

Criminal Law Policy Against New Types of Narcotics Abuse

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Abstract. *The purpose of this study is to determine and analyze the criminal law enforcement policy against narcotics abuse crimes. To determine and analyze the obstacles and solutions to narcotics abuse crimes. This study uses a normative legal approach method. The results of this study are that the Criminal Law Enforcement Policy Against Narcotics Abuse Crimes can be carried out by starting to provide ideas for reforming Law Number 35 of 2009 concerning Narcotics. The idea of legal reform through reformulation of laws makes it increasingly open to law enforcers in carrying out extensive interpretations so that it is expected to minimize narcotics abuse that is not registered in the appendix to Law Number 35 of 2009 concerning Narcotics and law enforcement can be carried out optimally*

Keywords: *Criminal; Enforcement; Law; Policy.*

1. Introduction

Seiring with the advancement of culture and science and technology, human behavior in living in society and the state is actually increasingly complex and even multi-complex. Such behavior, when viewed from a legal perspective, of course there is behavior that can be categorized as being in accordance with norms and there is behavior that is not in accordance with norms. For behavior that is in accordance with applicable norms (laws), it is not a problem. For behavior that is not in accordance with norms, it can usually cause problems in the legal field and be detrimental society cat.¹

who do not comply with the norms or can be called a deviation from the agreed norms actually causes disruption to the order and tranquility of human life. Such deviations are usually considered by society as a violation and even a crime. Crime in human life is a social phenomenon that will always be faced by every human being, society, and even the state. Reality has proven that crime can only be prevented and reduced, but it is difficult to eradicate completely.²

¹Bambang Waluyo, 2004. Crime and Criminalization. Jakarta: Sinar Grafika. p.1

²*Ibid*

Me the increase in science, technology and economic development is accompanied by an increase in the quality and quantity of crime. In addition, economic decline is also one of the dominant triggers for crime. According to experts, the problem of crime is not new, although the place and time are different, but the mode is considered the same because crime is a social phenomenon that occurs at all times and places. Its presence on earth can be said to be as old as human life.

To Human life always has dynamics. The rapid flow of globalization today, causes various problems in almost all aspects of human life, including drug abuse. The existence of this deviant action, is marked by a change in the paradigm of thinking to be hedonistic and forgetting religious moral values that are considered outdated.³

Drugs (narcotics, psychotropics, and illegal drugs) are one of the causes of the decline in the quality of human resources in Indonesia which indirectly hinders national development. The availability of drugs can be useful as medicine and the development of science. But on the other hand, it can cause a very detrimental dependency if used without strict and careful control and supervision.⁴

Narcotics or often referred to as drugs are a type of substance. Narcotic substances are substances that have certain characteristics. Narcotics are substances that cause certain effects for those who use them and put them into the body. These effects are in the form of anesthesia, loss of pain, stimulation of enthusiasm, and hallucinations or the emergence of fantasies. It is also known that narcotic substances have addictive power that can cause the user to depend on the narcotic drugs for their lives. This can be avoided if its use is regulated according to a dose that can be medically and pharmacologically accounted for. This is why the use of narcotics requires supervision and control. Use outside of supervision and control is called drug abuse, the consequences of which are very dangerous for human life, both individuals and society and the state.⁵

Dadda initially drugs were used in the medical field, or treatment to reduce pain in patients. But in reality, it is often misused so that it ends up being dangerous for its users.⁶

³Muntaha, 2011. Legal Aspects of Drug Abuse Among Adolescents, *Mimbar Hukum* Volume 23, Number 1. p. 212

⁴Siswanto Sunarso, 2004. Enforcement of Psychotropic Law in the Study of Legal Sociology. Jakarta: PT Raja Grafindo. p. 5.

