

Implementation of Narcotics Criminal Law in Indonesia

Maria MT Manurung¹ Dzaki Jumayyil Pohan²

¹BPN Deliserdang

²State Islamic University of North Sumatra

E-mail: mariamanagerung723@gmail.com dzakijumayyilpohan@gmail.com

Info Article	Abstract
<p>Article History Received : 2023-07-03 Revised: 2023-07-12 Published: 2023-07-30</p> <p>Keywords: <i>Narcotics Crimes; Enforcement Of Regulations; Narcotics Abuse</i></p>	<p>The problem of narcotics crime has become a problem for nations and nations in the world that is always discussed. Throughout the world, the problem of narcotics abuse has almost become a problem for nations. And narcotics abuse can certainly cause physical damage, mental health, emotions and attitudes in society. The problem of narcotics abuse has threatened society and the nation so that it has become an organized crime in the national and international scope. Based on this background, the author raised a scientific journal entitled "THE IMPLEMENTATION OF NARCOTICS CRIMINAL LAW IN INDONESIA". Regarding this scientific journal, the author explains the problem of how the application of criminal law regarding the regulation of narcotics crimes in Indonesia and how the criminal law system regarding the regulation of narcotics crimes in Indonesia. The research method in this scientific journal is carried out with a normative juridical approach, namely by analyzing the problem through a legal principle approach and referring to legal norms contained in statutory regulations. The data used in this scientific journal is secondary data.</p>

I. INTRODUCTION

According to Article 28H (1) of the 1945 Constitution, "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment, and the right to receive health services." Indonesian people certainly have the right to have a place to live and an environment that is free from narcotics. As we know, narcotics can be addictive and damage the body and ruin a person's life. Human life must be clean and free from things that can disrupt health.

This was then translated into Law No. 35 of 2009 concerning Narcotics, which regulates, monitors, and takes action against the distribution and abuse of narcotics. Narcotics are not only addictive but can also lead to rapid and unnatural death. Humans desperately need a clean environment and a healthy body to continue their lives. Narcotics abuse has been called a crime against humanity. Narcotics are certainly our nation's enemy in terms of producing a healthy and drug-free future generation.

Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in

consciousness, loss of feeling, reduce or eliminate pain, cause typical changes in mental activity and behavior. Then Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and can cause dependence, which are divided into groups as attached to this law.

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 (2007) said that what is called crime as a social phenomenon is not merely an act prohibited by law, an act that is a biological or psychological disorder, but these acts are detrimental and violate the sentiments of society. If 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 to use formal rules as a reference. (Bhakti eko Nugroho, 2008)

As a long-standing national enemy, narcotics is now a serious concern for our nation and all nations around the world. The production and distribution of narcotics are widespread in our society. The role of the narcotics mafia seems

unstoppable. The narcotics mafia has poisoned law enforcement officers, both as users and dealers, in Indonesia and various parts of the world, even though the entire nation is fighting this crime. The public often hears statements about building a commitment or fighting together to eradicate narcotics in our country and throughout the world.

Eradicating narcotics crimes involves all nations worldwide, yet the illicit trafficking of narcotics continues to increase and become increasingly rampant. Several indications suggest that narcotics crimes constitute extraordinary crimes. This definition is that they have a significant and multidimensional impact on social, cultural, economic, and political issues, with devastating negative consequences. Therefore, extraordinary punishment is essential for this extraordinary type of crime, which is currently occurring in all nations of the world, and is considered a transnational crime (A. Kadarmanta, 2012).

This social ill 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. If viewed from the content of the 1988 Convention, an embryo emerged from international efforts to overcome the problem of transnational criminal organizations which can be identified, among others, with rules 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 confiscation of the proceeds of drug crime); and the criminalization of precursor diversion and precursor supervision.

