



## CONTROL OF ABUSE OF NARCOTICS IN INDONESIA

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Article history:		Abstract:
<b>Received:</b>	30 <sup>th</sup> April 2022	Based on Law Number 35 of 2009 concerning Narcotics, Narcotics, on the one hand, are useful drugs or substances in the field of treatment or health services and scientific development and on the other hand, can also cause dependence which is very detrimental if it is misused or used without proper control and supervision. watch dani carefully. In order to prevent and eradicate the abuse and illicit traffic of narcotics, which seriously harms and endangers the lives of the people, nation, and state, the General Session of the People's Consultative Assembly of the Republic of Indonesia in 2002i through MPRI Decree Number VI/MPR/2002i has recommended to the Representative Council The people and the President of the Republic of Indonesia to make amendments to Law No. 22 Tahun 1997i concerning Narcotics. Narcotics crime acts are no longer carried out individually, but involve many people who work together, even if it is a syndicate that is organized with an extensive network that works carefully and is very confidential at both the national and international levels. Efforts to prevent and eradicate narcotics crimes need to be updated to Law No. 22 Tahun 1997 concerning Narcotics.
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### INTRODUCTION

This is also to prevent the existence of a tendency that is increasing both quantitatively and qualitatively with widespread victimization, especially among young children and the younger generation in general. In addition, to protect the public from the dangers of narcotics abuse and to prevent and eradicate the illicit traffic of narcotics ai because Narcotics Precursor is an initiating or chemical substance which can be used in the manufacture of Narcotics. for the misuse of Narcotics Precursors for the manufacture of Narcotics. To create a deterrent effect on perpetrators of abuse and illicit Narcotics and Narcotics Precursors, is regulated regarding the weighting of criminal sanctions, fix it in the form of special minimum punishments, is sentenced to 20i (twenty) years imprisonment, is sentenced to life imprisonment, or death penalty. The weighting for the punishment is carried out on the basis of group, type, size, and number of narcotics.

In order to more effectively prevent and eradicate the abuse and trafficking of narcotics and narcotics precursors, it is regulated regarding strengthening the existing institutions, namely the National Narcotics Agency (BNN). Provincial Narcotics, and Regency/Municipal Narcotics Agency. The National Narcotics Agency is a noni structural institution whose position is under and responsible directly to the president, which only has duties and functions of coordinating. Under this law, BNI is enhanced become a non-ministerial government institution (LPNK) and strengthen its authority to carry out investigations and investigations. I BNI is located under the President and is responsible to the President. as a vertical agency, i.e. provincial BNI and Regency/Municipal BNN.

Siswanto Sunarso (2004) One way to reduce the problem of narcotics is to suppress the production of illegal drugs. This can be achieved by preventing illegal drug producers from obtaining the chemical substances needed to produce drugs. Chemicals which are commonly known as precursors. Without precursors (materials for narcotics manufacture) the producers of illegal drugs could not be found to be producing illegal drugs.

### DISCUSSION

#### Understanding Psychotropics, and Narcotics

AR Sujono (2011) Psychotropic substances, are medicinal substances, both natural and synthetic, which have psychoactive properties through selective effects on the Central Nervous System, which cause characteristic changes in mental activity and behavior.

Not all psychotropic substances cause dependence. Psychotropic substances are often referred to as: Psychoactive substances. Psychotropic substances are those that cause dependence and there are also those that do not at all cause dependence. Approach all addictive substances classified under Psychotropics. Psychotropics include: Benzodiazepines, Amphetamine

Designer substances ("Designer drugs") are substances that are engineered with an indication of profit, without medical considerations, by street chemists ("Street Chemist") who work under the supervision of illegal laboratories ("Clandestine Laboratories"). The compositions that compose a designer substance are highly dependent on the results of the darkened laboratory engineering. Currently, it is illegally marketed in the United States and Europe. The designer is marketed with names such as: speed ball, ice, ecstasy, peacer pills, crystal, i angeli dust, rocketfuel and others

Substance-induced behavior ("drug-induced behavior"), is a change in behavior that occurs as a direct result of using a substance, is addictive or non-addictive. (ephedrine, beta blocker).