⁵Implementation of Law No. 35 of 2009 concerning Narcotics to the Criminal Act of Conspiracy to Buy and Sell Narcotics. <http://repository.usu.ac.id/bitstream/handle/123456789/37509/Chapter%20I.pdf?sequence=4&isAllowed=y>

⁶Bambang Sulisty, 2012. Drug Client Guidance Policy in the Framework of Prevention and Handling of Narcotics Crimes (Case Study at Pati Correctional Center). Semarang. p. 1

PenRepeated use of narcotics makes a person dependent on narcotics. This dependence can be mild or severe. The severity of dependence is measured by the fact that how far he can break away from the use.

Keterdependencies that can be caused by drug use, namely:⁷

a. Psychological dependence

Salah one of the consequences of drug use is the emergence of a "state of forgetfulness" in the user, so that they cannot escape from a conflict. Escaping from a situation that they cannot overcome. However, the cause of this difficulty itself cannot be eliminated, the problem remains an unsolved problem. The use of drugs often widens the tension between the person and the surrounding community, because the more they cannot adjust or adapt to their surroundings, the greater the difficulty is felt and thus the greater the need for drugs. That is what is called psychological dependence. The need to obtain a feeling of pleasure (euphorie).

b. Keterphysical hanger

The use of narcotics for some time causes sensitivity to the substance, the body becomes accustomed to it until it reaches a level of immunity or tolerance. For example, in the use of morphine, the dose used must be greater and greater over time to achieve the desired effect.

A Finally, the effect is not achieved even though the dose is continuously increased. On the other hand, if its use is stopped altogether, then a long-lasting disaster will occur and if not helped by a doctor, it can cause death. This dependence is physical (physical dependence).⁸

Perm The problem of drug abuse in the country is currently experiencing a sharp increase, both in terms of the number of cases and the number of perpetrators, confiscated evidence and the number of suspects, which is rapidly spreading throughout Indonesia.

Factors that support drug abuse have increased significantly in addition to advances in technology and communication, namely the drug business is a tempting business, meaning that with capital and courage you will get a lot of money in a short time, drug use can be used as an escape from life's problems, due to political instability, the government's concentration is more emphasized on politics so that the problem of drug abuse is less thought about. Eradicating

⁷Sudarto, 1986. Selected Chapters on Criminal Law. Bandung: Alumni, pp. 39-40

⁸Bambang Sulistyono, Op. Cit. p. 3

drug crimes requires large costs so that the Indonesian government has not been able to prepare these funds.⁹

Narcotics crimes have become transnational in nature, carried out by perpetrators using sophisticated *modus operandi*, supported by a wide network of organizations, involving perpetrators from various countries. As a result of drug abuse, the impact is mainly on the young generation of the nation which is very dangerous for the lives of the community.¹⁰

behavioral deviations carried out by someone or called sociopaths can cause various negative impacts, namely threatening the peace of the surrounding environment or disrupting public order. This kind of behavior often has an impact on people who feel disturbed or threatened by their peace. But there are positive impacts, for example, there are always changes and developments in various social aspects, so that it can increase human creativity to overcome them. Psychological behavioral deviations with detrimental impacts on others become a problem for oneself.¹¹

Seiring with the development of the times, the types of drugs are also increasing and have various variations. One example of a new type of drug is gorilla tobacco. Synthetic tobacco or commonly called gorilla tobacco according to the National Narcotics Agency (BNN) is a mixture of tobacco or cigarettes with synthetic or imitation marijuana and in it there is a content of AB-CHMINACA which is a type of synthetic cannabinoid (SC) or synthetic marijuana that can give an addictive effect. Gorilla tobacco is a new type of narcotic and is designated as a class I narcotic.¹²

In Article 1 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, narcotics are defined as a substance or drug derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and can cause dependency, which is divided into groups as attached to the Narcotics Law.¹³ Anton Suriadi narcotics.