Another impressive aspect of the global narcotics problem is the effort to improve drug control, not only in terms of supply but also in terms of demand. From a national perspective, this convention guarantees legal certainty and justice in law enforcement efforts against the illicit trafficking of narcotics and psychotropic substances involving criminals across Indonesia's territorial borders. Furthermore, for the national interest, particularly domestic interests, certainty and benefits will be achieved in regulating the

circulation of narcotics and psychotropic substances for medical and scientific purposes. (Siswantoro Sunarso, 2004)

Article 7 of Law No. 35 of 2009 concerning Narcotics states, "Narcotics may only be used for the purposes of health services and/or the development of science and technology." However, many people around the world, especially in Indonesia, abuse their use. In fact, the circulation of narcotics is very massive. The circulation of narcotics in Indonesia, from a legal perspective, is legitimate. The Narcotics Law only prohibits the use of narcotics without permission from the law in question.

Drug use is often not for medical or scientific purposes, when viewed empirically. People often use drugs in large doses, leading to intoxication and addiction. Therefore, drug crime has become a promising and rapidly growing business opportunity, which has resulted in mental and physical damage to drug users, especially the younger generation. Drug abuse has been committed by all elements of society, from law enforcement officials and political officials to private sector officials, students, and children.

Officials who have abused narcotics and have been prosecuted include: Akil Mochtar, former Chief Justice of the Constitutional Court, for possession of narcotics who was sentenced to life imprisonment along with a bribery case in a regional election dispute.

1. Mandaling Natal, a former judge who consumed drugs, was given the sanction of being dismissed as a judge.
2. MYT(37) Padang PTUN judge, consumed crystal methamphetamine.
3. Antonio Ozorio Soares, a member of the NTT DPRD, consumed crystal methamphetamine in Kupang.
4. Indra Iskandar, a member of the Pasuruan City DPRD, at a drug party at a Surabaya apartment.
5. Ivan Haz, a member of the DPR, was purchasing narcotics in South Jakarta.
6. Ahmad Wazir Nofiadi, Regent of Ogan Ilir, consumed narcotics

Then, the list of drug abuse among artists includes:

1. Dylan Carr, the actor in the soap opera "Anak Jalan" (Street Children), consumed the narcotic crystal methamphetamine.

2. Jupiter Fortissimo consumed narcotics in the form of crystal methamphetamine
3. Restu Sinaga consumed marijuana as a narcotic
4. Ridho Irama consumed narcotics in the form of crystal methamphetamine

So many officials, celebrities, and members of the public abuse drugs. All elements of the nation are experiencing excessive drug use. Indonesia, and the rest of the world, have declared drug distribution and abuse a national emergency. Law enforcement must act decisively to combat this abuse, as otherwise, the nation's future generations will be morally and physically damaged.

The National Narcotics Agency (BNN) stated that it has uncovered various types of drug crimes. According to the agency, 50,178 suspects were arrested in 40,253 cases in 2015. The narcotics seized in 2015 included 23.2 tons of marijuana, 1,072,328 ecstasy pills, and 2.3 tons of crystal methamphetamine. Heroin and cocaine were relatively small in quantity.

Law enforcement against narcotics crimes has been extensively carried out by law enforcement officials and has resulted in numerous court decisions. Law enforcement should be expected to be a deterrent against the rise in illicit drug trafficking and distribution, but

In reality, the more intensive law enforcement is carried out, the more the circulation and illicit trade of narcotics increases.

Although laws and regulations governing narcotics have been drafted and enforced, drug-related crimes have not been mitigated. In recent cases, many drug dealers and distributors have been caught and given severe penalties, including the death penalty, including firing squad. However, other perpetrators seem to ignore the situation and are even more inclined to expand their operations.

Law enforcement against crime in Indonesia, where the government, as the organizer of national life, needs to provide protection and welfare for the community through various policies outlined in the national development program. These government policies are integrated into social policy. One component of this social policy is law enforcement policy, which includes legislative policy.

(legislative policy). Meanwhile, crime prevention policy itself is part of law enforcement policy (Mahmud Mulyadi, 2011)

The study of criminal law enforcement can be seen from the method of enforcing criminal law, known as the law enforcement system, which includes crime prevention policies (criminal policy). Crime prevention requires two means: the use of penal or criminal sanctions, and non-penal means, namely law enforcement without the use of criminal sanctions.

Law enforcement aims to ensure 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 the imperative nature of the law; (3) fear because of shame for doing evil.

Law enforcement using non-penal means has targets and objectives for the benefit of internalization.