In addition, because Indonesia is a party to the 1961 National Narcotics Single Convention, based on the Law of the Republic of Indonesia Number 8i of 1976, the Indonesian Government has ratified the 1961 Single Narcotics Convention, along with the Protocol that amended it. is the result of the United Nations Conference for the Adoption of the Single Convention on Narcotic Drugs, which was held in New York from January 24i to March 30th 1961. Budiarti (1993) In principle this convention aims to create an international convention on surveillance internationalization of narcotics, perfecting the methods of supervision and limiting their use to medical and or scientific purposes, and also guaranteeing international co-operation in the control of these narcotics.

Rule of laws based on the Verordening Middelendi Ordonnantie (Staatsblad No.278 jo No. 536), I was deemed unable to follow developments in traffic and means of transportation which led to the distribution and supply of narcotics to Indonesia. the Indonesian government issued the Republic of Indonesia's Law Number 9i of 1976i concerning Narcotics, of the Republic of Indonesia's State Gazette of 1976i Number 37.

Romli Atmasmita (1998) based on The United Nations Economic and Social Council Resolution, Number 1474i (XLVIII) dated March 24, 1970i, the United Nations Conference on the Adoption of Psychotropic Protocols was held, which led to the 1971 Convention on Psychotropic Substances. Indonesia has ratified the Convention on Psychotropic Substance 1971, which is included in the Law of the Republic of Indonesia Number 8 Tahun 1996i with reservations.

In line with the development of narcotics and psychotropic substances in people's lives, the government has issued the Republic of Indonesia Law, Number 23 of 1992i concerning Health, as amended by Law Number 36i of 2009i concerning Health. The purpose of this law is to increase awareness, ability and ability to live a healthy life for everyone in order to realize an optimal level of public health. the provisions of which have been regulated in the 1961 Single Convention on Narcotics, along with the 1971 Psychotropic Convention, concerning the eradication of the illicit trafficking of narcotics and psychotropic substances. look into Law Number 7i Year 1997, State Gazette of the Republic of Indonesia, 1997 Number 17. This Convention, is better known as the Vienna Convention, 1988.

Based on the 1988 Vienna Convention, regarding the eradication of the illicit trafficking of narcotics and psychotropic substances, requires ratification as a follow up to the entry into force of the international convention in a country. The Indonesian government has issued two laws, namely:

Law of the Republic of Indonesia Number 5i of 1997 concerning Psychotropics and Law of the Republic of Indonesia Number 22 of 1997 concerning Narcotics. The purpose of the Law on Narcotics and Psychotropics is to ensure the availability of narcotics and psychotropic substances for the benefit of medical and scientific services, and to prevent abuse. narcotics and psychotropic substances, as well as eradicating the illicit trafficking of narcotics and psychotropic substances.

Based on the Law of the Republic of Indonesia Number 35 Years 2009 concerning Narcotics, Article 153i letter bi that appendixes to Law Number 5i of 1997i concerning Psychotropics, groups I and III were transferred to group I Narcotics, which means that groups I and III Psychotropics have been transferred to and become part of Narcotics.

Narcotics and psychotropics are the result of a procession of technological progress to be used for medical and scientific purposes. There is a phenomenon of abuse and illicit trafficking of psychotropics and narcotics.

It is impossible for the Indonesian people to continue to devote all their attention to, and to rely on, efforts. Even though those who actually have everything are limited to taking care of drug victims, and during this time, they are only busy solving the problems that are being studied, the whole chain of problems lies downstream. While In this downstream sector, the handling is still in the passive and defensive position. We can only be trapped in various activities that we don't want to be involved in and don't even know if it's going to end. Therefore, the solution to the problem of drug abuse must be carried out in the upstream sector. We need to pay attention and take action to stop production activities and cut the distribution chain.

### Understanding Narcotics

In general, what is meant by narcotics is a type of substance that is found to cause certain effects for people who use it, namely by inserting it into the body.