Further, in the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics, it is explained that there are three types of narcotics, namely:

a. Class I narcotics are narcotics that can only be used for the purpose of scientific development and is not used in therapy and has a very high potential to

⁹Ibid

¹⁰Ibid

¹¹Ibid

¹²Andina Rahayu, 2017, Increasingly Widely Traded, Here Are 5 Facts About Gorilla Tobacco That You Must Know, <https://www.hipwee.com/feature/ganja-syntetis-dalam-tobaccou-gorila-is-so-popular-that-it-is-sold-on-social-media/>,

¹³Aziz Syamsuddin, 2014, Special Criminal Acts, Jakarta: Sinar Grafika, p. 90

cause dependence. Examples: Heroin, Cocaine, Coca Leaf, Opium, Marijuana, Jicing, Cathinone, MDMA/Ecstasy, and more than 65 other types.

b. Class II narcotics are narcotics that are effective for treatment, used as a last resort and can be used in therapy and/or for the purpose of developing science and have a high potential to cause dependence. Examples: Morphine, Pethidine, Fentanyl, Methadone and others.

c. Class III narcotics are narcotics that have mild addictive power, but are useful and efficacious for treatment and research. Class III narcotics are widely used in therapy and/or for the purpose of developing science and have the potential to cause dependency. Examples: Codeine, Buprenorphine, Ethylmorphine, Codeine, Nicocodine, Polcodine, Propyram, and there are 13 (thirteen) types including several other mixtures.

Based on the several definitions above, the author can conclude that narcotics are drugs or substances that can calm the nerves, cause unconsciousness or anesthesia, eliminate pain and aches, cause drowsiness or stimulation, can cause a stuttering effect and can cause addiction or dependency and are determined by the Minister of Health as narcotics.

Shoot You Gorilla or synthetic marijuana is a herbal concoction or tobacco that is sprayed with a type of synthetic chemical that results in similar psychoactive effects of marijuana (cannabis). How to use Gorilla Tobacco is the same as people smoking, for the packaging is wrapped like tea packaging. Synthetic marijuana is legal in several countries, one of which is in Indonesia with brands such as Spice, K2, No More Mr Nice Guy and others. Where synthetic marijuana is very different from marijuana in general. Gorilla tobacco or synthetic marijuana contains chemicals commonly called can nabimimetics which can cause harmful effects to health and are very risky if misused. Most gorilla tobacco users do not know exactly what ingredients are mixed in the tobacco. Synthetic marijuana is a very dangerous and addictive substance.¹⁴

Perthe development of narcotics such as gorilla tobacco cannot be quickly contained, because the chemical substances contained in it develop very quickly. Drug manufacturers continue to explore new types of drugs as their merchandise. Moreover, the basic ingredients of this new type of drug, gorilla tobacco, come from chemicals by combining synthetic chemical substances in it. This mixture is the selling point of new types of narcotics. Rapid changes in substances are intended to deceive the law and law enforcers.

Jamn gorilla tobacco there are other new types of class I narcotics, namely Flakka and LSD. Flakka is a synthetic psychoactive drug of the Amphetamine Type Stimulants (ATS) type, which in the Regulation of the Minister of Health of the

¹⁴Gorilla Tobacco, http://lab.bnn.go.id/nps_alert_system/9.%20Tembakau%20Gorillaz.php

Republic of Indonesia No. 7 of 2018 concerning Changes in the Classification of Narcotics contains the compound (alpha PVP).¹⁵

Indonesia, Flakka is relatively new. However, this drug is included as one of the dangerous drugs whose distribution is prohibited. In the short term, users who are addicted to flakka experience excessive euphoria, faster heart rate, increased blood pressure, and excessively alert behavior. In the long term, the use of flakka in high doses affects body temperature. Extreme changes can cause damage to muscles and kidneys.¹⁶

LSD (Lysergic Acid Diethylamide) is made from dried mushroom extract that grows on wheatgrass and grains.¹⁷ LSD is included in class I narcotics according to the Regulation of the Minister of Health of the Republic of Indonesia No. 7 of 2018 concerning Amendments to the Classification of Narcotics. In the form of colorful paper and sometimes there are funny and interesting pictures so that it is nicknamed "Happy Paper" or "Happy Paper". Users will experience the effects of use or tripping. Tripping can last 6-8 hours followed by 2-6 hours of offset or decline. Tripping is in the form of hallucinations, increased energy, and difficulty sleeping.

