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ABSTRACT

This study analyzes the application of Article 145 paragraph (1) and Article 436 paragraph (2) of Law Number 17 of 2023 concerning Health in the Decision of the Indramayu District Court Number 153/Pid.Sus/2025/PN Idm regarding the circulation of hard drugs without pharmaceutical expertise and authority. This research utilizes a normative legal approach, incorporating both statutory analysis and conceptual frameworks. The data collected included primary, secondary, and tertiary legal materials, which were analyzed using a qualitative descriptive method. The findings show that the judges not only assessed the fulfillment of the criminal offense elements formally but also considered the impact of the defendant's actions on public health. The circulation of Tramadol, Trihexyphenidyl, and Dextromethorphan without proper authority is deemed potentially harmful to the community and capable of weakening the national drug control system. The ruling has successfully fulfilled the principle of legal certainty through the consistent application of the elements of the criminal offense in line with the prevailing laws and regulations. However, the implementation of progressive law has not been optimal because the sentence imposed remains relatively lenient compared to the maximum statutory penalty, resulting in the objectives of punishment namely deterrence and public protection not being fully achieved. Based on Sudikno Mertokusumo's theory of judicial decisions and Satjipto Rahardjo's theory of progressive law, the enforcement of health law should not solely focus on formal juridical aspects but should also provide substantive protection for society.

Keywords: Hard Drugs, Circulation of Hard Drugs, Pharmaceutical Expertise and Authority, Health Protection

1. Introduction

Health is a fundamental need directly related to the life and physical safety of every individual, so the state is obliged to implement a health system that protects the public from various life-threatening risks (UUD 45). From a health law perspective, health is not only defined as the absence of disease, but also encompasses the physical, mental, and social conditions that require every individual to live a decent and productive life. (Law Number 17 of 2023).

The concept of comprehensive health was emphasized by Soekidjo Notoatmodjo, who views health as a physical, mental and social condition that is in optimal condition and is reflected through the individual's ability to carry out his life functions effectively (Notoatmodjo, 2003). Within this framework, the availability and provision of medication plays a strategic role because almost all healing efforts require pharmacological intervention. Hardjosaputra (2008) emphasized that medication services must be carried out professionally to prevent errors in use that can have fatal consequences for patients.

In the Indonesian health legal system, every pharmaceutical product that will be distributed to the public must first meet the standard requirements for safety, efficacy or

benefits, and quality as stipulated in the applicable provisions. (Law of the Republic of Indonesia Number 17 of 2023) . These provisions are reinforced through the distribution licensing mechanism which is under the authority of the Minister of Health and implemented by the Food and Drug Monitoring Agency (BPOM), which has the official authority to carry out supervision of the distribution and use of drugs in Indonesia. (Regulation of the Minister of Health of the Republic of Indonesia Number 1010/MENKES/PER/XI/2008) . Through BPOM regulations, every drug distributed in pharmaceutical service facilities must be carried out with legitimate expertise and authority and managed according to standards that guarantee the safety, efficacy, and quality of pharmaceutical preparations. (Regulation of the Food and Drug Monitoring Agency Number 4 of 2018) .

The provisions regarding the prohibition on distributing pharmaceutical preparations, including prescription drugs, without having the expertise and authority have been emphasized in Article 145 paragraph (1) of Law Number 17 of 2023 concerning Health, which stipulates that pharmaceutical practices can only be carried out by authorized pharmaceutical personnel who fulfill the licensing requirements (Law Number 17 of 2023). This formulation makes permits and authority an absolute requirement in the management and distribution of drugs, so that any distribution of prescription drugs without legitimate expertise and authority is essentially a violation of national security standards and a form of deviation from legal drug management. From a legal political perspective, the imposition of criminal sanctions for violations in the pharmaceutical sector is intended as an effort to protect the public legally from the distribution of pharmaceutical preparations that do not fulfill the provisions and drug abuse practices that can endanger public health.

