

LAW ENFORCEMENT AGAINST THE CRIME OF COUNTERFEITING HERBAL MEDICINE (STUDY AT THE NORTH SUMATRA POLICE)

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ABSTRACT

This thesis research is entitled Law Enforcement Against Criminal Acts of Herbal Medicine Counterfeiting (Study of North Sumatra Regional Police). The formulation of the problem is: What are the legal regulations for herbal medicine counterfeiting in legislation? What factors cause the occurrence of criminal acts of herbal medicine counterfeiting? How is law enforcement carried out by the North Sumatra Regional Police against perpetrators of herbal medicine counterfeiting? The research method used is normative juridical legal research, with a descriptive analytical research type. For the problem approach, a normative juridical approach is used. The data used are primary and secondary data. The results of the study show that the legal regulations for herbal medicine counterfeiting are the Minister of Health Regulation No. 24 of 2018 concerning Permits and Implementation of Traditional Herbal Medicine Health Worker Practices, Law No. 17 of 2023 concerning Health, and Government Regulation No. 103 of 2014 concerning Traditional Health Services. A factor contributing to the occurrence of counterfeit herbal medicine is the lenient penalties for perpetrators of counterfeiting herbal medicine, which has led to increased activity, particularly in counterfeiting herbal medicine. The North Sumatra Regional Police's law enforcement efforts against perpetrators of counterfeit herbal medicine involve conducting investigations and inquiries until the files are received by the Prosecutor's Office for trial.

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INTRODUCTIONS

Traditional herbal medicine is part of the traditional wealth of regions in Indonesia. Traditional herbal medicine is a drink native to Indonesia that is believed to have properties for health. The treatment method using traditional herbal remedies has resulted in several traditional medicine industries developing quite rapidly in Indonesia, both in terms of production and marketing. Based on existing data, at the end of 2003 there were 1,012 traditional medicine industries that had industrial business licenses, consisting of 105 large-scale industries and 907 small industries.

Herbal Medicine or Traditional Medicine is an ingredient or herb in the form of plant ingredients, animal ingredients, mineral ingredients, sarian preparations (galenics), or mixtures of these ingredients that have been used for treatment for generations, and can be applied in accordance with the prevailing norms in society. Jamu first existed during the time of the Mataram kingdom or around 1300 years ago. Jamu itself took the qibla of Ayeverda from India. However, herbal medicine in Indonesia certainly has a different characteristics because there are many herbal ingredients found in Indonesia. In general, the herbal medicine is made from native Indonesian spices such as Turmeric, Tamarind, Kencur Rice, Sambiloto Leaves, Temulawak, Betel Leaves, Laos, Galangal and Cinnamon. (Pratama et al., 2019)

With the development of the times, herbal medicine is also sold using technology, with packaging in the form of pills, tablets, or instant powder which is put into warm water to drink. When there was a clash with the deteriorating agricultural situation in Indonesia which resulted in a switch to the industrial world, including the herbal medicine industry. From 1974 to 1990, many herbal medicine companies were established and it was growing. In that era, there were also many coaches and assistance from the government so that herbal medicine industry players could increase their production activities.

Since the first time Indonesian people used herbal medicine as a health drink until now, herbal medicine processing has been traditional and taught from generation to generation. However, currently, the tradition of teaching traditional herbal medicine making is rarely done, so the sale of herbal medicine is rarely found. Nowadays, there is less and less interest among young people to drink traditional herbal medicine that is prepared by hand because most of them think that to get herbal medicine is enough to use herbal medicine sold in sachets because it is made instantly and practically. (Ananda et al., 2025; Bagaskoro et al., 2023)

Of course, it is understood, herbal medicine is believed to come from two Old Javanese words, Djampi which has the meaning of healing and Oesodo which has the meaning of health. The term herbal medicine was introduced to the public through people who were believed to have traditional medicine. It must be uncertified, the efficacy of Jamu has been tested by time for generations to be used as a traditional medicine. So that until now, this Indonesian drink has always been maintained.