Salah one case that is in the author's spotlight is the case with decision Number 99/Pid.Sus/2018/PN Pbm, namely the abuse of narcotics in the form of gorilla tobacco that occurred in Prabumulih in 2018. The suspect in this case, namely Rinaldo Pradana alias Aldo Bin Ridwan, was legally proven to have committed the crime of "without rights and unlawfully controlling Class I narcotics that are not plants"

Based on the background description, the aim of this research is to analyze the application of positive criminal law in the criminal justice system against the abuse of new types of narcotics.

2. Research Methods

This research uses a normative legal approach. Specification This research is descriptive. Data types include secondary data including Primary Legal Materials, Secondary Legal Materials and Tertiary Legal Materials. The method of collecting materials in this study was obtained through library research sourced from laws and regulations, books, official documents, publications, and research results which were then collected, analyzed, and classified data and information. Analysis of research materials in this study uses qualitative analysis.

¹⁵Referring to the Regulation of the Minister of Health of the Republic of Indonesia No. 7 of 2018 concerning Changes to the Classification of Narcotics

¹⁶ This is the 'Zombie' Effect of Flakka: Makes You Suddenly Run Away and Get Scared, <https://m.detik.com/news/berita/d-3514148/begini-effect-zombie-flakka-bikin-mendadaklaripanjang-ketakutan>

3. Results and Discussion

Before discussing criminal law policy, it is necessary to first discuss what is meant by criminal law policy. Criminal law generally contains at least two types of norms, namely norms that must always be fulfilled so that an action can be called a crime, and norms concerning the threat of punishment that must be imposed on the perpetrator of a crime. In detail, the criminal law has regulated: 1) when a punishment can be imposed on a perpetrator, 2) what type of punishment can be imposed on the perpetrator, 3) for how long the punishment can be imposed or how much the fine can be imposed, and 4) in what manner the punishment must be carried out.¹⁷

is common knowledge that criminal acts are violations of the interests of the state as a representation of the public interest. This then becomes the basis for the authority of the state to determine, make regulations, prosecute, and punish someone who violates criminal regulations/laws. This is reinforced by the classification of legal science where criminal law is part of public law that does not allow individual intervention.¹⁸ Here in lies the importance of state policy in relation to the determination of criminal law regulations. In determining a crime, criminal law policy is used.

Criminal law in its formulation in each regulation must contain two main parts, namely norms and sanctions. Norms have a core of values in a series of abstract concepts that live among human groups as provisions that must be obeyed by everyone in social interactions and relationships, and have the task of ensuring legal order in society. Sanctions contain the core in the form of a criminal threat and have the task of ensuring that the established norms are obeyed and/or as a legal consequence for violating norms. Related to the criminal provisions regulated in Law Number 35 of 2009 concerning narcotics, it is different from the criminal provisions regulated in the Criminal Code (KUHP) and Law Number 22 of 1997 concerning narcotics, where in these regulations there is no minimum criminal threat or cumulative criminal penalty. The threat of severe criminal penalties is the answer to the rapid circulation of narcotics that disturbs society and damages the nation's generation, but are the criminal provisions as stated in the current narcotics law the ideal criminal provisions both in terms of imposing criminal sanctions and the formulation of the criminal act itself. However, one aspect that can be used as a measure to determine the quality of the formation of laws so that they have a sustainable meaning, is the necessity of harmonization in the formation of laws, in addition to the need for

¹⁷PAF Lamintang and Theo Lamintang, 2012, Indonesian Penitentiary Law, 2nd edition, 2nd printing, Sinar Grafika, Jakarta, p. 1.

¹⁸Mudzakkir, 2001, Legal Position of Crime Victims in the Criminal Justice System, Postgraduate Program, Faculty of Law, University of Indonesia, Jakarta, p. 145

synchronization. This harmonization can be interpreted as harmonization between laws and regulations or harmonization between articles in one law.

