

**THE ROLE OF MEDAN REGULATORY ASSISTANCE INSTITUTE (LBH) IN  
HANDLING ALLEGED MALPRACTICE CRIMES OF ASSISTANT  
PHARMACISTS BASED ON THE PERSPECTIVE OF *FIQH SIYASAH MALIYAH***



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**Abstract**

The presence of legal aid is considered very important for countries that use equality before the law guidelines. So far, the provision of legal aid has not been seen as significant in reaching poor people or groups. This kind of research needs to be done to provide information and education to the wider community that there is still justice being created in this country. This research is qualitative research, using an empirical juridical analysis approach to research aspects. The data collection technique of this research is by document study method, more precisely using secondary documents in the form of case files during this case, then by structured interview technique whose sources are LBH Medan volunteers and Okta and Sukma, and finally by literature study technique. The end of all the struggles of LBH Medan volunteers was determined by the Panel of Judges of Medan District Court by handing down a verdict of acquittal (*vrijspraak*) in case Number 2258/Pid. Sus/2020/PN Mdn and also the Panel of Judges restored the rights of the defendant from all legal charges. There are several considerations presented by the Panel of Judges in the acquittal (*vrijspraak*) in this case, that it was not Okta and Sukma who made the mistake of giving drugs but Endang Batubara. In this case, in terms of state expenditure through the provision of food and drink as well as vitamins and supporting equipment while in prison, it has spent a lot of budgets with the fact that the case was forced like this. As a result, the state can spend to provide for the needs of Okta and Sukma while imprisoned around Rp. 30,000,000 (Thirty Million Rupiah) in a period of 4 months of detention.

**Keywords:** Role, Structural Legal Aid, Human Rights, *Fiqh Siyasa**h*

## INTRODUCTION

The Medan Regulatory Assistance Institute (LBH) has carried out its role for 45 years in the national and international scope by voicing people's constraints and problems, controlling abuse of power, behavior neither fair nor the attitude of the state apparatus to citizens, but holistically the performance of legal aid adherents at the Medan Legal Aid Institute is firmly guided through the corridor of basic values of rules and respect Human Rights oriented towards the realization of democratic state rules. Along the way, there are several changes that exist in the body of the organization, from the concept system (legal aid), activity orientation, work structure, and relationship patterns using Various powers and socio-political groups with growth and development in society, make there is still a financing crisis in the organization.

The lack of trust in the protection of the law in justice is one of several uneasiness among citizens (Djoko Prakoso, 2013). There are many causes of legal problems in Indonesia, especially legal criminalization, including the weakness of the unprofessional justice system in law enforcement, enforcement inconsistencies, and many power interventions from related power holders, and legal products are no longer relevant to the times, exacerbated by the level of awareness and low understanding of the law by the relevant community. It is still fresh in our memories about the problems that befell the thieves of three cocoa beans, kapok beans, watermelon, and finally Prita's problem which required her to be like a beggar because she had to meet the demands of the prosecutor. As it turns out, our judiciary has not been able to reflect a sense of justice. Even though they are clever people, but do not have wisdom and this is inversely proportional to seeing the fate of the Century bail-out fundraisers, or the enforcement efforts they made against the alleged bribery of Anggodo et al. If there are poor and stodgy people who make mistakes, then the function of the leader must be questioned. Maybe this is the model of law enforcement in this country. It may also be valid when some argue that justice in this country is only for bears (Imam Sukadi, 2020).

The low level of awareness and understanding of law in the community takes the form of a lack of understanding of existing laws. This triggers public incomprehension about existing legal aid, which is a right that can be obtained by ordinary people who are legally illiterate, criminalized, and also marginalized without having to pay (free).

Everyone has the right to access legal services. The rich can use lawyers and the lower class can also use lawyers and get legal assistance as well as before the law. Legislation regarding rights protected by law must take precedence over everyone. Even when faced with conflicts over rights that use common interests (Said & Nurhayati, 2021).

According to Ahmad Muntolib and Sri Endah Wahyu Ningsih, Regulatory Assistance is a service of rules with a free nature. All citizens and citizens have equal access to legal services. The word 'legal aid' means two words that are in harmony and have the same purpose, namely 'legal aid' and 'legal assistance'. The word 'legal aid' is used to share the meaning of legal aid for lower-class people who cannot afford to hire advocates. A 'legal assistance' is used for legal assistance for the middle class and indigent advocate services that use honorarium. Thus, 'legal aid' is regulatory assistance in a simple sense, and in contrast "legal assistance" is legal assistance in a broad sense (Salda et al., 2020).