In modern times, of course, the decline of traditional herbal medicines that are formulated naturally, then herbal medicine is made in a modern way and produced in bulk, this opportunity is used by irresponsible individuals to reap a lot of profits by including a mixture of chemicals in the composition of herbal medicine that is produced in bulk, this problem is what is the anxiety of the community, especially lovers of traditional herbal medicine, even worse, there are people who selling Jamu sachets that have passed the expiration date but are still circulated for sale. In fact, as we know, herbal medicine, which was originally beneficial for health and maintaining body fitness, can actually be harmful to the body because it is mixed with chemicals called Medicinal Chemicals (BKO). (Harahap, 2020; Pratama et al., 2019)

Until now, the POM Agency still finds several traditional medicine products that are mixed with medicinal chemicals (BKO). BKO in traditional medicine is the selling point for manufacturers This may be due to the lack of knowledge of manufacturers about the dangers of consuming medicinal chemicals uncontrollably, both dosage and how to use them or even solely to increase sales because people like traditional medicine products that react quickly to the body. Consumers who are not aware of the dangers of the traditional medicines they consume, let alone pay attention to the contraindications of the use of several chemicals for people with certain diseases and the interaction of medicinal ingredients that occur when traditional medicine users are consuming other drugs, are certainly very dangerous. For this reason, the POM Agency continuously conducts supervision, which is carried out through inspections of distribution facilities and supervision of products in circulation by means of sampling and laboratory testing of circulating products. (Ilahi et al., 2024; Mutiah & Habibullah, 2024)

Based on the background of the problem that has been described, the author is interested in conducting research where this thesis research is a requirement that must be carried out in order to complete the study in the Master of Law postgraduate program at the University of Medan Area. Therefore, the author raised the title of the thesis, namely "Law Enforcement Against the Crime of Counterfeiting Herbal Medicine (Study at the North Sumatra Police)". This research is focused on three main aspects. First, this study examines how legal rules related to herbal medicine

counterfeiting are regulated in the applicable laws and regulations in Indonesia. Second, this study analyzes various factors that cause the occurrence of herbal medicine counterfeiting, both from economic, social aspects, and weak supervision of the circulation of traditional medicine products in the community. Third, this study examines how law enforcement carried out by the North Sumatra Police against the perpetrators of the crime of counterfeiting herbal medicine, including enforcement efforts and legal processes applied in handling the case.

The purpose of this thesis research is to examine and analyze in depth the legal rules regarding herbal forgery in the applicable laws and regulations, identify and analyze the factors that cause the occurrence of herbal medicine counterfeiting, and evaluate the law enforcement carried out by the North Sumatra Regional Police against the perpetrators of herbal medicine counterfeiting. This research is expected to be able to provide a comprehensive understanding of regulatory aspects, the causes of criminal acts, and the implementation of law enforcement in an effort to eradicate the practice of herbal medicine counterfeiting in the North Sumatra region.

METHOD

This thesis research was carried out at the North Sumatra Regional Police (Polda North Sumatra) which is located at Jalan Sisingamangaraja Km 10.5 Medan, North Sumatra Province. This research uses a type of normative juridical research that is guided by legal norms, especially those related to laws and regulations. Normative juridical research in this study includes research on legal principles, legal systems, the degree of vertical and horizontal synchronization, legal comparison, and legal history. This type of research focuses on the study of legal doctrines and principles as part of legal science relevant to the crime of counterfeiting herbal medicine. This research is descriptive analytical, which provides a detailed and systematic overview of the problems being researched based on the facts and data obtained, which are then carefully analyzed to answer the problem and formulate solutions to the problem. (Satory et al., 2024; Sukmawan & Damayanti, 2025)

The respondents or informants in this study are individuals who are used as a source of information to explain the core of the research and provide answers to the problems observed, especially related to law enforcement against the crime of counterfeiting herbal medicine in the North Sumatra Police. Research informants are selected based on certain criteria, namely physical and spiritual health, have insight and experience related to the problems discussed, are willing to be research informants, and come from North Sumatra Police personnel. In the implementation of the research, the author will conduct meetings and interviews with North Sumatra Police personnel to obtain relevant data and information in an effort to explain law enforcement against the crime of counterfeiting herbal medicine.

Data collection in this study was carried out through literature studies or document studies by utilizing secondary data. Secondary data is data obtained from the results of literature research in the form of books, documents, and other literature relevant to the research topic. The secondary data in this study consists of primary legal materials, namely basic norms or laws and regulations related to the crime of forgery; secondary legal materials, which are materials that support and provide explanations of primary legal materials such as literature and books related to criminal law; and tertiary legal materials, which are materials that provide instructions and explanations of primary and secondary legal materials such as general dictionaries, legal dictionaries, encyclopedias, and the like.

The data analysis in this study was carried out qualitatively, namely through a descriptive approach that emphasizes process and meaning analysis. The theoretical foundation is used as a guide so that the focus of research remains in accordance with the facts in the field. The data obtained from the results of secondary data collection will be collected, edited, processed, and compiled systematically to obtain clarity on the problems discussed. The analysis process is carried out using the deductive method, which is reasoning from general statements to reach specific conclusions as an answer to the problems in this study.

