

THE ROLE OF BPOM IN THE CIRCULATION OF TRADITIONAL MEDICINE IN SURAKARTAUlung Ajubah Tri Atmojo¹, Marisa Kurnianingsih², Hartanto³¹Fakultas Hukum, Universitas Muhammadiyah Surakarta (C100190230@student.ums.ac.id)²Fakultas Hukum, Universitas Muhammadiyah Surakarta (mk122@ums.ac.id)²Fakultas Hukum, Universitas Muhammadiyah Surakarta (har218@ums.ac.id)**ABSTRACT**

ABSTRACT: The aim in question is what is the role of BPOM and what obstacles are faced in overcoming the circulation of traditional medicines. Many illegal traditional medicines are circulating, causing problems in Surakarta society. This research uses empirical juridical methods. This research produces what the main roles are in BPOM Surakarta and the community in educating about illegal traditional medicines that are widely circulating in the community and how to deal with this.

Keywords: traditional medicine, role of BPOM, health

INTRODUCTION

Jamu is included in the traditional medicines of Indonesia. This is a study that aims to analyze herbal medicine, namely traditional medicine from Indonesia which is still an interesting topic in the world of research to date.¹

Traditional knowledge, especially in the form of medicine, has long been known and been a mainstay of our ancestors since ancient times. So far, traditional knowledge has been seen more as heritage or cultural expression. Traditional medicine can be found in treatment but also with descriptions of various diseases and various medicinal concoctions that utilize growing plants.²

In this study the analysis is based on the herbal medicine studied, as well as the research results. In this case, traditional herbal medicine is circulating in the Surakarta area. BPOM (Food and Drug Supervisory Agency) is the supervisory body. Economic development can improve education and health which helps society.³

This study can provide an overview of the diversity of research topics carried out in the articles studied, so that it can become a reference for other researchers who are interested in exploring further about herbal medicine. Apart from that, the study of herbal medicine in herbal medicine research in Surakarta.

Indonesia is one of the countries producing medicinal plant commodities, both locally and for export.⁴Based on the description of the author's background above, the problem formulation in the author's research is about the role of BPOM in the distribution of traditional medicines in Surakarta. First, what is the role of BPOM in supervising the sale and use of traditional herbal medicine, secondly, what obstacles does BPOM encounter in handling traditional medicine in Surakarta.

The aim of research is essentially to reveal what the researcher wants to achieve, both in terms of solving the problems faced and meeting individual needs.

¹ IHSAN: *Jurnal Pengabdian Masyarakat Online*, Vol. 1, No. 2 (Oktober 2019)

² Dwi Martini dkk, "Pelindungan Hukum Terhadap Pengetahuan Obat-Obatan Tradisional Dalam Rezim Hak Kekayaan Intelektual (HKI) Di Indonesia (Studi Pada Masyarakat Tradisional Sasak)", *Jurnal Hukum Dan Peradilan*, Vol. 6 No.1, Maret 2017, Hal. 67-90.

³ Jaka Susila, "Industrialisasi dan pembangunan berkesinambungan" *Jurnal Jurisprudence* Vol 8, No. 2, (Desember 2018), hal 4

⁴ Akhmad Saikhu, MSc.PH, "Jurnal Tumbuhan Obat Indonesia" *The journal of indonesia medicinal plant* Vol. 15, No. 2, (Desember 2022), hal 1.

Based on the Problem Formulation, the objectives and researchers regarding the role of BPOM in the distribution of traditional medicines in Surakarta. To find out the role of BPOM in supervising the sale and use of traditional herbal medicine. To find out what obstacles BPOM has gone through in Surakarta

1. Principle of Responsibility

The principle of responsibility states that every individual must be responsible for the actions or decisions they take. In the context of traditional herbal medicine, herbal medicine producers must be responsible for the quality and safety of the herbal medicine they sell. If loss or danger occurs due to the use of unsafe or low quality herbal medicine, the herbal medicine manufacturer must be responsible for the loss.

2. Principle of Public Interest

The principle of public interest states that individual actions or decisions must take into account the interests of society as a whole. In the context of traditional herbal medicine, this principle applies to the government which is tasked with supervising the production and sale of herbal medicine. The government must ensure that the herbal medicine sold is safe and of good quality in accordance with established standards, so that the public's interests in terms of health and safety are maintained.