The enactment of the Narcotics Law, Law No. 35 of 2009 concerning Narcotics, represents a legal policy effort by the Indonesian government to combat narcotics crime. The enactment of this law is expected to combat the illicit trafficking and abuse of narcotics through the use of criminal law or penalties.

II. RESEARCH METHODS

To facilitate the implementation of this research, a research method, data collection techniques, and relevant approach methods are required. In this case, a descriptive analytical research method with a normative legal approach is used. Data and information to be collected, both in terms of their assessment and management, are carried out in an interdisciplinary, multidisciplinary, and cross-sectoral manner. Secondary data consists of primary legal materials (the 1945 Constitution, the Criminal Code, the Criminal Procedure Code, Law No. 35 of 2009 concerning Narcotics, and other laws and regulations related to criminal law policies regarding the regulation of narcotics crimes in Indonesia), secondary legal materials (books related to narcotics crimes, articles, research results, reports, and expert opinions), and tertiary legal materials (general dictionaries, legal dictionaries, magazines, scientific journals, and materials outside the relevant field). This

information was then analyzed qualitatively and in-depth to obtain a picture of the implementation of narcotics criminal law in Indonesia, specifically why criminal regulations with relatively high penalties have not been able to suppress drug abuse and how the current criminal law system regulates narcotics crimes. The data collection technique used was library research.

III. RESULTS AND DISCUSSION

A. Results Study

This study found that the application of criminal law to drug crimes in Indonesia remains ineffective. Eight key findings are as follows:

1. The threat of severe punishment has not deterred perpetrators. Although Law No. 35 of 2009 stipulates the death penalty, life imprisonment, and billions of rupiah in fines, drug trafficking has actually increased. In 2015 alone, the National Narcotics Agency (BNN) uncovered 40,253 cases with 50,178 suspects. The confiscated evidence included 23.2 tons of marijuana, 2.3 tons of methamphetamine, and 1,072,328 ecstasy pills.
2. Many law enforcement officers are involved in narcotics. Those arrested include Akil Mochtar (former Chief Justice of the Constitutional Court), Mandaling Natal (former judge), MYT (judge at the Padang Administrative Court), Antonio Ozorio Soares (member of the NTT Regional People's Representative Council), Indra Iskandar (member of the Pasuruan Regional People's Representative Council), Ivan Haz (member of the House of Representatives), and Ahmad Wazir Nofiadi (Regent of Ogan Ilir). Artists arrested include Dylan Carr, Jupiter Fortissimo, Restu Sinaga, and Ridho Irama.
3. Law enforcement is weak and susceptible to bribery. Many law enforcement officers collaborate with drug cartels. This contributes to the continued high rate of drug abuse in Indonesia. The vulnerability of law enforcement officers to bribery is a major obstacle to drug eradication.
4. Prevention efforts (non-penal) are not yet optimal. Drug crime prevention efforts still rely on criminal law (penal) measures,

while prevention efforts without criminal sanctions have not been seriously implemented. Ideally, law enforcement should combine both methods.

5. Inter-agency coordination remains weak. Effective implementation of the Narcotics Law requires coordinated action between the police, the National Narcotics Agency (BNN), the Ministry of Transportation, the Ministry of Education and Culture, the Ministry of Religious Affairs, educational institutions, and community organizations.
6. The narcotics criminal law system regulates four categories of prohibited acts. First, possessing, storing, controlling, or providing narcotics. Second, producing, importing, exporting, or distributing narcotics. Third, selling, buying, receiving, or acting as an intermediary in the sale and purchase of narcotics. Fourth, carrying, sending, transporting, or transiting narcotics.
7. Criminal sanctions under the Narcotics Law consist of principal penalties (death penalty, imprisonment, detention, fines) and additional penalties (revocation of business permits and revocation of legal entity status for corporations). In addition, there are sanctions in the form of medical and social rehabilitation for drug addicts or victims of drug abuse.
8. The National Narcotics Agency (BNN) plays an important but suboptimal role. It is tasked with investigating, conducting prevention and eradication, engaging in bilateral and multilateral cooperation, developing laboratories, and producing annual reports. However, the BNN's role still needs to be enhanced to eradicate illicit drug trafficking.