The presence of legal aid is considered very important for countries that use equality guidelines before the law. So far, the provision of legal aid has not been seen significantly in reaching poor people or groups, making it difficult for them to access justice because they are hampered by their inability to realize their constitutional rights. Regarding the provision of regulatory assistance for the poor in local regulations, it means guarantees the constitutional rights of poor people or groups of people in North Sumatra. Equality before the law itself is also a mistake for a human right protected by the Constitution. Therefore, every society and citizen always gets the same position in the eyes of the law. Any citizen of the country who lives in a country is treated with each other both in obtaining the right to be a society and citizens are also treated before the law. In the rule of law, the state recognizes and protects human rights for every individual including the right to legal assistance. The implementation of providing legal assistance to the people of the state is an effort to fulfill and at the same time become the implementation of state rules that recognize and protect and guarantee the human rights of citizens the needs access to justice (access to justice) and equality before the law. This is contained in Article 1 paragraph (3) of the Third Amendment to the 1945 Law, Article 27 of the 1945 Constitution, and Constitutional Court Decision No. 006/PUU-II/2004 (Sihombing, 2013).

There are rights that will be obtained by the entire Indonesian people, namely equality in the eyes of the law. The similarity of legal eyes means the similarity of behavior between one another. This is important to present because in reality often the provision of assistance rules can only be obtained by middle-class citizens (Hardi et al., 2022).

The scope of providing legal assistance includes non-litigation constitutional and criminal issues and issues to litigation. This broad scope often causes problems related to labor and labor which is also overcome by regulatory assistance forums because labor and labor often received deviant treatment at work. According to Law No. 16 of 2011. Legal Aid is the provision of legal services from Legal Aid Providers free of charge to recipients of legal aid, namely the lower class of society. The provider of legal aid is a legal aid institution and community organization providing Legal Aid services guided by Law Number 16 of 2011 concerning Legal Aid (Kemenkumham Kanwil DKI Jakarta, 2023).

Legal assistance for people who are directly entangled with the law contained in the 1945 Amendment Constitution, as the highest rule/ legislation and the basic law of the Indonesian state. Article 1 paragraph (1) of Law No. 39 of 1999 concerning Human Rights reads "Everyone is born free through equality of human dignity and equality and one degree and is given the gift of reason and a pure heart to live in society, nation, and state in the spirit of fraternity." People who are entangled in the law can get legal assistance, one of which is through the role of Regulatory Assistance (LBH or *Lembaga Bantuan Hukum*) is a well-organized forum that aims to deliver legal aid (Tanjung, 2017).

In practice, the enforcement of equality before the law is difficult to achieve, especially if those who stumble into legal problems are poor or poor groups of people who generally do not know the rules (legal illiteracy). Those who are unable and even illiterate sometimes do not know their rights which have basically been regulated by law because most of them are fixated using the assumption that when they want to defend their rights, they are obliged to incur relatively high costs that may be difficult to eat. This is motivated by the lack of recognition regarding their rights when facing legal problems. Moreover, there is a widespread assumption of high costs to pay for the services of an advocate or advocate (Kusumawati, 2016).

Violations committed by pharmacist assistants in carrying out professional practices can be said to be negligence and negligence of the pharmacy pharmacist and also deviations

or errors both consciously and unconsciously (negligence) which are said to result in malpractice. Malpractice is a very general term and does not always have a juridical connotation. Literally 'mal' means 'wrong' while 'practice' means 'implementation' or 'action', so malpractice means 'wrong implementation or action', despite the literal meaning, but mostly the term is used to express wrong actions in the framework of implementation or profession.

If malpractice is associated with the word pharmacist, it will become pharmacist malpractice and in pharmacy in general, it will be called pharmaceutical malpractice. One of the pharmacist's duties in carrying out pharmaceutical practice is prescription services. In the prescription service, there are problems that have long occurred and continue to occur, namely prescription writing that is difficult to read, and incomplete prescription administration as patient treatment information (legality) (Muh et al., 2016).

From journal data in developed countries, the problem of writing prescriptions that are still manual and difficult to read is a very fatal problem. Sokol and Hettige in the Journal of the Royal Society of Medicine in December 2006, stated that illegible writing is still a significant problem in the health sector (Sokol & Hettige, 2006). It is estimated that each year, illegible writing causes 7000 deaths per year, then released in the Journal of the American Medical Informatics Association, only with an adoption rate of less than 30% (in 2007) computerized prescription can prevent about 17 million cases of medication errors in the United States (Radley et al., 2013).