RESULT AND DISCUSSIONS

Legal Rules for Counterfeiting of Herbal Medicine in Laws and Regulations

Traditional Health Workers are traditional health workers who have the authority to implement complete traditional health services using herbal medicine according to their experts. In article 1 paragraph 1, traditional herbal health workers are someone who has graduated from higher education, especially in the field of herbal medicine in accordance with the rules of the law. In carrying out their practice, this herbal health worker generally has a Traditional Health Worker Registration Certificate (STRTKT). (Amanda et al., 2024; Nurmaulawati et al., 2025)

In Article 1 paragraph 3 of STRTKT Jamu is a letter in the form of writing given by the Central Government to Traditional Herbal Health Workers who have a certificate of competence in accordance with the rules of the law. Furthermore, after the STRTKT Jamu has been given to the health worker, the Jamu Traditional Health Worker Practice Permit (SIPTKT) will be taken care of. SIPTKT Jamu is a form of writing by authorizing the practice of traditional herbal health workers.

In carrying out their practice, traditional herbal health workers have education with educational qualifications as low as D-3 Jamu. After completing Education, herbal health workers must have a Herbal Medicine STRTKT to be able to carry out their professional practices. In obtaining the Jamu STRTKT, traditional herbal health workers are required to have a certificate of competence for herbal medicine health workers according to the rules of the law. And STRTKT is valid for 5 years. (Ananda et al., 2025; Andriani et al., 2025)

Traditional herbal health workers who carry out their practice are required to have a herbal medicine SIPTKT document. SIPTKT jamu is given to traditional herbal health workers who already have a herbal STRTKT. Traditional herbal health workers can have two herbal medicines. The application for the second SIPTKT Jamu must be made by showing the first SIPTKT Jamu. SIPTKT jamu is issued by the licensing agency appointed to the district/city government. The issuance of SIPTKT is aimed at the health office of the district/city local government.

Traditional healers in providing Empirical Traditional Health Services have a number of rights, including obtaining complete and honest information from their clients or families, receiving service rewards for the services provided, and participating in promotive training in the health sector. Traditional health care workers also have an obligation to provide services that are safe and beneficial to health, do not endanger the soul, do not violate morality, religion, and belief in God Almighty, and do not contradict the norms and values that live in society. Traditional health care providers are obliged to provide clear and appropriate information to clients regarding the treatment carried out, use safe tools in accordance with their knowledge, maintain confidentiality of the client's health condition, and make records of the client's health status. Clients who receive empirical traditional health services have the right to know clearly and completely the services to be performed, obtain services as needed, refuse service actions, and obtain the contents of their health status records. The Client is also obliged to provide complete and honest information about his health condition and to provide service rewards for the services received. (Ananda et al., 2025; Krisna et al., 2026)

Complementary Traditional Health Services is a traditional health service that uses biocultural and biomedical science approaches with scientifically proven benefits and safety. This service is provided by traditional health care providers in promotive, preventive, curative, and rehabilitative efforts. Traditional health care providers who are unable to provide services in accordance with their competence and authority are required to refer patients to other health facilities. In providing complementary traditional health services, traditional health care providers have the right to obtain legal protection in carrying out their duties in accordance with professional standards, service standards, and operational procedure standards, obtain complete and honest information from patients or their families, and receive service rewards. Traditional health care providers are also obliged to provide services in accordance with professional standards and patient needs, refer patients in emergency conditions or circumstances that cannot be handled, maintain the confidentiality of patient information, and continue to improve knowledge and keep up with the development of complementary traditional health sciences. Patients or clients have the right to get a detailed explanation regarding the services to be performed, ask for opinions from other traditional health workers, obtain services as needed, refuse service actions, and obtain their health records. Patients are also obliged to provide honest information about their health conditions, comply with the advice of traditional health professionals, comply with the applicable provisions in traditional health care facilities, and provide service rewards for the services received. (Girvin & Hanwar, 2026; Trisnawaty, 2022)

Traditional health care providers are required to receive guidance from the Minister responsible for the implementation of traditional health services. The Minister can delegate the authority of coaching to the governor, regent, or mayor to ensure the fulfillment of the needs of the community in obtaining access to traditional health services, driving the implementation of traditional health services, facilitating traditional health service facilities, and protecting the public from possible health hazards. Coaching is carried out through communication, information, education, community empowerment, utilization of traditional health workers, and financing. The Minister also supervises the implementation of traditional health services and can delegate this authority to the head of provincial and district/city health offices. In the implementation of supervision, supervisors can be appointed who are in charge of entering places that are suspected of being used for traditional health service activities and checking the legality of their implementation. Traditional health care workers, traditional health workers, and operators of traditional health care facilities who do not have permits, do not implement, or violate applicable provisions may be subject to administrative sanctions by authorized officials in the form of verbal reprimands, written reprimands, STPT cancellations, or revocation of permits. (Adristy et al., 2024; Apriani et al., 2023)