Law Number 35 Year 2009 The term narcotics used here is not "narcotics" in pharmacologiei (pharmaceuticals), but has the same meaning as "drugs", which is a kind of substance which, if used, will have certain effects and have certain effects on the person's body. akai,i iei:

- a. Affects consciousness;
- b. Provide encouragement which is found to have an effect on human behavior;
- c. These influences were found in the form of:
  - 1) Tranquilizer;
  - 2) Stimulate (not stimulate sex);

3) Cause hallucinations (users are not able to distinguish between fantasy and reality, I lose awareness of time and place)

In the beginning, there were people who found narcotic substances whose use was intended for the benefit of mankind, especially in the field of medicine. Law on Narcotics Number 35 of 2009. With the development of science and technology, the use of drugs such as narcotics has also developed ways of processing them. However, it was later discovered that these narcotic substances have addictive properties which can cause the user depending on his life. continue to continue on the narcotic drugs. In this way, I use it to extend the time that may be long enough for the user to need treatment, supervision, and control to be cured.

With regard to the definition of narcotics, according to Sudarto, in his book, *Kapitai Selectai Criminal Law* says that:

According to Djoko Prakoso the word narcotics comes from the Greek word "narke", i which means to be drugged so that you do not feel anything.

Meanwhile, Smiti Klinei and Frenchi Clinical Staffi put forward the definition of narcotics

Narcotici arei drugsi whichi producti insensibilityi ori stuporducei toi theiri depreseanti offeri oni thei centrali nervosi system, includedi thisi definitioni arei opium-opiate derivativisi (morphine, codein, methadone).

The meaning of subtract subtract is:

Narcotics are substances or drugs that can cause unconsciousness or anesthesia because these substances affect the central nervous system.

Another definition from the Bureau of Customs and Excise in the United States of America is in the book "Narcotic Identification Manual", as quoted by Djokoi Prakoso, Bambangi Riyadi, and Mukhsini said:

Whereas what is meant by narcotics is opium, marijuana, cocaine, substances whose raw materials are taken from these objects, namely morphine, heroin, codeine, hasisch, cocain. Dani includes synthetic narcotics that produce substances, drugs which are classified in Hallucinogeni and Stimulant.

Meanwhile, according to Verdoovendei Middelenei ORdonantie Staatbladi 1972 Number 278 jo. Number 536 which has been amended and added, what is known as the law to treat narcotics anesthetics are "substances which primarily have an anesthetic effect, or which are found to reduce consciousness. In addition to lowering awareness, it also causes other physical and mental symptoms, if used continuously, continues and causes consequences, among others, the occurrence of dependence on these materials.

With the promulgation of Law No. 35 Tahun 2009 concerning Narcotics, it can be seen that I ordered specifically to regulate procedures and procedures in terms of importing raw materials for medicines by industry, improving for health purposes, treating and not without the precursor substance, taken on one side, its presence can be fatal for the users of the precursor (chemical substance) who are found to be used as ecstasy.

In order to find a solution to this problem, the government together with BNI must find cooperation in enforcement, especially regarding the circulation of precursors, There are regulations made by the relevant agencies which include the following:

- a. Decree of the Head of the POMI Agency No. HK 00.05.02771/2002i dated 4i September 2002i concerning the Monitoring and Supervision of Narcotics Precursors, iPsychotropics, which regulates the importation of 15i types of precursors (divided in Tables II and II/in particular those listed in Table II). for 8i, other types of precursors are listed in table III (for industrial purposes) at this time have not been regulated.
- b. Decree of the Minister of Industry and Trade Number 647/MPP/Kep/10/2004i dated 18i October 2004i concerning Provisions for Import of Precursors, which regulates import permits for 23i types of precursors, especially for industrial purposes, is not divided into tables II and II.
- c. Mankesi Regulation No. 168/Menkes/Per/II/2005 dated February 2, 2005 concerning Pharmaceutical Precursors, regulates import permits for 25 types of precursors, which are not divided into tables II and III, especially for pharmaceutical purposes.

