

Criminal Liability for Perpetrators of Illegal Trafficking of G-List Drugs in Indonesia

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ABSTRACT: One of the problems that is being faced by the Indonesian state in the health sector is the illegal circulation of drugs by people who do not have the authority and expertise in the pharmaceutical sector so that it can threaten the safety of the community. To overcome this, the Government of Indonesia has passed Law Number 17 of 2023 concerning Health, but the reality is that there is still frequent illegal circulation of G-list drugs that should be carried out with a prescription and supervision of a doctor. This research is normative research, with a legislative-legislative approach and a case approach. The results of the research are, First, that the judge's consideration in imposing a criminal verdict against the perpetrator of the criminal act of illegal circulation of G-list drugs in the Decision of the Sidoarjo District Court Number 67/Pid.Sus/2024/PN Sda, that the defendant's act of distributing G-list drugs of the Trihexphenidyl/Holi type without a permit is an act that violates Article 435 Juncto Article 138 paragraphs (2) and (3) of Law Number 17 of 2023 concerning Health. Second, that criminal liability for the perpetrators of illegal circulation of G-list drugs in the Decision of the Sidoarjo District Court Number 67/Pid.Sus/2024/PN Sda, the judge has not maximally imposed a prison sentence in accordance with the threat listed in Law Number 17 of 2023 concerning Health so that it does not cause a deterrent effect to the perpetrator and does not achieve the purpose of punishment, namely general prevention so that the public does not commit the same act in the future.

KEYWORDS: Liability, Perpetrators, Criminal Offenses, Circulation, G-List Drugs

I. INTRODUCTION

The State of Indonesia is a rule of law as stipulated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia in 1945 this means that in the implementation of the life of the people, the nation and the state of Indonesia must be carried out based on the provisions of applicable law. According to Mochtar Kusumaatmadja, giving the meaning of law is the totality of the principles and rules that govern human life in society, and also includes the institutions, institutions, and processes that realize the enactment of the law in people's lives as a reality.¹

To ensure people's lives in the health sector, it has been constitutionally regulated in Article 28H paragraph (1) of the Constitution of the Republic of Indonesia in 1945, that everyone has the right to live a prosperous life in birth and mind, to live, and to get a good and healthy living environment and the right to health services and the state is obliged to provide it. The provision aims to guarantee the rights of every citizen in the health sector, considering that health is part of the parameters to measure the success of development for humans, because health is an important thing in life.²

Health is the main capital for everyone to be able to carry out various activities of their daily life, so health should receive serious attention from the Indonesian government. Saying this, that one of the problems in the health sector today is the rampant violations of the law in the pharmaceutical sector committed by irresponsible individuals, where pharmacy is a science that studies how to make, mix, formulate drugs, identify, combine, analyze and standardize or standardize drugs and treatments, including the properties of drugs and their distribution, and its safe use.³

In meeting the needs of drugs for the community, the Government of Indonesia has regulated the types of drugs that are allowed to be freely circulated and there are also certain types of drugs such as hard drugs or G-list drugs (Gevaarlijk) whose circulation requires permission from the competent party as stipulated in the Decree of the Minister of Health of the Republic of Indonesia Number 949/Menkes/Per/VI/2000 concerning Drug Classification, that hard drugs such as G-list drugs are marked with red round circles and black borders and the letter K touching the edges, where hard drugs are a type of drug that can only be purchased with a doctor's prescription.

¹ Rahman Amin, *Pengantar Hukum Indonesia*, Sleman: Deepublish, 2019, Hlm 5.

² Sri Siswati, *Etika dan Hukum Kesehatan Dalam Perspektif Undang-Undang Kesehatan*, Jakarta: Rajawali Pers, 2013, Hlm 2.

³ Gemy Nastity Handayani, *Manajemen Pelayanan Farmasi*, Purbalingga: CV. Eureka Media Aksara, 2022, Hlm 34.

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Given the negative impact that can be caused by the illegal circulation of G-list drugs, the perpetrators can be subject to criminal sanctions as stipulated in Article 435 Juncto Article 138 paragraphs (2) and (3) of Law Number 17 of 2023 concerning Health, that every person who produces or distributes pharmaceutical preparations and/or medical devices that do not meet safety standards and/or requirements, efficacy/usefulness, and quality as referred to in Article 138 paragraph (2) and paragraph (3) shall be punished with imprisonment for a maximum of 12 years or a maximum fine of IDR 5,000,000,000.