The provisions in Law Number 17 of 2023 concerning Health place the distribution of certain prescription drugs without expertise and authority as an act that can be subject to criminal sanctions, considering the potential danger to public health. This provision emphasizes that pharmaceutical practice may only be carried out by personnel who have expertise and authority in the pharmaceutical field in accordance with the provisions of laws and regulations. Article 436 paragraph (2) of the Law stipulates that anyone who distributes pharmaceutical preparations and/or medical devices without a business license can be punished with a maximum imprisonment of five years or a maximum fine of IDR 500,000,000.00. This sanction regulation shows the orientation of the law makers to provide a deterrent effect on perpetrators, limit the misuse of pharmaceutical preparations, and guarantee public protection from serious health risks.

The object of the case in this study is related to the distribution of three types of certain hard drugs, namely Tramadol, Trihexyphenidyl, and Dextromethorphan, which are classified as hard drugs on list G and work by affecting the central nervous system (Regulation of the Minister of Health of the Republic of Indonesia Number 3 of 2024) . These three drugs have therapeutic benefits , but at the same time, they have a high potential for abuse and dependence if used without a prescription and medical supervision. First, tramadol is an analgesic that, when used long-term or in high doses, can cause seizures, serotonin syndrome, bleeding risk, and dependence (Astuti, 2024) . Second, trihexyphenidyl, when consumed in high doses, can trigger highs , hallucinations, impaired self-control, and even fatal overdoses (Tarigan, 2025) . Third, dextromethorphan can cause euphoria, impaired consciousness, and damage to the central nervous system, which can lead to poisoning (Humaedi, 2022) .

In practice, there are still cases of distribution of certain hard drugs carried out without expertise and authority and outside the pharmaceutical service mechanism, including criminal cases that fall under the jurisdiction of the Indramayu District Court. In case Number 153/Pid.Sus/2025/PN Idm, the Defendant was proven to have distributed Tramadol,

Trihexyphenidyl, and Dextromethorphan without legitimate expertise and authority and not as an authorized pharmacist, so that his actions were qualified as a criminal act in the health sector (Indramayu District Court, Decision Number 153/Pid.Sus/2025/PN.Idm) . An analysis of the decision is necessary to assess the suitability of the judge's legal considerations with the provisions of Law Number 17 of 2023 concerning Health, specifically Article 436 paragraph (2) in conjunction with Article 145 paragraph (1). In addition, this study aims to examine the extent to which the decision handed down reflects or fulfills the principles of substantive justice, guarantees legal certainty, and provides adequate protection for the community.

Based on the description, this study is entitled " Law Enforcement Against the Circulation of Prescription Drugs: A Study of Article 436 of Health Law Number 17 of 2023 and the Decision of the Indramayu District Court Number 153/Pid.Sus/2025/PN Idm" . In line with that, the author focuses the research identification on the following problem formulation:

1. What are the considerations of the Indramayu District Court judge in handing down a criminal sentence against the perpetrator of the crime of distributing certain hard drugs based on Court Decision Number 153/Pid.Sus/2025/PN Idm?
2. How is the distribution of certain prescription drugs without expertise and authority monitored based on Law Number 17 of 2023 concerning Health?

Based on the identification of the problem, this study uses a research method designed to provide an overview of how researchers obtain, process, and analyze legal materials related to the distribution of certain hard drugs without expertise and authority. This study uses a descriptive analytical approach, namely by providing a systematic and in-depth description of the legal phenomenon being studied. The data obtained are then analyzed based on legal theories and relevant statutory provisions. The selection of this research is based on the research objective to describe in detail the distribution of certain hard drugs carried out without expertise and authority, and to assess its compliance with positive legal provisions and the theoretical framework used in the study (Ali, 2009) .