3. Principles of Consumer Protection

The principle of consumer protection states that consumers must be protected from business practices that are dishonest or detrimental to consumers. In the context of traditional herbal medicine, this principle applies to consumer protection against unsafe or low quality herbal medicine. The government must ensure that herbal medicine manufacturers provide clear and accurate information about the quality and safety of herbal medicine, so that consumers can make informed decisions when purchasing traditional medicines.

RESEARCH METHODS

1. Method The approach used in this research is empirical juridical, namely research carried out on the actual situation or real conditions that occur in society with the aim of knowing and finding the facts and data needed, after the required data is collected then it goes towards identifying the problem that is being solved. ultimately leading to solving the problem.

2. The research location is located in the Surakarta area

3. Data Collection Method

a. In this research, the data collection method used by the author is Literature Study, namely a data collection method by studying books, papers, newspapers, articles, the internet, research results and laws and regulations related to the problem being studied.

b. By conducting interviews with BPOM employees in Surakarta in this case they can be said to be respondents

c. To obtain secondary data, library research is done by studying primary legal materials and legal materials.

Analysis Method

The data analysis method used by the author is a qualitative analysis method. By using deductive logic, which is the process of systematically searching and compiling data obtained from interviews, field notes, and other materials, so that it can be easily understood, and the findings can be informed to other people.

RESULTS AND DISCUSSION

BPOM's role in supervising the sale and use of traditional herbal medicine in Surakarta

Pre-market Surveillance

Pre-market supervision is before circulating to the BPOM Surakarta market, providing assistance to business actors to ensure products that want to be distributed, according to Presidential Regulation No.

80 of 2017 concerning the Food and Drug Supervisory Agency, it is stated that "The Food and Drug Supervisory Agency, hereinafter abbreviated to BPOM, is a non-ministerial government institution that carries out government affairs in the field of drug and food supervision". In its implementation, there are several obstacles in carrying out pre-market supervision, including:

1. **Limited Resources:** BPOM Surakarta has limited human resources and budget to carry out extensive and comprehensive pre-market supervision. For example, BPOM here has to inspect thousands of new products every year. The limited natural resources obtained greatly affect BPOM's ability to carry out this work.
2. **Technological Sophistication:** Pre-market surveillance also requires very sophisticated technology which is useful for finding substances that pose a danger to consumers. Limitations of this technology
3. **Lack of Producer Compliance:** Another obstacle that BPOM often faces in pre-market supervision is the lack of awareness and compliance of producers with applicable regulations and standards. Some manufacturers may ignore BPOM registration and approval requirements before their products are sold to the market.
4. **Time Limitations:** BPOM must work quickly and efficiently in carrying out pre-market supervision because new products can be marketed very quickly. BPOM needs to carry out product inspections and evaluations quickly in order to catch potentially dangerous products before they are sold to the market.
5. **Product Development:** Products sold on the market are experiencing very rapid development, and BPOM needs to monitor the development of these products to ensure compliance with applicable regulations. This requires skills and in-depth knowledge of the product and related industry. Is it in accordance with the first provisions mentioned above? Is the place suitable or not, then after the product meets its efficacy and effectiveness, the product is ready to be distributed and then BPOM Surakarta also carries out supervision.

Post-market control supervision

Post-market control supervision is very important to ensure consistent product quality, safety and product information for consumers. One way to carry out post market supervision is by sampling traditional medicinal products in circulation, inspecting production and distribution facilities for traditional medicines and monitoring product labels/marketing. By carrying out this supervision, it is hoped that we can minimize the risk of products being unfit for consumption or use, as well as improving product quality and consumer confidence in traditional medicinal products. Post market supervision at the Food and Drug Supervisory Agency (BPOM) has several obstacles that need to be overcome, including:

1. **Limited Human Resources and Budget**

BPOM has limited human resources and budget, making it difficult to carry out intensive supervision on all products circulating on the market. This can lead to an increased risk of products being unfit for consumption or use.
2. **Data Problems**