Men According to Soedarto, legal policy is an effort to realize good regulations with certain situations and conditions. In depth it is also stated that legal policy is a state policy through its authorized equipment to determine the desired regulations and is estimated to be used to express what is contained in society in order to achieve what is aspired to.¹⁹

Efforts and policies to create good criminal law regulations are essentially inseparable from the goal of combating crime. So criminal law policies or politics are also part of criminal politics. In other words, seen from the perspective of criminal politics, criminal law politics is identical to the concept of "crime prevention policies with criminal law".²⁰

Drug use is often associated with crime, both drugs are considered to have a negative influence and cause users to commit crimes. Crime is basically a relative formulation. Mustafa said that what is called crime as a social phenomenon is not merely an act that is prohibited by law, an act that is a biological abnormality or a psychological abnormality, but these acts are detrimental and violate public sentiment.²¹ When we refer to the formulation of crime as explained by Mustafa, the emphasis in determining whether a behavior is considered a crime or not is not on using formal rules as a reference.²²

Eradication narcotics crimes involve all nations in the world, but it turns out that the level of illicit drug trafficking is increasingly high and rampant. Several indications show that narcotics crimes are extraordinary crimes. The definition is as a crime that has a very large and multidimensional impact on social, cultural, economic and political and the negative impact caused by this crime is so terrible. For that extraordinary punishment is very necessary for this type of extraordinary crime today which has occurred in all nations in the world as a transnational crime.²³

narcotics and psychotropic crimes referred to in Law No. 5 of 1997 concerning Psychotropics, and Law No. 22 of 1997 concerning Narcotics provide quite severe criminal sanctions, however in reality the perpetrators of the crime are actually

¹⁹Mahmud Mulyadi, 2008, *Criminal Policy: Integral Penal Policy and Non-Penal Policy Approach in Combating Violent Crime*, Pustaka Bangsa Press, Medan, pp. 65-66

²⁰Barda Nawawi Arief, 2008, *Anthology of Criminal Law Policy (Development of the Drafting of the New Criminal Code)*, Kencana Prenada Media Group, Jakarta

²¹Mustafa, Muhammad, 2007, *Criminology: Sociological Studies on Criminality, Deviant Behavior, and Law Offenders*, FISIP UI Press, p. 17

²² Bhakti Eko Nugroho, <http://catatan-orang-biasa.blogspot.com/2008/12/benarkah-penggunaan-drugs-adalah.html>.

²³ A. Kadarman, 2012, *Narcotics crimes: Extraordinary crimes and extraordinary punishment*, <http://extraordinary-crime-narcotics.html>,

increasing, and for the convicts in reality they are not deterred and there is a tendency to repeat it again. This can be caused by the existence of criminal sentencing factors that do not provide an impact or deterrent effect on the perpetrators.²⁴

This social disease has become a problem for all countries in the world, so that the majority of UN members have agreed to the United Nations Convention Against the Delict Traffic in Narcotics Drugs and Psychotropic Substances in 1988. The 1988 Convention aims to eradicate the illicit trade in narcotics and psychotropic substances. When viewed from the content of the 1988 Convention, the embryo of an international effort to overcome the problem of transnational criminal organizations emerged, which among other things can be identified with regulations concerning extradition; mutual legal assistance; handling of illicit drug trafficking by sea; controlled delivery; strengthening the anti-money laundering regime (including the issue of confiscation and seizure of the proceeds of drug crime); and the criminalization of precursor diversion and precursor supervision.

The impact of drug abuse cannot be considered trivial, because it is the same as corruption where both threaten the progress of the nation and state security. Drug cases are still a trend or still dominant among several other crime or violation cases and even then only limited to cases that are revealed or recorded. It is no longer a secret that many drug cases are resolved "peacefully" so that the cases are not recorded (dark number).

