

**PEMBUKTIAN *ADMINISTRATIVE PENAL LAW* TERHADAP
TINDAK PIDANA PENJUALAN OBAT TRADISIONAL
TANPA IZIN EDAR
(Studi Putusan PN Jakarta Selatan Nomor 687/Pid.Sus/2024/PN.Jkt.Sel)**

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ABSTRAK

Kesehatan merupakan salah satu indikator tingkat kesejahteraan manusia sehingga menjadi prioritas dalam pembangunan nasional suatu bangsa. Salah satu komponen kesehatan yang sangat penting adalah tersedianya obat sebagai bagian dari pelayanan kesehatan masyarakat. Masih terdapat kasus penjualan obat tradisional tanpa izin edar melalui aplikasi *Marketplace* Shopee seperti dalam perkara Putusan PN Jakarta Selatan Nomor 687/Pid.Sus/2024/PN.Jkt.Sel. Penelitian ini bertujuan untuk mengetahui dan menganalisis konsep *administrative penal law* serta bagaimana pembuktiannya dalam kaitannya dengan tindak pidana penjualan obat tradisional tanpa izin edar pada Putusan PN Jakarta Selatan Nomor 687/Pid.Sus/2024/PN.Jkt.Sel. Penelitian ini menggunakan metode penelitian yuridis normatif berdasarkan pendekatan perundang-undangan dan kasus. Hasil penelitian menunjukkan bahwa konsep *administrative penal law* dalam tindak pidana penjualan obat tradisional tanpa izin edar terlihat dari cara hukum pidana berfungsi sebagai pelengkap sekaligus penguat terhadap kewajiban administratif dalam sektor kesehatan, yaitu kewajiban izin usaha, izin edar, serta pemenuhan standar keamanan, khasiat, dan mutu. Pelanggaran administratif berupa produksi atau peredaran obat tradisional tanpa izin dan tanpa memenuhi standar farmakope menjadi dasar pertanggungjawaban pidana sebagaimana termuat dalam Pasal 435 Undang-Undang Kesehatan. Pembuktian *Administrative Penal Law* dalam Perkara Pidana Putusan PN Jakarta Selatan Nomor 687/Pid.Sus/2024/PN.Jkt.Sel telah memenuhi syarat formil sistem pembuktian negatif, namun belum sepenuhnya mencerminkan karakteristik *administrative penal law* yang membutuhkan pembuktian atas pelanggaran administratif sebagai dasar pemidanaan.

Kata Kunci: Hukum Pidana Administrasi, Obat Tradisional, Pembuktian

**THE APPLICATION OF ADMINISTRATIVE PENAL LAW IN
PROVING UNAUTHORIZED TRADITIONAL MEDICINE SALES**

(A Case Study of South Jakarta District Court Decision No.

687/Pid.Sus/2024/PN.Jkt.Sel)

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ABSTRACT

Health is one of the key indicators of human welfare and therefore becomes a priority in a nation's national development. One essential component of health is the availability of medicines as part of public health services. However, cases of selling traditional medicines without marketing authorization still occur through online marketplace platforms such as Shopee, as reflected in the South Jakarta District Court Decision Number 687/Pid.Sus/2024/PN.Jkt.Sel. This study aims to examine and analyze the concept of administrative penal law and its evidentiary application in relation to the criminal offense of selling traditional medicines without marketing authorization, as addressed in the aforementioned court decision. This research employs a normative juridical method using statutory and case approaches. The results indicate that the concept of administrative penal law in the criminal offense of selling traditional medicines without marketing authorization is reflected in the function of criminal law as both a complementary and reinforcing mechanism for administrative obligations in the health sector, including business licensing, marketing authorization, and compliance with safety, efficacy, and quality standards. Administrative violations in the form of producing or distributing traditional medicines without authorization and without meeting pharmacopoeial standards constitute the basis for criminal liability as stipulated in Article 435 of the Health Law. The evidentiary process of administrative penal law in the criminal case of the South Jakarta District Court Decision Number 687/Pid.Sus/2024/PN.Jkt.Sel has formally fulfilled the requirements of the negative evidentiary system; however, it has not fully reflected the characteristics of administrative penal law, which require proof of administrative violations as the foundation for criminal punishment.

Keyword: *Administrative Penal Law, Traditional Medicine, Evidence*