

Implementation of Criminal Law in Handling Narcotics Cases in Indonesia

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Abstract

The problem of narcotics is currently rife in Indonesia. The rise of drug cases is common among teenagers, especially. The territory of Indonesia is very strategic because of its extensive area with various small islands. Drug abuse is a criminal act because three things cause it: the first is applying criminal law, prevention without criminal punishment, and the last one that can make people's views of drug abuse users wrong. In regulating the abuse of drug use, the government has regulated it in Law No. 35 of 2009 concerning narcotics.

I. Introduction

Initially every human being used this narcotic as a treatment service and also health services. However, along with the development of an increasingly rapid era, these narcotics are used in a negative direction because of the influence of various aspects. Whereas in the field of health and medicine, narcotics are very much needed to help processes such as surgery or others. Basically, the existence of narcotics is something that can be useful for learning, technology, or even education. However, what is wrong is if these narcotics are used inappropriately or violate applicable laws or are used excessively. Seeing the benefits in the medical field indicates that these narcotics can provide great benefits for every community in the life of the nation and state, but seeing the number of abuses is a serious matter that must continue to be closely monitored by the competent authorities. (Didik et al., 2007). In today's modern era, people's lives are arguably still far from friendly; this can be proven by looking at the high busyness of society, high rates of depression, lack of attention to their children and activities carried out at night hours.

They were seen from the many entertainment venues open at night and continue growing. With things like that, people's lifestyles can easily fall into the circulation of narcotics abuse (Julianan Lisa & Sutrisna, 2013).

Narcotics circulating in Indonesia are currently circulated quickly through sophisticated techniques that can reach all corners of Indonesia. This change in the mode in Indonesia, one of which is psychotropic according to certain elements, is better to make their factory in Indonesia than to import narcotics, which can be much more expensive starting from looking for raw materials, recruiting people who will work in it; so that the production of narcotics must be carried out properly by these unscrupulous elements. Narcotics crimes that occur are deemed transnational, carried out with a *modus operandi*, which is carried out using the *modus operandi* or the operation of individuals or groups of criminals in carrying out their criminal plans. High-level, sophisticated technology, supported by extensive relations, causes victims in Indonesia, especially the younger generation who will become the next generation of the Indonesian nation in the future (Hariyanto, 2018).

The problem of drugs is currently rife in Indonesia. The rise of drug cases is common among teenagers, especially. This is very disturbing and worrying for every Indonesian teenager because every teenager is the hope of the nation to continue the sustainability of the Indonesian nation in the future. Along with the rapid growth in Indonesia, it is not a solution. However, a new problem arises because, with the number of children who grow up to be teenagers, drug abuse cases are increasing very rapidly (Wijaya et al., 2021).

Moreover, we see the very strategic territory of Indonesia because of its extensive area with various small islands. The existence of these small islands can easily be used as areas for narcotics circulation with minimal supervision from the authorities. Indonesia is considered a transit country, which means that Indonesia is straightforward to be used as a destination country for drug distribution or as a place for drug transactions. Seeing Indonesia's very strategic position, this is a threat to Indonesia itself. However, from the number of cases in Indonesia, Indonesia is more than just a transit country. However, it has become a destination country for the illegal distribution of drugs from other countries (Nurjana, 2010).

Drug abuse has a negative impact because using this drug can make users behave negatively or criminally. Besides being able to make users act negatively, drugs can also have a negative influence in various other ways (Sudanto, 2017). Crime is one of the social phenomena, which is an act that violates the law in force in Indonesia; also included in the act of biological or psychological disorders. In addition to violating the law and as an act of

biological and psychological deviation, this crime is an act that can violate the norms that apply in society and also harm various parties (Mustafa, 2007).