This research applies a normative legal method that focuses on the study of legal norms, both those contained in laws and legal principles, including various doctrines and views of legal experts relevant to the research object. Soerjono Soekanto and Sri Mamuji explain that normative legal research is conducted by examining literature or secondary data that includes research on legal principles, legal systematics, levels of vertical and horizontal synchronization, comparative law, and legal history (Soekanto and Mamuji, 2004) . In this research, a normative legal approach is used because this approach is considered most appropriate for studying legal provisions governing the distribution of hard drugs without expertise and authority. The focus of the research is directed at written legal norms and legal doctrines that develop in laws and court decisions. Therefore, this research does not use an empirical approach that relies on field data, but rather emphasizes the analysis of legal materials that are related to the legal issues that are the object of research.

The collection of legal materials and data in this study was carried out using the library research method, namely through a review of various legal sources relevant to the research object. The legal materials used consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and court decisions that are relevant to the research, including the 1945 Constitution of the Republic of Indonesia, Law Number 17 of 2023 concerning Health, Regulation of the Food and Drug Supervisory Agency Number 4 of 2018 concerning Supervision of the Management of Drugs, Drug Materials, Narcotics, Psychotropics, and Pharmaceutical Precursors in Pharmaceutical Service Facilities, Regulation of the Minister of Health Number 1010/MENKES/PER/XI/2008 concerning Drug Registration, Regulation of the Minister of Health Number 3 of 2024, and Decision of the

Indramayu District Court Number 153/Pid.Sus/2025/PN Idm. Secondary legal materials are obtained from various literature, scientific works, research results, and journals related to the legal issue being studied. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references aimed at clarifying understanding of primary and secondary legal materials.

All legal materials and data were analyzed qualitatively prescriptively, namely by studying and reviewing the legal materials in depth to provide arguments, criticism, support, or comments on the issues discussed (Dewata, 2010). After all the data was analyzed, a systematization was carried out to produce a logical and relevant classification to the research problem, so that comprehensive answers were obtained and in accordance with the research objectives. Based on the results of the analysis that had been carried out, conclusions were then drawn as answers to the problem formulation that was the focus of the research (Sunggono, 2002).

2. Method

This study employs a normative legal research method using a statutory approach and a conceptual approach. The study focuses on analyzing the legal provisions concerning the distribution of hard drugs without the required expertise and authority, as well as their application in the Decision of the Indramayu District Court Number 153/Pid.Sus/2025/PN Idm. The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions, while secondary legal materials comprise books, scientific journals, and research findings related to the legal issues under investigation. The legal materials were collected through library research by reviewing and identifying legal sources relevant to the research subject. The collected legal materials were then analyzed using a qualitative-prescriptive approach by relating the applicable legal provisions, facts presented in the court decision, and relevant legal theories to formulate legal arguments and address the research questions.

3. Results and Discussion

Judge's Considerations in Indramayu District Court Decision Number 153/Pid.Sus/2025/PN Idm

In the Decision of the Indramayu District Court Number 153/Pid.Sus/2025/PN Idm, the panel of judges stated that the Defendant Muzakir alias Ali bin (Alm.) Abdul Salam was legally and convincingly proven guilty of committing the crime of pharmaceutical practice related to pharmaceutical preparations in the form of strong drugs without having the expertise and authority as charged in the second alternative charge. For his actions, the defendant was sentenced to **1 (one) year in prison**. The period of arrest and detention that the defendant has served is calculated in full and deducted from the sentence imposed, with the provision that the defendant remains in detention.

Furthermore, the panel of judges determined that the evidence in the form of various types of hard drugs, including DMP tablets, Trihexyphenidyl, silver tablets, along with the means used to store and package the drugs such as cardboard boxes, plastic basins, scissors, and magicoms, to be destroyed. The evidence in the form of 1 (one) white OPPO brand mobile phone and cash amounting to Rp250,000.00 (two hundred and fifty thousand rupiah) was confiscated for the state. In addition, the defendant was also ordered to pay court costs of Rp5,000.00 (five thousand rupiah).