Although there have been provisions that prohibit the illegal distribution of G-list drugs, in fact the circulation of G-list drugs is rampant, for example in the case of the Sidoarjo District Court decision Number 67/Pid.Sus/2024/PN Sda, with the defendant in the name of Mr. Elok Ndaru Budi Cahyono who circulated 100 koplo pills with the LL logo, where the drug was obtained from Mr. Zainul Arifin without a prescription from a doctor, then the defendant immediately circulated and sold to his friend Mr. Adam Alamsyah as many as 10 pills with the LL logo, with the purpose of the defendant Mr. Elok Ndaru Budi Cahyono to obtain personal gain.

Regarding the defendant's actions, the panel of judges who tried his case had issued a criminal verdict with a verdict that the defendant's actions were legally and convincingly proven to have committed an act that violated Article 435 Juncto Article 138 paragraphs (2) and (3) of Law Number 17 of 2023 concerning Health, but the criminal sanctions imposed were very light, namely imprisonment for 1 year and 3 months, compared to the criminal threat of the article violated, namely imprisonment for a maximum of 12 years or a maximum fine of Rp 5,000,000,000, so that the criminal sanction does not have a deterrent effect on the perpetrator.

Based on this description, it is important to review the provisions that govern the circulation of G-list drugs and criminal sanctions against the perpetrators, how are the considerations in imposing a verdict against the perpetrators of the criminal act of illegal circulation of G-list drugs, and how is the criminal liability for the perpetrators of the crime of illegal distribution of G-list drugs, so that the results of the study can be input material to related parties, especially for law enforcement in handling cases of illegal trafficking of G-list drugs in order to protect the people, nation and state of Indonesia from the negative impact of the circulation of G-list drugs.

II. RESEARCH METHODS

This research is normative legal research conducted by examining regulations or other written legal materials, also known as literature research conducted on secondary data in the library.⁴ The approach used in this study is a legislative approach, which is an approach that is carried out by examining laws and regulations related to the problem being studied, and also a case approach that is carried out by examining cases related to the problem being studied that have obtained a court decision with permanent legal force.⁵

The source of legal material for this research is secondary legal material consisting of primary legal material, namely binding legal material, namely written regulations, secondary legal materials, namely legal materials explaining primary legal materials, and tertiary legal materials, namely legal materials that explain primary and secondary legal materials, such as dictionaries.⁶ The secondary data collection technique is through literature research by reading and citing legal materials related to the problem being researched.⁷ The technique of analysis of legal materials is a qualitative analysis that is carried out by explaining the results of the research descriptively and then interpreting it to answer the problem being researched.⁸

III. RESEARCH RESULTS AND DISCUSSION

Overview of Criminal Liability, Criminal Offences, and G-List Drugs

According to Pompe, the term criminal liability has the equivalent of words in Dutch, namely aansprakelijk, verantwoordelijk, and toerekenbaar, where the person is called aansprakelijk or responsible, while toerekenbaar is not the person, but the act that is accountable to the person.⁹ Van Hammel posits that criminal liability is a normal state and psychic maturity that carries three kinds of ability to understand the consequences of one's own actions, to realize that one's actions are not justified or prohibited by society, and to determine one's ability to do so.¹⁰

According to Roeslan Saleh, criminal liability is defined as the continuation of objective reproach that exists in criminal acts, and subjectively qualifies to be punished for their actions. The objective reproach in question is that the act committed by the defendant is a prohibited or unlawful act. Meanwhile, subjective reproach is to point to the defendant who committed a prohibited act. Even

⁴ Bambang Waluyo, *Penelitian Hukum dalam Praktek*, Jakarta Sinar Grafika, 2008, Hlm 13-14.

⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana, 2013, Hlm 133-134.

⁶ Muhaimin, *Metode Penelitian Hukum*, Mataram: Mataram University Press, 2020, Hlm 60-62.

⁷ H. Ishaq, *Metode Penelitian Hukum; Penulisan Skripsi, Tesis, Serta Disertasi*, Bandung: Alfabeta 2017, Hlm 73.

⁸ Elisabeth Nurhaini Butarbutar, *Metode Penelitian Hukum; Langkah-Langkah Untuk Menemukan Kebenaran dalam Ilmu Hukum*, Bandung: Refika Aditama, 2018, Hlm 148.

⁹ Andi Hamzah, *Asas Asas Hukum Pidana*, Jakarta Rineka Cipta, 1994, Hlm 131.