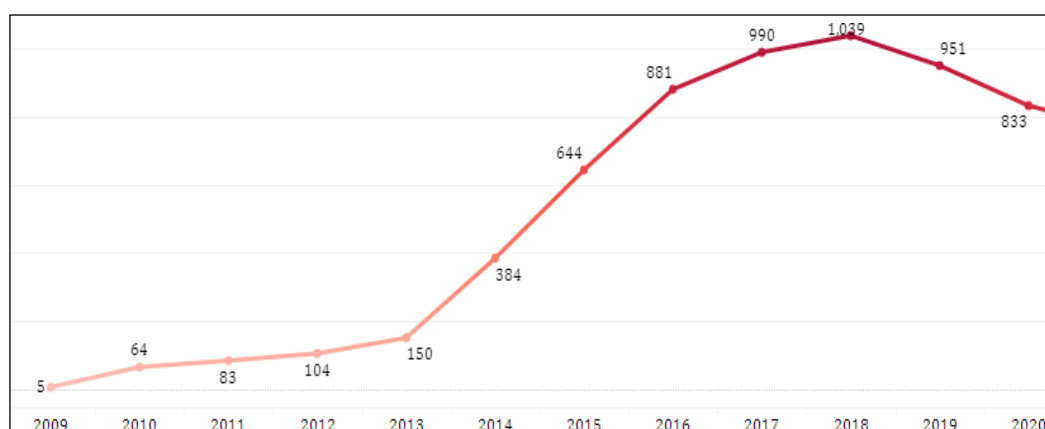


Figure 1. Total of narcotics Cases Annuaally (BNN, 2020b)

According to data accessed from the Indonesian National Narcotics Agency (figure 1), narcotics cases in Indonesia for the last seven years have continued to increase. This is evidence that drug abuse continues to increase. Although 2019 to 2020 drug cases decreased, this does not indicate that we can be careless in dealing with cases of drug abuse.

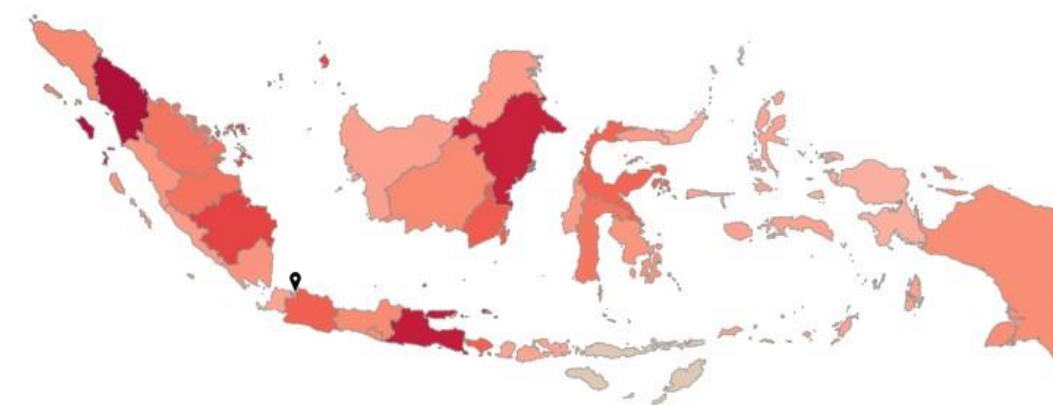


Figure 2. Total Number of narcotics Cases Uncovered by Region (BNN, 2020b)

Figure 2 is a map of the distribution of drug abuse in Indonesia. The darker the colour above, it indicates that drug abuse is increasing. The distribution map indicates that the islands of Kalimantan, Java, and Sumatra are the islands that have the most narcotics abuse cases. Overall, all islands in Indonesia have cases of drug abuse.

If viewed from the juridical aspect, the circulation of narcotics in Indonesia is legitimate, but what is prohibited is the use of narcotics that are not following or violate the laws that regulate it. However, in reality, narcotics are not used under applicable procedures and are often misused not for science or health as they should be used. Far from abuse, which is even worse, irresponsible individuals currently use narcotics as a rapidly growing business arena. This is, of course, very dangerous because it will have an impact physically and psychologically damaged every user. Moreover, these narcotics attack teenagers, who are the future assets of the Indonesian nation (Nugroho et al., 2020).

