



LAW ENFORCEMENT OF CRIMINAL ACTIONS ABOUT NARCOTICS CLASS I IN THE CRIMINAL JUSTICE SYSTEM IN INDONESIA

Agha Hadi Saputra, Kristiawanto, Joko Sriwidodo, Ramlani Lina Sinaulan

* Master of Law at Jayabaya University
aghahadi26@gmail.com

Article history:	Abstract:
Received: January 10 th 2023 Accepted: February 10 th 2023 Published: March 11 th 2023	<p>The research method used in this study is a normative juridical approach which is supported by empirical juridical by detailing the description, namely a research which deductively begins with an analysis of the articles in the laws and regulations governing the problem of law enforcement perpetrators of narcotics abuse of class I in Indonesian criminal justice system. In addition, primary data is also used to support secondary data on legal materials.</p> <p>The results of the study that the current criminal law enforcement in Indonesia, especially in special criminal laws or criminal legislation outside the criminal law code (KUHP), there is a tendency to use a double track system in the sanctions system which means that criminal sanctions and action sanctions are regulated at the same time. In the process of law enforcement against narcotics crimes, both in the process of investigation, investigation, prosecution, examination before a court hearing and the execution process refers to the Criminal Procedure Code (KUHP) while the imposition of sanctions is regulated in Law Number 35 of 2009 concerning Narcotics. The form of sanctions against perpetrators of criminal acts of abuse of narcotics in the criminal justice system in Indonesia has been regulated in Law Number 35 of 2009 concerning Narcotics. The application of criminal sanctions to each of the perpetrators participating in the crime of narcotics abuse is not always the same between each perpetrator. However, the imposition of sanctions does not have to be in accordance with the demands of the prosecutor because the judge has the principle of freedom in deciding a case according to the existing legal rules and also the facts revealed in court.</p>

Keywords: Law Enforcement, Narcotics Crime, Criminal Justice System

INTRODUCTION

Law enforcement against crime in Indonesia, where the government as a regulator of state life must provide protection and welfare of the community through various policies that are on the agenda of the national development program. In crime prevention, two means are needed, namely using penal or criminal sanctions, and using non-penal advice, namely law enforcement without using criminal sanctions (penal).

According to Soerjono Soekanto, said that enforcement law is activity harmonize connection embodied values in rules steady and attitude follow as Suite explanation mark stage end. For create, maintain and maintain peace association live. (Soekanto, 1983).

The existence of the Criminal Code is very necessary For arrange problem above. Criminal law as part from law in general No different with Constitution other, that is all Constitution the load set provision For ensure that the norms are contained in Constitution That society obeyed. Basically is all law harmony, order, security law, show his intention For create in life social one _ step urgent must intensive and without know

stop _ is socialize device law about drugs and drugs That to society, that is Constitution Number 35 of 2009 concerning Narcotics. Gaps between *Das Sein* with *Das Sollen* is something common thing encountered in the world of law. Published Law No. 35 of 2009 concerning Targeted narcotics For prevent, protect, and save Indonesian people from abuse narcotics and combat circulation dark Narcotics and procedures Narcotics. However in fact Crime narcotics Still become problem chronic disease that befell Indonesia. Moment This abuse Narcotics in Indonesia are increasing increasing and difficult eradicated. this supported by research Abdurrachman, et al who mentioned that based on data from the National Narcotics Agency (BNN) number Drug users (Narcotics, Psychotropics, and Substances addictive Others) in Indonesia around 3.2 million people, or about 1.5 percent from amount total population. this indicate that abuse Narcotics experience enhancement from year to year. Various method has carried out by the Government For eradicate crimes that have snatch Lots life child nation this. (Hamida Abdurrachman, et al. 2012).