Narcotics are substances or drugs derived from plants or non-plants, either synthetic or semi-synthetic, which can cause decreased or altered consciousness, loss of feeling, reduce to eliminate pain, and can cause dependency. It can be said that, on the one hand, narcotics are drugs or materials that are useful in the fields of medicine, health services, and scientific development, but on the other hand, they can cause very detrimental dependency if used without strict and careful control and supervision. In this case, when viewed from the legal aspect, the existence of narcotics is legal. The Narcotics Law only prohibits the use of narcotics that are not in accordance with the provisions of the law. This situation in its empirical level has resulted in narcotics often being misused not for medical and scientific purposes, but rather as a promising and rapidly growing business opportunity, where this activity has an impact on the physical and mental damage of all levels of society. In terms of age, narcotics are not only enjoyed by teenagers, but also by middle-aged and elderly people. The spread of narcotics is no longer limited to big cities, but has entered small towns and even sub-districts

²⁴Indah Lestari, Sri Endah Wahyuningsih, 2017, "Criminal Law Enforcement Against Drug Users in the Central Java Regional Police", *Khaira Ummah Law Journal* Vol. 12. No. 3, <http://jurnal.unissula.ac.id/index.php/jhku/article/view/1889/1433>, p. 601-602

and villages.²⁵ The definition of an abuser is contained in Article 1 number 15 of Law Number 35 of 2009 concerning Narcotics, namely "An abuser is a person who uses narcotics without rights or against the law. The definition of without rights or against the law has been explained above, but what needs to be understood in this case is the process of a person using narcotics, whether he uses narcotics preceded by having, storing, controlling, or providing narcotics first as stated in Article 112 of the Narcotics Law. This is an uncertain thing for someone who has, stores, controls, or provides narcotics which turns out to be done because the person will use narcotics for his own interests, because on the one hand he can be subject to the criminal provisions of Article 112 paragraph (1) of the Narcotics Law but can also be subject to the provisions of Article 127 paragraph (1) letter a of the Narcotics Law.

The criminal threat and the concept of punishment between these two articles are also different. Article 112 paragraph (1) provides a criminal threat of at least 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million Rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion Rupiah) while in paragraph (2) for narcotics above 5 (five) grams, the minimum sentence is 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third). Article 127 paragraph (1) letter a, namely every Class I Narcotics Abuser for themselves is subject to a maximum prison sentence of 4 (four) years, so there is no minimum sentence or fine as the criminal threat in Article 112. In addition, in Article 127 paragraph (2) of the Narcotics Law, it is stated that in deciding a case as referred to in paragraph (1), the Judge must pay attention to the provisions of Article 54, Article 55, and Article 103.

Terms Article 127 of the Narcotics Law above provides a choice for the Judge in sentencing a Narcotics Abuser, whether to impose a prison sentence or to decide to order the Defendant to undergo treatment and/or care through rehabilitation, where the period of undergoing rehabilitation is counted as the period of serving the sentence.

The Problem The difference between Article 112 and Article 127 of the Narcotics Law is not only a problem of overlapping formulations of criminal acts but more than that also regarding the threat of different criminal penalties or types of punishment or in a simple understanding it can be said that one act can be included in two articles where in one article the threat of punishment is burdensome for the perpetrator of the crime but in the other article the threat of light punishment can even undergo rehabilitation for someone who is addicted where the period of undergoing rehabilitation is counted as the period of serving the sentence.

²⁵Hari Sasangka, 2011, *Narcotics and Psychotropics in Criminal Law*, Mandar Maju, Bandung

Loyal types of criminal threats have positive and negative sides in their application. However, apart from all that, the overlapping of two criminal provisions in one law with different criminal consequences creates legal uncertainty for justice seekers. In addition, it is inevitable that this has the potential to become a 'game' for law enforcement officers. This happens because the two articles have different criminal threats.

