

Application of the Principle of Equality Before the Law in Law Enforcement on Criminal Acts of Misuse and Distribution of Pharmacy Drugs Without a Permit (Study of Several Court Decisions)

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Abstract

This study aims to determine and analyze the urgency of the principle of equality before the law in criminal law enforcement, to determine and analyze the differences in court decisions on criminal acts of abuse and distribution of pharmaceutical drugs without a permit according to the perspective of the principle of equality before the law, to determine and analyze the enforcement of criminal law in the future by Judges against criminal acts of distribution and abuse of pharmaceutical drugs without a permit in accordance with the principle of equality before the law. The method in this study uses a normative research type and descriptive research nature, with a legislative research approach and a case approach, supported by primary, secondary and tertiary data, as well as data collection tools through literature studies or document methods, which are obtained using qualitative analysis. The results of this study are that the urgency of the principle of equality before the law is, as a basic principle for achieving justice. The difference in sentences imposed by judges is due to the Judge having used a progressive view in sentencing the defendant, which is contained in each Judge's Consideration, and is in accordance with the concept of the principle of equality before the law. Criminal law enforcement in the future by Judges in accordance with the principle of equality before the law is that Judges in court must be able to fulfill what is demanded by justice seekers by continuing to base themselves on justice, certainty and legal benefits and in accordance with the school of natural law, Positivism, Sociological Jurisprudence, American Legal Realism, and Economic Analysis Of Law. Suggestions from the results of this study to law enforcers to consistently apply the principle of equality before the law, to the POM office to be more proactive in carrying out supervision of all drug distribution optimally throughout the region.

Keywords: *Equality Before The Law, Abuse, Pharmaceutical Drugs*

INTRODUCTION

Health science is one of the fastest growing fields of science today and so is the development of criminal acts in the field of health science. Criminal acts that occur in the field of health science include malpractice (negligence), human organ transplantation, drug counterfeiting, and distribution and abuse of drugs without a permit. The health of every individual is guaranteed by the state and is stated in the 1945 Constitution of the Republic of Indonesia, which states that everyone has the right to live in physical and spiritual prosperity, has the right to a good and healthy living environment, and the right to receive health services, then the state also ensures that everyone gets special facilities and treatment to obtain equal health and benefits to achieve equal justice.

According to the World Health Organization in 1947, health is a state of complete physical, mental, and social well-being and not merely the absence of disease. One way to keep the body healthy is by living a clean and healthy lifestyle and prevention is better than cure. One of the crimes in health law that is currently popular is a crime in the field of pharmacy. Pharmacy is a profession related to the art and science of providing natural resources and synthetic materials that are appropriate and attractive to be distributed and used in the treatment and prevention of a disease.

Distributing medicines and medical devices has operational standards that must be carried out to maintain the quality and quality of the goods. The process of distributing goods has been regulated in the Technical Guidelines for Good Drug Distribution Practices. These technical guidelines have been published by the Food and

APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution *et al*

Drug Supervisory Agency of the Republic of Indonesia (BPOM RI) in 2020 to be forwarded to all levels of society engaged in the pharmaceutical sector. The good way to distribute drugs is by distributing/distribution according to the requirements and purposes of their use, then companies in the form of legal entities that have permits to procure, store, distribute drugs and medicinal materials in large quantities according to statutory regulations are called pharmaceutical wholesalers. BPOM of the Republic of Indonesia will issue a certificate of Good Drug Distribution Practices (CDOB) to pharmaceutical companies as valid proof that the company has met the requirements in distributing drugs and other medical devices.

Based on monitoring data from the Food and Drug Supervisory Agency in 2020, as many as 55 cases (24%) of them have resulted in court decisions, and violations in the field of drugs amounted to 87 cases (39%) and 221 criminal cases were found in the field of drugs and food which were further processed in a pro-justice manner. There are three basic principles or foundations in law enforcement in every country that adheres to the concept of a state of law, namely the supremacy of law, equality before the law, and law enforcement in a manner that does not conflict with the law (due process of law).

