

Formulation of Criminal Sanctions Policy Against Drug Crimes at Jayapura Resort Police

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Abstract

This study aims to determine the application of sanctions against perpetrators of narcotics crimes and what factors hinder law enforcement officers in the context of overcoming narcotics crimes in the jurisdiction of the Jayapura Police.

The type of research used is the socio-juridical approach method, namely in addition to studying the law theoretically and normatively in the form of analyzing various laws and regulations, books and articles that have a correlation and are relevant to the problems studied, it will also study the law in its implementation with data collection techniques through interviews and documentation.

The results of the study show that the formulation of criminal sanctions against perpetrators of narcotics crimes in positive law is contained in Law Number 35 of 2009 concerning Narcotics in the context of eradicating narcotics crimes regulated in Article 111 - Article 148 and the inhibiting factors of the police in preventing the eradication and handling of narcotics crimes are due to the lack of awareness of the general public about their role in efforts to prevent and eradicate drug abuse, the lack of involvement of elements of society that are actually very strategic, effective and efficient for preventive efforts such as religious leaders, counseling that has been carried out so far in the community, especially teenagers, is lacking, paying attention to the conditions of the targets, drug prevention and rehabilitation programs have not reached rural areas. Therefore, it is necessary to revise the articles in Law Number 35 of 2009 which have legal weaknesses and complicate the law enforcement process; and it is necessary to prepare Indonesian legal instruments that can prevent the entry of organized crime such as narcotics, especially in terms of accommodating modern technology that can be used as a mode of crime.

1. Introduction

The phenomenon of drug abuse in Indonesia has encouraged the government to play a role in preventing and overcoming drug abuse, namely by creating a law that regulates narcotics in Law Number 35 of 2009 and forming an institution that regulates and supervises the occurrence of drug abuse in this government of Indonesia. This action is a form of manifestation of firmly rejecting drug abuse in Indonesia, so that a criminalization of all forms of drug crimes is carried out. Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics explains the definition of narcotics in detail in its formulation, so that it can provide an explanation to the public regarding what is meant by narcotics.

The regulation of rehabilitation efforts that have been formulated by the government in the law is motivated by the existence of a discriminatory attitude in society that considers drug abusers to be the scum of society, or someone who has damaged the honor of his family. This causes a form of dehumanization of drug abusers, so the government really needs to pay attention to this phenomenon in society by carrying out rehabilitation on drug abusers.

The benchmark for actions that can be imposed on a drug addict is regulated in Article 127 in conjunction with Article 103 of Law Number 35 of 2009 concerning Narcotics, namely the Circular of the Supreme Court (SEMA) of the Republic of Indonesia Number 4 of 2010 in conjunction with SEMA RI Number 07 of 2009 concerning Placing Drug Users in Therapy and Rehabilitation Institutions, which states that an addict can be placed in a rehabilitation institution. Logically, between addicts and drug abusers, both are abusing narcotics, it's just that to distinguish them, an assessment or proof must first be carried out for the suspect or defendant until the judge can make a decision.

The Republic of Indonesia is a country of law. This means that the Republic of Indonesia is a country based on law (*machtsstaat*). All behavior of a person in society must be based on applicable law. As we know, law is a human work in the form of norms containing behavioral guidelines.¹ It is a reflection of human will about how society should be built and where it should be directed. In the opening of the 1945 Constitution of the Republic of Indonesia, the goals of the Republic of

¹ Pasal 1 Ayat 3 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Indonesia have been firmly outlined, namely to protect all Indonesian people, advance public welfare, educate the nation's life and participate in implementing world order based on freedom, eternal peace and social justice.²

Drug abuse and illicit trafficking in Jayapura Regency in the last five years have shown a very sharp increase. The high number of drug users in Jayapura Regency has increased over time. According to research data, the National Narcotics Agency (BNN) of Jayapura Regency estimates that the number of drug users will continue to increase. In 2022, the prevalence of drug users is predicted to reach 1 million people.