The caliper the legal framework in the two articles certainly involves law enforcement institutions, namely the Police, the Prosecutor's Office and the Court as the final spearhead of the implementation of the law. The Police as the initial determinant of whether someone when committing a narcotics crime will be charged with the provisions of Article 112 or Article 127 is not difficult to determine because in general two articles will be used to formulate the Suspect's criminal act, as well as the Prosecutor's Office will certainly also provide an indictment against the Defendant with the two articles, only in the prosecution process by the Public Prosecutor, of course the Public Prosecutor must formulate one indictment that will be used to prosecute the Defendant. What the Public Prosecutor does will also be done by the Judge in formulating the qualifications for the criminal act committed by the Defendant, and the understanding among law enforcement officers regarding the two provisions of the articles above is not necessarily the same. This is due to the overlap of the two articles as in the legal analysis described above.

Market 114 paragraph 1 of Law No. 35 of 2009 concerning Narcotics states "Any person who without rights or against the law offers for sale, sells, buys, receives, acts as an intermediary in the sale and purchase, exchanges, or delivers Class I Narcotics, shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah)".

Market 112 paragraph 1 of Law No. 35 of 2009 concerning Narcotics "Any person who without rights or against the law possesses, stores, controls, or provides Class I Narcotics that are not plants, shall be punished with imprisonment of at least 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million Rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion Rupiah)". Article 127 paragraph 1 of Law No. 35 of 2009 concerning Narcotics "Any Abuser of: a. Class I Narcotics for themselves shall be punished with imprisonment of at most 4 (four) years b. Class II Narcotics for themselves shall be punished with imprisonment of at most 2 (two) years, and c. "Use of Class III narcotics for oneself is punishable by a maximum imprisonment of 1 (one) year."

Masalah drug abuse is a complex problem that requires comprehensive prevention efforts involving working with multidisciplinary, multisectoral, and

active community participation. The rampant drug abuse is not only in big cities, but has spread to small-scale cities including Magelang. One component of law enforcement in Indonesia is the Prosecutor's Office (hereinafter referred to as the Attorney General), where the role of the Prosecutor's Office is one of them in prosecuting criminal acts.

In line with the increasing abuse of drugs, the government has tried to take firm action against syndicates and dealers by giving severe punishments, even the death penalty. As for victims of users or addicts, the government has tried to reduce the negative impacts of drug use, namely by providing rehabilitation facilities, both medically and socially. This is done so that victims of drug use can recover, become productive people, be able to work to meet the needs of life and their families and become a healthy and strong generation of the nation.

However, the policy to place drug users in rehabilitation centers cannot run well because it still conflicts with the provisions of the Narcotics Law, in which case, drug users until now must still be positioned as perpetrators of criminal acts, as a result they do not receive maximum treatment and recovery because they have to languish in prison.

Law has a target so that people obey the law. Public obedience to the law is caused by three things, namely: (1) fear of committing sin; (2) fear because of the power of the authorities related to imperative laws; and (3) fear because of shame for doing evil. Law enforcement with non-penal means has targets and objectives for the benefit of internalization.

Criminal law policy is not merely a matter of making legislation. In terms of making criminal legislation, this can be done in addition to being done in a normative and systematic-dogmatic juridical manner, it also requires a factual juridical approach that can be in the form of a sociological, historical and comparative approach, and even requires a comprehensive approach from various other social disciplines and an integral approach to social policy and national development in general.

Initially, the existence of narcotics was needed by humans for treatment, so that to meet the needs in the field of treatment and scientific studies, continuous narcotics production was needed for sufferers of certain diseases. In Law Number 35 of 2009 concerning Narcotics, 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 misused or used without strict and careful control and supervision. If narcotics are used irregularly according to the recommended dosage/dose, they can cause physical and mental harm to those who use them and can cause dependence on the user themselves. This means a

very strong psychological desire to use the drug continuously due to emotional reasons.