Cases of drug abuse in Indonesia are not only among teenagers but have spread to all corners of the Indonesian homeland. For example, many public figures, officials or stakeholders in Indonesia have abused narcotics. The abuse of narcotics has become a national emergency and has been mutually agreed upon by countries worldwide, including Indonesia. By becoming a national emergency problem in every country, the countermeasures to eradicate drug abuse must be quickly and firmly carried out by every apparatus in the country because if it is not quickly eradicated, then the next generation of each nation will be damaged morally, physically, or mentally (Sudanto, 2017).

The increasing number of illegal narcotics entering Indonesia, supported by increasingly sophisticated developments, has spread narcotics faster, including to Indonesia (Putri & Subekti, 2019). Various aspects have been attacked by narcotics abuse cases ranging from teenagers, and officials, to public figures. It is impossible if the future of the nation's children is threatened. So with law enforcement against Indonesian children needs the intervention of every parent. This parental guidance, attention, and direction dramatically affect the growth and development of each child. Therefore, the guidance, attention, and direction of these parents must be positive in educating their children so that unexpected fatal impacts do not occur. This significant influence from parents can impact the behaviour of children who can deviate from the norms that apply in society if their parents do not appropriately direct it.

This is risky because narcotics abuse is a form of deviation from the norms that apply in every society. Even in Indonesia today, it has been found that children abuse narcotics, for example consuming inappropriate or excessive doses to take part in the case of buying and selling narcotics. This is a very concerning and essential effort to foster and protect minors by parents, especially those who do not fall prey to narcotics abuse (Jimmy Simangusong, 2015). Supported again by the increasingly advanced modern era, this can affect the lifestyle of every child, especially children who live in urban areas. Many opposing sides are considered ordinary by the people there. However, it is not only children who live in urban and rural areas. Because of the lack of knowledge they get, it is often easy for them to consume narcotics excessively or take part in the sale and purchase of narcotics. The curiosity that each child has can also be a threat if they are not guided in the right direction because later, they may even learn negative things and often, the feeling of trying it becomes higher (Anis, 2019).

Indeed, since Indonesia became an independent country or even long before Indonesia's independence, the laws or policies that regulate drugs related have been updated very often. The Indonesian government does this because it sees drug crimes continue to grow continuously. Every country in the world, including Indonesia, strongly agrees that drug abuse must be fought because of the dangers that can threaten various aspects of the state (Siagian, 2009).

The many cases of narcotics abuse in Indonesia are supported by the inclusion of technological developments that can facilitate the circulation of narcotics. In addition, the circulation of narcotics has attacked various aspects of life, ranging from children, and teenagers, to officials, so law enforcement should not be weak. One of the ways to enforce the law is through criminal acts. Many law enforcers have implemented this crime to the persons caught in this narcotics abuse case. Not a few cases of drug abuse have already received a judge's decision. Therefore, the enforcement of narcotics abuse can continue to be enforced by law enforcement in Indonesia. Law enforcement in Indonesia is expected to be a factor that can reduce the spread of narcotics trading. However, if you look at its implementation, the current law enforcement in Indonesia is the opposite. If law enforcement is more intensive to be enforced, the rampant circulation of narcotics is even more widespread (Nugroho et al., 2020). Laws that regulate issues related to the provisions for the use of narcotics have been drafted and are also enforced in Indonesia. However, narcotics abuse is still not over in Indonesia, even though the laws governing narcotics are numerous and binding. Lately, in Indonesia, drug dealers have begun to be caught and have also been given heavy sanctions, but looking at this does

not deter other people who are still struggling in the dark world of narcotics. To operate the sale and purchase of narcotics that are not following the laws that have been determined (Kaligis, 2020).

2. Research Method

The research in this article uses a qualitative literature study or (library research). This research is essential because this qualitative method aims to find the motives or causes that underlie human behaviour (Kusumastuti & Khoiron, 2006). Qualitative research is research to explore and understand well the meanings that are considered by a person or group to be ascribed to social or humanitarian problems. This qualitative research is also related to qualitative phenomena, such as investigating something related to the reasons why humans behave. This research process contains significant efforts, such as questions, and procedures, which are discussed very specifically by each resource person or participant, analyzing themes from specific or detailed to general themes inductively, and interpreting or interpreting each word's meaning (Creswell, 2012).