A case that has occurred in Indonesia, namely the case of Mrs. Susilowati. Because Mrs. Susilowati had just given birth, she fell into a coma for 2 (two) days. After an examination, it turned out that the patient had taken the wrong medicine. The patient should have taken a drug containing *methylergotamylene*, one of its functions is to control postpartum/ labor bleeding and accelerate the return of the womb (uterus) to normal, while the drug given by the pharmacy is a drug containing *glibenclamide*, which functions to lower blood sugar levels (for diabetics). The patient was in a coma because the patient's body was unable to cope by releasing hormones that raise blood sugar levels because the patient was not a diabetic (Muh et al., 2016b).

Dynamics in overcoming a case and problems experienced by LBH. LBH is willing to get interesting cases that do not deliberately position LBH in the confrontational realm

with the government. One of the cases handled by LBH Medan is a case of alleged malpractice of assistant pharmacists at one of the pharmacies in the city of Medan involving 2 pharmacy employees namely Okta sister Rina Sari and Sukma sister Rizkiyanti Hasibuan. According to information from LBH Medan volunteers who handled this case directly, 2 female employees at one of the pharmacies in the city of Medan have become victims of discrimination by the pharmacy in order to become a suspect close the case that ensnared the pharmacy and try to cover up this case so that the pharmacy is not legally closed.

In this case, we can know the lower middle class in the eyes of the law because they think this little person does not have any power in taking and solving entangled cases. For this reason, legal assistance is considered very much needed in solving the case. The provision of legal aid to the poor has a purpose as a solution to make improvements to the imbalance of social order, especially before the law.

This journal focuses on the handling of cases by LBH Medan in alleged malpractice crimes. The link in *Fiqh Siyarah* to this case is how the rights and obligations as citizens of sisters Okta and Sukma have been usurped, usurped and criminalized by structured efforts made by a handful of APH individuals and owners of Istana 1 pharmacy and *Fiqh Siyarah* views on the case in depth and detail.

## **REVIEW OF LITERATURE**

### **Structural Legal Aid Concept**

LBH Medan is an institution that is concerned with law enforcement and human rights, especially for illiterate, indigent, and marginalized communities. LBH has handled legal issues at all times with always optimism and never promises any results. LBH Medan always assists the community according to applicable legal channels and escorts and follows the existing legal process with the example of the Okta and Sukma cases. LBH Medan advocated this case by means of assistance from the Prosecutor's level, starting with making a special power of attorney, tracing and reviewing the chronological facts of events from Okta and Sukma and witnesses, and forming a justice-seeking fact team. One of Indonesia's many important legal issues is the lack of justice channels where legal development is paramount. Structural inequality and oppression of the poor must be

addressed through structural, integral, and extra-legal approaches. One of the specific methods used by the Indonesian Legal Aid Foundation (YLBHI) is Structural Legal Aid (BHS) which combines community empowerment efforts, assistance and defense at the court level (litigation), and public policy advocacy. BHS then distinguishes LBH (under the umbrella of YLBHI) from other legal aid organizations. The term BHS was first explicitly popularized by Prof. Paul Moedikdo with a sociological approach as his expert (Yayasan Lembaga Bantuan Hukum Indonesia, 2012).

### **Legal Aid**

Legal aid to individuals as a whole is not closed, but priority is given to cases where there is structural conflict such as in cases of wrongful treatment. A sense of justice is the arrow of justice that leads to structural inequality, which means there is partiality to the little guy. What happens today is that the law hurts those at the bottom and protects those at the top as if it is ready to finish them off at all costs. The long process of bureaucratic control makes the role of the judiciary run as long as it does, and the judiciary becomes the center of the oppressed periphery. Legal aid should play a greater role in peripheral areas, as the peripheral classes experience more oppression. According to Law No. 16/2011 on legal aid, Article 1 paragraph (1) states that legal aid is a legal service provided by legal aid providers free of charge (free of charge) to obtain legal aid. Those who receive legal aid are individuals and groups of lower-middle-class people who cannot provide proper and independent fulfillment of basic rights and who are faced with existing legal dilemmas. Then in SEMA No. 10 of 2010 concerning guidelines for providing legal aid, article 27 states that those who can obtain services from the Legal Aid Post are individuals who cannot afford an advocate, especially women and children with disabilities, in accordance with applicable laws and regulations. The implementation of provision of legal aid to citizens is an effort to fulfill and implement the rule of law with the treatment, protection, and guarantee of the human rights of citizens on the need for access to justice and equality before the law. In practice, the guarantee of the relevant constitutional rights has not received proper attention (see the explanation of Law 16/2011). This became the basis for the formation of Law No. 16/2011 on legal aid discourse (UUBH). UUBH then becomes a guideline for the state to provide guarantees for citizens, especially for individuals and

lower-class community groups to gain access to justice and equality before the law (Sihombing, 2019).