Research conclusions: The implementation of narcotics criminal law in Indonesia is ineffective because law enforcement officers are weak, easily bribed, many are involved in narcotics, and prevention efforts are suboptimal. The legal system effectively regulates prohibited acts, sanctions, and the role of the National Narcotics Agency (BNN), but implementation still faces many obstacles, particularly from law enforcement officials themselves and powerful

drug cartel networks. Law enforcement officers with high integrity and uncompromising actions are needed, along with better cross-sectoral coordination.

A. Discussion

The Application of Criminal Law in Combating Crime in Indonesia According to Soedarto, legal policy is an effort to realize good regulations in certain situations and conditions. It is also stated in depth that legal policy is a state policy through its authorized apparatus to establish desired regulations and is expected to be used to express what is contained in society in order to achieve what is aspired to.

In tune with the statement above, Solly Lubis also stated that legal politics is a political policy that determines what legal regulations should apply to regulate various aspects of social and state life. Mahmud MD also provides a definition of legal politics as a policy regarding laws that will be or have been implemented nationally by the government. This also includes an understanding of how politics influences law by looking at the configuration of forces behind the creation and enforcement of the law. In this context, law cannot only be viewed as imperative articles, but must be viewed as a subsystem that in reality is not impossible to be determined by politics, both in the formulation of its material (articles), and in its enforcement. (Mahmud Mulyadi, 2008) Based on the understanding of legal politics as stated above, it can generally be concluded that criminal law politics is an effort to determine the direction in which the implementation of Indonesian criminal law will go in the future by looking at its current enforcement. This is also related to the conceptualization of criminal law that is best to be implemented. Soedarto further stated that implementing criminal law politics means holding elections in order to achieve the best results in criminal legislation by fulfilling the requirements of justice and efficiency

Marc Ancel stated that criminal law politics is a science and art that has a practical goal to enable positive legal regulations to be formulated better and to provide guidance to lawmakers, courts that apply laws and to those who implement court decisions. A. Mulder explained in detail about the scope of criminal law politics according to which criminal law politics is a policy line to determine:

How far the applicable criminal provisions need to be changed or updated;

1. What can be done to prevent crime;
2. Method how investigation, prosecution, trial and execution of criminal cases should be carried out.

Mulder's definition above is based on the understanding of "criminal legal system" according to Marc Ancel, which states that every organized society has a criminal legal system consisting of: (a) criminal law regulations and sanctions, (b) a criminal law procedure, and (c) a mechanism for implementing criminal penalties.

Efforts and policies to create sound criminal law regulations are essentially inseparable from the goal of crime prevention. Therefore, criminal law policy or politics is also part of criminal politics. In other words, viewed from a criminal politics perspective, criminal law politics is synonymous with the concept of "crime prevention policies with criminal law" (M. Hamdan, 1997).

Efforts to combat crime through criminal law are essentially part of law enforcement efforts (particularly criminal law enforcement). Criminal law policy can be said to be part of law enforcement policy. Furthermore, efforts to combat crime through the creation of criminal laws are essentially an integral part of social welfare efforts. Criminal law policy is

It is very natural that it is an integral part of social policy. Social policy can be defined as all rational efforts to achieve social welfare while simultaneously encompassing community protection. This means that the definition of social policy encompasses social welfare policy and social defense policy.

Based on the above dimensions, criminal law policy is essentially an effort to realize criminal legislation in accordance with the conditions at a certain time (*ius constitutum*) and the future (*ius constituendum*). Logically, criminal law policy is identical to penal reform in the narrow sense, because as a system, law consists of culture (cultural), structure (structural), and substance (substantive) of law. Laws are part of the substance of law, criminal law reform, in addition to updating legislation, also includes updating the basic ideas and science of criminal law (Lilik Mulyadi, 2008).

In essence, criminal law policy (*penal policy*, *criminal policy*, or *strafrechtpolitiek*) is the process

of enforcing criminal law in a comprehensive or total manner. According to Wisnubroto, criminal law policy is an action related to matters

1. How does the government try to combat crime with criminal law?
2. How to formulate criminal law so that it is appropriate to societal conditions;
3. How is the government's policy to regulate society with criminal law;

How to use criminal law to regulate society in order to achieve greater goals. Based on the understanding of criminal law politics as stated above, both by A. Mulder and others, the scope of criminal law policy is.