¹⁰ Priyatno Admaja, *Kebijakan Legislasi tentang Sistem Pertanggungjawaban Pidana Korporasi di Indonesia*, Bandung: Cv. Utomo, 2004, Hlm 15.

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though the prohibited act was committed by the defendant, but if the defendant cannot be reproached because there is no fault in him, then there can be no criminal liability.¹¹

Then, regarding the term criminal act, according to Teguh Prasetyo, the term criminal act as a translation of *strafbaarfeit* was introduced by the Government of Indonesia which is used in special criminal laws such as the law on the eradication of corruption and others. The term criminal act indicates the meaning of movements, physical behavior of a person. Criminal acts are acts that are prohibited by the rule of law and threatened with criminal penalties, both active in the sense of doing something prohibited by law, and also passive acts, namely not doing something that is actually required by law.¹²

According to Moeljatno, that a criminal act is an act that is prohibited by a rule of law, where accompanied by a threat (sanction) in the form of a certain criminal penalty for anyone who violates the prohibition, or an act that is prohibited by a rule of law is prohibited, that the prohibition is directed at the act (i.e. the circumstance or event caused by the behavior of the person), while the criminal threat is directed at the person who caused the incident, There is a close relationship between the prohibition and the criminal threat, because there is a close relationship between the incident and the person who caused the incident and the close relationship that cannot be separated from the others.¹³

Furthermore, related to the term G-list drugs, it is a term used to refer to hard drugs which in Dutch, namely *Gevaarlijk* means dangerous. Hard drugs as the equivalent of G-list drugs can be determined as follows:¹⁴

1. All medicines that are on the outer package by the manufacturer are stated that the medicine can only be handed over with a doctor's prescription
2. All drugs are packaged in such a way that they are evident for parenteral use;
3. All new drugs, unless the health department has stated in writing that the new drug does not harm human health.

According to the Decree of the Minister of Health Number 02396/A/SK/VIII/1989 concerning Special Marks for Hard Drugs List-G, it is stated that List-G drugs are hard drugs whose use must be based on a doctor's prescription, where there are several characteristics of List-G drugs, namely, First, on the label and outer packaging of List-G drugs, there is a clear special mark for hard drugs, as stipulated in Article 2 of this Decree of the Minister of Health. Second, the drug package includes information must be with a doctor's prescription as stated in the Decree of the Minister of Health No. 197/A/SI 1977, where special marks can be seen on blisters, aluminum strips or cellophane, vials, ampoules, tubes or other forms of containers.

G-list drugs or also known as hard drugs can only be obtained at certain health facilities, one of which is a pharmacy, where the delivery of G-list drugs can only be done by authorized health workers, namely pharmacists, provided that pharmacists in pharmacies can only dispense G-list drugs based on a doctor's prescription. Thus, the circulation of G-list drugs without a doctor's prescription is categorized as a criminal offense of distributing pharmaceutical preparations without a distribution permit and those who do not have expertise and authority can be subject to criminal sanctions as stipulated in Law Number 17 of 2023 concerning Health.

Judges' Considerations in Imposing Sentences on Perpetrators of Illegal Trafficking of List-G Drugs

One type of drug that must be licensed for distribution is a G-list drug (*Gevaarlijk*) which means dangerous, which is a drug that to obtain it must be with a doctor's prescription marked with a red circle with a black border with the letter K written in it. Based on the Decree of the Minister of Health of the Republic of Indonesia number 949/Menkes/Per/VI/2000 concerning Classification of Drugs, the marking of hard drugs with a red round circle and a black border and the letter K touching the edge. Drugs that fall into this group are antibiotics (tetracycline, penicillin, and so on), as well as hormone-containing drugs (diabetes medications, sedatives)

To protect the public as consumers or users of medicinal products, the Government of Indonesia has ratified Law of the Republic of Indonesia Number 17 of 2023 concerning Health, which contains provisions on the prohibition of the production and distribution of drugs without a license as stipulated in Article 138 Paragraph (2) of Law of the Republic of Indonesia Number 17 of 2023 concerning Health, which reads: Every person is prohibited from holding, produce, store, promote, and/or distribute Pharmaceutical Preparations that do not meet the standards and/or requirements of safety, efficacy/usefulness, and quality.