The principle of equality before the law according to the provisions of Article 27 Paragraph (1) of the 1945 Constitution is that all citizens have the same status before the law and government and are obliged to uphold the law and government without exception. The principle of equality of citizens before the law is a principle in which the law recognizes and protects the human rights of every individual without distinguishing between their backgrounds, so that everyone has the right to be treated equally before the law, meaning that every citizen must be treated fairly by law enforcement officers and the government.

According to Aristotle, justice must be distributed by the state to everyone, and the law has the duty to maintain it so that justice reaches everyone without exception, whether from the rich or the poor, they both have the right to receive fair treatment. In reality, the principle of equality before the law has not been implemented in law enforcement at this time.

Several examples of cases that raise questions regarding the criminal sanctions imposed by the Judges, with different amounts of punishment, even though the types of crimes committed are similar, namely criminal violations and misuse of pharmaceutical drugs without a permit, include: Decision Number 34/Pid.Sus/2023/PN Snj stated that the defendant Darwis Hermanto alias Awi Bin Iskandar was legally and convincingly proven to have committed the crime of "distributing pharmaceutical preparations without permission from the authorities", sentencing the defendant to commit a crime that is punishable by a maximum imprisonment of 3 (three) years 6 (six) months and a fine of IDR 50,000,000.00 (fifty million rupiah), with the provision that if the fine is not paid, it will be replaced with a maximum imprisonment of 1 (one) month.

Decision Number 83/Pid.Sus/2023/PN Cbi, found Suryadi Bin Murtala guilty of the crime of "intentionally making or distributing pharmaceutical preparations and/or medical devices without a distribution permit". Therefore, the defendant was sentenced to 1 (one) year and 8 (eight) months in prison and a fine of Rp5,000,000.00 (five million rupiah), with the provision that if the fine is not paid it will be replaced with 1 (one month) in prison.

Decision Number 13/Pid.Sus/2020/PN Njk, Declares that the Defendant Setyo Widhy alias Konyot Bin Suwarno has been legally and convincingly proven guilty of committing a crime by intentionally distributing pharmaceutical preparations that do not have a distribution permit, by sentencing the defendant to imprisonment for 8 (eight) months and a fine of IDR 500,000.00 (five hundred thousand rupiah) with the provision that if the fine is not paid, it will be replaced with a maximum imprisonment of 3 (three) months.

Decision Number 52/Pid.Sus/2023/PN Kot, stated that the Defendant Peldi Setiawan bin Faizin Alfaqi, has been proven legally and convincingly guilty of committing a crime "by intentionally producing or distributing pharmaceutical preparations that do not have a permit" with the provision of a prison sentence of 2 (two) years and a maximum fine of IDR 10,000,000.00 (ten million rupiah) with the provision that if the fine is not paid, the defendant is threatened with a maximum prison sentence of 2 (two) months.

Decision Number 71/Pid.Sus/2023/PN Slt stated that the defendant Muh Danu Saputra Bin Samudi was proven legally and convincingly guilty of committing the crime of "distributing pharmaceutical preparations without a permit". Sentencing him to imprisonment for 1 (one) year and 3 (three) months and a fine of Rp1,000,000.00 (one million rupiah), with the provision that if the fine is not paid, it must be replaced with imprisonment for 1 year (one month).

Looking at the 5 (five) decisions that have been explained above, none of the decisions have the same number of sentences, even though the type of crime committed from the first decision to the fifth decision is the same crime, namely the crime of drug abuse and distribution without a permit, so that it raises a question about

APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution **et al**

what is the difference between the five decisions and whether it can be said that discrimination has occurred from the five decisions or not. The existence of different treatment in imposing sanctions on decisions on criminal acts of distribution and misuse of pharmaceutical drugs without a permit is in accordance or not with the context of Indonesia as a country of law, which recognizes and protects the human rights of every individual regardless of and distinguishes their background, so that everyone has the right to be treated equally before the law. Equality before the law is one of the most important principles in modern law. This principle is one of the joints of the Rule of Law doctrine which is also spread in developing countries. Based on the description above, the author is interested in researching cases of misuse and distribution of drugs without a permit with the title **"APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT OF CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT IN THE HEALTH LAW"**.