The development of the level of drug abuse crimes has been very concerning. In the past, drug trafficking and addicts were only in urban areas, now there is not a single sub-district, or even village in this Republic that is free from drug abuse and illicit trafficking. In the past, drug trafficking and addicts were only in teenagers and well-off families, now its spread has spread to all corners of the socio-economic strata and community groups from poor families to conglomerates, from rural to urban, from young to old.³

The fact that can be witnessed almost every day through both print and electronic media, shows that the abuse of these goods has spread everywhere without discrimination. ⁴The community is now very restless, especially the families of the victims, they are now willing to tell the condition of their family members from suffering in drug addiction. In the world of health, narcotics are very much needed for the treatment and scientific study of certain types of diseases. The Narcotics Law only prohibits the use of narcotics without permission from the law in question. The use of narcotics is often misused not for the benefit of treatment and science. This shows that the use of narcotics is legal if used for positive purposes. However, in its development, narcotics are not only used for positive purposes, but also for negative purposes.

The form of drug use for negative purposes is drug abuse. The definition of drug abuse itself is the use of drugs without rights or against the law. There are also those who interpret drug abuse as the use of drugs carried out by someone illegally

² Satjipto Rahardjo, Ilmu Hukum, (Bandung: PT Citra Aditya Bakti , 2006), hlm 18.

³ Dahlan, *Problematisa Keadilan Dalam Penerapan Pidana Terhadap Penyalahguna Narkotika*, Cetakan Pertama, Deepublish, Yogyakarta, 2017, hlm 23.

⁴ Ali, M. (2018). Proporsionalitas dalam Kebijakan Formulasi Sanksi Pidana. *Jurnal Hukum Ius Quia Iustum*, 25(1), 137-158.

or against the law, namely without the knowledge and supervision of a doctor. However, far from that, it is used as a promising and rapidly growing business opportunity, which activity has an impact on the physical and mental damage of drug users, especially the younger generation. At this time, drugs have penetrated every group. Even drug abuse that is carried out has occurred so often that it has reached a level that is disturbing the community.

Based on the descriptions mentioned above, the author conducted research for legal writing with the title "Formulation of Criminal Sanction Policy Against Narcotics Crime Perpetrators at the Jayapura Police Resort".

2. Research Method

The type of research used is the normative legal method and empirical legal method, namely in addition to studying the law theoretically and normatively which is basically an activity that will study the internal aspects of positive law in the form of an analysis of various laws and regulations, books and articles that have a correlation and are relevant to the problems being studied, also empirically by studying the actual conditions that occur in society, namely looking for facts related to the problems in the research will study the law in its implementation with data collection techniques through interviews and documentation.

3. Results and Discussion

Sanctions Against Narcotics Crime Offenders

Drug users and dealers in Indonesia seem to be increasing from time to time. Drug users and dealers in the country are indeed charged with various legal articles, from light sentences to the most severe, namely the death penalty. Even in some cases there are drug dealers who are shot on the spot cruelly, dying in a pool of blood because they tried to escape from the pursuit of the authorities. News of crime and criminality in both print and electronic media is often dominated by drug cases.

Drug users or users (for themselves) and drug dealers, although being hunted by the authorities and charged with legal provisions, are still numerous, or even increasing in number. It is common knowledge that on the one hand there are officers chasing drug users and dealers, but on the other hand there are also

officers who protect this drug business.⁵ Indonesia, as one of the most densely populated countries in the world, is of course a potential market for narcotics and illegal drugs. Quite a few foreign nationals roam around Indonesia and become big-time drug dealers. A small number of them have been arrested, but most of the others seem to still be operating freely. Selling and doing drug business is a job with quite lucrative results. Selling drugs doesn't seem too difficult, and the profits are very good. Selling and doing drug business then becomes a shortcut that is easy to take and practice, even though it is done secretly.

Both users and dealers, who are generally people who are already addicted to drugs, usually find it very difficult to get out of their spiral. They will do anything to get drugs. Even for some people whose addiction level is very acute, they will even try and go through death, as long as they can get drugs. Addicts and new users (the newcomers) in the world of drugs are very potential buyers. It is not surprising that the circulation and black market of drugs in the country continues to increase and expand.⁶

Although not as severe as the corruption that has eaten away at the body of this nation from time to time, like a malignant cancer that spreads, narcotics can also endanger the future of the nation. Someone who is addicted to narcotics will eventually go bankrupt physically and mentally, as well as economically. There are already many examples, and ironically, the majority of drug users and addicts in Indonesia are the young generation, a community that is expected to lead this nation forward.