### ***Fiqh Siyasaah Maliyah***

*Fiqh Siyasaah Maliyah* means Islamic political economy. Islamic economic politics is a legal policy made by a government that concerns economic development to ensure the fulfillment of the needs of the community by making the values of Islamic law a measure. The policy is a law that regulates the relationship between the state and society, individuals with society, and individuals with individuals in Islamic economic activity (A. Djazuli, 2003). In terminology, *Siyasaah Maliyah* is regulating aspects of financial income and expenditure in accordance with the public good without eliminating individual rights and wasting them. *Fiqh Siyasaah Maliyah* is one of the most important parts of the Islamic government system because it concerns the state revenue and expenditure budget (Nurcholis Madjid, 2001).

### **RESEARCH METHOD**

This research is qualitative research. The qualitative research method is a method or research method that emphasizes analysis and narrative in the qualitative research process, the subject's perspective is highlighted and the theoretical basis is used by the researchers as a guide so that the research process is synchronized using information encountered in the field when conducting research (Fai, 2022). The authors use an empirical juridical analysis approach to research aspects. Juridical is done through a review of the legal aspects on the basis of laws and regulations. The empirical position means that this research is based on facts and social reality in society (Bambang Sunggono, 2007). This empirical juridical analysis reviews the legal aspects violated by APH on the basis of legislation with the facts that actually occur without any foundation and elements of criminalization.

This research was conducted in March 2023 at the Medan Legal Aid Institute. The data collection technique of this research is by document study method, more precisely using secondary documents in the form of case files during this case, then by structured interview technique whose sources are LBH Medan volunteers and Okta and Sukma, and finally by literature study technique. This research will explore the role of LBH Medan in advocating for defendants suspected of committing malpractice.

This kind of research needs to be done to provide information and education to the wider community that there is still justice in this country that is being done and fought for by LBH Medan today. The final result of this research is an analysis of how Structural Legal Aid (BHS) from LBH Medan handles these cases and cases. Based on this description, it is necessary to examine and study more deeply to renew research on the form of criminalization of cases by law enforcers and the structural actions of LBH Medan towards the implementation of advocacy for suspects whose problems are criminalized by law enforcement officials and relate the correlation with Islamic law, especially *Fiqh Siyasa*.

## **RESULTS AND DISCUSSION**

### **Structural Legal Aid (BHS)**

LBH Medan is an institution that is concerned with law enforcement and human rights, especially for illiterate, indigent, and marginalized communities. LBH has handled legal issues at all times with always optimism and never promises any results. LBH Medan always assists the community according to applicable legal channels and escorts and follows the existing legal process with the example of the Okta and Sukma cases. LBH Medan advocated this case by means of assistance from the Prosecutor's level, starting with making a special power of attorney, tracing and reviewing the chronological facts of events from Okta and Sukma and witnesses, and forming a justice-seeking fact team.

One of Indonesia's many important legal issues is the lack of justice channels where legal development is paramount (Huang & Sharifa, 2019). Structural inequality and oppression of the poor must be addressed through structural, integral, and extra-legal approaches.

One of the specific methods used by the Indonesian Legal Aid Foundation (YLBHI) is Structural Legal Aid (BHS) which combines efforts to empower the people, accompany and defend at the court level (litigation), and public policy advocacy. BHS then differentiates LBH (under the umbrella of YLBHI) using other regulatory assistance agencies. The term BHS was first explicitly popularized by Prof. Paul Moedikdo with a sociological approach that became his expert (Yayasan Lembaga Bantuan Hukum Indonesia, 2012).

The Structural Legal Assistance (BHS) taken by LBH Medan in the case of the criminalization of small people has reached the criteria for the characteristics of BHS, including structural being a mandatory nature of legal aid. Where legal aid should favor the periphery to deal with the center entirely. BHS should give priority to assistance to groups, not individuals. This is why the two victims of criminalization by APH were assisted and fully accompanied by LBH Medan.