Factors That Cause Herbal Medicine Counterfeiting in the Jurisdiction of the North Sumatra Police

The law functions in upholding a sense of justice, certainty, and of course has benefits in society. In practice, the law is carried out in the field, there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete in real form, while justice is abstract so that when a judge decides a case by applying the law alone, there are times when the value of justice is not achieved. So when looking at a problem regarding the law, at least justice is the top priority. Because the law is not solely seen from the point of view of written law.

Based on the results of an interview with Mr. Kompol Ricardo Siahaan, S.H, M.H as the Investigator of the North Sumatra Police Directorate of Narcotics that legal factors greatly affect people in committing crimes. In this legal factor, the lightening punishment for the perpetrators of the crime of counterfeiting so that the perpetrators are increasingly aggressive to commit the crime of counterfeiting, especially in the counterfeiting of herbal medicine. (Adristy et al., 2024; Girvin & Hanwar, 2026)

If you look at the crimes that occur today, the cause is due to the impact of technology, so the process of proving it is very complicated to do. With a person's high education, there is a dangerous impact if the person participates in economically motivated crimes and there can be revenge treatment in the use of advanced technology in committing these crimes. The higher the knowledge, the easier it will be for the officers to determine who the perpetrators of the crime are, so as to avoid arrest, which results in losses for the person accused of committing the crime, the higher the intelligence of a person, the easier it will be to commit the crime. (Handayani & Siregar, 2020; Purba et al., 2023)

Based on the results of an interview with Mr. Kompol Ricardo Siahaan, S.H, M.H as the Investigator of the North Sumatra Police Directorate of Narcotics, the intelligence factor greatly influenced the person to commit the act of counterfeiting herbal medicine. This is because the perpetrator was able to intelligently concoct expired herbs with herbs that contain narcotics so that the herbs can be produced and distributed in the market.

In this context, association can get the norms that exist in the community. The consequences of socializing for a person inside and outside the home environment are clearly different, from the scope of their association. Because no matter where humans are, the scope is clear, the environment has many differences, so it can have different influences according to the environment. Regarding these different associations made by a person, it can be inherent and as a motivation for someone because in an example that occurred during a natural disaster where the community at that time felt that they were experiencing a lack of everything, such as food and necessities. Based on the results of an interview with Mr. Kompol Ricardo Siahaan, S.H, M.H as the Investigator of the North Sumatra Police Directorate of Narcotics, the social factor can be a factor causing the perpetrator to commit the crime of counterfeiting herbal medicine. This is corroborated by the confession of the perpetrator in collaborating with his colleagues in making herbal medicine to be used as a strong medicine.

Law Enforcement Carried Out by the North Sumatra Police Against Perpetrators of Herbal Medicine Counterfeiting

In nourishing the community, it is a very special part to build health that is in accordance with the standard of health levels that have been deteriorating for several years. Law enforcement officials, in this case the North Sumatra Police, are institutions that must be passed through the criminal justice mechanism that has the authority to investigate, investigate, detain, confiscate, until there are criminal elements found in the case.

In the case of counterfeiting herbal medicine, it is stated as a very large case where the drug contains chemicals in it. These cases that occur in the community result in people not experiencing healing, but the disease is getting worse and not improving. And if you trace the original traditional medicine (jamu), it should have an impact on the body that consumes jamu, but this has no impact.

In terms of law enforcement against fake herbal medicine circulating in the community, of course, it is necessary to have law enforcement who has good character, has firmness, and upholds a sense of fairness and correctness in the provisions that have been implemented. One form of protecting the law in humans, namely traditional medicine, of course, has applicable legal rules. Of course, the government in the Ministry of Health requires that traditional medicine business actors every traditional medicine before being produced to the market should first have a distribution permit. This is made so that the traditional medicines that are distributed can be known so that the traditional medicines do not have a harmful impact on the user. (Kusumadewi, 2024; Sutrisno & Sugandha, 2021)

The discovery of fake traditional medicine products has made law enforcement officials of the North Sumatra Police who can report from the public related to traditional medicine crimes in the form of herbal medicine that are suspected of not meeting the standards and/or requirements for safety, efficacy or usefulness and quality. This crime of counterfeiting herbal medicine occurred on Saturday, April 26, 2025 at around 16.00 WIB on Jalan Rawe 4 Pasar 6 Tangkahan, Kec.