In line with research by I Gede Darmawan Ardika, I Nyoman Sujana, I Made Minggu Widyantara, Research results showing that arrangement penalty to abuse narcotics arranged in Constitution Number 35 of 2009 concerning Narcotics Article 111 to with Article 148. Sanctions criminal to abuse narcotics form criminal prison and crime fine. System punishment to abuser narcotics using a double track system that is apply penalty criminal and sanctions action at once. (I Gede Darmawan Ardika, 2020).

Based on description background behind problem above, then writer formulate problem in study This ie, How enforcement law perpetrator follow criminal abuse narcotics Group I according Law No. 35 of 2009 and How ideal form of application proper sanctions forward to perpetrator follow criminal abuse narcotics in system Justice crime in Indonesia.

METHOD

Type research used that is normative juridical approach research used is approach legislation (*State Approach*) and Approach Case (*Case Approach*) by taking primary sources of legal materials obtained through interviews, legislation and jurisprudence, then secondary legal materials sourced from literature, books, opinions of legal experts, research results, as well as tertiary legal materials originating from from dictionaries and encyclopedias.

Method analysis study This is with decipher condition nor facts about object research. Legal facts This analyzed with various law, theory as well as doctrine or opinion purposeful expert For look for answer on problem to be discussed more further, the data obtained from study This in the form of data from results studies libraries and studies document to ingredients primary, secondary, and law tertiary.

RESULTS

Narcotics Law of course apply provision punishment for example deprivation goods (Article 101). this because provision about repeal rights certain or announcement the judge's decision is part from rule punishment in the Narcotics Act. Even with No exists amar decision criminal addition specifically repeal rights certain to perpetrator follow criminal narcotics and narcotic precursors certain can resulted decision canceled. this in line with Jurisprudence The Supreme Court of the Republic of Indonesia in Decision Number Reg.15/mil/2000, dated 27 January 200113: "That because follow crime committed defendant is form abuse drugs, which are by society nor government considered as crime the weight you can damage family, as well generation young and the State, then sentence imposed to defendant No Enough with punishment imprisonment and fines, however must sentenced

punishment addition, that is fired from members of the TNI Kopassus and because of that decision Court Military High II Jakarta must canceled."

In Article 127 of the Narcotics Law which states: (1) Every Abuse:

1. Narcotics Group I for self Alone convicted with criminal longest prison 15 (fifteen) years;
2. Narcotics Group II for self Alone convicted with criminal maximum imprisonment of 12 (twelve) years; And
3. Narcotics Group III for self Alone convicted with criminal imprisonment for a maximum of 10 (ten) years. (2) Deep disconnect case as referred to in paragraph (1), the judge is obliged notice provision as meant in Chapter 116. (3) Deep matter Abuse as referred to in paragraph (1) can proven or proven as a victim of abuse Narcotics, the Abuse obliged to carry out rehabilitation medical and rehabilitation social.

position user narcotics as perpetrators and as victims is very difficult distinguished. However matter the No can equated and effort must also be tackled distinguished. User first narcotics guaranteed rehabilitation, based on Article 127 said on can threatened with punishment criminal.

Inside law criminal known "no There is crime without casualties", so can said that they fall victim to the crime he committed alone. National Narcotics Agency, Police, Prosecutors, Judges and enforcers law other including components public have not quite enough answer For do countermeasures and prevention to abuse narcotics. it is mandate from regulation legislation, incl in matter This is the Narcotics Act.

Prevention abuse narcotics must as soon as Possible done with characteristic action anticipatory, includes primary prevention, prevention secondary, and prevention tertiary, like following this:

1. Primary Prevention is intended prevention to individual, group or public wide yet caught case abuse drugs. Prevention given with give information and education covers activity alternative to them spared from abuse drugs as well as strengthen ability For refused.
2. Prevention Secondary is intended prevention to individual, group or public vulnerable area to or more show exists case abuse drugs. Prevention This done through track education, counseling, and training in order for



them stop , then do activity positive and keep them _ still more prioritize health .