FORMULATION OF THE PROBLEM

Based on the background above and to provide research limitations, several problems are formulated, as follows:

1. What is meant by the principle of equality before the law?
2. How is the legal analysis of the differences in court decisions regarding the criminal act of distributing and misusing pharmaceutical drugs without a permit from the perspective of the Principle of Equality Before the Law?

RESEARCH METHODS

The research method implemented in this work uses a type of normative legal research, which is descriptive, with a statute approach, meaning understanding and comprehensively analyzing the hierarchy of laws and regulations and the principles of laws and regulations. The statute approach is carried out by examining all laws and regulations related to the legal problem being handled by utilizing the case study method. This study also uses a case approach in normative research which aims to study the application of legal norms or rules carried out in legal practice, especially regarding cases that have been decided as can be seen in the jurisprudence regarding the matters that are the focus of the research.

RESULTS AND DISCUSSION

Understanding the Principle of Equality Before the Law

The principle of equality before the law contains the meaning of equality or similarity in law for each person, without any exceptions. The principle of equality before the law is used as a reference for standardization to provide affirmation to various marginal groups or minority groups.

The principle of equality before the law, or what is often called equality before the law, is interpreted dynamically as being believed to provide a guarantee of access to justice for everyone regardless of their status. Understanding the law is very important in order to be able to assess whether the law is fair or not and whether or not there is compliance with the law. Moreover, with government officials considering that they are the driving force of the "due process of law" in the criminal justice system in the world, their perception of the law will greatly influence and even determine the existence of the law.

The principle of equality before the law comes from the recognition of individual freedom, related to this Thomas Jefferson stated that "all men are created equal" especially in relation to basic human rights. The principle of equality before the law has been stated in the constitution, the highest recognition in the legal system in the country, ironically in legal practice in Indonesia it is still not running well, equality before the law is not applied equally and is often ignored, and the interests of certain groups are prioritized over the public interest.

One of the requirements of "due process of law" in a country of law is the principle of equality before the law, this principle is very important to be implemented in order to uphold the law in order to achieve the fairest possible justice. The principle of equality before the law means equal treatment of every person before the law without giving different treatment. This is regulated in the Criminal Procedure Code Article 5 paragraph (1) the court judges according to the law without distinguishing people, on the basis of this principle, in the Criminal Procedure Code there are no provisions that distinguish between the rich and the poor, between officials and non-officials, everyone suspected of committing a crime will be processed with the same procedure. Criminal procedural law does not have any regulations that provide special treatment for defendants, so that the courts try according to the law without discriminating between people, as stated in Article 27 paragraph (1) of the 1945

APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution *et al*

Constitution which states that "All citizens have the same status before the law and government and are obliged to uphold the law and government without exception."

Legal Analysis of the Differences in Court Decisions Regarding the Criminal Act of Distribution and Abuse of Unlicensed Pharmaceutical Drugs from the Perspective of the Principle of Equality Before the Law

1) Case Analysis of Each Decision Regarding Criminal Acts of Abuse and Distribution of Pharmaceutical Drugs Without a Distribution Permit

a) Decision Number 34/Pid.Sus/2023/PN Snj

The defendant in this case, based on what he did, was declared guilty by the Panel of Judges at the Sinjai District Court, having violated the first alternative charge with Article 197 of Health Law Number 36 of 2009, the formulation of which is as follows:

Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah).

Based on the above, the Panel of Judges of the Sinjai District Court through its decision Number 34/Pid.Sus/2023/PN Snj sentenced the Defendant to 3 (three) years and 6 (six) months in prison and a fine of IDR 50,000,000.00 (fifty million rupiah).

The verdict of the Panel of Judges is 6 (six) months higher than the demands of the Public Prosecutor who demanded that the defendant be sentenced to 3 (three) years in prison and a fine of Rp. 200,000,000 (Two Hundred Million Rupiah), subsidiary to 2 (two) months in prison. The aggravating circumstances for the Defendant in the verdict were that the Defendant's actions endangered himself and others and the mitigating circumstances were that the Defendant regretted and promised not to repeat his actions again, and the Defendant had never been convicted.

