

Legal Implications Authority of the Investigator of Drug and Food Monitoring Agency (BPOM) in Law Enforcement in the Field of Drug, Food, and Beverage

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Abstract

The existence of the Food and Drug Supervisory Agency (BPOM) which has the authority to investigate in criminal acts against food and drugs has an important role in strengthening the protection of community rights, especially in the health sector, because health concerns the quality of life of the people and human resources Indonesian nation. However, there are several problems faced by BPOM in carrying out their duties, including philosophical probematics of the authority of BPOM as a drug and food supervisor does not seem to provide a tendency to justice but has the potential to reverse, Theoretical Problems with BPOM authority in the form of Presidential Regulations, and Juridical Problems, namely there is an unsynchronization regarding BPOM's authority arrangement. The purpose of this research is to analyze, and find legal implications that can arise from the condition of the authority of BPOM investigators in law enforcement in the fields of drugs, food and beverages. This research uses normative legal research methods with the statute approach, and conceptual approach. The analytic technique of this research is using evaluative analysis. The results showed that although Presidential Regulation Number 80 Year 2017 provides enforcement authority which also has implications for the BPOM deputy enforcement structure, the type of presidential regulation does not provide PPNS legal force to take action optimally, so there are limitations to the role of National Land Agency (BPN) Civil Servant Investigators (PPNS). National Land Agency (BPN) Civil Servant Investigators (PPNS).

Keywords: Drug and Food Control Agency (BPOM), Regulation, Authority, Legal Implications.

Introduction

One of the main characteristics of the rule of law is legal certainty (Budiardjo, 2006). Efforts to fulfill human rights in the aspect of legal certainty are realized through the establishment of legislation that further elaborates. One of the efforts to fulfill an urgent right in the midst of economic globalization is the fulfillment of consumer rights, efforts to protect consumer rights began to be strengthened with the birth of

Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Law). The establishment of the Food and Drug Supervisory Agency (BPOM) is an institutional realization in guaranteeing the protection of consumer rights and as a technical implementer of the laws and regulations above. BPOM was established based on "Presidential Decree No. 103/2001 concerning Position, Duties, Functions, Authority, Organizational Structure, and Work Procedures of Non Departmental Government Institutions". In addition, Law Number 36 Year 2009 regarding Health (Health Act) in Article 111 regulates the eligibility standard for each food and beverage in circulation, the eligibility is through the distribution permit of food safety and health standards. Article 7 letter (a) of the Consumer Protection Act confirms one of the obligations of a business actor which is to have good faith in conducting his business, among others it is not justified to mix medicinal chemicals in food products and include a code in which food products produced in fact do not meet food quality standards (Sudaryatno, 1999). The development of the world economy through industrialization, production in the field of drugs, food and beverages supported by the modernization of technology-based tools, making various types and variations of products, production in large quantities and easily spread to other countries in a short time so that people get by easy (Wahyuni, 2003).

Efforts to get fulfillment of efforts to improve the quality of human beings in the health sector are quite extensive and complex businesses, because they are related to physical and non-physical development in the achievement of their health. In the national health system, health is related to all aspects of human life whose scope and reach are very broad and complex (Nasution, 2005). Then the notion of health formulated in the international world is mentioned as: "*A state of complete physical, mental, and social, well being and not meuly the absence of disease or infirmity* (Koeswadji, 1992). Development policies in the health sector basically as an effort to cure sufferers, their development leads to the unity of health development efforts for the whole community with active community participation that is integrated, integrated and sustainable which includes: efforts to increase (promotive), efforts to increase (prenventive), efforts to heal (curative), and recovery efforts (rehabilitative).

Drug and Food Supervisory Agency consists of 2 (two) types, namely Drug and Food Supervisory Agency type A, and Type B. Drug and Food Supervisory Agency. Then Food and Drug Supervisory Agency consists of 2 (two) types, namely Hall Type A Drug and Food Supervisor, and Type B. Food and Food Supervisory Agency The Type A Drug and Food Supervisory Agency consists of, among others, the field of examination and investigation". In the context of drug and food control carried out by BPOM, constrained, among others:

- a. "Legislation (Health Law, Consumer Protection Act, Narcotics Act, Psychotropic Law, and implementing regulations) has not fully supported national policies in the field of drug and food control".
- b. "Differences in interpretation of laws and regulations that apply in the field of drug and food, causing conflicts of norms or ambiguity of norms in their implementation which results in less effective supervision of drugs and food".
- c. "The authority of PPNS BPOM has not been supported by a set of norms which are contained in a special law governing drug and food control, so there is no

maximum investigation into drug and food criminal acts".