Acts that violate the provisions of this article can be subject to sanctions as stipulated in 435 Law of the Republic of Indonesia Number 17 of 2023 concerning Health. This provision means that everyone who distributes drugs that do not have a distribution permit is not allowed to be traded freely in the community on the grounds that the circulation of drugs without a distribution permit can have a bad impact on public health, and can cause losses to the community as consumers who consume or use the drugs.¹⁵

¹¹ Roeslan Saleh, *Perbuatan Pidana dan Pertanggungjawaban Pidana; Dua Pengertian Dasar Dalam Hukum Pidana*, Jakarta: Aksara Baru, 1983, Hlm 23.

¹² Rahman Amin, *Pengantar Hukum Indonesia*, Sleman: Deepublish, 2019, Hlm 139-140.

¹³ Moeljatno, *Asas-Asas Hukum Pidana*, Jakarta: Rineka Cipta, 2008, Hlm 60-61.

¹⁴ Moh. Anif, *Ilmu Meracik Obat Teori dan Praktek*, Yogyakarta: Gadj Mada University Press, 2010, Hlm 13.

¹⁵ Friska Milka Datu dkk. *Tinjauan Yuridis Terhadap Peredaran Obat Tanpa Izin Menurut UU Nomor 17 Tahun 2023 Tentang Kesehatan*. Jurnal *Lex Privatum*, Volume 14, Nomor 3, 2024, Hlm 3.

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For example, the circulation of G-list drugs in Indonesia can be studied in the Sidoarjo District Court Decision Number 67/Pid.Sus/2024/PN. Sda, with the defendant Mr. Elok Ndaru Budi Cahyono who worked as a busker who carried out the act of illegally distributing G-list drugs of the LL pill type with the aim of obtaining personal gain, where his act was carried out on September 27, 2023 at around 20.15 WIB at Kemantren Hamlet, Banjar Kemantren Village, Buduran District, Sidoarjo Regency, where the defendant Mr. Elok Ndaru Budi Cahyono ordered 1 box containing 100 LL logo koplo pills for Rp 170,000,- from Sdr. Zainul Arifin.

After buying the LL logo koplo pill, then the defendant Mr. Elok Ndaru Budi Cahyono and Mr. Adam Alamsyah (DPO) went back to a coffee shop, but during the trip the defendant Mr. Elok Ndaru Budi Cahyono sold and distributed 10 LL logo koplo pills to Mr. Adam Alamsyah (DPO) for Rp 30,000,-. Furthermore, the defendant went directly to the Kamling Post in Kemantren Hamlet, Banjar Kemantren Village, Buduran District, Sidoarjo Regency. Then the defendant Mr. Elok Ndaru Budi Cahyono was secured by police members from the Sidoarjo Police after receiving information from the public.

At the time of the arrest and search of the defendant Mr. Elok Ndaru Budi Cahyono, evidence was found in the form of 9 ticks with a total of 90 koplo pills with the LL wama puth logo wrapped in a white chief wama brand cigarette wrapped again with black crackers and 1 unit of a gray Realmi wama brand mobile phone number 089508008009, then the defendant and the evidence were handed over to the Sidoarjo Police for further examination. For his act of distributing the LL logo koplo pills without a distribution permit from the authorities, the defendant Mr. Elok Ndaru Budi Cahyono underwent legal proceedings until the court hearing.

To analyze what is the basis for the judge's consideration in making the verdict, it can be studied from the legal considerations of the judge who examined and decided the case in accordance with the defendant Mr. Elok Ndaru Budi Cahyono who was charged with violating Article 435 of Law Number 17 of 2023 concerning Health, which reads that every person who produces or distributes pharmaceutical preparations and/or medical devices that does not meet safety standards and/or requirements, efficacy/usefulness, and quality as referred to in Article 138 paragraph (2) and paragraph (3) shall be punished with imprisonment for a maximum of 12 years or a maximum fine of Rp5,000,000,000.