BPOM faces problems in collecting and analyzing data on products in circulation. Some product data is incomplete, disorganized or not updated, making it difficult to make accurate and data-based decisions regarding post market monitoring.
3. **Differences in Industry Compliance Levels**

Traditional medicines have different levels of compliance in complying with BPOM regulations. This causes difficulties in determining supervisory priorities and carrying out consistent supervision across all industries.
4. **Consumer Compliance Level**

Consumer compliance with the use of products that are safe and comply with BPOM regulations is still low. This makes it difficult to monitor products that are not suitable for consumption or use, because these products remain on the market.
5. **High Number of Products**

The number of products circulating on the market increases every year. This makes it difficult to monitor all products in circulation intensively and comprehensively. To overcome these obstacles, BPOM must coordinate well with related parties, increase human resources and budget, increase industry and consumer compliance, and improve accurate and up-to-date data collection and analysis systems.

Socialization

Manufacturers must ensure that the products they produce are safe, efficacious and of good quality. They must ensure that their products are safe after receiving CPOTB verification. Manufacturers have the responsibility of managing and dispensing safely. When the production facilities have made safe traditional medicines, BPOM Surakarta monitors the products, consumers also have to be smart, for example the distribution permit number, for traditional medicines there are a lot of them on the market, but many traditional medicines do not have distribution permits, consumers can check via the BPOM application. MOBILE people should care and not consume.

BPOM Surakarta also monitors and ensures safety before consuming traditional medicines by don't forget to check CLICK, namely:

1. Packaging, make sure the packaging is in good condition, don't have it dented or damaged. If the contents are damaged, we can judge what the contents are if the protector is damaged.
2. Label, contains important information about raw materials, such as, for example, there are raw materials that cause allergies, there is also an expiry label, there is also the name of the producer and the net weight and the distribution permit is there.
3. Distribution permit, check whether there is a distribution permit.
4. Expired, don't consume traditional medicine that has expired. Don't buy traditional medicine in the packaging. Every detail of the product packaging, also pay attention to the semicolon because every punctuation mark contains information.

Consumers can also contact BPOM Surakarta and report illegal traditional medicines. BPOM has prepared many traditional medicine complaint channels, namely hello BPOM 1500533, SMS to central BPOM 081219999533 and central BPOM WA 0819181533 Email, BPOM implementation unit in the region or regional branch office, Surakarta Lokapom Headquarters. The reporter's information is kept confidential by us.

The Food and Drug Supervisory Agency (BPOM) is a government agency that holds important responsibilities in supervising drugs and food circulating in Indonesia. BPOM experienced several internal obstacles in the supervision of traditional medicines which had an impact on the performance and effectiveness of supervision.

These obstacles include limited human resources (HR), especially experts in monitoring traditional medicines, lack of facilities and infrastructure such as laboratory facilities and adequate storage areas, differences in regulations in areas influenced by culture and tradition, challenges in law enforcement against illegal traditional medicines or dangerous, as well as the low level of public understanding regarding traditional medicine which can affect the effectiveness of BPOM supervision. Therefore, BPOM needs to increase education and correct information regarding traditional medicines to the public and pay attention to cultural and traditional differences in each region in carrying out supervision and granting distribution permits for traditional medicines.

BPOM faces several external obstacles in the distribution of traditional medicines. First, the proliferation of illegal traditional medicinal products that do not have a distribution permit from BPOM and have not been scientifically tested for suitability, so they can endanger consumers' health. Second, BPOM faces obstacles in monitoring traditional medicines entering Indonesia from other countries because some countries may have different regulations and standards from Indonesia. Third, Indonesia has many regions with different cultures and traditions, which can influence the use and supervision of traditional medicines in each region. Lastly, the level of public awareness regarding the dangers of illegal traditional medicines and their inappropriate use is still relatively low in Indonesia, which can worsen the

condition of the distribution of traditional medicines and complicate BPOM's job in monitoring them. BPOM can overcome these obstacles by collaborating with other parties such as related agencies, the traditional medicine industry, and the community in monitoring the distribution of traditional medicines, increasing international cooperation to overcome the illegal trade in traditional medicines, and carrying out campaigns and outreach to increase public awareness regarding the dangers of illegal traditional medicines and the importance of safe and effective use of traditional medicines. Internationally, the protection of traditional medicinal knowledge has been discussed for 40 years.⁵ The creation of law is a means or instrument for regulating the rights and obligations of legal subjects.⁶ The world of health in Indonesia is an easy target for making huge profits.⁷