This criminal law actually covers quite a broad range of issues, including an evaluation of the substance of current criminal law for future updates to the substance of criminal law, and how this criminal law is implemented through the components of the Criminal Justice System, as well as, no less importantly, efforts to prevent crime. These prevention efforts mean that criminal law must also be an instrument to prevent the possibility of crime. This also means that the application of criminal law must have an effective influence in preventing a crime before it occurs.

Current Criminal Law System Regarding the Regulation of Narcotics Crimes in Indonesia a. Types of Acts Prohibited in Law No. 35 of 2009 concerning Narcotics.

The scope of criminal law includes three provisions, namely criminal acts, responsibility, and punishment. The criminal provisions contained in Law No. 35 of 2009 concerning Narcotics are formulated in Chapter XV Criminal Provisions Articles 111 to 148. Law No. 35 of 2009 concerning Narcotics, there are four categories of unlawful acts that are prohibited by law and can be threatened with criminal sanctions, namely: (Siswanto Sunarso, 2012)

1. The first category, namely acts in the form of possessing, storing, controlling or providing narcotics and narcotic precursors (Articles 111 and 112 for class I narcotics, Article 117 for class II narcotics and Article 122 for class III narcotics and Article 129 letter
2. The second category, namely acts in the form of producing, importing, exporting or distributing narcotics and narcotic

precursors (Article 113 for class I narcotics, Article 118 for class II narcotics, and Article 123 for class III narcotics and Article 129 letter (b));

3. The third category, namely acts in the form of offering for sale, selling, buying, receiving, acting as an intermediary in buying and selling, exchanging, or handing over narcotics and narcotic precursors (Article 114 and Article 116 for class I narcotics, Article 119 and Article 121 for class II narcotics, Article 124 and Article 126 for class III narcotics and Article 129 letter (c));
4. The fourth category, namely acts in the form of carrying, sending, transporting or transiting narcotics and narcotic precursors (Article 115 for class I narcotics, Article 120 for class II narcotics and Article 125 for class III narcotics and Article 129 letter

Law No. 35 of 2009 concerning Narcotics regulates the types of sanctions given for narcotics crimes, including:

1. Criminal acts for drug abusers or victims of drug abuse, these abusers are required to undergo medical rehabilitation and social rehabilitation.
2. Criminal Acts by Parents/Guardians of Narcotics Addicts Who Are Underage (Article 128) shall be punished with imprisonment for a maximum of 6 (six) months or a maximum fine of IDR 1,000,000.00 (one million rupiah).
3. Criminal Acts Committed by Corporations (Article 130) Shall be punished with imprisonment and a fine increased by 3 (three) times. Corporations may be subject to additional penalties in the form of: a. revocation of business permits and/or b. revocation of legal entity status.
4. Criminal offenses for those who do not report narcotics crimes (Article 131). Shall be punished with a maximum prison sentence of 1 (one) year or a maximum fine of IDR 50,000,000.00 (fifty million rupiah).
5. Criminal Acts of Attempt and Conspiracy to Commit Narcotics and Precursor Crimes (Article 132) Paragraph (1), shall be punished with the same prison sentence in

accordance with the provisions as referred to in the Articles. Paragraph (2), shall be punished with prison sentence and a maximum fine plus 1/3 (one third).

6. Criminal Acts for Ordering, Giving, Persuading, Forcing with Violence, Deception, Persuading Children (Article 133) paragraph (1), shall be punished with the death penalty or life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp. 2,000,000,000.00 (two billion rupiah) and a maximum of Rp. 20,000,000,000.00 (twenty billion rupiah). paragraph (2), shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah).
7. Criminal Acts for Narcotics Addicts Who Do Not Report Themselves (Article 134) paragraph (1), shall be punished with imprisonment for a maximum of 6 (six) months or a fine of a maximum of Rp. 2,000,000.00 (two million rupiah). paragraph (2), shall be punished with imprisonment for a maximum of 3 (three) months or a fine of a maximum of Rp. 1,000,000.00 (one million rupiah).
8. Criminal Acts for Pharmaceutical Industry Managers Who Do Not Fulfill Their Obligations (Article 135). Shall be punished with imprisonment of at least 1 (one) year and a maximum of 7 (seven) years and a fine of at least Rp. 40,000,000.00 (forty million rupiah) and a maximum of Rp. 400,000,000.00 (four hundred million rupiah).
9. Criminal Acts against the Results of Narcotics Crimes and/or Narcotics Precursors (Article 137) letter (a), shall be punished with imprisonment of at least 5 (five) years and a maximum of 15 (fifteen) years.