- d. "Cross-sectoral coordination is not optimal, especially at the regional level in drug and food surveillance".
- e. "The scope of work of drug and food supervisors covers all provinces and districts/cities throughout Indonesia, while BPOM only has UPT organizations at the provincial level".
- f. "The involvement of international crime networks in the fields of drug and food".

Potentials that can pose a threat from drug and food crimes in addition to the main problems for health, also have an impact on the economy in the country, these impacts can be demonstrated by the loss or reduction of tax and import duties and will lead to depressed competitiveness in the business world. Long-term potential for security and order in society including national security. "The Head of the Police Criminal Investigation Agency Commissioner General Ari Dono Sukmanto together with BPOM guards in Bogor on August 22, 2016 stated that preventing the circulation of illegal food was one of the focuses of the Police and BPOM".¹ Organizational Restructuring Efforts to accelerate the handling of drug and food crime cases and harmonization with law enforcement institutions, was shown in 2018 BPOM recruited three new directors in security and intelligence from the State Intelligence Agency (BIN), the Attorney General's Office, and the National Police Headquarters. The filling of this position is to strengthen BPOM's capacity in preventing cross-border drug and illegal food distribution.

The investigation function carried out by BPOM in its implementation must still coordinate with the National Police to file a filing which is then carried out the file submission to be prosecuted by the prosecutor from the Public Prosecutor's Office, so that the existence of the role of BPOM is only limited to investigation, for that a scientific study is needed in the case of BPOM's authority more broadly in the process of law enforcement, this is in line with the implementation of the function of the criminal justice system for law enforcement, which gives BPOM authority in investigations, investigations and independent prosecutions. With this study, it aims to find the ideal law, as written by Satjipto Rahardjo, that legal products are not final, but those which are continuously being built (law in making), so that renewal or legal formation is needed by looking at the needs of the community (Rahardjo, 2008).

From the description above, we can see that there are philosophical problems to be examined, namely among others ontologically, epithymologically, and axiologically from the existence of this BPOM. Based on the ontology aspect, which is the essence that the existence of food, drinks and drugs requires supervision in order to maintain safe, healthy and quality food so that consumption of food and drug is maintained and healthy human quality achieved both short and long term for the development of the Indonesian nation. In terms of epithymology or methods in achieving quality food, drinks and drugs that are quality, safe, it requires supervision and prosecution of anyone who is cheating on food and drugs, especially in taking action by giving authority to make BPOM part of criminal justice system. As for the axiology or the benefits of the existence of BPOM later is to be able to take maximum action for actions

¹ Read <http://m.tempo.co/read/news/2016/08/22/063797815/porli-bpom-kerja-sama-ungkap-kasus-makanan-dan-obat-ilegal> . Accessed July 15, 2017.

that can be ensnared maximally in law enforcement, because the ability of BPOM in mastering the problem is quite deep, so it can ensnare legally and participate in preventing crime in the field of food and drugs. Based on the descriptions above, the researcher wants to find out and analyze the legal implications that can arise from the authority of BPOM investigators in law enforcement in the fields of drug, food and drink.

Research methods

This type of research is normative juridical research, Normative legal research or also called doctrinal law research (Asikin, 2012:118). In this type of research, the law is conceptualized as what is written in the legislation (law in books) or the law is conceptualized as a rule or norm which is a benchmark of human behaviour that is considered appropriate (Ibrahim, 2011: 34). The research approach used is the statute approach and conceptual approach. The legal material from normative research can be divided into three namely,

1. Primary legal material, legal material that is authoritative consisting of statutory regulations, official records or minutes in the making of legislation and decisions of judges, which are relevant to the legal issues of this study (Marzuki, 2011:35).
2. Secondary legal law, obtained from publications on laws that are not official documents. Publications about this document include textbooks, legal journals, and comments on court decisions.
3. Tertiary Law Materials are legal materials that provide an understanding of primary and secondary legal materials, including legal and political dictionaries, encyclopedias, empirical data, and others.