Yangi other set:

- 1) Granting import permits
  - 2) Inspection by surveyor at port of goods and port of destination
  - 3) Imposing sanctions in the form of reprimand up to revocation of permits
  - 4) Obligation of importers to make reports and collect data
  - 5) Obligation to carry out deviations/precursor management properly
- d. The International Narcotic Control Board (INCB) and other countries as well as international exporters are having difficulties in identifying the institutions that are authorized to supervise the export/import of Indonesian ke precursors. there is controversy, especially imports for the pharmaceutical industry because two agencies are issued, the Ministry of Health and the Agency for the Control of Medicine and Food.
  - e. The implementation of licensing/supervision of precursors occurs overlapping (overlapping) and it is feared that this will create opportunities for illegal drug producers.
    - 1) Supervision must be in such a way by looking at the state's conditions and no longer looking at only sectoral interests
    - 2) Supervision should not hinder existing industries, and it is hoped that the relevant agencies (Badani POM, Ministry of Health, Ministry of Home Affairs and Deperindag) will be able to produce a joint system, if possible, exceed practitioners and standardize.

### Role of National Narcotics Agency in Supervision Program i Precursory Circulation in Indonesia

Based on Law Number 35i Tahun 2009 BNI was given the authority to investigate and investigate narcotics crimes and narcotics precursors. regency/municipality. Provinces are formed by National BNI, and in districts/municipalities are formed to BNIs. Regency/Municipalities. BNIs are led by a Head of BNI who is appointed and dismissed by the President. The Head of the National Narcotics Agency is assisted by a Main Secretary, Principal Inspector, and 5 (five) Deputy, namely Deputy for Prevention, Deputy for Community Empowerment, Deputy for Rehabilitation, Deputy for Eradication, and Deputy for Hukumi and Cooperation.i National Narcotics Agency whose position has been regulated in Law Number 35 Year 2009i, then he read on for further details in the Presidential Regulation of the Republic of Indonesia Number 23 Tahun 2010 which is governed by Article 1i number 1i which stipulates that:

"The National Narcotics Agency, which is further investigated by the Presidential Regulation of the Republic of Indonesia, called the BNI, is a non-ministry government institution whose position is under and responsible to the President through coordination with the Head of the State Police.

Republic of Indonesia."

The tasks from BNI are specifically regulated in Article 2 number 1i of the Presidential Regulation of the Republic of Indonesia Number 23i of 2010i, namely:

- a. compose and implement national policies regarding prevention and eradicating abuse and illicit trafficking of narcotics and narcotic precursors;
- b. prevent and eradicate abuse and trafficking of narcotics and narcotic precursors;
- c. coordinate with the Chief of the Indonesian National Police in investigating the abuse and prevention of and trafficking in the eradication of narcotics and narcotics precursors;
- d. improve the capacity of medici rehabilitation institutions and social rehabilitation for narcotics addicts, both those organized by the government and the community;
- e. empowering the community in preventing abuse and trafficking of narcotics and narcotic precursors;
- f. monitor, direct the community, i and explore prevention, increase activities for abuse and illicit trafficking of narcotics and narcotic precursors;
- g. carry out bilateral and multilateral cooperation, both regionally and internationally, in order to prevent and eradicate the illicit trafficking of narcotics and narcotics precursors;
- h. develop narcotics laboratories and narcotic precursors;
- i. carry out administrative investigations and investigations into cases of abuse and trafficking of narcotics and narcotic precursors;
- j. make annual reports regarding the implementation of duties and authorities.

In order to carry out these duties, in accordance with Article 4i of Presidential Regulation Number 23 of 2010,BNI has the authority to conduct investigations and investigations into the abuse and trafficking of narcotics and narcotic precursors.

In accordance with the points discussed in the history of the National Narcotics Agency, one of the descriptions states that the development of drug problems that continue to increase and become more serious, of course, legal practitioners must pay close attention to the fact that cases involving narcotics and psychotropics are not narcotics cases that are simplified because also deal with other cases, as an example of the crime of money laundering (money laundering). The largest archipelago in the world is made up of 17,508 islands. Indonesia has coastlines and borders that are very long and open and are located relatively far from the largest opium-producing areas. in the world, namely the "Golden Triangle"-i Goldeni Trianglei (Laos,i Thailand,i and Myanmar) and area of the "Golden Sabiti Moon"-Goldeni Cresenti (Iran,i Afghanistan,i and Pakistan). Don't go too far difficult to reach from the three Latin American countries that are also producers of opium (Peru, Bolivia, I and Colombia).