The considerations used by the judge in this case are in accordance with the legal aspects, considering that all elements of the crime regulated in Article 145 paragraph (1) in conjunction

with Article 436 paragraph (2) of Law Number 17 of 2023 concerning Health have been proven based on the facts revealed in court. However, the imposition of a one-year prison sentence imposed on the defendant can still be debated from a progressive legal perspective, considering that the crime of distributing certain hard drugs has a broad impact on public health so that the purpose of punishment in the form of a deterrent effect needs to be further considered. Thus, the judge's decision needs to be seen not only from the fulfillment of formal legal elements, but also from the extent to which the decision is able to provide substantive protection to the community.

The panel of judges only viewed the distribution of Tramadol, Trihexyphenidyl, and Dextromethorphan as a mere administrative violation, even though the act is a criminal act with a public health protection dimension. This perspective is important because pharmaceutical practice is essentially a law oriented towards human safety, not just licensing order. The defendant's actions in storing and selling prescription drugs without expertise, without a doctor's prescription, and without pharmaceutical authority are considered to fulfill the elements of Article 145 paragraph (1) in conjunction with Article 436 paragraph (2) of Law Number 17 of 2023 concerning Health. Thus, the Panel of Judges placed illegal pharmaceutical practices as an administrative violation, but these actions constitute a real threat to the national pharmaceutical preparation security system designed to guarantee the quality, efficacy, and safety of drugs for the wider community.

In this context, upon closer examination, the application of Article 436 paragraph (2) of Law Number 17 of 2023 concerning Health does require the fulfillment of several basic elements, namely the existence of the subject "every person", the act of "distributing pharmaceutical preparations", and being carried out "without expertise and authority". These three elements must be proven cumulatively. In this case, the defendant as an individual is clearly included in the category of "every person". The act of storing and selling prescription drugs to the public can be qualified as a form of distribution, even though it is carried out on a small scale and not through official business facilities. Meanwhile, the lack of expertise and authority as a pharmaceutical professional strengthens the fulfillment of the elements of pharmaceutical practice that do not comply with the requirements and procedures as stipulated in the laws and regulations. Thus, the judge's considerations show the relationship between the formulation of norms and the facts of the trial through proving the elements of the criminal act. However, the focus of these considerations is still more focused on the formal legal aspects than a broader analysis regarding social impacts and community protection (Mertokusumo, 2009).

Reviewed through Judge Sudikno Mertokusumo's Decision Theory, the judge's considerations show the fulfillment of the legal certainty aspect (Mertokusumo, 2010). The judge not only mentions the article violated, but also systematically outlines the elements of the offense and relates them to the facts of the trial. Mertokusumo (2007) explains that legal certainty in a decision is achieved when the judge provides normative clarity so that the application of the law is predictable and does not give rise to multiple interpretations (Mertokusumo, 2007). In this context, the panel of judges emphasized that the distribution of pharmaceutical preparations, including prescription drugs, without the expertise and authority of a pharmacist is an absolute requirement. This demonstrates formal consistency between the structure of the norm and its application in concrete cases.

The aspect of legal expediency is also clearly evident in this decision. The judge did not stop at formal evidence, but considered the social impact of the distribution of certain hard drugs without medical supervision. Tramadol is known to have the potential for abuse and dependence when consumed outside of medical indications. Meanwhile, Dextromethorphan in

high doses can cause psychoactive effects that harm central nervous system function . Furthermore, Trihexyphenidyl, which is medically used in the treatment of neurological disorders, can be abused due to its euphoric and hallucinogenic effects if consumed without a doctor's indication and supervision . Thus, the defendant's punishment is not only repressive, but also preventive because it aims to prevent broader health impacts in society.

