducts cyber patrols to carry out investigations in eradicating criminal acts committed by people who are not responsible and can harm others, namely eradicating the distribution of drugs that do not have distribution permits because this can harm the general public.

Based on this, BPOM's supervision of drug distribution should require intense supervision and also personnel to always check in the field so that drug products that do not have a permit are not circulating freely. Then the government or health workers must increase supervision of unlicensed drugs in the Bone Bolango area to minimize losses and

²³The results of an interview with Mrs. Ratih, one of the Gorontalo BPOM officers

risks suffered by the community. And consumers who consume drugs should be more careful and thorough in buying and using them in order to avoid danger, given the rampant cases of drug distribution among the public. Therefore, this matter must be paid more attention to by health workers for the future so that people avoid danger.

Researchers also conducted interviews with Mrs. Inda Aprilia Abas Amd, chief of a health worker, regarding her opinion on the impact of drug distribution that does not have a distribution permit.

"In my opinion, the distribution of drugs that do not have a distribution permit is very dangerous for consumers, in this case the public, due to a lack of supervision and a lack of knowledge from the public. As for the impact that can be caused, for example in patients who require long-term treatment resulting in treatment goals not being achieved, can cause resistance, cause other diseases such as allergies and the most fatal can be fatal.²⁴

Based on the results of the researcher's interview with one of the health workers, namely Mrs. Inda Aprilia Abas Amd, Kep regarding her opinion on the impact of drug distribution that does not have a distribution permit. From these interviews, according to the researchers, the drug and food control system in Indonesia is still weak, even though public consumption of medicinal products, food, medical devices and original Indonesian medicines tends to be binding, moreover, some consumers do not have adequate knowledge about the products they consume, have they precise, correct, and safe. Because of this, it is very necessary to have a drug and food control system that is effective and capable of detecting, preventing and monitoring to protect the security, safety and health of consumers. Considering that public consumption of illegal drug products tends to increase, along with changes in people's lifestyles including consumption patterns. Meanwhile, public knowledge is still insufficient to be able to choose and use products appropriately, correctly and safely. On the other hand, changes in production technology, trading systems and consumer lifestyles in reality increase risks with broad implications for consumer health and safety.

The public in general do not understand the consequences that can arise from the use or use of illegal drugs, this is because they do not understand and do not understand the contents contained in illegal drugs or do not have a distribution permit, therefore losses incurred due to use illegal drugs or without a distribution permit, namely: For patients who require long-term treatment, illegal drugs can result in not achieving the target of treatment. For example, a drug in statistical data is said to reduce heart attacks by 25 percent or reduce the chance of stroke by 30 percent. However, due to the use of

²⁴The results of the interview with Mrs. Inda Aprilia Abas Amd, Kep as a health worker

counterfeit drugs, this percentage range was not reached; Illegal drugs can also cause other diseases in patients; And the most fatal can take lives;²⁵

Therefore, business actors must be responsible for fulfilling the standards and requirements in accordance with applicable regulations related to the production and distribution of drugs so that they can guarantee that the drugs produced and distributed are safe, efficacious/beneficial and of good quality.

Researchers also conducted interviews with Mrs. Intan Permata Djafar Amd, chief of a health officer, regarding her opinion on the impact of drug distribution that does not have a distribution permit.

"In my opinion, drugs that do not have a distribution permit have a negative impact. Why is that, because the ingredients contained in these drugs are not yet clear. As a result, consumers who use this drug will certainly be at risk for their health. If many consumers consume this drug, generations of the nation will also be threatened. Therefore, everyone is urged to increase their knowledge about drugs, not to be affected by lower prices, to take advantage of existing information channels and to dare to act when there are suspicions.²⁶

Based on the results of the researcher's interview with Mrs. Intan Permata Djafar Amd, Kep regarding his opinion on the impact of drug distribution that does not have a distribution permit, he said that drugs that do not have a distribution permit will hurt public health because of the ingredients or regulations and dosage dosages that are too high. there is no clarity in the drug, which as a result will have an impact on consumers who use the drug and whose health will be threatened in the future. Therefore, he appealed to all to increase their knowledge related to drugs so that they are not easily influenced by lower prices and also to be more clever in utilizing existing information channels.