Legal assistance to individuals as a whole is not closed, but prioritizes cases where there are structural conflicts such as in the case of misgiving this drug. A sense of justice is an arrow of justice that aims at structural inequality, meaning that it is an overall preference for small people. What is happening now is how this law hurts the one below and protects the one above as if it were ready to kill all by all means and efforts. In the course of the process of control by a long bureaucracy indicates that the role of justice goes that long, instead, the judiciary will play a role as a center of oppression on the periphery. Legal aid should have more of a role in rural areas on the periphery, as the marginal classes are subjected to more oppression.

LBH Medan requested that the rights of Okta and Sukma as defendants be fulfilled in the form of an arrest warrant from the Medan State Attorney's Office, as well as the relevant case file. Furthermore, LBH Medan accompanied up to the trial level at the Medan District Court and applied for a suspension of detention from state house arrest to city detention which was delivered directly before the court to the Chairman of the Medan District Court and with consideration from weighing all aspects, namely that this case is not a case that endangers the public and in the end was granted by the Chairman of the Medan District Court on the condition that LBH Medan must present sister Okta and sister Sukma on every court agenda.

Guided by Article 31 Paragraph (1) of the Criminal Procedure Code, through the request of suspects and defendants, investigators and public prosecutors and judges can suspend detention or outside the guaranteed money or individuals with existing conditions. Suspension of detention remains, but detained suspects can be suspended even if the order has not expired. Please note that the period of suspension and release of the prisoner are two things that are not the same where the main differentiator is the mechanism of granting. In the elaboration of Article 31 of the Criminal Procedure Code, it is stated that the

determination of the requirements is in the form of mandatory reporting, not leaving the place of residence or city. Usually, many suspects or defendants who submit applications for the suspension of detention by law officers give a suspension of the detention period, but the total rejection of the application is greater than embodied. Although all suspects and defendants are willing and able to fulfill all the requirements of the application to them (Sugeng, 2020).

LBH Medan is also authorized to bring witnesses to provide relief (*a de charge*) for sister Okta and sister Sukma to make the Panel of Judges in the trial of the case able to weigh everything. The verdict that will be given later, digging event by event that occurred of course with existing witnesses, both incriminating witnesses and mitigating witnesses, filed a *plea (Pledoi)*, and throughout the trial made a campaign to the online news media to have the case glimpsed and continue to be escorted. Witness *A De Charge*, meaning the defendant's choice of witness and legal counsel is to provide relief for the defendant.

These 2 criminalized people should continue their work activities and develop their talents as long as they are not framed and sacrificed by irresponsible individuals and APH. Thus, every individual has the right to protection and state life is one of them. Or it can be said, every citizen will get state protection (Ifrani et al., 2021). Law means the media as the embodiment that gave rise to the theory of legal protection. The protection of dignity and human rights is guided by the rules found in the state (Noor Rahmah et al., 2021).

The human rights that are protected are examples of defending himself through the submission of witnesses with the assumption that they can provide criminal relief or Witness *a De Charge*. This is in accordance with the provisions of Article 116 paragraph (4) of the Criminal Procedure Code, namely: "When the suspect gives a statement if he has the opportunity to provide witness submissions that can benefit him the investigator must summon and investigate the witness" (Wahyuni & Khairo, 2022).

According to Law No. 16 of 2011 concerning law rules, Article 1 paragraph (1) states that legal aid is legal services delegated to the provider of regulatory assistance (free) to receive legal assistance. Those who receive legal assistance are individuals and groups of lower lower-middle-class who cannot provide the fulfillment of basic rights that are decent and independent, confronted with existing legal dilemmas. Then in SEMA No. 10 of 2010 regarding guidelines for providing legal aid, origin 27 states that those who can get services

from the Legal Aid Post are individuals who cannot pay lawyers primarily women and children with disabilities, in line with existing laws and regulations. The implementation of providing legal assistance to citizens is an effort to fulfill and become the implementer of the rule of law with treatment, protection, and guarantee the of human rights of the state community for the need for access to justice and the tendency before the law (equality before the law). In practice, guarantees of related constitutional rights have not received good attention (see an explanation of Law 16/2011). That was the basis for the formation of Law Number 16 of 2011 on legal aid discourse (UUBH). UUBH then acts as a guideline for the state to provide guarantees for the people of the state, especially for individuals and lower-class groups of people to receive access to justice and equality before the law (Sihombing, 2019).