The use of narcotics in accordance with the rules will not bring harmful effects, but will provide benefits. In the Consideration of Law Number 35 of 2009 in letter c it is stated that narcotics on the one hand are drugs or materials that are useful in the field of treatment or health services and the development of science, and on the other hand can also cause dependence which is very detrimental if used without strict and careful control and supervision.⁷Therefore, narcotics are indeed needed in the health sector, but efforts must

⁵ Dawud Budi Sutrisno, *Pengaturan & Penerapan Hukum Pidana Narkoba*, Cetakan Pertama, Yuma Pustaka, Surakarta, 2012. Hlm 15

⁶ M. Arief Hakim, *Bahaya Narkoba Alkohol, Cara Islam Mencegah, Mengatasi & Melawan*, Cetakan Pertama, Nuansa, Bandung, 2004, hlm. 18.

⁷ Supanto, S., & Rustamaji, M. (2019). Eksistensi Sanksi Pidana Denda dalam Penegakan Hukum Tindak

be made not to be misused, because it can cause dependence (becoming addicted) and cause losses that have very broad impacts, therefore drug abuse is a fairly dangerous crime.⁸

As mandated in the Considerations of Law Number 35 of 2009, the availability of certain types of narcotics that are greatly needed as medicine is intended to improve the health of the community, but on the other hand, considering the impacts that can arise and the level of danger that exists if used without proper and strict medical supervision, preventive and eradicating measures must be taken against the dangers of abuse and illicit trafficking of narcotics.

Thus, Law Number 35 of 2009 as a legal reference in eradicating narcotics crimes must be enforced. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, 4th Amendment, states that:

"The State of Indonesia is a state of law". The regulation of provisions regarding the state of law in the articles of the 1945 Constitution of the Republic of Indonesia is an affirmation of the concept of a state of law which was previously only regulated in the Explanation of the 1945 Constitution of the Republic of Indonesia, namely that the State of Indonesia is based on law (*rechtsstaat*) not based on mere power (*machtsstaat*).

A country based on applicable laws, both written and unwritten laws, therefore all Indonesian citizens without exception are required to obey the law. No matter whether they are ordinary people, businessmen or high officials, they are required to obey the law. All actions or deeds carried out in the country of Indonesia must be based on applicable laws. Likewise, if there is a violation or legal dispute, it is resolved legally.

Law Number 35 of 2009 is a public law, because Law Number 35 of 2009 regulates the interests of the public in general and involves the government as a supervisor of the implementation of the Law. Law Number 35 of 2009 is included in criminal law, namely the law that regulates all provisions regarding narcotics and there are criminal sanctions for those who violate the Law, so that in efforts to eradicate narcotics crimes, Law Number 35 of 2009 must be enforced regardless of the position or social status of the perpetrator

Pidana Narkotika di Indonesia. *Jurnal Wawasan Yuridika*, 3(2), 115-134.

⁸ Dwija Prayatno, *Sistem Pelaksanaan Pidana Penjara di Indonesia*, Refika Aditama, Bandung, 2007.

of the crime.

The goal to be achieved in criminal law policy through legislation, in this case Law Number 35 of 2009, is to position drug users as victims who need rehabilitation, both medical and social, not as perpetrators of criminal acts who are sentenced to prison and placed in correctional institutions.

Based on the results of research at the Jayapura Police, specifically at the Drug Unit with Iptu Mohamad Imran, SE., MH regarding the criminal policy in Law Number 35 of 2009 along with the policy on the formulation of criminal sanctions regulated and the perpetrators of the crime:

1) Criminal sanctions formulation policy in Law Number 35 of 2009

The criminal threat in Law Number 35 of 2009 is tiered according to the act and the amount of weight of each type. In addition, the provisions of Article 113 paragraph (2), Article 114 paragraph (2), Article 115 paragraph (2), Article 116 paragraph (2), Article 118 paragraph (2), Article 119 paragraph (2), Article 121 paragraph (2) and Article 38 paragraph (2) of Law Number 35 of 2009 include the imposition of the death penalty in addition to imprisonment and fines. However, problems arise regarding the mechanism applied to the imposition of the death penalty which must also be accompanied by a fine, considering that normatively and legally this cannot be justified. Thus, in the provisions of criminal sanctions in Law Number 35 of 2009, there are still legal weaknesses. This can affect its implementation by law enforcement.