The technique of searching primary and secondary legal materials is done by studying literature and internet searching (Rahardjo, 2000:255). The analysis technique in this research is evaluative analysis, namely analysis that provides justification for the results of research, researchers will provide an assessment of the results of the study, whether the hypothesis of the proposed legal theory is accepted or rejected (Fajar and Achmad, 2010: 183)).

Results and Discussion

A. Implications for Institutional Directorate of Drug and Food Investigation

Change of regulation of BPOM in Perpres No. 80 of 2017 shows at a glance that basically Perpres No. 80 of 2017 has implications for the scope of the duties of BPOM, which then gave birth to the Regulation of the Drug and Food Supervisory Agency Number 26 of 2017 concerning the Organization and Work Procedures of the Drug and Food Supervisory Agency, is a technical provision governing the work procedures of the organization, as an implication of changing regulations in Perpres No. 80 of 2017. Further technical provisions related to work procedures as well as implementing Presidential Regulation Number 80 of 2017 concerning the Food and Drug Supervisory Agency, issued Regulation of the Drug and Food Supervisory Agency Number 26 of 2017 concerning the Organization and Administration of the

Drug and Food Control Agency.

Implications of the birth of Perpres No. 80 of 2017, one of which has implications for the institution by providing additional tasks to conduct investigations, following the emergence of Deputy for Enforcement in the BPOM organizational structure, which is then further described in the Regulation of the Drug and Food Supervisory Agency Number 26 of 2017 concerning the Organization and Work Procedure of the Supervisory Agency Drug and Food. Deputy for Enforcement consists of: the Directorate of Security; Directorate of Drug and Food Intelligence; and the Directorate of Drug and Food Investigations.

Previously there was a Drug and Food Investigation Center (PPOM), which was one of the technical support units (centers). PPOM performs its performance in eradicating violations in the field of drug and food, in line with the main function of the POM, to ensure that drugs and food that are circulated and consumed by the public are safe, quality, nutritious, and/or beneficial. PPOM is an element of implementing the tasks of the POM Agency which is under and responsible to the Head, in carrying out daily tasks technically fostered by the Deputy and administratively fostered by the Main Secretary. PPOM has a synergy of performance with Technical Perpetrator Units (UPT) at Big Hal/Hall POM throughout Indonesia, through the investigation section. PPOM investigation activities carried out by Civil Servant Investigators (PPNS). PPNS is a certain civil servant official who is given special authority by law to conduct criminal investigations in accordance with the law which forms the legal basis. In carrying out its duties, PPNS is under the coordination and supervision of the National Police investigator. PPNS BPOM in accordance with RI Law No. 8 of 1981 concerning KUHAP article 7 paragraph (2) as well as Law No. 36 of 2009 concerning Health article 189 paragraph (2).

Based on the results of research at the Center for Drug and Food Research BPOM RI, the implementation of BPOM functions are described in the following below.²

1. Formulation of enforcement measures:

prevent deterrence, intelligence, and investigation of violations of statutory provisions in the field of Drug and Food control;

- Mechanism: conduct a meeting to discuss how to act in the implementation of enforcement operations within the framework of the investigation led by the director of investigations and PPNS Investigators.
- Resistance:

interventions from business actors and other law enforcement officials. Internal barriers to lack of human resources capabilities and external barriers with the stakeholders of the Police and Prosecutors' Office.

2. Enforcement of enforcement policies:

Prevenprevent deterrence, intelligence, and investigation of violations of statutory provisions in the field of Drug and Food control.

- Mechanism: conduct a meeting to discuss how to act in the implementation of enforcement operations within the framework of the investigation led by the director of investigations and PPNS Investigators. Mechanism: The Directorate

² The results of the interview were processed by Sahat Sagala, as the Head of Investigation of BPOM RI, Jakarta, September 26, 2019.

of Intelligence conducts an investigation of suspected criminal acts in the field of Drug and Food based on public reports, then distributes the information to the Directorate of Investigation for discussion and or a degree to determine how to act on the target.