3. Prevention Tertiary is intended prevention _ to those who have become user or who have suffer dependence . Prevention can done through service medical , rehabilitation , and keeping them No relapse and withdrawal

DISCUSSION

1. Law Enforcement of Narcotics Abuse Offenders

Group I According to the Narcotics Law

Eradication narcotics naturally No can pressed If apparatus enforcer law only focus on the user level . Should user nor addict placed as a victim or patient must _ rehabilitated , and who were the targets of operations police are dealers / dealers.

Logically , with catch user so naturally can help For catch later dealer _ user with category certain can sentenced verdict rehabilitation as mandated _ in a Circular Letter Supreme Court (SEMA) Number 7 of 2009 concerning Put User Drugs to in House Therapy and Rehabilitation .

Whereas For dealer given penalty criminal in a manner firm even If sufficient condition can direct sentenced punishment die . Can said that one side There is extraordinary spirit _ normal in eradication narcotics and narcotic precursors in the Narcotics Law , but on the other hand it is also reflected Spirit protect abuse narcotics Good as addict nor as a victim of abuse narcotics .

2. Form Application Penalty To Perpetrator follow Criminal Abuse Narcotics In System Justice Criminal in Indonesia

Form Penalty To Perpetrator follow Criminal Abuse Narcotics In System Justice Criminal in Indonesia has been regulated in Constitution Number 35 of 2009 concerning Narcotics . Application penalty punishment for each offender participate as well as do follow criminal abuse narcotics No forever The same between each actor . However Drop penalty No must in accordance with demands prosecutor because the judge has principle freedom in disconnect something case in accordance rule existing law and also the facts revealed at trial . Whereas blame To use is user . However , the law does not load what is meant with

" user narcotics " as subjects (people), which are many found is use as a verb . If associated with understanding Narcotics as mentioned in Article 1 point 1 Law no. 35 of 2009, then User Narcotics is the one using it substance or originating drug _ from plant , fine synthesis as well as semi- synthesis that can cause decline or change consciousness , loss of taste, reduced to relieve pain , and can raises dependency , which is differentiated in groups as attached in

Constitution this . Use the term " User Narcotics " is used For make it easy in mention for people who use narcotics and for differentiate with growers , producers , distributors , couriers and distributors narcotics .

Furthermore , abusers who get guarantee rehabilitation based on Article 4 of Law no. 35 of 2009, however in Article 127 abusers made possible subject _ punished and lost right his rehabilitation , except can proven or proven as a drug victim . Whereas proof abuser narcotics are victims of drugs is something difficult thing , because _ must seen from beginning user narcotics use narcotics .

Need proven that user narcotics when use narcotics in condition persuaded , deceived , deceived , coerced and/ or threatened For use narcotics . The amount term the can confusing apparatus enforcer law in apply articles in Law No. 35 of 2009. Position addict narcotics have position A little different with perpetrator follow criminal other , that is problem addict narcotics according to provision the law , on one side is perpetrator follow criminal abuse narcotics , but on the other hand is a victim.

CONCLUSION

Enforcement law criminal moment This is in Indonesia, especially in law _ _ criminal special or legislation crime outside the law _ law Criminal Code (KUHP) exists something tendency use two- track system (*double track system*) in system meaningful sanctions _ penalty criminal and sanctions action arranged at once . In the process of enforcement law to follow criminal narcotics Good in the process of investigation , investigation , prosecution , examination in front of hearing trial and execution process refers to the Criminal Procedure Code (KUHAP), meanwhile in imposition the penalty arranged in Constitution Number 35 of 2009 concerning Narcotics .

Form Penalty To Perpetrator follow Criminal Abuse Narcotics In System Justice Criminal in Indonesia has been regulated in Constitution Number 35 of 2009 concerning Narcotics . Application penalty punishment for each offender participate as well as do follow criminal abuse narcotics No forever The same between each actor . However Drop penalty No must in accordance with demands prosecutor because the judge has principle of 126 freedoms in disconnect something case in accordance rule existing law and also the facts revealed at trial .

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