The end of all the struggles of LBH Medan volunteers was determined through the Medan PN Judge Panel by sentencing a free verdict (*vrijspraak*) on case Number 2258 / Pid. Sus / 2020/ PN Mdn and also the Assembly The judge restores the rights of the defendant from all charges. There are several considerations conveyed by the panel of judges in the acquittal (*vrijspraak*) in this case, that it was not Okta and Sukma's sisters who committed wrongdoing give medicine but Endang Batubara, according to the Judges who are the defendants, Endang Batubara and the Pharmacist from the pharmacist concerned as the person in charge, and finally The panel of judges considered that since the first alternative charge and the second alternative charge were not proven for the actions of Okta and Sukma's sisters, they should be acquitted of all charges of the Public Prosecutor. Lilik Mulyadi believes that the disparity between free and free verdicts can be observed through the point of view of the law of evidence.

If in evidence, the public prosecution is unable to provide evidence through 2 valid pieces of evidence and accompanied by the judge's trust, in harmony with using the minimum principle of evidence, the verdict becomes a free verdict (*vrijspraak*); Then if the rule demands of the defendant's actions in the public prosecutor's indictment have been proven legal and provide a belief guided by the rules, but the defendant cannot be given criminal, because the act does not become a criminal offense so that the verdict is a verdict free from all claims of the rule (*ontslag van alle rechtsvervolging*).

Not only assistance at the District Court level, but LBH Medan will continue to fight until the end and produce results that inscribe the golden ink of justice in this country in a way that was taken by filing a Counter-Memory Cassation against Memory Cassation submitted by the Public Prosecutor of the Medan State Attorney who objected to the results handed down by the Medan District Court Judges.

### ***Fiqh Siyasa*'s *Maliyah* Views on the Case**

*Fiqh Siyasa* (السياسي الفقه) (is *tarkib idhafi*, a compound sentence composed of 2 words namely *fiqh* (الفقه) and *al-siyâsî* (السياسي) (Judging from its etymology, *Fiqh* is a form of *masdhar* (gerund) *tashrifan* the word *faqih*-*yafqahu*-*fikihan* with the meaning of understanding (Zuhaili, 1986). Jurisprudence has a deep and appropriate meaning of understanding that can provide an understanding of the purpose of speech and action. *Fikihi* in the term ulama *Ushul* argues, namely: العلم بالحكام الشرعية العملية المكتسب من أدلتها التفصيلية. “The science that explains the laws of Sharia ‘*Amaliah* through the excavation of specific postulates”. *Siyasa* comes from the Arabic word -يسوس- meaning to govern, take care of, and rule (Ma’Luf, 1986).

*Siyasa* has other meanings for government and politics or demands wisdom. *Siyasa* also means administration (إدارة) as well as management. *Siyasa* is based on language with a number of meanings, namely organizing, managing, leading, governing, and making government and political policies. That is, managing, regulating, and making wisdom from a matter with a political nature in order to obtain certain goals. From the definition of *Fiqh* and *Siyasa*, it can be concluded that the definition of *Fiqh Siyasa* is one of the Islamic laws that studies and discusses the rules of a state and guides life in a state so that it can achieve prosperity. *Fiqh Siyasa* is also divided into three parts, namely *Siyasa Dusturiyah*, *Siyasa Maliyah*, and *Siyasa Dauliyah* (Suyuthi Pulungan, 1994). This time the researchers use the concept of *Fiqh Siyasa Maliyah* as an analysis knife for the case being discussed.

In this case, the correlation is more appropriate with *Fiqh Siyasa Maliyah*, which when translated into Indonesian means Islamic political economy (Nirwana AN, 2017) or state financial policy. *Fiqh Siyasa Maliyah* is a branch of *Fiqh* science that is sourced from the Qur’an and Hadith which gave birth to *Fiqh Siyasa*, specifically *Fiqh Siyasa Maliyah* is regulating all aspects of financial income and expenditure in accordance with

public welfare without eliminating individual rights and wasting them. In *Fiqh Siyasaah Maliyah*, the regulation is oriented to the welfare of the people in a country. Therefore, there are three related factors in *Fiqh Siyasaah Maliyah*, namely the people, property, and government/power.