According to a report from the International Narcotics Control Strategy Report (INCSR), Indonesia's efforts to eradicate illicit drug trafficking are still considered inadequate. other countries such as Thailand, Afghanistan, Nigeria, and Singapore. It is undeniable that the crime of drug trafficking has long been believed to be closely related to the money laundering process. moneyi (money laundring). It is known that crimes related to narcotics are crimes which are categorized as orginizedi crimei (organized crime) ki disguises the proceeds of the business of trafficking narcotics and medicate other illicit drugs so that they appear as if they are the result of legitimate activities.

In terms of drug control, there has been a convention called the Singlei Convention on Narcotics Drugs which was issued in 1961i and this convention is considered the most universal in the control of narcotics drugs which includes multilateral treaties with a large number of members of the United Nations. Drugsi in 1961, a commission on treating narcotics under the auspices of the United Nations (UN) stated that treating narcotics is observed to be useful in the world of health. The Convention on Narcotics Drugs mandates the existence of Thei Internationali Narcotici Boardi to limit the production, distribution, manufacture and use of anesthetic drugs except for purposes in the field of health care and scientific development. Continuing the convention However, I reissued the 1971 Conventioni oni Psychotropicsi andi Substancei, which focused on the control system, which was more strict about trafficking in chemical and pharmaceutical drugs. This convention is the peaki pointi for eradicating money laundering from the crime of trafficking narcotics and psychotropic substances.

Another problem related to the illicit trafficking of narcotics and illegal/dangerous drugs (drugs) is a customs issue which is closely related to the pharmaceutical sector. /or import and participate in carrying out the provisions of

the First Diktumi Decree of the Minister of Health Number: 825/MENKES/SK/IX/2008i concerning Enforcement of Electronic Systems in the Indonesian Framework Nationali Single Windowi in the Directorate General of Pharmaceutical Development and Medical Devices, so the procedures have been implemented Technicians carry out standard operating procedures for Indonesia National Single Window and Service Level Arrangement (SLA) in handling customs documents and permit importation and importation or export of narcotics, psychotropic substances and pharmaceutical precursors, recommendations ndasii Letter of Provisions for Import of Alkesi dani ori Household Medical Supplies related to exports and/or imports within the framework of Indonesia Nationali Single Windowi is surrounded by the Directorate General of Pharmaceutical Development and Health Equipment. In terms of population, Indonesia has more than 200 inhabitants millions of people with a moderately large proportion of the young population (around 40 percent) with a low level of prosperity or a low economy. According to Santrawan T. Papparang (2013) this is a large market potential for illicit narcotics and psychotropic drugs and encourages the emergence of traffickers - Dealers who want to get rich quick with less effort.

### CONCLUSION

The ratification of the 1988i United Nations Convention, which was carried out by the Indonesian government with Law Number 7i of 1996i, was an effort to foster cooperation with other countries to eradicate and take strict action against corporations and individuals who abuse narcotics, psychotropic substances and precursors. against the law As for the impact of the ratification of this convention, the Indonesian government must carry out all the provisions contained in the material of the ratification, as well as confiscate assets from narcotics crimes.

The use of narcotics, i psychotropics and precursors based on Law Number 35 Tahun 2009i, if used according to their designation, then they cannot be subject to criminal sanctions, on the other hand, if their use is not in accordance with their needs and they are traded without permission from the government, in the case of the National Narcotics Agency, which has been designated as a corporation. the perpetrator is found to be subject to criminal sanctions based on the narcotics law

1. The sanctions applied in Law Number 35i of 2009i concerning Narcotics when viewed from the level of their actions (this can be seen from the last few cases) such as the arrest of several narcotics industries in Indonesia is not in accordance with their actions

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