Meanwhile, library research is a method of collecting data collected by understanding and studying existing theories from various literature related to the research being carried out. There are four stages in library research: preparing the tools needed in research, preparing a work list, operating time, and recording and reviewing research materials (Zed, 2004). In this literature study, data was collected by searching for data from various sources from several books, journals, and existing research studies. The materials in this library contain various references, which are analyzed critically and in-depth to support the proportions and ideas that support the research being carried out (Fadli, 2021). Another opinion says that library research or library research means data collection techniques by reviewing books, notes, or literature to report material from existing problems to be solved (Nazir, 1998). This literature study or library research can also be interpreted as a theoretical study, reference books or other readings closely related to culture, norms, and values that are developing in the social conditions being studied (Sugiyono, 2012). This literature study or library research obtains various data from the results of studying various books as reference material or using the results of similar previous research results and can assist in the improvement of subsequent articles in order to get the basis of existing theories to examine the problem to be studied (Jonathan, 2006).

3. Results and Discussion

Narkoba stands for narcotics, psychotropics, and other addictive substances. A drug is a drug, a substance or material that is not included in food if it is drunk, smoked, swallowed, or injected, affecting the work of the brain or the central nervous system primarily, and all of that causes dependence on every drug abuser (Rejeki, 2014).

The Narcotics Law Number 35 of 2009 concerning Narcotics discusses that these narcotics are divided into 3, namely:

1. Narcotics

Narcotics can affect a human being who consumes them through anything. The effects that these narcotics can cause are hallucinations or the existence of delusions that are felt, the presence of enthusiasm. Loss of pain, or it could be anaesthesia. The things that are felt are known and found in the medical world, which have benefits for treatment and human interests in the field of pain relief (Dirjosisworo, 1990). Narcotics are divided into three groups:

Narcotics type	Definition	Example
Group I	This is the most dangerous type of narcotics when compared to other groups. The addictive power in this group is very high, this group is intended for science or research.	Examples of group I narcotics are opium, marijuana, morphine, cocaine, and heroin
Group II	This Group II narcotic has benefits for research and treatment and has a strong addictive power.	Examples of group II narcotics are betamethadone, pethidine, and benzethidine.
Group III	This class III narcotics also has benefits for research	Examples of class III narcotics are codeine and

2. Psychotropic

Psychotropic is a substance and is not included in narcotics, either synthetically or naturally, which has psychoactive effects through the influence of the central nervous system that can make changes to normal and behavioral activities. These psychotropics are divided into 4 groups, namely:

Psychotropic type	Definition	Example
Psychotropic Group I	Class I psychotropics are not yet known what their uses are and are still being researched today and have very strong addictive power.	Examples are ecstasy, LSD, MDMA, and STP.
Psychotropic Group II	This class II psychotropic has uses for treatment and research with a very strong addictive power.	Examples: metaqualone, amphetamines, methamphetamine.
Psychotropic Group III	This class III psychotropic is useful for research and treatment and has low addiction.	Examples include fentanyl, buprenorphine, and tramadol.
Psychotropic Group IV	This class IV psychotropic has a mild addictive power with its usefulness for research and also treatment.	Examples are diazepam, nitrazepam (dumolid, mogadon, BK)

3. Other addictive substances

Other addictive substances are substances other than psychotropics and narcotics that can make each user dependent.

- Cigarette
- Drinks or alcohol that can be addictive and can make everyone who consumes drunk.
- Thinner and other substances, such as gasoline, glue, acetone, wood glue, this liquid eraser can make the inhaler drunk (Alifia, 2008).