In terms of state expenditure through the provision of food and drink as well as vitamins and supporting equipment while in prison, this case has already consumed a lot of the budget. As a result, the state can spend to provide for the needs of Okta and Sukma while imprisoned around Rp. 30,000,000 (Thirty Million Rupiah) in a period of 4 months of detention. Now, even though they are both citizens who are not at all guilty in the case that befell them. Not to mention the added costs incurred in vain without being reimbursed by the state. Based on the results of interviews with Okta and Sukma, they have both incurred costs for this case from the investigation level to the trial of around Rp. 40,000,000 (Forty Million Rupiah) which is detailed from the cost to the cost of utilities and other costs during the investigation stage until the trial takes place. What benefit can be achieved if the conditions experienced by Okta and Sukma are like this? They are innocent but they are the ones who have to experience an economic crisis in their respective families because of the stumbling block of the case that ensnares them. This can already violate the constitution in this country which is contained in Article 33 paragraph (1) of the 1945 Constitution which states that the economy is structured as a joint effort based on the principle of kinship as the basis for the word kinship, which kinship they feel in this country. Because of these material and non-material losses, Okta and Sukma together with LBH Medan filed a pretrial compensation for all material and non-material losses, where material losses are costs incurred both costs, advocacy costs, and salaries that are no longer obtained after they stumble upon this case, and also after being released must look for work and still bear shame. According to the legal volunteers from LBH Medan who conducted the pretrial, the defendants, namely the Chief of Police, the AGO, and the Minister of Finance, violated the legal certainty of Okta and Sukma because they were always absent from every pretrial hearing at the Medan District Court.

The researcher sees that there are principles of *Fiqh Siyasaah Maliyah* that are violated by APH in managing and adjudicating this case, where the first principle violated is the principle of *Tawhid* and *Istimar*, which explains this principle has the view that only

Allah formed the universe provided for humans who live in it. This principle teaches humans that the relationship using Allah has a value that is as important as the correlation of people. is that every economic activity means one way to increase worship of Allah SWT meaning that the purpose of struggle in Islam is not only to achieve profit or material satisfaction but also interests in society. In the application of justice that occurs, the interests of the parties who benefit are fulfilled but the interests of the community that are seen cannot be presented and raised because of the interests of a handful of people who want to criminalize this case. Okta and Sukma's struggle to support their families by working at the Istana pharmacy is one of the researchers' considerations because they are the backbone of the family who expects a salary and provides for their respective families and they are one of the instruments of the interests of the people where they are servants of one of the pharmacies that serve the purchase and prescription of drugs from the public.

And the second principle that is violated is the principle of prioritizing the interests of the people, the second principle of *Fiqh Siyasaah Maliyah* has the view that wealth essentially belongs to Allah. The wealth produced by humans is wealth that can be utilized for the benefit of the world and the hereafter. The wealth that has been owned must be distributed to those in need. This principle also does not justify accumulating wealth and spending it in the wrong way. The view of this principle clearly says that the needs of the people themselves are very much considered and fulfilled so that they can claim the rights of each individual. This principle also mentions the importance of always prioritizing the needs of all people. It can be seen from this case that Okta and Sukma are willing to sacrifice on orders from the pharmacy owner to advance in this case. Even though they did not know about the chronology that ensnared this case. This proves that they prioritize the interests of the pharmacy so that the problem does not become complicated and more entrenched. This includes the application of the principle of *Fiqh Siyasaah Maliyah* which they apply to persuasion and orders from the pharmacy owner.

In another conceptual view, Islam as compiled in the Qur'an, Human Rights are aligned through the rights of Allah Almighty, which indicates that the theory of Human Rights in the perspective of Islam is not the acquisition of the evolution of human thought, but the result of the revelation of the *Khalik* (God) that came down through the Prophets and Apostles since the beginning of the life of mankind on this earth (Sitti Aminah et al.,

2010). Thus, *huquuqullah huquuqul 'ibad* is still from Allah SWT. The individual is responsible for these two types of rights before Allah Almighty.

*Fiqh Siyasaah Maliyah* views the case of this case by prioritizing the Human Rights of the 2 victims of APH criminalization. They were willingly imprisoned for ±3 months. This indicates that there are rights violated by the rulers, both the owners of Pharmacy and APH who examine and run this case. Article 28 I paragraph (4) of the 1945 Constitution reads, “*The protection, enforcement, promotion, and fulfillment of human rights are the responsibility of the state, especially the government*”.

The above should be able to protect every citizen in any situation, especially getting guarantees and legal protection for those who do not understand the laws of this country. With that, citizens are no longer anxious about what happens later so that it can increase the productivity of the country's development later. Article 5 paragraph (2) of the Human Rights Law provides certainty if individuals have the right to obtain assistance and fair protection from objective and impartial courts.

Human rights protection provisions are an obstacle to the enforcement stage because there are various restrictive provisions of the Human Rights Court Law.

The Qur'an Surah Al-Maidah Verse 8 explains:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ ۗ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۗ اِعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ۗ وَاتَّقُوا اللَّهَ ۗ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

“O believers, by Allah. be one who always defends (the truth), is a righteous witness. Don't let your racial hatred tempt you to behave unfairly. Be fair, because justice is closer to piety. And be fearful of Allah, verily Allah knows better what you do”.