The fulfillment of the elements of Article 435 of Law Number 17 of 2023 concerning Health can be described as follows:

1. Elements of each person; The defendant in this case is the defendant named Mr. Elok Ndaru Budi Cahyono, Age 32 years, Address Ds. Sidomulyo Rt. 005 Rw. 002 Buduran District, Regency, Private Job (Mobile Ngamen), Male Gender, Islamic Religion. The data is based on revealed facts and witness statements and trial evidence;
2. The element of producing or distributing pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements of safety, efficacy/usefulness, and quality in this case based on witness statements, defendants' statements, and evidence that it was revealed that it was true that the defendant Mr. Elok Ndaru Budi Cahyono distributed 100 white koplo pills with the LL logo, at the time of the arrest to the defendant and during the search was found 9 ticks with a total of 90 pills koplo with the white LL logo wrapped in white chief brand cigarettes and wrapped again with black crackers. The act of the defendant Mr. Elok Ndaru Budi Cahyono began when the defendant contacted the witness through the whatsapp application, in the conversation the defendant ordered 1 box containing 100 white LL logo koplo pills for Rp. 170,000,- and the purpose of the defendant to buy the koplo pills was for the defendant to resell or distribute so that the defendant could make a profit. Then after the defendant got the koplo pill, the defendant immediately sold or distributed 10 pills with the white LL logo to his colleague for Rp. 30,000. That for the evidence in the form of 9 ticks with a total of 90 koplo pills with the white LL logo after an examination by the Criminal Laboratory, the conclusion of the evidence with the evidence number was obtained:
 - a. 27769/2023/NOF: in the form of 90 tablets of white LL logo with a net weight of $\pm 13,860$ grams is true tablets with the active ingredient Trihexifenidyl HCL have an effect as anti-Parkinson's, not including Narcotics or Psychotropics, but including a list of hard drugs, while the rest of the evidence: returned 80 pieces of net weight + 12,328 grams;
 - b. 27770/2023/NOF: in the form of 100 tablets of white LL logo with a net weight of + 15,168 grams is true tablets with the active ingredient Trihexphenidyl HCL have an effect as anti-Parkinson's, excluding Narcotics and Psychotropics, but included in the list of hard drugs, while the rest of the evidence: returned 90 pieces of net weight + 13,703 grams;
 - c. 27771/2023/NOF: in the form of 8 white wama tablets of the LL logo with a net weight of + 1.205 grams is true tablets with the active ingredient Trihexphenidyl HCL have an effect as anti-Parkinson's, not included in Narcotics or Psychotropics, but included in the List of Hard Drugs, while the rest of the evidence: returned 5 pieces of net weight + 0.752 grams.

Thus, the elements of Article 435 of Law Number 17 of 2023 concerning Health charged against the defendant Mr. Elok Ndaru Budi Cahyono have been fulfilled based on the facts revealed before the trial and supported by valid and convincing evidence. The judge's further consideration regarding the aggravating factors and mitigating the sentence for the defendant Mr. Elok Ndaru Budi Cahyono, is as follows:

1. Aggravating circumstances:

- a. The defendant's actions did not support the government's program in the context of eradicating the circulation of illegal hard drugs;
- b. The defendant has no competence in the pharmaceutical field;;

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c. The defendant has been convicted in a persecution case.

2. The situation was mitigating; the Defendant was polite at the trial and admitted his actions.

Based on these considerations, the judge then handed down a verdict with a verdict basically stating that the defendant Elok Ndaru Budi Cahyono mentioned above, was legally and convincingly proven guilty of committing the crime of producing or distributing pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements for safety, efficacy/usefulness, and quality as stipulated in Article 435 of Law Number 17 of 2023 concerning Health, and sentenced the defendant Elok Ndaru Budi Cahyono to imprisonment for 1 year and 3 months

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Criminal Liability for Perpetrators of Illegal Trafficking of List-G Drugs in the case of the Sidoarjo District Court decision Number 67/Pid.Sus/2024/PN. Sda with the defendant Mr. Elok Ndaru Budi Cahyono, with the act of distributing 100 white koplo pills with the LL logo, which began when the defendant ordered 1 box containing 100 white LL logo koplo pills for Rp. 170,000,- from Mr. Zainul Arifin, with the aim of reselling or distributing so that the defendant could make a profit. Then the defendant immediately sold or distributed 10 pills with the white LL logo koplo to his friend in the name of Mr. Adam Alamsyah for Rp. 30,000.

Then police members from the Sidoarjo Police based on information from the public arrested the defendant, and during the search found 9 ticks with a total of 90 koplo pills with the white LL logo wrapped in white chief brand cigarettes and wrapped again with black crackers. After that, the police took the defendant and evidence to the Police for further examination. The defendant's actions were not in accordance with the procedures for the distribution of hard drugs from producers to consumers, namely with a doctor's prescription, starting from pharmaceutical factories to pharmaceutical wholesalers, then to pharmacies, hospitals to consumers with a doctor's prescription.