During the trial, the defendant was allowed to be accompanied by his legal counsel, and the panel of judges heard the main points of the defendant's and his legal counsel's request so that;

Decision Number 34/Pid.Sus/2023/PN Snj in this case is a decision that is not wrong and has considered the material facts in depth and fairly. The defendant was legally proven to have made a mistake and was found guilty with the Judge's Consideration containing the elements that were considered by the Judge as described in the previous sub-chapter.

b) Decision Number 83/Pid.Sus/2023/PN Cbi

The defendant in this case, based on what he did, was found guilty by the Panel of Judges at the Cibinong District Court, having violated the first alternative charge with Article 197 of the Health Law Number 36 of 2009, the formulation of which is as follows:

Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah).

Based on the above, the Panel of Judges at the Cibinong District Court through its Decision Number 83/Pid.Sus/2023/PN Cbi sentenced the Defendant to 1 (one) year and 8 (eight) months in prison and a fine of IDR 5,000,000.00 (five million rupiah).

The verdict of the Panel of Judges is lower than the demands of the Public Prosecutor who demanded that the defendant be sentenced to 4 (four) years in prison and a fine of Rp. 1,000,000,000.00 (one billion rupiah), subsidiary to 3 (three) months in prison.

The aggravating circumstances for the Defendant in his verdict were that the Defendant's actions damaged the younger generation and disturbed society. Mitigating circumstances were that the Defendant had never been convicted, the Defendant regretted his actions and promised not to repeat his actions, the Defendant was still young and could still be expected to improve himself.

During the trial, the defendant was allowed to be accompanied by his legal counsel, and the panel of judges heard the main points of the defendant's and his legal counsel's application so that;

APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution *et al*

Decision Number 83/Pid.Sus/2023/PN Cbi in this case is a decision that is not wrong and has considered the material facts in depth and fairly. The defendant was legally proven to have made a mistake and was said to be guilty with the Judge's Consideration containing the elements that were considered by the Judge as described in the previous sub-chapter.

c) Decision Number 13/Pid.Sus/2020/PN Njk

The defendant in this case, based on what he did, was declared guilty by the Panel of Judges at the Nganjuk District Court, having violated the second alternative charge with Article 197 of the Health Law, the formulation of which is as follows:

Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah).

Based on the above, the Panel of Judges at the Nganjuk District Court through its decision Number 13/Pid.Sus/2020/PN Njk sentenced the Defendant to 8 (eight) months in prison and a fine of IDR 500,000.00 (five hundred thousand rupiah).

The verdict of the Panel of Judges is in accordance with the demands of the Public Prosecutor who demanded that the defendant be sentenced to 8 (eight) years in prison and a fine of Rp. 500,000,000 (Five Hundred Thousand Rupiah), subsidiary to 3 (three) months imprisonment.

The aggravating circumstances for the Defendant in his verdict were that the Defendant's actions were contrary to the government's program to eradicate the use of hard drugs that are harmful to public health. Mitigating circumstances were that the Defendant was young and had never been convicted, the Defendant was polite, admitted his actions openly and regretted his actions, the Defendant promised not to repeat his actions.

The defendant was not accompanied by his legal counsel during the trial, however the panel of judges had heard the main points of the defendant's request so that;

Decision Number 13/Pid.Sus/2020/PN Njk in this case is a decision that is not wrong and has considered the material facts in depth and fairly. The defendant has legally made a mistake and is said to be guilty with the Judge's Consideration which contains elements that are considered by the Judge as described in the previous sub-chapter.

d) Decision Number 52/Pid.Sus/2023/PN Kot

The defendant in this case, in accordance with what he did, was declared guilty by the Panel of Judges at the Kota Agung District Court, having violated as stated in the first alternative charge with Article 60 number 10 of the Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation in conjunction with Article 197 in conjunction with Article 106 paragraph (1) of the Republic of Indonesia Law Number 36 of 2009 concerning Health, the formulation of which is as follows:

Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a business permit as referred to in Article 106 paragraph (1) and paragraph (2) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah).

Based on the above, the Panel of Judges of the Kota Agung District Court through its decision Number 52/Pid.Sus/2023/PN Kot sentenced the Defendant to 2 (two) years in prison and a fine of IDR 10,000,000.00 (ten million rupiah).