Based on this explanation, according to government researchers or health officials, they should be serious about overcoming any violations committed by perpetrators who do not comply with regulations, especially in drug products that do not pay attention to or consider the consequences. Article 98 of the Health Law stipulates that business actors providing drugs related to pharmaceuticals and medical devices must be safe, efficacious/beneficial, of high quality, and affordable. Everyone who does not have the expertise and authority is prohibited from procuring, storing, processing, promoting, and distributing drugs and substances with medicinal properties. Provisions regarding the procurement, storage, processing, promotion, and distribution of pharmaceutical preparations and medical devices must meet pharmaceutical service quality standards stipulated by government regulations.

²⁵ Hijawati, "Peredaran Obat Ilegal Di Tinaju Dari Hukum Perlindungan Konsumen," *Solusi* 18, no. 3 (2020): 400.

²⁶The results of an interview with Mrs. Intan Permata Djafar Amd, Kep as a Health Officer

The researcher also conducted an interview with Mr. Lulu Marluki SH as the Public Prosecutor of the Bone Bolango State Prosecutor's Office regarding his opinion on the impact of drug trafficking without a permit in the Bone Bolango Region.

"The rampant circulation of illegal drugs, one example of which is the circulation of pharmaceutical preparations or health crimes that have not yet received a distribution permit, and of course this will have a negative impact on society or people who consume these drugs, because they also cannot distinguish drugs that have permits. and do not have a distribution permit, for this reason, an effective drug control system is expected to protect consumers from the dangers of drug distribution that does not have a distribution permit"²⁷

Based on the results of the researcher's interview with Mr. Lulu Marluki SH regarding his opinion about the impact of drug distribution that does not have a distribution permit in the Bone Bolango area, that he explained the rampant cases of drug distribution that do not have a permit, one of which is the distribution of pharmaceutical preparations or health crimes, this will have a negative impact on the health and safety of consumers or the public because the community still cannot distinguish drugs that have permits and do not have permits, then he also added that an effective drug control system is expected to protect the public from the dangers of drug distribution and use that are not licensed or illegal.

So according to the researcher regarding this explanation, namely supervision of the distribution of drugs in stalls or shops that are not pharmacies must be monitored and there needs to be good cooperation between health workers and law enforcement officials themselves with related agencies that must handle how the distribution of drugs that have been regulated and permitted by applicable regulations, considering the impact of the distribution of these drugs can have negative impacts on the health of consumers or the public, such as disturbances to physical health, mental health and social. An example of illegal drug trafficking that causes physical health problems is a severe nervous system reaction, such as very stiff muscles, high fever, rapid heartbeat, shaking and feeling like fainting. skin rashes that feel hot and dry and body movements that are repeatedly uncontrollable. Then examples of disorders of mental health are lack of self-control, depression and worsening of psychiatric conditions. Furthermore, examples of social impacts are anti-social, being ostracized by the environment, disturbing the security and comfort of society caused by criminal acts. therefore the POM Agency has the authority regarding the drug and food control system so that the public can play a role in increasing awareness and reporting to the BPOM on drug and food products that do not meet the terms and conditions, by making a policy in an effort to control and supervise as well as guidance and counseling including also in terms of providing information through promotions so as not to mislead drug users. Its function in this case is regulation,

²⁷The results of the interview with Mr. Lulu Marluki SH as the Public Prosecutor of the Bone Bolango State Prosecutor's Office

regulation, standardization, evaluation of products before they are allowed to circulate, laboratory testing, inspection of product distribution facilities, investigations and law enforcement, so that the government also carries out supervision, communication, information and education through related bodies.

4. Conclusion

Based on the results of the analysis and discussion that have been described above, it can be concluded that the problem of distribution of drugs that do not meet standards and do not have permission from the authorities will endanger the health of the public as consumers. Lack of information about illegal drugs also makes the public or consumers fall prey. Even though the drugs being circulated are not necessarily correct and have the right composition so that people who don't even know become victims of them. the rise of cases of distribution of drugs that do not have a permit, namely one of them is the distribution of pharmaceutical preparations or health crimes, this will hurt the health and safety of consumers or the public because the community is still unable to distinguish between licensed and unlicensed drugs,

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