2) Narcotics Crime Offenders

In imposing criminal sanctions, perpetrators of narcotics crimes have different roles, positions and sanctions, both based on the laws and regulations that govern them, and based on the role and impacts arising from their actions. Classification of perpetrators of narcotics crimes that must be observed by law enforcers in the implementation of Law Number 35 of 2009. Criminal provisions for perpetrators of narcotics crimes in Law Number 35 of 2009 are regulated in Articles 111 to 148.

Classification of perpetrators of narcotics crimes can be seen from

several aspects as in Law Number 35 of 2009 and other statutory provisions relating to narcotics crimes. Criminal provisions for perpetrators of narcotics crimes in Law Number 35 of 2009, as stated in Articles 111 to 147. Based on Law Number 35 of 2009, perpetrators of narcotics crimes can generally be classified as:

- a) Unlawful or illegal acts of planting, maintaining, possessing, storing, controlling, or providing narcotics or narcotic precursors, as regulated in Article 111, Article 112, Article 117 and Article 122 and Article 129;
- b) Unlawful or illegal acts of producing, importing, exporting, or distributing narcotics, as regulated in Article 113, Article 118 and Article 123, and Article 129;
- c) Unlawful or illegal acts of offering for sale, selling, buying, receiving, acting as an intermediary in buying and selling, exchanging, or handing over or receiving narcotics, as regulated in Article 114, Article 119, Article 124, and Article 129;
- d) Unlawful or illegal acts of carrying, sending, transporting, or transiting narcotics, as regulated in Article 115, Article 120 and Article 125, and Article 129;
- e) Unlawful or illegal acts of using narcotics against another person or providing narcotics for use by another person, as regulated in Article 116, Article 121 and Article 126;
- f) Acts of drug abusers for themselves, regulated in Article 127, namely people who use narcotics without rights or against the law (Article 1 number 15), while drug addicts, as regulated in Article 128 and Article 134, are people who use or abuse narcotics and are in a state of dependence on narcotics, both physically and psychologically (Article 1 number 13);
- g) Attempt or conspiracy to commit narcotics and narcotics precursor crimes in Article 111, Article 112, Article 113, Article 114, Article 115, Article 116, Article 117, Article 118, Article 119, Article 120, Article 121, Article 122, Article 123, Article 124, Article 125, Article 126, and Article 129, as regulated in Article 132.

The classification of perpetrators of narcotics crimes above shows that each act and position of the perpetrator of narcotics crimes has different sanctions.⁹ This is inseparable from the impact that can be caused by the actions of the perpetrators of narcotics crimes. Regarding perpetrators of crimes, one of the things that is the point of the problem in Law Number

⁹ Gatot Supramono, *Hukum Narkoba Indonesia*, Cetakan Keempat, Edisi Revisi 2009, Djambatan, Jakarta, 2009.

35 of 2009 is the unclear understanding and status between addicts, abusers, and victims of narcotics abuse. Due to the unclear understanding and status, other regulations become biased and confusing. Of course in practice, this directly has an impact on drug users. One of them is in terms of providing medical and social rehabilitation for drug abusers and addicts.

The results of the interview with the Head of the Narcotics Unit explained that the implementation of investigation activities at the Jayapura Police Narcotics Unit was carried out in accordance with Law No. 35 of 2009, for cases that were arrested based on the amount of evidence, if it is above SEMA no. 4 of 2010, then the case is processed legally if the evidence is below SEMA no. 4 of 2010, then it will be coordinated with the Jayapura Regency BNN and then an integrated assessment will be carried out and the results are that the suspect is rehabilitated.