The verdict of the Panel of Judges is 4 (four) months higher than the demands of the Public Prosecutor who demanded that the defendant be sentenced to 1 (one) year and 6 (six) months in prison and a fine of Rp. 10,000,000 (Ten Million Rupiah), subsidiary to 2 (two) months in prison.

The aggravating circumstances for the Defendant in his decision were that the Defendant's actions had indirectly destroyed, endangered and damaged the mentality of the Indonesian nation's generation, disturbed society, and damaged the Defendant's own mentality and the Defendant's actions did not support the Government's program in eradicating drug abuse, mitigating circumstances, the Defendant regretted his actions and promised not to repeat his actions again, the Defendant had never been convicted.

APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution *et al*

The defendant in the trial is allowed to be accompanied by his legal counsel and the Panel of Judges has appointed a legal counsel for the defendant, but the defendant still chooses not to be accompanied by a legal counsel and this is permissible if the defendant does not want to be accompanied by a legal counsel in accordance with the Circular of the Supreme Court of the Republic of Indonesia Number 7 of 2012 Concerning the Formulation of Judges from the Results of the Plenary Meeting of the Supreme Court as a Guideline for the Implementation of Duties for the Court. The Panel of Judges has heard what is the main point of the defendant's request so that;

Decision Number 52/Pid.Sus/2023/PN Slt in this case is a decision that is not wrong and has considered the material facts in depth and fairly. The defendant has legally made a mistake and is said to be guilty with the consideration of the Judge which contains elements that are considered by the Judge as described in the previous sub-chapter.

e) Decision Number 71/Pid.Sus/2023/PN Slt

The defendant in this case, in accordance with what he did, was found guilty by the Panel of Judges at the Salatiga District Court, of violating as in the first alternative charge with Article 197 of the Republic of Indonesia Law Number 36 of 2009 concerning Health as amended by Article 60 number 10 of the Republic of Indonesia Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law jucto Article 106 paragraph (1) of the Republic of Indonesia Law Number 36 of 2009 concerning Health as amended by Article 60 number 4 of the Republic of Indonesia Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, the formulation of which is as follows:

Any person who intentionally produces or distributes pharmaceutical preparations and/or medical devices that do not have a distribution permit as referred to in Article 106 paragraph (1) shall be punished with a maximum imprisonment of 15 (fifteen) years and a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah).

Based on the above, the Panel of Judges at the Salatiga District Court through its decision Number 71/Pid.Sus/2023/PN Slt sentenced the Defendant to 1 (one) year and 3 (three) months in prison and a fine of IDR 1,000,000.00 (one million rupiah).

The verdict of the Panel of Judges is 3 (three) months lower than the demands of the Public Prosecutor who demanded that the defendant be sentenced to 1 (one) year and 6 (six) months in prison and a fine of Rp. 1,000,000,000 (One Million Rupiah), subsidiary to 1 (one) month in prison.

The aggravating circumstances for the Defendant in his verdict were, the Defendant's actions disturbed the public and disregarded the provisions of the Republic of Indonesia government regarding the distribution of list G drugs, the Defendant's actions violated pharmaceutical provisions because he did not have expertise in the health sector. Mitigating circumstances, the Defendant had never been convicted before, the Defendant was honest and polite during the trial, the Defendant regretted his actions and promised not to repeat them, the Defendant was the backbone of the family.

During the trial, the defendant was allowed to be accompanied by his legal counsel, and the panel of judges heard the main points of the defendant's and his legal counsel's request so that;

Decision Number 71/Pid.Sus/2023/PN Slt in this case is a decision that is not wrong and has considered the material facts in depth and fairly. The defendant was legally proven to have made a mistake and was found guilty with the Judge's considerations containing elements that were the Judge's Considerations.

2) Case Analysis of the Five Decisions on Criminal Acts of Abuse and Distribution of Pharmaceutical Drugs Without a Distribution Permit in Relation to the Principle of Equality Before the Law

The five decisions that have been analyzed and described above, the first to the fifth decisions were all imposed under Article 197 of the Republic of Indonesia Law Number 36 of 2009 concerning Health, but from the five decisions, the Panel of Judges in each decision used the theory of progressive legal doctrine in sentencing the Defendant, as the progressive legal theory was pioneered by Satjipto Rahardjo, he said that in enforcing the law, it is not only with written regulations but also controlled by informal principles. Based on this, there are differences in the sentences imposed by the Panel of Judges in each decision.

