

## ABSTRAK

Peredaran sediaan farmasi ilegal merupakan salah satu tindak pidana yang menimbulkan ancaman serius terhadap kesehatan masyarakat dan mengganggu ketertiban umum. Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan mengatur bahwa setiap sediaan farmasi wajib memenuhi standar keamanan, mutu, dan khasiat, serta hanya boleh diedarkan oleh pihak yang memiliki izin resmi. Namun dalam praktiknya, pelanggaran terhadap ketentuan tersebut masih banyak ditemukan, termasuk dalam perkara Putusan Pengadilan Negeri Blitar Nomor 25/Pid.Sus/2024/PN Blt. Terdakwa terbukti mengedarkan Pil *Double L* dan Dextromethorphan tanpa izin edar, bukan merupakan tenaga kefarmasian, serta memperoleh keuntungan ekonomi dari perbuatan tersebut. Kasus ini menimbulkan persoalan hukum mengenai kesesuaian penerapan Pasal 435 Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan dan apakah pidana penjara selama dua tahun yang dijatuhkan telah mencerminkan prinsip keadilan dan memberikan efek jera, terutama karena terdakwa merupakan residivis dalam tindak pidana sejenis.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Bahan hukum primer meliputi Putusan Pengadilan Negeri Blitar Nomor 25/Pid.Sus/2024/PN Blt, Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan, serta ketentuan KUHP mengenai residivis, khususnya Pasal 486. Bahan hukum sekunder diperoleh dari buku, jurnal, serta literatur relevan yang membahas tindak pidana peredaran farmasi ilegal, teori pidanaan, dan prinsip keadilan. Analisis dilakukan secara preskriptif-analitis dengan menafsirkan norma hukum untuk menjawab kesesuaian putusan serta menilai proporsionalitas pidana berdasarkan teori keadilan dan tujuan pidanaan, termasuk pencegahan umum dan pencegahan khusus.

Hasil penelitian menunjukkan bahwa putusan hakim telah tepat dalam mengkualifikasikan perbuatan terdakwa sebagai tindak pidana peredaran sediaan farmasi tanpa izin edar sebagaimana diatur dalam Pasal 435 Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan. Namun, pidana penjara dua tahun dinilai belum sepenuhnya mencerminkan prinsip keadilan dan tidak cukup memberikan efek jera, mengingat terdakwa merupakan residivis, jumlah barang bukti yang besar, serta dampak luas peredaran obat ilegal terhadap kesehatan publik. Dari perspektif keadilan substantif, pidanaan seharusnya mempertimbangkan perlindungan masyarakat dan proporsionalitas antara beratnya ancaman pidana dan perbuatan pelaku. Oleh karena itu, diperlukan penjatuhan pidana yang lebih tegas dan konsisten agar dapat memberikan efek jera optimal serta memperkuat upaya pencegahan peredaran sediaan farmasi ilegal di masyarakat.

**Kata kunci:** sediaan farmasi ilegal, putusan pengadilan, pidanaan, prinsip keadilan, residivis

## **ABSTRACT**

*The circulation of illegal pharmaceutical preparations constitutes a criminal offense that poses a serious threat to public health and disrupts social order. Law Number 17 of 2023 on Health stipulates that every pharmaceutical product must meet safety, quality, and efficacy standards, and may only be distributed by authorized parties. In practice, however, violations remain prevalent, including in the case addressed in the Blitar District Court Decision Number 25/Pid.Sus/2024/PN Blt. The defendant was proven to have distributed Double L pills and Dextromethorphan without a distribution permit, was not a qualified pharmaceutical personnel, and gained financial benefit from such activities. This case raises legal concerns regarding the appropriateness of applying Article 435 of Law Number 17 of 2023 on Health and whether the two-year imprisonment imposed by the court reflects the principle of justice and provides a deterrent effect, particularly considering that the defendant is a recidivist in the same type of offense. This study employs a normative juridical method with statutory, case, and conceptual approaches. Primary legal materials include the Blitar District Court Decision Number 25/Pid.Sus/2024/PN Blt, Law Number 17 of 2023 on Health, and provisions of the Indonesian Criminal Code concerning recidivism, specifically Article 486. Secondary legal materials are obtained from books, journals, and relevant literature discussing the criminal act of illegal pharmaceutical distribution, theories of punishment, and principles of justice. The analysis is carried out prescriptively and analytically by interpreting legal norms to assess the conformity of the court's decision and evaluate the proportionality of the imposed sentence based on theories of justice and the objectives of punishment, including general and special prevention. The results of this research show that the court's decision has been correct in classifying the defendant's actions as the criminal act of distributing pharmaceutical products without a distribution permit as regulated under Article 435 of Law Number 17 of 2023 on Health. However, the two-year imprisonment sentence is deemed insufficient to fully reflect the principle of justice and fails to adequately provide a deterrent effect, considering the defendant's status as a recidivist, the significant quantity of evidence, and the broader public health impact caused by illegal pharmaceuticals. From the perspective of substantive justice, sentencing should account for public protection and proportionality between the severity of the statutory threat and the offender's actions. Therefore, harsher and more consistent sentencing is necessary to ensure optimal deterrence and to strengthen efforts in preventing the circulation of illegal pharmaceutical preparations in society.*

**Keywords:** *illegal pharmaceuticals, court decision, sentencing, justice principle, recidivism*