From a justice perspective, the judge's considerations demonstrate an effort not to interpret the law rigidly, but rather to use it as a means to resolve concrete events through legal interpretation and discovery. Sudikno Mertokusumo emphasized that the judge's decision must respect the law, but its implementation must be carried out through a process of concretizing norms so that the decision is legally acceptable and reflects a sense of justice. In this case, the application of criminal provisions to the defendant demonstrates that the judge has linked legal norms to the facts of the trial. However, the considerations used are still more focused on fulfilling the elements of the crime rather than delving into the broader legal objective, namely the public health risks resulting from the unsupervised distribution of hard drugs . Therefore, the punishment in this decision only reflects the formal application of legal norms, but does not fully realize substantive justice in society. The economic benefits obtained by the defendant from selling hard drugs are clearly not commensurate with the health risks borne by the wider community. With a prison sentence of only one year, the punishment does not reflect a proportional distribution of justice between individual rights and the collective interest of protecting public health.

When viewed from a progressive legal perspective as stated by Satjipto Rahardjo, the decision in this case shows that the judge has applied legal provisions based on facts proven in court and the fulfillment of the elements of a criminal act as regulated in Article 145 paragraph (1) in conjunction with Article 436 paragraph (2) of Law Number 17 of 2023 concerning Health. However, the approach used still tends to be formalistic because the judge's considerations emphasize the fulfillment of legal elements rather than a deeper analysis of the objectives of the law in the form of protecting society and achieving a deterrent effect. According to Satjipto Rahardjo, law should not be understood only as the application of norms textually, but as a means to realize justice and benefit for humans.

Upon closer examination, although the judge considered the impact of the distribution of hard drugs on society, this consideration still does not demonstrate an optimal application of progressive law. This is evident because the decision's primary focus remains on proving the elements of the crime and applying written norms. While this approach fulfills the legal certainty aspect, it does not fully align with the concept of substantive legal protection as proposed by Satjipto Rahardjo.

This indicates that the judge's considerations were not solely aimed at proving the elements of the crime as charged, but also considered the proportional value of legal benefits in issuing the verdict. In this case, the type of drug distributed, the amount of evidence, and the method of distribution indicate that the defendant's actions have the potential for broad impacts on public health. Therefore , although the verdict reflects legal certainty by proving the elements of the crime, the judge has applied applicable legal provisions, the suitability of this verdict with the concept of Progressive Law can still be questioned. This is because the sentence imposed is deemed not to fully reflect the level of danger of the defendant's actions, especially considering their potential impact on public health and the intended legal protection objectives. In this case, the type of drug distributed, the amount of evidence, and the method of distribution are indicators that the act has the potential for broader impacts than a simple sale and purchase transaction.

Supervision of the Circulation of Hard Drugs Without Expertise and Authority

The distribution of certain prescription drugs is monitored through two approaches: preventive and repressive. Preventive oversight is implemented through a drug registration system, distribution permits, supervision of pharmaceutical service facilities, and public education on the risks of drug abuse. Repressive oversight, meanwhile, is carried out through inspections, raids, criminal prosecution, confiscation of evidence, and sanctions against violators.

Normatively, this supervision is regulated by Law Number 17 of 2023 concerning health and BPOM regulations. However, in practice, monitoring the distribution of certain prescription drugs still faces various obstacles, particularly in rural areas where oversight is limited and drug distribution is high through informal channels. Therefore, synergy between law enforcement officials, BPOM, and local governments is needed to improve the effectiveness of supervision.

Law Number 17 of 2023 concerning Health establishes a framework for pharmaceutical supervision based on the principles of drug safety, efficacy, and quality as part of protecting the public's right to health. Regulations regarding mandatory distribution permits and restrictions on pharmaceutical practice demonstrate that the state does not view drugs as ordinary economic commodities, but rather as products that pose a direct biological risk to the human body (Republic of Indonesia, 2023). Therefore, the distribution permit system serves as a preventive mechanism to screen pharmaceutical preparations suitable for distribution .