The difference can be seen in the thinking of the Judge who decided the case as described above, there is a Panel of Judges who imposed a sentence lower than the demands, there is a Panel of Judges who imposed a sentence in accordance with what was demanded by the Public Prosecutor and there is even a Panel of Judges who imposed a sentence higher than the demands of the Public Prosecutor and this occurs due to the existence of a

APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution *et al*

progressive legal doctrine view through the considerations of the Judge as described above which has considered the reasons that aggravate and mitigate the Defendant so that the Judge's considerations are also different in each of the first to fifth decisions.

There are differences in the considerations and decisions of the Panel of Judges, if seen in their considerations, each Panel of Judges does not consider subjective elements, such as considering social status, skin color, race, ethnicity, language, religion, beliefs and others, then if analyzed further and associated with the principle of equality before the law, that Decision Number 34 / Pid.Sus / 2023 / PN Snj, Decision Number 83 / Pid.Sus / 2023 / PN Cbi, Decision Number 13 / Pid.Sus / 2020 / PN Njk, Decision No. 52 / Pid.Sus / 2023 / PN Kot, Decision Number 71 / Pid.Sus / 2020 / PN Slt, then it can be said to have fulfilled the principle of equality before the law, because in the Judge's Considerations in each decision, no elements were found that constitute discrimination against one of the parties seeking justice before the law in a judicial process in court.

Things that are different in the imposition of criminal sentences where the verdict is much higher or lighter in each verdict in this case also cannot be said to violate the principle of equality before the law, because each verdict that is imposed does not have to be the same, even though the act committed is the same, furthermore there is not a single article in the Criminal Procedure Code that requires the Judge to decide on a sentence according to the Public Prosecutor's requisition.

The judge has the freedom to determine the punishment according to legal considerations and his/her conscience, so it is very possible that the judge's decision will take different forms, for example, the judge will issue a verdict of acquittal (*vrijspraak*), or a verdict of release from all legal charges (*onslag van alle rechtsvervolging*), the verdict handed down by the judge may be lower or higher than the demands of the public prosecutor.

It is also important to understand that there is no rule in the Criminal Procedure Code that explicitly states that the Public Prosecutor's indictment is the basis or foundation for examination in a trial forum, however Article 182 paragraph (3) and paragraph (4) stipulates that the Panel of Judges determines the verdict based on the indictment, in jurisprudence it is also believed that court decisions must refer to the indictment.

A higher criminal sentence than the Public Prosecutor's Demands can be in the form of imprisonment, a fine, compensation, or even a substitute sentence so that even if the Judge issues a higher sentence based on certain considerations, the sentence does not violate the Criminal Procedure Code. What is prohibited is if the Judge issues a sentence higher than the maximum threat determined by the Law.

CONCLUSION

Legal analysis of the differences in court decisions on the crime of misuse and distribution of pharmaceutical drugs without a permit from the perspective of the principle of equality before the law is that the difference in the sentences imposed by the Panel of Judges in the first to the fifth decisions is due to the Judges using a progressive view in sentencing the defendant, which is contained in each Judge's Consideration in the first to the fifth decisions so that there is a difference in each Judge considering the elements of the crime and determining the high or low sentence imposed, but in this case the first to the fifth decisions when associated with the perspective of the principle of equality before the law are in accordance with the concept of the principle of equality before the law because even though the Judge's Consideration is different in each decision, no elements are found that are discriminatory against one of the parties seeking justice before the law in the trial process in court.

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APPLICATION OF THE PRINCIPLE OF EQUALITY BEFORE THE LAW IN LAW ENFORCEMENT ON CRIMINAL ACTS OF MISUSE AND DISTRIBUTION OF PHARMACY DRUGS WITHOUT A PERMIT (A STUDY OF SEVERAL COURT DECISIONS)

Nuf Fadillah Rizky Nasution **et al**

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