Tanggung Jawab Hukum Apoteker dan Apotek Terhadap Penjualan Sediaan Farmasi Berupa Produk Obat Tidak Berizin Ditinjau dari Hukum Kesehatan (Analisis Putusan Nomor 63/Pid.Sus/2019/PN.Bgl) = Legal Responsibilities of Pharmacists and Pharmacies for Sales of Pharmaceutical Preparations in the Form of Medicinal Products Without Permit Based on Health Law (Analysis of Case Number 63/Pid.Sus/2019/PN.Bgl)

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Abstrak

Skripsi ini membahas tentang tanggung jawab hukum Apoteker dan Apotek dalam penjualan obat tanpa izin edar dengan menganalisis kasus Putusan Nomor 63/Pid.Sus/2019/PN.Bgl. Obat merupakan salah satu sediaan farmasi dan merupakan lingkup pekerjaan dari Tenaga Kefarmasian yaitu Apoteker dan Asisten Apoteker. Perkembangan zaman menyebabkan minat dan kebutuhan masyarakat terhadap produk obat perawatan kulit semakin meningkat. Hal tersebut mengakibatkan terbukanya pasar produk obat-obatan ilegal seperti kasus dalam penelitian ini yaitu penjualan produk obat tanpa izin edar oleh Apotek Paten Farma. Dengan menggunakan metode penulisan berbentuk Yuridis-Normatif dan tipe penelitian Deskriptif-Analitis, skripsi ini akan mengangkat permasalahan terkait bentuk tanggung jawab hukum Apoteker dan Apotek terhadap penjualan produk obat tanpa izin edar yang mana hal ini dapat membahayakan pengguna karena produk belum teruji keamanannya. Penelitian akan dilakukan dengan menganalisis kasus dalam Putusan Nomor 63/Pid.Sus/2019/PN.Bgl berdasarkan bahan dan teori hukum tentang apoteker, apotek, dan obat yang akan dipaparkan oleh penulis. Dalam penelitian ini penulis menemukan bahwa Jaksa Penuntut Umum hanya mendakwa Apoteker Penanggungjawab dari Apotek Paten Farma sedangkan terdapat beberapa pihak lain yang terlibat dalam peracikan produk seperti Asisten Apoteker, Mantan Apoteker Penanggungjawab, dan Apotek Paten Farma itu sendiri. Berdasarkan penelitian yang penulis lakukan dapat disimpulkan bahwa bentuk tanggung jawab hukum yang dapat dijatuhkan kepada Apoteker dan Apotek yang melakukan penjualan produk obat tanpa izin edar dapat berupa sanksi pidana, sanksi administratif, dan ganti rugi apabila pemakaian produk menimbulkan efek negatif bagi pengguna. Penulis menyarankan agar BPOM dan Dinas Kesehatan memperketat pengawasan terhadap sediaan farmasi khususnya produk obat di setiap apotek.

.....This thesis discusses the legal responsibilities of pharmacists and pharmacies in selling drugs without a distribution permit by analyzing the case of Decision Number 63/Pid.Sus/2019/PN.Bgl. Medicine is one of the pharmaceutical preparations and is the scope of work of the Pharmacy Staff, namely Pharmacists and Pharmacist Assistants. The development of the times has caused people's interest and need for skin care medicinal products to increase. This resulted in the opening of markets for illegal medicine products, as was the case in this study, namely the sale of medicine products without a distribution permit by the Paten Farma Pharmacy. By using the writing method in the form of Juridical-Normative and Descriptive-Analytical research type, this thesis will raise issues related to the form of legal responsibility of pharmacists and pharmacies for the sale of medicine products without distribution permits which can endanger users because the product has not been tested for its safety. The research will be carried out by analyzing cases in Decision

Number 63/Pid.Sus/2019/PN.Bgl based on materials and legal theories regarding pharmacists, pharmacies and drugs that will be presented by the author. In this study, the authors found that the Public Prosecutor only indicted the Responsible Pharmacist from the Paten Farma Pharmacy, while there were several other parties involved in compounding the product, such as the Assistant Pharmacist, the Former Responsible Pharmacist, and the Paten Farma Pharmacy itself. Based on the research conducted by the authors, it can be concluded that the form of legal responsibility that can be imposed on pharmacists and pharmacies who sell medicine products without a distribution permit can be in the form of criminal sanctions, administrative sanctions, and compensation if the use of the product has a negative effect on the user. The author suggests that BPOM and the Health Service tighten supervision of pharmaceutical preparations, especially medicine products in every pharmacy.