Conceptually, the supervision of prescription drugs encompasses both administrative and health law dimensions. The state, through the Food and Drug Monitoring Agency (BPOM), exercises distribution control to ensure that drugs in circulation meet safety and quality standards. BPOM Regulation No. 4 of 2018 stipulates that drug management in pharmaceutical facilities must be carried out within a controlled system (Food and Drug Monitoring Agency of the Republic of Indonesia, 2018). However, this system is structurally stronger in formal channels such as pharmacies and hospitals, while informal, individual-based networks are difficult to detect administratively.

The Indramayu District Court case demonstrates the gap between regulatory norms and the reality of drug distribution. Prescription drugs can be distributed through non-pharmacy kiosks without the involvement of pharmacists. This phenomenon demonstrates that administrative oversight has limitations in reaching distribution based on informal social and economic relations. In this context, health law cannot rely solely on administrative instruments (Republik Indonesia, 2023).

This is where criminal sanctions gain systemic relevance. When administrative oversight fails to close the gap in illegal distribution, criminal law serves as a corrective mechanism. The Health Law establishes criminal provisions as a form of public protection against the risks of uncontrolled drug use (Republic of Indonesia, 2023, Article 436 paragraph (2)) . Therefore, criminal penalties in this case are not simply individual punishment, but rather part of a multi-layered oversight that combines preventive and repressive approaches.

The reality of the distribution of hard drugs through informal channels demonstrates that procedural administrative oversight has not fully reached distribution practices at the community level. Although the licensing and oversight system has been regulated normatively, implementation in the field still faces various limitations, particularly in distribution carried out by individuals without expertise and authority and without clear business permits. This situation demonstrates that oversight cannot rely solely on administrative mechanisms but requires consistent law enforcement support. Therefore, while the imposition of criminal sanctions can be understood as an effort to strengthen oversight, the Panel of Judges' decision has not provided an adequate deterrent effect. The very light sanctions compared to the impact and danger to

public health make the decision merely symbolic. Therefore, this decision has the potential to open up opportunities for similar illegal hard drug distribution practices in the future, thus deviating from the goal of protecting public health as mandated by Law Number 17 of 2023 concerning Health.

The combined approach of Sudikno Mertokusumo and Satjipto Rahardjo's theories is effective in analyzing this phenomenon. Sudikno helps assess the legal rationality of judges' considerations in applying drug control norms (Mertokusumo, 2009, p. 186). Meanwhile, Satjipto emphasizes that the law must side with human safety, so drug control cannot be understood solely procedurally (Rahardjo, 2006, p. 57). This combination allows for an analysis that is not only legalistic, but also humanistic.

From a legal policy perspective, the supervision of prescription drugs is a form of state intervention to protect the public from uncontrolled health risks. Law Number 17 of 2023 concerning Health emphasizes that the security of pharmaceutical preparations is part of public protection against the dangers posed by pharmaceutical preparations that do not meet safety, efficacy or benefit requirements, and quality (Republic of Indonesia, 2023). Therefore, the existence of provisions regarding distribution permits and supervision of pharmaceutical preparations demonstrates the state's responsibility to ensure that drugs in circulation meet established standards.

Oversight of prescription drugs also relates to drug management in pharmaceutical service facilities. Food and Drug Monitoring Agency Regulation Number 4 of 2018 stipulates that the management of drugs, drug ingredients, narcotics, psychotropic substances, and pharmaceutical precursors must be carried out in accordance with applicable regulations and meet safety, efficacy, and quality standards (Food and Drug Monitoring Agency of the Republic of Indonesia, 2018). This provision demonstrates that drug management is not merely an administrative matter but also part of public protection efforts.

In practice, the illegal distribution of prescription drugs can pose various health risks. Tramadol, for example, has specific clinical uses, but its use still requires attention to dosage, indications, and potential for abuse (Putra & Subarnas, 2019, pp. 247–248). Similarly, misuse of dextromethorphan can cause various harmful effects if used inappropriately (Humaedi et al., 2022, pp. 153–155). Trihexyphenidyl also carries a risk of abuse in the community if its use is not properly supervised (Tarigan, 2025, pp. 23–24).