The imposition of narcotics abuse must be accompanied by law enforcement for perpetrators through the criminal justice system adopted in Indonesia, one of which is the criminal justice system which is implementing and imposing sanctions for perpetrators through a Judge's Decision which aims for restorative justice based on treatment, not retaliation, as is commonly understood by the criminal justice system in Indonesia in the form of imposing criminal sanctions in the form of imprisonment.

Masalah drug abuse is not only a problem that needs attention for Indonesia, but also for the international world. Entering the 20th century, international attention to the problem of narcotics increased, one of which can be seen through the Single Convention on Narcotic Drugs in 1961. The development of drug abuse crimes has been very concerning. If in the past, the distribution and abuse of narcotics only revolved around urban areas, now there is not a single sub-district, or even a village in this country that is free from the abuse and illicit distribution of these illegal drugs. Even Islamic boarding schools are not free from targets. If in the past the distribution and use of narcotics only revolved around 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.

PenThe legal regulations governing drug abuse are regulated in a regulation that has a function and task to carry out a mandate to eradicate the crime of drug abuse, illicit trafficking of narcotics and psychotropics.

Various the rules governing narcotics from law number 7 of 1997, law number 22 of 1997, law 35 of 2009 and regulations on mandatory reporting of narcotics addicts. The presence of these laws provides legal certainty that aims for perpetrators who commit narcotics crimes both to dealers, distributors and even to addicts who are victims of the crimes of dealers, distributors as a form of eradicating these crimes.

PeThe imposition of sanctions on perpetrators of drug abuse has been regulated in articles 113, 114, 116, 118, 119, 121, 123, 126, 128, 134. The imposition of sanctions listed in these articles is a sanction that is in the nature of retaliation against perpetrators who commit drug crimes in the form of imprisonment.

prison funds are basically intended to provide a retaliation arising from an act so that a sanction is imposed to provide a reward that has been made from a crime, to make efforts to deter the perpetrator, and efforts to prevent a crime. Imprisonment is the nature of suffering for the perpetrator who has committed a crime, but the imposition of imprisonment on the perpetrator of drug abuse as a last resort. The punishment of the perpetrator of drug abuse is interrelated with

the criminal system in the Indonesian regulatory system. In essence, as an operationalization in the field of law enforcement of the judicial system based on a set of laws that regulate.

A. Mulder in Barda Nawawi Arif as quoted by Mahmud Mulyadi states that criminal law policy is a policy line to determine: (a) how far the provisions of the applicable criminal law need to be changed or updated; (b) what can be done to prevent crimes from occurring; (c) how investigations, prosecutions, trials, and execution of criminal penalties should be carried out.

Prevention efforts in criminal law recognize special rules in the Police Law such as Law Number 2 of 2002 concerning the Indonesian National Police which is supported by the Regulation of the Head of the Indonesian National Police which serves as a guideline in "efforts to combat narcotics crimes". This is a central concept known as the pre-emptive, preventive and repressive teachings.

creasing control and supervision as an effort to overcome and eradicate the abuse and illicit trafficking of narcotics is very necessary. Drug abuse is still a chronic problem that befalls Indonesia, cases of crystal methamphetamine trafficking and the arrest of many international drug dealers in recent years are proof that Indonesia is in a state of drug emergency. Efforts to prevent and eradicate narcotics are carried out in three stages, namely first, Preemptive, namely prevention efforts that are carried out early. Second, Preventive, namely efforts that are strategic in nature and are medium-term and long-term action plans, but must be seen as urgent actions to be implemented immediately. Third, Repressive, are efforts to overcome which are law enforcement actions starting from those carried out by intelligence.

4. Conclusion

Based on the description above, the conclusion that can be drawn is: Criminal Law Enforcement Policy Against Crimes of Abuse can be done by starting to provide ideas for reforming Law Number 35 of 2009 concerning Narcotics. The idea of legal reform through reformulation of the law makes it increasingly open for law enforcers to carry out extensive interpretations so that it is expected to minimize the abuse of methamphetamine narcotics that are not listed in the appendix to Law Number 35 of 2009 concerning Narcotics and law enforcement can be carried out optimally.

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