- Coordination: coordination with the National Police is quite good in terms of assistance in enforcement operations. Coordination: The Directorate of Investigation coordinates with the Police PPNS Bareskrim Korwas stakeholders to provide assistance in conducting drug and food crime enforcement operations. Internal barriers in the lack of human resource capabilities and external barriers with the stakeholders of the National Police and Prosecutors' Office.
 - Obstacles: The authority to carry out forced measures, namely arrest and detention, so that the investigation process is hampered because the suspect is difficult to know its whereabouts and the case is in arrears to resolve it so that it cannot complete the General Prosecutor's advice. Crimes in the field of drug and food, especially pharmaceutical preparations which threaten penalties of more than 5 (five) years, it is necessary to appeal to the Police Criminal Investigation Corps, but this allows it to be disapproved, making it difficult for PPNS BPOM to settle case files.
3. Arrangement of norms, standards, procedures and criteria for investigation: prevent deterrence, intelligence, and investigation of violations of statutory provisions in the field of Drug and Food control.
- Mechanism: Preparation of norms in accordance with the law, namely Law No. 36 of 2009 concerning Health, Law No. 18 of 2012 concerning Food, standards in accordance with the Criminal Procedure Code and procedures in accordance with the SOP of Investigations and criteria in accordance with preliminary evidence. Mechanism: In accordance with Perpres No. 80 of 2017 concerning BPOM and each Directorate in accordance with the provisions of the SOP Deputy for Enforcement and Business Processes that have been determined by the Chairman.
 - Parties: Legislature and Deputy Chairperson for Enforcement.
 - Barriers: external obstacles from the Legislature and internal lack of coordination between work units in BPOM so it requires a long time. Obstacles: Coordination across sectors namely the Indonesian National Police and the Attorney General's Office.
4. Implementation of evaluation and reporting of actions: prevent deterrence, intelligence, and investigation of violations of statutory provisions in the field of Drug and Food control 1.
- Mechanism: monitoring and evaluation based on progress reports. Mechanism: The Directorate of Security reports the activities in accordance with the plan to the Director to be subsequently reported to the Deputy for Enforcement. The Directorate of Intelligence reports activities in accordance with the plan to the Director to be subsequently reported to the Deputy for Enforcement. The Directorate of Investigation reports activities in accordance with the plan to the Director to be subsequently reported to the Deputy for Enforcement.

- Parties: Director of investigation with PPNS conducting filing. Parties: each Directorate through the Director reports the activities in accordance with the plan to the Deputy for Enforcement for further reporting to the Head of BPOM.
- Obstacle: unable to present witnesses as soon as possible to take their statements and suspects so that it takes a long time in the investigation process. Obstacles: The Directorate of Security and the Directorate of Intelligence did not experience obstacles. However, the Directorate of Investigation encountered obstacles related to stakeholders in the Police and Attorney General's Office.

5. Strengthening the authority of the investigation:

1. Urgency of coordination with police investigators?
 2. Authority until the prosecution stage?
 3. The urgency of strengthening authority through law?
- In accordance with Perkap No. 14 of 2012 concerning Management of Investigations to always coordinate with the Police Investigator and ask for assistance during the enforcement operation.
 - conduct a case title to find sufficient preliminary evidence, then send SPDP through the Bareskrim PPNS Korwas to the Attorney General's Office and send Phase I (one) until the case file research is declared complete by the Prosecutor and then Phase II (two) is conducted
 - Strengthening authority through the Law on Drug and Food Control, so that BPN PPNS is more independent and professional in law enforcement in the field of Drug and Food.
 - Reason: because of Perkap No. 14 of 2012 concerning Management of Investigations to coordinate.
 - Efforts: propose the Food and Drug Supervision Law through the House of Representatives Commission IX in strengthening the institutional BPOM specifically in the field of Enforcement in protecting the public from health risks due to drugs and food that do not meet health standards that are produced illegally in the context of the spirit of serving to protect the community.
 - Urgency: carried out in the enforcement operation for assistance
 - expectations for BPOM: strengthening BPOM institutions through the legal formulation of the Drug and Food Law which is the basis for carrying out its duties and functions
 - need strengthening: it is very necessary through the law
 - Reason for strengthening: giving authority in forced efforts, especially arrest and detention.
 - Efforts are being made: arrest and detention of suspects and the investigation process by asking the Indonesian National Police investigator.