CONCLUSION AND SUGGESTION

Conclusion

From the results it can be concluded that with the existence of BPOM in Surakarta, the community as consumers, it cannot be denied that the community still experiences many misunderstandings in consuming traditional medicines, where BPOM here has an indispensable role for business actors in buying and selling traditional medicines. BPOM also supervises closely. premarket supervision, kosmarket, socialization, and also about 3 pillars. The first is supervision by the Government, BPOM Surakarta, and the Ministry of Health. Concrete steps have been implemented jointly by both the government and entrepreneurs in prevention, as well as fellow government agencies in the enforcement process which is intensively implemented by PPNS BPOM and the district court through court decisions which are always in line with their positive support.⁸regulated in various regulations including the Health Law, Consumer Protection Law, Criminal Code and Criminal Code.

Until now there is no law that specifically regulates medicines. Legal responsibilities for both manufacturers and distributors can range from criminal, civil to administrative.⁹

Second, the obstacles that occur at BPOM also make BPOM not give up in overcoming obstacles regarding traditional medicines, as for illegal herbal medicine traders, namely those where business actors falsify codes or label numbers in traditional medicine products contained in this Sanction, there is a regulation from the head of the pom agency: HK.00.05 .41.1384 CRITERIA AND PROCEDURE FOR REGISTRATION OF TRADITIONAL MEDICINE, STANDARD HERBAL MEDICINE AND PHYTOPHARMACEUTICAL MEDICINE related to this violation, for example, the simplest example is unclear labels that cannot be read, including violations and administrative action and sanctions in Article 35, which can be written warnings, product withdrawals, PSK (temporary suspension of activities), The suspension of the distribution permit number may not be used first, if there is no further action, namely the revocation of the distribution permit number. Regarding drug and food crimes, we have included it in the Health Constitution, UU 35 of 2009, article 197, 197, the order of which is that there are already fines and prison sentences.

Suggestion

In this case, the government needs to improve in terms of regulations, it must emphasize producers

⁵ Rohaini, "Pelindungan Hukum Terhadap Pengetahuan Tradisional Melalui Pengembangan Sui Generis Law", Fiat Justisia Jurnal Ilmu Hukum, Vol. 9 No. 4 Tahun 2015, Hal. 416-437.

⁶ Handoyono, "Pelindungan Hukum Pasar Tradisional di Surakarta" Jurnal Jurisprudence Vol 6, No. 1 (Juni 2016), hal 3

⁷ Absori, dkk, "Kebijakan Pemerintah Dalam Pelayanan Kesehatan Bagi Penerima Bantuan Iuran Berbasis Keadilan Sosial Di Kota Yogyakarta" Jurnal Jurisprudence Vol 10, No. 2, (Desember 2020), hal 13.

⁸ Ruri eka putri, *Tinjauan Hukum Obat Tradisional Berbahan Kimia Obat*" Jurnal Hukum Magnum Epus Vol 4 no. 1 (Februari 2021), hal 3

⁹ Ruri eka putri, *Tinjauan Hukum Obat Tradisional Berbahan Kimia Obat*" Jurnal Hukum Magnum Epus Vol 4 no. 1 (Februari 2021), hal 10

and retailers to maintain stability in carrying out traditional medicines in Surakarta so that people are more careful in carrying out traditional medicine buying and selling businesses, BPOM should also have more supervision and advertising about the dangers of medicines. illegal traditional medicine circulating in Surakarta so that people are safer and more at ease when taking the traditional medicine they buy, then consumers should be wiser in buying a traditional medicine product so that its efficacy and benefits are felt and this traditional medicine can only reduce, not completely cure. Indonesia also needs to regulate issues regarding foreigners' access to traditional medicinal knowledge. Because there is fear that biopiracy and bioprospecting will occur. Indonesia also needs to think about and design the benefits of traditional medicine so that regional governments can manage data regarding knowledge about traditional medicine.

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