

ABSTRAK

Feisha Risky Afrisdayanti. 2026. *Analisis Yuridis Pertanggungjawaban Pidana Pelaku Tindak Pidana Obat Keras Tablet "LL" Tanpa Izin Edar (Studi Kasus Putusan Nomor (51/Pid.Sus/2024/PN Mjy)*. Skripsi. Program Studi Hukum, FH, Universitas PGRI Madiun. Pembimbing (I) Dr. Siska Diana Sari, S.H., M.H. (II) Dimas Pramodya Dwipayana, S.H., M.H.

Peredaran obat keras tablet "LL" yang mengandung Triheksifenidil HCl tanpa izin edar dari BPOM masih marak terjadi di masyarakat dan berpotensi menimbulkan ketergantungan serta kerusakan kesehatan. Penelitian ini merupakan penelitian hukum normatif yang bersifat deskriptif. Pendekatan yang digunakan meliputi pendekatan perUndang-Undangan, pendekatan kasus, dan pendekatan konseptual. Bahan hukum dikumpulkan melalui studi kepustakaan dan dianalisis menggunakan metode silogisme deduktif serta interpretasi hukum. Hasil penelitian ini adalah pengaturan hukum tindak pidana peredaran obat keras tanpa izin edar diatur secara bertingkat dengan Pasal 435 jo. Pasal 138 ayat (2) Undang-Undang Nomor 17 Tahun 2023 tentang Kesehatan sebagai norma larangan pokok yang bersifat delik formil. Penerapannya Majelis Hakim telah memenuhi standar pembuktian pidana dengan memeriksa seluruh unsur delik secara sistematis serta menjatuhkan pidana penjara selama 1 (satu) tahun 3 (tiga) bulan berdasarkan teori pemidanaan gabungan. Selain itu, Terdakwa SETIAWAN Alias WAWAN Bin TRIONO terbukti memenuhi keempat syarat pertanggungjawaban pidana menurut teori Roeslan Saleh, yaitu melakukan perbuatan pidana, memiliki kemampuan bertanggung jawab, bertindak dengan *dolus directus*, serta tidak terdapat alasan pemaaf maupun alasan pembeda.

Kata Kunci: Pertanggungjawaban Pidana, Obat Keras, Tanpa Izin Edar

ABSTRAC

Feisha Risky Afrisdayanti. 2026. entitled *“Legal Analysis Of The Criminal Responsibility Of Perpetrators Of Crimes Involving The Unlicensed Distribution Of “LL” Tablets (Case Study Of Judgment No. 51/Pid.Sus/2024/Pn Mjy)”* Skripsi. Law Department, Universitas PGRI Madiun. Supervisor (I) Dr. Siska Diana Sari, S.H., M.H. (II) Dimas Pramodya Dwipayana, S.H., M.H.

The distribution of “LL” tablets a controlled substance containing trihexyphenidyl HCl without a marketing authorization from the Indonesian Food and Drug Administration (BPOM) remains widespread in the community and has the potential to cause dependence and harm to health. This study is a descriptive, normative legal study. The approaches used include a legislative approach, a case-based approach, and a conceptual approach. Legal materials were collected through a literature review and analyzed using deductive syllogism and legal interpretation. The findings of this study indicate that the legal framework for the criminal offense of distributing controlled substances without a marketing authorization is regulated in a tiered manner under Article 435 in conjunction with Article 138 (2) of Law No. 17 of 2023 on Health, which serves as the primary prohibitive norm constituting a formal offense. In applying the law, the Panel of Judges met the standards of criminal proof by systematically examining all elements of the offense and imposing a prison sentence of 1 (one) year and 3 (three) months based on the theory of combined sentencing. Furthermore, the Defendant SETIAWAN, alias WAWAN, son of TRIONO, was proven to have met the four requirements for criminal liability according to Roeslan Saleh’s theory, namely: committing a criminal act, possessing the capacity to be held liable, acting with direct intent (*dolus directus*), and the absence of any exculpatory or justifying circumstances.

Keywords: Criminal Liability, Controlled Substances, Without a Distribution License, LL Tablets, Trihexyphenidyl HCl