Sahat Sagala as the Head of the Processed Food Investigation Section of the BPOM RI stated the parties that functioned in the action namely:

"The Directorate of Security prevents the deterrence of drug and food products and secures information in accordance with SOPs and Business Processes. The Directorate of Intelligence carries out early detection of information sourced from the public and complaints and verifies information to ensure the correctness of information regarding alleged illegal drugs and foods in accordance with SOPs and Business Process. The Directorate of Investigation conducts

an investigation process after the enforcement operation based on information from the Directorate of Intelligence and conducts examinations of witnesses and experts, then checks on suspects and settles case files up to P21 to be conducted in stage 2 (two)”³.

Widodo as the Head of Investigation of BPOM RI stated that the compilation of enforcement policies namely:

“The policy mechanism of the deputies in the area of enforcement includes the scope of preventive, deterrent, intelligence and investigation activities, arranged in a linear fashion to support the policy/strategic objectives of the Head of BPOM, which generally is to reduce crime in the field of drug and food. this policy is relegated to more specific targets per sector of activity, namely in the case of prevention of criminal offenses in the field of drugs and food, disclosure of criminal acts in the field of drugs and food as well as settlement of criminal cases handled by PPNS Investigators BPOM.”

Widodo as the Head of Investigation of BPOM RI stated that the investigation function was hindered:

“The authority of PPNS BPOM as referred to in the Law which is the legal basis is felt to be still quite weak because in the case of forced efforts there is no authority to conduct searches, arrests, and detention. Therefore, the Supervision Draft Bill on Drug and Food (Bill POM) is being proposed and is currently being finalized at the legislative level.”⁴

B. Civil Servant Investigator (PPNS) Hall Drug and Food Control Agency

The authority of civil servant investigators in the field of health, especially investigators for the Center for Drug and Food Supervisory Investigation in conducting investigations as stipulated in Article 189 paragraph (2) of Law Number 36 Year 2009 concerning health consists of:

1. Conduct examination of the truth of reports and information about criminal acts in the field of health;
2. Conduct examination of persons suspected of committing criminal offenses in the health sector. Request information and evidence from persons or legal entities in connection with criminal offenses in the field of health;
3. Request information and evidence from a person or legal entity in connection with a crime in the field of health;
4. Conduct examination of letters and/or other documents concerning criminal acts in the field of health;
5. Conduct examination or confiscation of material or evidence in criminal cases in the field of health;
6. Request expert assistance in the context of carrying out criminal investigative tasks in the health sector;
7. Stop the investigation if there is not enough evidence to prove the existence of a crime in the health sector.

The authority of investigating civil servants for the Food and Drug Supervisory

³ The results of an interview with Sahat Sagala, as the Head of Investigation of BPOM RI, Jakarta, 23 September 2019.

⁴ The results of an interview with Widodo, as the Head of Investigation of BPOM RI, Jakarta, 23 September 2019.

Agency based on Law Number 8 of 1981 concerning KUHAP article 7 paragraph (2) as well as RI Law Number 36 of 2009 concerning Health Article 189 paragraph (2) is:

1. examine the truth of the report as well as information about criminal offenses in the health sector;
2. to conduct examination of persons suspected of committing criminal offenses in the field of health;
3. request information and evidence from a person or legal entity in connection with a crime in the health sector;
4. examine letters and/or other documents concerning criminal acts in the field of health;
5. examine or confiscate material or evidence in criminal cases in the health sector;
6. request expert assistance in the context of carrying out the task of investigating criminal offenses in the health sector;
7. stop the investigation if there is not enough evidence to prove a criminal act in the health sector.
8. provide reports on criminal investigations and notify the Food Drug Supervisory Agency about dangerous products found by the Central Drug and Food Supervisory Agency in the jurisdiction of the Center for Drug and Food Supervision.

PPOM is an element of carrying out the tasks of BPOM which is under and responsible to the Head, in the implementation of daily tasks technically fostered by the Deputy and administered by the Secretary General. For this reason, cross-unit coordination of BPOM is required. As explained above, in carrying out the technical activities of the BPOM working with related units within the BPOM structure (Harahap, 2003: 114). Cross-sector coordination conducted by PPOM aims to optimize law enforcement in the series of Integrated Criminal Justice System (ICJS) to continuously improve cooperation and partnerships with related agencies, especially law enforcement officers including the Indonesian Police, Attorney General's Office and the Directorate General of Customs and Excise (Hamzah, 1992: 230).