Factors That Hinder Combating Narcotics Crimes

The circulation of narcotics in Indonesia is very contrary to the goals of Indonesia's national development to realize a complete Indonesian human being and an Indonesian society as a whole that is just, prosperous, orderly and peaceful based on Pancasila and the 1945 Constitution. To realize a prosperous Indonesian society, it is necessary to continuously improve efforts in the field of treatment and health services, including the availability of narcotics as medicine, in addition to developing science.

1) Structure

The structure determines who is responsible, authorized, and plays a role in the policy formulation process. The structure also determines how coordination and communication between stakeholders in the policy formulation process. Determines what are the priorities, goals, targets, alternative solutions, evaluation of alternative solutions, recommendations for the best solution, action plans, and budgets in the policy formulation process. Public policy also determines how certain criteria are used to assess the feasibility and openness of the design of a policy itself.

The influence of the globalization era marked by advances in communication

technology, trade liberalization and the rapid progress of the tourism industry has made Indonesia increasingly vulnerable to the illicit trafficking of narcotics. Even today, the illicit trafficking of narcotics in Indonesia is increasing, this is evidenced by the many narcotics cases that have occurred in Indonesia. In the mass media, both print and electronic media, almost every day there is news about narcotics. Law enforcement officers do not hesitate to hunt down and eradicate the illicit trafficking of narcotics to the roots.¹⁰

For that, there needs to be community participation in helping to prevent and eradicate drug abuse. The three basic components in overcoming this crime are the Community/school, Government and Police or Law Enforcement. The community acts as both the subject and object of drug prevention measures, law enforcement officers, especially the police, become facilitators and the government acts as a supporter of drug prevention activities by the community. Drug prevention by the community is based on the opinion that each organization or group in an area has unique resources that can be contributed to drug prevention efforts.

2) Substance

Special provisions regarding community participation are regulated in a separate chapter, namely CHAPTER XIII Community Participation, which starts from Article 104 to Article 108 of Law Number 35 of 2009 concerning Narcotics.

- a) Article 104 reads: "The community has the widest possible opportunity to participate in helping to prevent and eradicate the abuse and illicit trafficking of narcotics and narcotic precursors."
- b) Article 105 reads: "The community has the right and responsibility in efforts to prevent and eradicate the abuse and illicit trafficking of narcotics and narcotic precursors."
- c) Article 106 reads: The community's rights in efforts to prevent and eradicate the abuse and illicit trafficking of narcotics and narcotic precursors are manifested in the form of:

¹⁰ Pakpahan, H. (2014). Kebijakan Formulasi Sanksi Tindakan Bagi Pengguna Dalam Tindak Pidana Narkotika. *Arena Hukum*, 7(2), 225-246.

- seek, obtain, and provide information on the alleged occurrence of a narcotics and narcotics precursor crime;
 - obtain services in seeking, obtaining, and providing information on the alleged occurrence of a narcotics and narcotics precursor crime to law enforcement or the National Narcotics Agency (BNN) handling narcotics and narcotics precursor crime cases;
 - convey suggestions and opinions responsibly to law enforcement or the National Narcotics Agency (BNN) handling narcotics and narcotics precursor crime cases
 - obtain answers to questions about their reports given to law enforcement or the National Narcotics Agency (BNN);
 - obtain legal protection when the person concerned exercises their rights or is asked to attend the trial process."
- d) Article 107 reads: "The public can report to authorized officials or the BNN if they are aware of any abuse or illicit trafficking of narcotics and narcotic precursors."

The results of the interview with Aipda Firman Yunus, SH as Kanir Idik 1 regarding the obstacles in handling and eradicating narcotics crimes in the jurisdiction of the Jayapura Police are:

- a) The police program until 2024 is still largely focused on supply reduction. Strengthening seaports and airport interdiction is one of the police's efforts together with related agencies to prevent the entry of narcotics into Jayapura Regency. The results are quite satisfactory, but because in the Regency there are many open sea routes that cannot be detected quickly by the police who do not yet have sufficient human resources in the Narcotics Unit field, illicit drug trafficking still occurs.
- b) The police do not involve related agencies and NGOs enough. The police should empower NGOs to do something according to their expertise and then provide them with access and facilities to make their work easier. The police should play a greater role as a facilitator and coordinator of drug abuse eradication activities by encouraging various elements in society to be more involved in efforts to combat drug abuse and illicit drug trafficking.
- c) Lack of public awareness of their role in preventing and eradicating drug abuse. The public only knows that drug problems are the responsibility of the police alone. Due to lack of knowledge and excessive fear, they tend not to report cases they find. To further increase public participation, in every campaign or outreach in the community, it is necessary to convey the concept of national defense where all Indonesian people are obliged to defend the country. So all citizens are required to fight against drug abuse and illicit

trafficking. In addition, the police must increase their socialization to the community, especially people in rural areas.

- d) There is still a lack of involvement of elements of society that are actually very strategic, effective and efficient for preventive efforts such as religious leaders, PKK mothers' groups and cadres at the RT and RW levels. The problem of drug abuse is closely related to moral and personality issues. Therefore, it is very appropriate to involve religious leaders or ulama or ustad and ustadzah in prevention programs. If necessary, they are supported with adequate funds to carry out their duties. PKK mothers and cadre mothers are also very important to be involved in prevention programs. As is known, around 80% of users are teenagers. These teenagers are still under the responsibility of their parents. Mothers are the first people tasked with educating their sons and daughters. Mothers' ignorance about the growth and development of children and adolescents, the right parenting patterns for children and adolescents and narcotics can be the cause of teenagers falling into drug abuse.
- e) Counseling conducted so far to the community, especially teenagers, has paid little attention to the target's condition. The delivery of material tends to be monotonous and lacks variety.
- f) Drug prevention and rehabilitation programs have not reached rural areas. Many people in rural areas do not understand about drugs so they easily fall into it. In rural areas, many people do not understand about drug problems and they have never received counseling about drugs. Many teenagers are involved in drug abuse.
- g) Slogans that are made are less sympathetic, seem scary. For example, "DRUGS are a special gift from hell". The sentence "Fight DRUGS" is also not quite right. If war means narcotics are the enemy, whereas if you look at the definition according to WHO, narcotics are all substances, except food, drinks or oxygen which if put into the body can change the body's function physically and/or psychologically. Narcotics consist of narcotics, psychotropics and other addictive substances. In relation to the above, the slogans related to narcotics that have been circulating in society need to be evaluated to what extent they are effective, how the public perceives, especially the target audience, the slogan and what its impact is. Now is the time to change the old ways of providing information that tends to be frightening and excessive into providing honest, proportional information and a positive perspective. For example, a good slogan is For the sake of this

nation and country, let's fight to combat the abuse and illicit trafficking of narcotics.

- h) The most serious problem is the element of corruption and collusion in handling narcotics cases.
 - i) The low morale of law enforcers makes them fall into narcotics abuse, even becoming protectors of narcotics dealers.
- 3) Culture

The negative impacts of globalization and openness include the emergence of various shifts in socio-cultural values as a result of advances in science and technological sophistication, which actually damage Human Resources.

¹¹One of them is the misuse of advances in the pharmaceutical field supported by advances in transportation, communication and information. So that in today's era, the level of drug abuse in Indonesia has become a public concern because in reality it is actually more often carried out by teenagers and young people who are very potential for development. ¹²Even more concerning is that recently it has been known to have spread to school-age children. Realizing the complexity of the problems and the real threats that have hit the younger generation, the problem of drug abuse has been determined as a national problem that must be faced seriously through integration and continuity of steps involving all potential in society. The number of victims of drug abuse in the country shows development. It is very concerning that the rapid increase in the number of drug addicts is not hampered at all by the recession and the collapse of the nation's economy. In fact, it seems that the recent social, economic and political turmoil has further stimulated the spread of narcotics. Thus, the danger is not only suffering for the victim, but also a problem. Therefore, there is a need for a clear legal umbrella as a public policy in overcoming this problem.

The negative impacts due to drug use are personal dangers in the form of drastically changing the victim's personality, causing a carefree attitude towards themselves, decreased enthusiasm for learning and one day the victim may no longer hesitate to have sex because their views on community norms, cultural customs, and religious values are very loose. Their sexual

¹¹ Dewa Gede Atmadja dan I Nyoman Putu Budiarta, *Teori-Teori Hukum*, Cetakan Pertama, Setara Press, Malang, 2018, hlm. 175-178.

