ABSTRACT

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LEGAL RESPONSIBILITY OF THE FOOD AND DRUG ADMINISTRATION FOR THE CIRCULATION OF DRUGS CONTAINING HAZARDOUS CHEMICALS

(xxvi +108 pages: 3 figures, 1 table)

This research examines the problem of illegal circulation of over-the-counter drugs, where the Food and Drug Supervisory Agency (BPOM) should have maximum authority and full responsibility to control and supervise the circulation of drugs or supplements as a whole to provide protection for the public as drug users or consumers. Medicinal products circulating in Indonesia are made by business actors very easily and as consumers it is also very easy to obtain drugs or supplements without a doctor's reference or prescription for consumption. Although these medicinal products have passed various stages in accordance with statutory provisions before they can circulate (pre market) and when the medicinal products are circulating (post market) in Indonesia, there are still many findings of illegal drug distribution practices as evidenced by the free sale of medicines in markets, stalls, grocery stores, even in official drug stores such as pharmacies and other licensed drug stores. BPOM as the supervisor of drug and food distribution in Indonesia has not been serious and not firm in monitoring drug circulation. Because BPOM is not considered firm by business actors including markets, grocery stores, officially licensed drug stores or pharmaceutical companies, there are many illegal drug distribution practices. By examining the applicable regulations in Indonesia such as the Indonesian constitution (UUD 1945), Health Law (UU *Kesehatan*), Food and Drug Supervisory Regulations (PerkaBPOM), Consumer Protection Law (UU *Perlindungan Konsumen*), Regulation of the Minister of Health (*Permenkes*) shows that there is still a lack of maximum control of drug distribution supervision by BPOM.

Keywords: Illegal drug, circulation control, legal protection, consumer, drug store, BPOM, business actor.

Reference: 102 (1945-2024)