Deputy for Enforcement, Hendri Siswadi in the closing ceremony as Inspector of the Ceremony said that: "PPNS must really understand a criminal investigation process in the field of drugs and food, whatever actions are carried out in the investigation process PPNS, must know and understand as well as possible, so that it can anticipate if there is disruption in the ongoing investigation process. PPNS investigators are expected to be able to motivate themselves and other PPNS colleagues to start investigating immediately. Moreover, the high expectations of the public towards BPOM RI in the context of eradicating illegal drugs and food, currently continue to be responded to by increasing various staff competencies and organizing education and training in the formation of PPNS. PPNS BPOM is a lex specialist investigator in the field of drug and food, so that they know and understand more deeply the crime of drugs and food. Nevertheless the success of the investigation by PPNS is inseparable from the role of other law enforcement agencies such as the Police and Attorney General's Office. Therefore we hope that PPNS BPOM always coordinate and cooperate with law enforcement."⁵

⁵ See <https://www.pom.go.id/new/view/more/berita/15172/Diklat-PPNS-Optimalkan-Penyidikan-Kejahatan-Obat-dan-Makanan.html>, publication 5 December 2018, accessed 30 January 2019.

C. Stage of Investigation

Supervision carried out by BPOM is divided into two, namely pre-market and post-market supervision. Pre-market supervision is supervision that is carried out before the drug circulates, including standardization, guidance, CPOB auditing, assessment, and safety quality testing. Pre-market supervision is conducted to obtain a marketing authorization number so that products can be produced and circulated. The POM has issued a marketing authorization since 1972 (Yuningsih 2016: 10).

Noting the authority above, the investigation stage is a stage of a series of scope of authority, namely BPOM has the authority to conduct drug and food testing and intelligence. The authority is also part of the general function of BPOM which outlines as a drug and food supervisor, so that the investigation function is the sustainability of the oversight function. From this stage, if a crime is found, then the law enforcement stage is carried out, which starts the investigation and increases at the investigation stage. The flow of the investigation process can be divided into parts of the initial investigation, case investigation and evaluation and omitoring of drug and food investigations. The description of the investigation above can be outlined as follows:

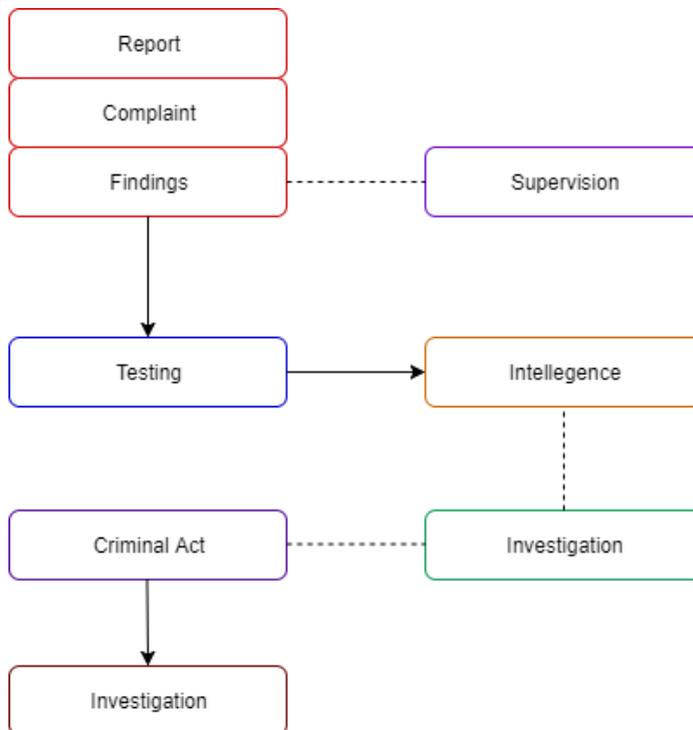


Figure 1 BPOM Investigation Flow

Figure 1. above shows the BPOM investigation flow which starts from 3 (three) lines, namely reports, complaints and field findings conducted by the supervisor. The

next stage is the testing phase, which is conducting outreach with intelligence and if sufficient preliminary evidence is found the advanced stages are carried out with a case title and coordination with the National Police investigator, if a criminal act is found, an investigation is conducted. The stage of the investigation is a follow-up stage of the surveillance carried out. The Food and Drug supervision system conducted by BPOM is a comprehensive process consisting of: First, standardization which is a function of preparing standards, regulations, and policies related to Drug and Food control. Standardization is carried out centrally, intended to avoid differences in standards that might occur due to each province setting its own standards. Second, a pre-market evaluation is a product evaluation before obtaining a marketing authorization number and can finally be produced and distributed to consumers. The assessment is carried out centrally, intended so that products that have a marketing authorization apply nationally.