Judging from the types of drugs that exist, if not used in accordance with the dose that should be. In Indonesia, this is an effort to deter these elements by imposing criminal acts. Before discussing further about criminal acts. We first discuss the separate meaning of the criminal law. Criminal law is a sanction given by an authorized institution because a person or group of people has violated the law or norms that apply in

society, this criminal law is considered to provide sanctions that are held to be able to provide reinforcement for every community to obey the norms or laws that applies in society or in Indonesia (Poernomo, 1993). Another opinion says that criminal law contains norms or a necessity and prohibitions (from legislators) associated with sanctions in the form of punishment or suffering that has a special nature (Lemaire, 1995). Drug abuse in Indonesia is an effort carried out with the aim of upholding users, production makers, and drug dealers in excessive quantities and not in accordance with what should be recommended. Drug abuse can be classified as a criminal act, because there are three things that cause it, namely the first by implementing criminal law, prevention without criminal punishment, and the last one which can make the public view of drug abuse users to be bad (Helviza et al., 2016).

In regulating the abuse of drug use, the government has regulated it in Law No. 35 of 2009 concerning narcotics. In this shrimp law, the government has a goal to ensure the supply of narcotics is only for research or as well as health services, technology development, and will protect and ensure the safety of the Indonesian people from drug abuse from irresponsible persons. In this law, the government also regulates medical rehabilitation as a form of healing from drug abuse (Hariyanto, 2018). Soedarto, (1996) said that law enforcement talks about how law enforcement acts to deal with problems in it, not about how the law is. In line with what oleh Shant, (1998) said that law enforcement is a process to make real use of legal norms and as a reference in social life.

These narcotics can occur due to 2 things, namely the internal factors of the perpetrators and also the external factors of the perpetrators (Widjaya, 1985). Internal factors include a feeling of selfishness in him, a desire to be free to try anything, his soul being shaken, and also a great sense of curiosity (Moh. Taufik Makarao & A.S, 2003). While external factors include the family's economic condition, a supportive environment to fall into, easy access to narcotics, lack of supervision, and social conditions. From the slogan carried by the National Narcotics Agency and also the Ministry of Law and Security, the following is one of the preventive efforts in preventing further narcotics abuse in Indonesia.

In Law Number 35 of 2009 it has also been regulated regarding actions related to narcotics that are against the law and are divided into 4 categories, namely:

- The first category is said to be in the first category if it provides, possesses, or controls narcotics.
- The second category, taking action in the form of producing, importing, exporting, or distributing narcotics.
- Third Category, an action in the form of an offer as a seller, buyer, recipient, or intermediary for the sale and purchase of narcotics.
- Fourth category, actions are in the form of carriers, senders, carriers, or as transitors (Sunarso, 2012).

In Law Number 35 of 2009 concerning narcotics, it also discusses criminal acts committed by anyone who commits a violation, including:

- Criminal acts committed by someone who abuses drugs or as a victim, someone who has drug abuse must carry out social and medical rehabilitation.
- Criminal acts for parents or guardians of someone who is still a minor and has committed drug abuse is subject to a maximum imprisonment of 6 months.

4. Conclusion

The problem of drugs is currently rife in Indonesia. The rise of drug cases is common among teenagers, especially. The territory of Indonesia is very strategic because of its extensive area with various small islands. The existence of these small islands can easily be used as areas for narcotics circulation with minimal supervision from the authorities. Cases of drug abuse in Indonesia are not only among teenagers. However, they have spread to all corners of the Indonesian homeland, for example, the number of public figures, officials or stakeholders in Indonesia. Narkoba stands for narcotics, psychotropics, and other addictive substances. A drug is a substance or material that is not included in food if it is drunk, smoked, swallowed, or injected, which affects the work of the brain or central nervous system primarily and, from all of that, causes dependence on every user who abuses narcotics. Narcotics consist of 3 groups, and psychotropics consist of 3 groups. Drug abuse can be classified as a criminal act because three things cause it: the first implementation of criminal law, prevention without criminal punishment, and the last one that can make the public view drug abuse users as wrong. In regulating the abuse of drug use, the government has regulated it in Law No. 35 of 2009 concerning narcotics.

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