The above verse explains several important things, including how to create justice that makes society more harmonious, and humanist and can collaborate with the government in building and advancing the country. Justice is very expensive in this country because the evidence is evident in this case that there are still many APH who do not carry out their duties professionally by criminalizing Okta's sister and Sukma's sister on charges of misprescribing medicine at the palace pharmacy.

This kind of thing makes people's trust low in APH because people who do not have enough strength and knowledge about the law are simply castrated. Many of the rights of sister Okta and sister Sukma were violated when they became suspects and defendants, for

example in Article 54 of Law No. 8 of 1981 concerning the Code of Criminal Procedure reads “Suspect or accused shall be entitled to assistance from one or more defenders during the investigation and at any level, in accordance with the procedural provisions of this Act”. At the investigation level, their rights as suspects are not fulfilled because the police do not provide legal assistance services to suspects and also do not provide opportunities for the suspects to choose and appoint their own legal counsel.

Whereas Article 55 reads “In order to obtain legal counsel in Article 54, the suspect or defendant has the right to choose his own legal counsel”. This shows that APH did not obey the applicable constitution and did not put forward the principle of presumption of innocence, this actually made him limp and flawed the law because the procedures carried out are not in accordance with what is stated in Law No. 8 of 1981 concerning the Criminal Procedure Code.

The right to independence according to the principle of *al-karāmah al-insāniyah* (human glory). Human glory is primordial and sacred in man, so it is forbidden to be desecrated, harassed, or humiliated. In global *Fiqh*, there are postulates regarding the law of mukhtar as well as the rule of glory, if each individual is recognized for his presence. If a person has a threat to his life and there is no help from others, he violates the law of justice. There is a situation that requires delaying prayer rather than ignoring people or things.

*Fiqh Siyasah* does not very clearly explain how the law is in criminal law, especially in this case. The spotlight is when the rights of victims of this criminalization are not fulfilled when they hold the status of suspects and defendants. Moreover, how the pharmacy owner sacrificed the two of them to come forward and was willing to be a suspect so that this pharmacy would not run and open. Their right to life and freedom of sorting and choosing is not fulfilled because they must be required to come forward so that this problem is resolved also, they are imagined to feel security because of the owner pharmacy will still protect them under any circumstances, which in the end the pharmacy owner will take their hands off from all these cases.

With the balance between rights and obligations fulfilled by all parties, the laws generated will feel more useful and also the state of affairs will be much more Safe, peaceful, and comfortable because no party feels the legal inequality that continues to occur in this country. That is what is important to maintain, especially in cases that are in the

spotlight during 2018-2019 because when APH can respect and carry out its main duties in accordance with SOPs It will cause harmony.

## CONCLUSION

In this study, the role of the Medan Legal Aid Institute in the alleged criminal act of assistant pharmacist malpractice cases was collected. The results showed that the steps taken in the form of Structural Legal Assistance (BHS) by fighters/devotees/volunteers of LBH Medan Legal Aid have produced sufficient results both with the conviction of sister Okta Rina Sari and sister Sukma Rizyanti Hasibuan with a free verdict from the Medan District Court Judges, starting from assistance as evidenced by a Special Power of Attorney dated 24 August 2022. From this starting point, the victory began, starting from mentoring, supervision, and advice, and input is given to sister Okta Rina Sari and sister Sukma Rizyanti Hasibuan in order to remain calm and cooperative during the trial, present Ade Charge witnesses, file exercises, file pleas and fight cassation from the Public Prosecutor with How to make a counter-memory cassation that until finally the victory came with its time.

Remembering step by step the Structural Legal Assistance (BHS) provided to sister Okta Rina Sari and sister Sukma Rizyanti Hasibuan. For this reason, alternative solutions to solve the problem are for the wider community who are laymen, lawless and marginalized, and criminalized by the authorities and Law Enforcement Officers so that always have a swift attitude to report to the volunteers/servicers/advocates/lawyers at the Medan Legal Aid Institute so that they can be assisted as much as possible so that there are no more cases which take away many rights and obligations from the little people.

In addition, for further research that has not been done by researchers, it can further develop and sharpen the analysis from all aspects both from general studies such as criminal, civil, and other studies, especially Islamic legal studies, namely the perspective of *Ushul Fiqh* and *Fiqh Siyasah*. Future updates must be more concrete and concise and have accurate data because the research that researchers have done has not been maximized from all aspects.

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