Third, monitoring after circulating (post-market control) to see the consistency of safety, efficacy/benefits, quality, and product information, which is carried out by sampling the outstanding Drugs and Food products, examining drug and food production and distribution advice, pharmacovigilan monitoring, and supervision labeling/tagging and advertising. Post-market supervision is carried out nationally and is integrated, consistent, and standardized. Fourth, laboratory testing. Products that are sampled based on risk are then tested through a laboratory to find out whether the Drugs and Foods meet safety, efficacy/benefits, and quality standards. The results of these laboratory tests are the scientific basis used to determine which products do not meet requirements.

Fifth, law enforcement in the field of Drug and Food supervision. Law enforcement is based on evidence of results of tests, examinations, and initial investigations. The process of law enforcement up to prostitution may end with administrative sanctions such as forbidden to be circulated, withdrawn from circulation, revoked marketing authorization, and confiscated to be destroyed. If violations enter the criminal domain, then violations of drugs and food can be processed according to criminal law.

D. BPOM Performance Achievement

The capacity of BPOM as a Food and Drug Monitoring Agency still needs to be carried out in terms of structuring and strengthening, both in terms of institutionalization and regulatory support that is needed, especially regulations regarding the role and main tasks and functions so that the achievement of performance in the future is getting better and can ensure the running of the drug supervision process and food that is more stringent in maintaining security, efficacy/benefits and quality of drug and food.

Strategic environmental conditions with the dynamics of rapid change, requires BPOM can evaluate and be able to adapt in the implementation of its roles appropriately and in accordance with needs. With this ethos, BPOM is expected to be able to become a catalyst which in the end is expected to provide maximum contribution to national health development.

For this reason, there are 4 (four) strategic issues of the main problems faced by BPOM

in accordance with their roles and authorities to be more optimal, that is:

1. Strengthening the technical policy of supervision (Regulatory System)
2. Strengthening coordination of drug and food supervision
3. Strengthening Law Enforcement and Enforcement
4. Partnership and guidance to stakeholders.

Investigation is a downstream supervision of Drugs and Food which can have a significant impact on law enforcement against violations. This activity can cause a deterrent effect of the perpetrators of the crime so that it affects the reduction of violations in the field of Drug and Food. and related K/L. BPOM is also actively coordinating with the Attorney General's Office to speed up the completion of case files up to stage II (delivery of evidence and suspects). Improving the performance and professionalism of PPNS (Civil Servants) is optimized to support PPNS capacity to be better.

Based on the results of research on BPOM, the number of cases in the field of drug and food investigations in 2015 at BPOM was 289, then in 2016 amounted to 301 and in 2017 amounted to 314. The percentage of drug and food crime cases committed by the Deputy IV that had received a decision courts at the central level in 2018 amounted to 35 cases and in 2019 stage II amounted to 50 cases.

Conclusions

Legal implications that can arise from the condition of the authority of BPOM investigators who are not strong in law enforcement in the field of drugs, food and beverages, namely even though Presidential Regulation Number 80 of 2017 provides enforcement authority which also has implications for the organizational structure of BPOM deputies' enforcement measures, but the type of presidential regulation does not provide legal force PPNS to take action optimally, so there are limitations to the role of PPNS BPOM. The investigation process is a further stage after the field findings, complaints and reports, BPN PPNS coordinates with the National Police investigator, submits reporting and approval of the National Police investigator, thus limiting the scope of the BPN PPNS. In addition, the lack of compliance and deterrent effects as well as an increase in the number of drug and food cases.

Legal implications that can arise from the condition of the authority of BPOM investigators who are not strong in law enforcement in the fields of drugs, food and beverages in addition to juridical and law enforcement implications, other sociological implications that can continue to occur are an increasing number of cases in the field of drugs and foods, especially drugs, food and imported drinks, so that it can widely harm the state, society and individuals, criminal law must function as it should provide such protection by optimizing formal procedural law with an investigative function.

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