For his actions, in a trial at the Sidoarjo District Court on April 16, 2024, the defendant Mr. Elok Ndaru Budi Cahyono's actions were declared legally and convincingly proven guilty of committing the crime of producing or distributing pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements for safety, efficacy, benefits, and quality as stipulated in Article 435 of Law Number 17 of 2023 concerning Health, where the judge handed down a criminal verdict to the defendant Sdr. Elok Ndaru Budi Cahyono with a prison sentence of 1 year and 3 months.

The imposition of the prison sentence is relatively light compared to the criminal sanctions in Law Number 17 of 2023 concerning Health, namely in Article 435 Juncto Article 138 paragraphs (2) and (3), that every person who produces or distributes pharmaceutical preparations and/or medical devices that do not meet the standards and/or requirements of safety, efficacy/usefulness, and quality as referred to in Article 138 paragraph (2) and paragraph (3) shall be sentenced to a maximum of 12 years in prison or a maximum fine of Rp 5,000,000,000, where the defendant is sentenced to 1 year and 3 months in prison on the grounds that the defendant behaved politely at the trial and admitted his actions.

According to the author, that the act of the defendant Mr. Elok Ndaru Budi Cahyono has fulfilled the elements of the article charged by the public prosecutor, where the defendant Mr. Elok Ndaru Budi Cahyono the defendant is only a private worker and does not have a field of expertise in the field of pharmacy so that the act of distributing and selling list G drugs of the Trihexphenidyl/HCL type is a criminal offense of illegal circulation of list G drugs, who should have been sentenced to a heavier sentence because the defendant's actions could have a detrimental impact on society, especially in the health sector.

The imposition of criminal sanctions is one of the protection efforts provided by the state through state tools in the field of law enforcement, one of which is judges in the courts to provide protection to individual interests, public interest, and state interests. Indonesian people have a legal interest in obtaining good health insurance in carrying out their daily life activities, where the act of distributing G-list drugs Illegally can endanger the health of every individual in society because the drug is a hard drug that can only be distributed with a doctor's prescription.

In addition, the relatively light criminal imposition of criminal threats regulated in the law does not achieve the purpose of criminalization as a special prevention, namely to provide a deterrent effect to the perpetrator so that he does not commit the same act in the future, namely distributing G-list drugs illegally, and does not achieve the purpose of criminalization as a general prevention, namely to prevent other people from committing the act of illegally distributing G-list drugs as has been done carried out by the defendant because the act could endanger the health of others, and the perpetrator was threatened with imprisonment.

IV. CONCLUSION

Based on the description of the previous discussion, it can be concluded, First, that the judge's consideration in imposing a verdict on the perpetrator of the crime of illegal circulation of List-G drugs in the case of the Sidoarjo District Court Decision Number 67/Pid.Sus/2024/PN. Sda, with the defendant Mr. Elok Ndaru Budi Cahyono for his actions in distributing G-list drugs in the form of Koplo pills with the LL logo, where the defendant Mr. Elok Ndaru Budi Cahyono's actions have met the elements of Article 435 of Law Number 17 of 2023 concerning Health, and the judge considers the aggravating factors and mitigates the sentence so that the judge renders a verdict with the defendant's verdict legally and convincingly proven guilty of committing a criminal act Charged with imprisonment for 1 year and 3 months. Second, criminal liability for the perpetrators of the criminal act of illegal circulation of G-list drugs in the case of the Sidoarjo District Court Decision Number 67/Pid.Sus/2024/PN. Sda, with the defendant Mr. Elok

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Ndaru Budi Cahyono, the judge sentenced the defendant to 1 year and 3 months in prison, where the prison sentence was light compared to the criminal sanctions stipulated in Article 435 of Law Number 17 of 2023 concerning Health, where the light criminal sanctions did not have a deterrent effect on the perpetrator as a special prevention, and does not provide protection to the public as a general prevention of the consequences arising from the circulation of illegal G-list drugs that can endanger the safety of individuals and the community. Suggestions that can be given, First, to law enforcement officials, especially judges in court, can consider individual and community health factors so that they can impose heavier criminal sanctions on defendants who are proven to be distributing illegal G-list drugs, Second, to the Ministry of Health to conduct legal counseling to the public about the dangers and prohibitions of the circulation of illegal G-list drugs so that they can provide legal knowledge and awareness to the public so that they can provide legal knowledge and awareness to the public so that they can not to distribute illegal G-list drugs.

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