years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and at most Rp10,000,000,000.00 (ten billion rupiah). Letter (b), shall be punished with imprisonment of at least 3 (three) years and at most 10 (ten) years and a fine

of at least Rp500,000,000.00 (five hundred million rupiah) and at most Rp5,000,000,000.00 (five billion rupiah).

10. Criminal Acts against Persons Who Obstruct or Complicate Investigation, Prosecution and Examination of Cases (Article 138)

Punishable by a maximum prison sentence of 7 (seven) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

11. Criminal Acts for Captains or Pilots who do not implement the provisions of Article 27 and Article 28 (Article 139) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

12. Criminal Acts for PPNS, Police Investigators, BNN Investigators who do not implement the provisions regarding evidence (Article 140) shall be punished with imprisonment of at least 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

13. Criminal Acts for the Head of the District Attorney's Office who does not implement the provisions of Article 91 Paragraph (1) (Article 141) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

14. Criminal Acts for Laboratory Officers Who Falsify Test Results (Article 142) shall be punishable by imprisonment for a maximum of 7 (seven) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

15. Criminal Acts for Witnesses Who Provide False Information (Article 143) shall be punishable by imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 60,000,000.00 (sixty million rupiah) and a

maximum of IDR 600,000,000.00 (six hundred million rupiah).

16. Criminal Acts for Any Person Who Repeats a Criminal Act (Article 144) shall be punished with the maximum penalty plus 1/3 (one third).
17. Criminal acts committed by Hospital Leaders, Scientific Institution Leaders, Pharmaceutical Industry Leaders, and Pharmaceutical Trader Leaders (Article 147) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah). Article 136 of Law No. 35 of 2009 provides sanctions in the form of narcotics and narcotic precursors as well as the results obtained from narcotics crimes, whether movable or immovable, tangible or intangible assets, as well as goods or equipment used for narcotics crimes, confiscated for the state. Article 146 also imposes sanctions on foreign nationals who have committed narcotics crimes or are serving narcotics sentences, namely expulsion from the territory of the Republic of Indonesia and a prohibition on re-entering the territory of the Republic of Indonesia. Meanwhile, Article 148, if the fine stipulated in this law is not paid by the perpetrator of a narcotics crime, the perpetrator will be sentenced to a maximum of two years in prison in lieu of the unpaid fine.

B. Functions and Roles of BNN Investigators
According to Law No. 35 of 2009 concerning Narcotics

Prevention and eradication of narcotics abuse and illicit trafficking of narcotics and narcotic precursors are essential, so that Law No. 35 of 2009 requires the establishment of the National Narcotics Agency, hereinafter referred to as the BNN. The BNN is a non-ministerial government agency that is under the President and is responsible to the President. The BNN is based in the nation's capital with a working area covering the entire territory of the Republic of Indonesia and has representatives in provincial and district/city

areas. The Provincial BNN is based in the provincial capital and the Regency/City BNN is based in the district/city capital, and the Regency/City BNN is a vertical agency.

The duties and authorities of the BNN in Article 70 of Law No. 35 of 2009 concerning Narcotics are:

1. formulate and implement national policies regarding the prevention and eradication of abuse and illicit trafficking of narcotics and narcotic precursors;
2. prevent and eradicate the abuse and illicit trafficking of narcotics and narcotic precursors;
3. Coordinate with the Chief of the Republic of Indonesia National Police in preventing and eradicating the abuse and illicit trafficking of narcotics and narcotic precursors.
4. improve the capacity of medical rehabilitation institutions and social rehabilitation for narcotics addicts, both those organized by the government and the community;
5. Empowering the community in preventing the abuse and illicit trafficking of narcotics and narcotic precursors;
6. Monitor, direct and improve community activities in preventing the abuse and illicit trafficking of narcotics and narcotic precursors;
7. carry out bilateral and multilateral cooperation, both regional and international, to prevent and eradicate the illicit trafficking of narcotics and narcotic precursors;
8. develop a narcotics and narcotics precursor laboratory;
9. carry out administrative investigations and inquiries into cases of abuse and illicit trafficking of narcotics and Narcotics Precursors; and
10. make an annual report regarding the implementation of duties and authorities.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