This situation demonstrates that oversight of the distribution of prescription drugs has a public health protection dimension. Therefore, the distribution of prescription drugs without expertise and authorization is not only a violation of administrative provisions but can also have consequences for public safety. In the context of the case analyzed, the presence of prescription drugs as evidence indicates a problem with drug distribution outside of proper pharmaceutical service mechanisms.

The Indramayu District Court's decision No. 153/Pid.Sus/2025/PN.Idm, dated July 3, 2025, indicates that the drug trafficking case has been processed through the criminal justice system. This decision serves as an important basis for examining how the provisions of Article 436 of Law No. 17 of 2023 concerning Health apply to those who distribute drugs without proper permits (Indramayu District Court, 2025).

Based on this description, law enforcement against the distribution of hard drugs must be understood as part of a public health protection system. Law enforcement is not only aimed at imposing sanctions on perpetrators, but also at ensuring that the drug monitoring system can prevent the recurrence of illegal drug distribution. Therefore, the effectiveness of law enforcement can be measured by its ability to protect the public while simultaneously ensuring compliance with applicable legal provisions.

Within this framework, the effectiveness of controlling the distribution of prescription drugs is determined not only by legal norms alone, but also by how consistently those norms are implemented in the field. Although the licensing and supervision system is clearly regulated in Law Number 17 of 2023 concerning Health and its implementing regulations, distribution practices through informal channels demonstrate that administrative oversight still faces various obstacles. Distribution carried out by individuals, without business permits and supervision by pharmacists, often escapes formal oversight because it occurs outside of official healthcare facilities.

This situation demonstrates that oversight cannot rely solely on administrative mechanisms. Synergy is needed between oversight by relevant agencies, such as the Food and Drug Authority (BPOM) and health departments, and law enforcement by law enforcement officials. In this context, criminal sanctions serve as an instrument to strengthen the oversight system and provide a more effective deterrent. Consistent law enforcement against violations of the distribution of hard drugs is expected to not only provide a deterrent effect but also establish stronger standards of legal compliance in society.

Furthermore, monitoring efforts must be accompanied by a preventative approach by increasing public legal awareness. The circulation of prescription drugs without expertise and authorization is often driven by demand from consumers who lack understanding of the risks of using drugs without a prescription and medical supervision. Therefore, in addition to enforcement, education and outreach regarding the dangers of prescription drug abuse are also needed to ensure a more comprehensive public health protection.

Thus, controlling the circulation of hard drugs should not only be seen as administrative supervision, but also as a legal policy effort aimed at protecting public health from the dangers of abuse and the circulation of drugs that do not meet standards and regulations.

4. Conclusion

Based on the analysis of the Indramayu District Court Decision Number 153/Pid.Sus/2025/PN IDM, the judge has consistently applied Article 145 paragraph (1) in conjunction with Article 436 paragraph (2) of Law Number 17 of 2023 concerning Health by proving that all elements of the crime have been fulfilled, namely the subject "every person", the act of distributing pharmaceutical preparations (Tramadol, Trihexyphenidyl, and Dextromethorphan), and carried out without pharmaceutical expertise and authority. The judge not only focused on the formal legal aspects, but also considered the impact of the defendant's actions on public health and the national drug monitoring system, so that the decision has fulfilled the aspect of legal certainty as stated in the theory of the decision of Judge Sudikno Mertokusumo.

Law enforcement officials, particularly judges in criminal health cases, need to further optimize the application of progressive law by considering more deeply the social impacts and public health risks resulting from the distribution of hard drugs without expertise and authority, so that the amount of punishment imposed can be more proportional to the maximum threat stipulated in Law Number 17 of 2023 concerning Health in order to create a stronger deterrent effect.

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