In terms of law enforcement against the circulation of fake herbal medicine that occurred in Medan, North Sumatra Province, the author only focuses on law enforcement agencies, namely the North Sumatra Police. The Criminal Investigation (Reskrim) of the North Sumatra Police is currently handling cases of counterfeiting fake herbal medicine that are circulating without a permit. The law enforcement process against the crime of counterfeiting herbal medicine began with the preparation of a complaint report by the North Sumatra Police with Number: LP/A/210/V/2025/DITRESNARKOBA/SPKT POLDA SUMUT, dated May 8, 2025. The report contains alleged criminal acts in the form of production and/or circulation of pharmaceutical preparations and/or medical devices that do not have a distribution permit, as well as activities of procurement, storage, processing, promotion, and distribution of drugs by parties who do not have expertise and authority, as stipulated in Article 435 jo. Article 138 paragraphs (2) and (3) of Law of the Republic of Indonesia Number 17 of 2023 concerning Health. After the report is received, the next step taken by the North Sumatra Police is to issue an Investigation Warrant (Sprindik) as a legal basis to carry out the investigation process. Furthermore, a Duty Warrant was issued by the North Sumatra Police Criminal Investigation to appoint an investigator in charge of handling the case. The investigator then submitted a Notice of Commencement of Investigation (SPDP) to the Prosecutor's Office as a form of coordination and official notification regarding the start of the investigation process into the case of herbal medicine counterfeiting. (Dien et al., 2023; Fatimah, 2021)

In the investigation process, North Sumatra Police investigators summoned and examined witnesses and experts to obtain the information needed to uncover the case. Investigators also asked for information from the suspect to clarify his role and involvement in the crime of counterfeiting herbal medicine. Based on sufficient evidence, investigators carried out an arrest as stipulated in Article 1 point 20 of the Criminal Procedure Code (KUHP), which is an action in the form of temporary restrictions on the suspect's freedom for the purpose of investigation. The suspects who have been arrested are then detained to facilitate further legal proceedings. In this case, the search action was not carried out because evidence related to the crime of counterfeiting herbal medicine had been handed over to the North Sumatra Police. Investigators then made a forcible effort in the form of confiscating evidence consisting of various types of herbal medicine and traditional medicines in the form of powders and capsules, sealer machines, raw materials such as milk flour and turmeric, expired plastic packaging, production support tools such as digital scales, as well as administrative documents in the form of invoices, sales memoranda, order notebooks, and communication devices in the form of mobile phones. After the entire series of investigations were completed, the case file of the herbal medicine

counterfeiting case was submitted to the Prosecutor's Office for further processing to the trial stage to obtain legal certainty. (Hasmianti et al., 2025; Kurniawan & Social Sciences, 2025)

CONCLUSION

The conclusions obtained in this thesis research show that the legal rules regarding the counterfeiting of herbal medicine in laws and regulations in Indonesia are regulated in several provisions, including the Regulation of the Minister of Health Number 24 of 2018 concerning the Licensing and Implementation of the Practice of Traditional Health Workers, Law Number 17 of 2023 concerning Health, and Government Regulation Number 103 of 2014 concerning Traditional Health Services. These provisions are the legal basis for regulating the practices of production, distribution, and supervision of traditional health services, including in an effort to prevent and crack down on herbal medicine counterfeiting practices that have the potential to endanger public health.

This study also found that the occurrence of the crime of counterfeiting herbal medicine is influenced by several main factors. The legal factor in the form of the light punishment received by the perpetrators of the crime of counterfeiting herbal medicine is considered not to have a deterrent effect so as to encourage the perpetrators to continue to practice counterfeiting. The intelligence factor of the perpetrator also plays a role in facilitating the process of compounding expired herbal medicine with certain ingredients that contain harmful substances, so that the product can be produced and recirculated in the market. Economic needs are also the main reason for perpetrators to carry out herbal medicine processing as an effort to meet the family's living needs, including children's education costs. Social factors also affect the involvement of perpetrators in the crime of counterfeiting herbal medicine through cooperation with other parties in producing oplosan herbal medicine which is marketed as a strong medicine. Law enforcement carried out by the North Sumatra Police against the perpetrators of the crime of counterfeiting herbal medicine is carried out through a series of investigation and investigation processes until the case file is declared complete and submitted to the Prosecutor's Office to be further processed in a trial in court to obtain legal certainty.

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