¹² Guse Prayudi, *Seri Hukum, Seluk Beluk Hukum Pidana Yang Penting Untuk Diketahui, Dalam Bentuk Tanya Jawab Disertai Dasar Hukumnya dan Dilengkapi Dengan Yurisprudensi*, Cetakan Kedua, Boya Book, Jakarta, 2008. Hlm 17.

urges become brutal, so there are cases of rape, they do not hesitate to torture themselves because they want to relieve pain or eliminate their dependence on drugs, want to commit suicide, become lazy and even live a relaxed life, for school children, their academic achievement will decrease because they fantasize and daydream so that it damages their health and mentality, triggers rape and free sex which eventually gets caught in adultery and then experiences HIV/AIDS.

Family-related dangers, such as no longer hesitating to steal money and even selling items at home to get money quickly, no longer maintaining good manners at home and even disobeying parents, not appreciating existing property, and defaming the family name.

4. Conclusion

The formulation of criminal sanctions against perpetrators of narcotics crimes in positive law is contained in Law Number 35 of 2009 concerning Narcotics in the context of eradicating narcotics crimes regulated in Article 111 - Article 148, namely with the provisions: (a) sanctions used, namely in the form of criminal sanctions and action sanctions; (b) criminal sanctions include principal penalties, namely: death penalty, life imprisonment, imprisonment with a certain time limit, imprisonment, fines and additional penalties in the form of: revocation of certain rights against corporations in the form of revocation of business licenses and/or revocation of legal entity status; (c) action sanctions in the form of medical and social rehabilitation and expulsion and prohibition of entering Indonesian territory for foreign citizens who commit crimes in Indonesia after serving criminal sanctions; (d) the amount/duration of criminal sanctions varies, namely: for fines ranging from Rp1,000,000,- (one million rupiah) to Rp10,000,000,000,- (ten billion rupiah). If the crime is committed by a corporation, the penalty can be increased by 3 times the fine threatened, and the prison sentence ranges from 1 year to 20 years; (e) criminal sanctions are formulated in 4 (four) forms, namely: in a single form (prison or fine only).

In alternative form (choice between imprisonment or fine), in cumulative form (imprisonment and fine), and in combination/mixture form (imprisonment and/or fine); (f) there is a special minimum criminal threat (imprisonment or fine); (g) aggravation of criminal acts based on the amount or type of narcotics, the consequences caused, carried out in an organized manner, carried out by a corporation, carried out

using children who are not old enough, and if there is a repetition (recidive) within a period of 3 (three) years. This aggravation is excluded from the death penalty, life imprisonment, or 20 years' imprisonment; (g) attempts and conspiracy are punished the same as committing a crime; and (h) if the fine cannot be paid, the perpetrator can be sentenced to a maximum of 2 (two) years in prison as a substitute for a fine. In addition, Law Number 35 of 2009 regulates special minimum threats and criminal threats in Law Number 35 of 2009 in stages according to the actions and the amount of weight of each type. Regarding the provisions of Article 113 paragraph (2), Article 114 paragraph (2), Article 115 paragraph (2), Article 116 paragraph (2), Article 118 paragraph (2), Article 119 paragraph (2), Article 121 paragraph (2) and Article 38 paragraph (2) of Law Number 35 of 2009, it is Considering that in legal norms this cannot be justified.

The inhibiting factors for the police in preventing the eradication and handling of narcotics crimes are due to the lack of awareness of the general public about their role in efforts to prevent and eradicate drug abuse, the lack of involvement of elements of society that are actually very strategic, effective and efficient for preventive efforts such as religious leaders, counseling that has been carried out so far in the community, especially teenagers, is lacking, paying attention to the conditions of the targets, drug prevention and rehabilitation programs have not reached rural areas, stated that the imposition of the death penalty is in addition to imprisonment and a fine, however, the mechanism that is determined is that the imposition of the death penalty must also be accompanied by a fine.

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