As explained above, the author concludes:

1. Drug abuse involves many factors. Drug cartels play a significant role in the high drug distribution in Indonesia. Officials, pilots, law

enforcement officers, students, and even children have become victims of drug abuse. Law enforcement officers even collaborate with drug cartels to sell and protect these drugs. Bribery and weak law enforcement are further contributing factors to the persistent high rate of drug abuse in Indonesia. The concept of criminal law for narcotics encompasses criminal, penal, and non-criminal (penal) actions. Criminal action is the science of crime prevention that can be carried out by combining the application of criminal means and prevention without using criminal means. Criminal law action is an effort to prevent crime using criminal means. Meanwhile, non-criminal action is a preventative measure before a crime occurs. Criminal law action and non-criminal action are part of criminal action, and criminal action itself is part of law enforcement, which has the ultimate goal of protecting society, namely achieving public welfare.

2. Criminal actions regarding the regulation of narcotics crimes in Indonesia include criminal liability, actions that qualify as criminal acts, and criminal sanctions. Criminal liability itself consists of responsibility carried out by individuals and corporations as subjects of criminal acts. Prohibited acts include distributing narcotics or narcotic precursors and misusing narcotics or narcotic precursors, either for oneself or others. There are sanctions in this law, namely criminal sanctions consisting of principal and additional criminal sanctions. Principal penalties include the death penalty, imprisonment, detention, and fines. Meanwhile, additional penalties include revocation of business licenses and revocation of legal entity status for corporations. Sanctions imposed include treatment and rehabilitation for addicts or victims of narcotics abuse. The Narcotics Law also regulates the function and role of the National Narcotics Agency as an agency for the prevention and eradication of narcotics and narcotic precursor crimes. The BNN has a role and function as an investigator in the context of eradicating the misuse of illicit

trafficking and abuse of narcotics and narcotic precursors.

B. Suggestion

The author's suggestions regarding the problems in this journal are:

1. In order to implement Law No. 35 of 2009 concerning Narcotics more effectively, coordinated action is needed between various parties or agencies such as the police and the National Narcotics Agency, the Ministry of Transportation, the Ministry of Education and Culture, the Ministry of Religious Affairs, educational institutions, community organizations, and others. In an effort to prevent narcotics crimes, it is necessary to intensify counseling on the dangers of narcotics through mass media such as newspapers, magazines, the internet, social networks (Facebook, Twitter), and others, so that community members are aware of the great dangers of narcotics, so that each family can make prevention efforts within the family. Family defense is the most important effort in preventing the distribution and abuse of narcotics. Law enforcement officers no longer cooperate with narcotics cartels and reject all compromises. Law enforcement officers must also have high morals, so as not to become victims of narcotics abuse themselves. It is very dangerous and worrying if law enforcement officers who are supposed to enforce the law use narcotics themselves. Uncompromising and firm law enforcement officers will be one of the keys to success in eradicating drug abuse in Indonesia.
2. Young men and women are the young generation as the future successors of the nation, therefore do not get caught up in drug abuse, therefore the following must be done:
 - a. Providing religious understanding through noble moral values and moral development to the younger generation starting from the family, because religion and morals are the initial fortress that can protect the family from damage and destruction, including from the dangers of narcotics.
 - b. Providing a clear understanding that narcotics are very dangerous and destructive substances, so that the abuse of narcotics is an act or criminal offense that can be punished

severely and will be shunned by family and society.

- c. It is necessary to provide understanding and comprehension that once you try narcotics you will become addicted and then develop into dependency.
- d. It is necessary to provide understanding and comprehension that drug abuse will naturally distance oneself from family, friends and social life.
- e. It is necessary to provide understanding and comprehension regarding the risks of drug abuse which will have fatal impacts on oneself and others.

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