

Legal Implications for Perpetrators of Class I Narcotic Crimes Based on Justice

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Abstract. Law is a system that contains rules about human behavior. Criminal acts are a term that contains a basic understanding in criminal law. Narcotics cases continue to increase, in addition to this, it raises concerns because of the increasing circulation of narcotics in Indonesia. The problem in this study is to find out legal implications stipulated in Decision Number 91/Pid.Sus/2024/PN.Smg against perpetrators of class I narcotics crimes and what factors cause class 1 narcotics crimes in Decision Number 91/Pid.Sus/2024/PN.smg. The research method used is normative juridical with research specifications using analytical descriptive. The data source of this research uses primary data which is only as a supporting secondary data and secondary data, which is in the form of primary, secondary and tertiary legal materials. The method of data collection is by conducting interviews with legal practitioners, as well as by collecting data from various laws and regulations, books, journals, and internet searches, while the data analysis technique used is a qualitative method. Based on the research results, the legal implications for perpetrators of class I narcotics crimes are strictly regulated in Law No. 35 of 2009 concerning narcotics. which aims to create a balance between law enforcement and protecting the community from the dangers of narcotics. The main impact of class 1 narcotics crimes is sanctions. Perpetrators of this crime can be subject to various sanctions, which mainly include imprisonment and fines. The responsibility of perpetrators of narcotics crimes varies according to the actions they have committed and the type of narcotics that are misused in accordance with the criminal provisions that have been stated in the applicable laws. The narcotics law strictly prohibits and even imposes severe sanctions on anyone who has or stores narcotics. Class I narcotics crimes are influenced by several main factors, such as social factors, economic conditions, the influence of social circles, ease of access to narcotics, and environmental influences. These factors are interrelated and contribute to the rampant cases of narcotics abuse.

Keywords: Acts; Criminal; Implications; Narcotic.

1. Introduction

Narcotics are substances, both chemical and natural, that can be used by injection, inhalation, and smoking. This is what often changes the behavior, mood and thoughts of its users, in addition to changing the behavior of its users, the side effects of drugs themselves can cause physical and psychological dependence or addiction. We know the term drugs which is an abbreviation of narcotics and dangerous drugs, in addition to the term drugs, the Ministry of Health of the Republic of Indonesia introduced another term, namely Napza which stands for Narcotics, Psychotropics and Addictive Substances.¹The definition of narcotics is regulated in Article 1 paragraph (1) of Law No. 35 of 2009 which states: Narcotics are substances or drugs derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce to eliminate pain, and can cause dependency, which are divided into groups as attached to this Law. Narcotic substances which were originally indicated for medical purposes, however along with the development of science and technology, types of narcotics can be processed in such a large number and their functions can also be misused.²

Drug and illicit drug crimes are now transnational and carried out using sophisticated procedures and sophisticated technology. Law enforcement officers are expected to be able to prevent and overcome these crimes in order to improve the morale and quality of Indonesia's human resources. Especially for the next generation of this country. If consumed without careful restrictions and supervision, these drugs can endanger the health and even the lives of their users.³

Common forms of narcotics include abuse exceeding the dose, distribution and buying and selling of narcotics. Narcotics are classified into 3 (three) groups as regulated in Article 5 paragraph (1) of Law Number 35 of 2009, namely as follows:

a. Class I Narcotics

This narcotic is only used for scientific purposes and is not used in therapy/treatment and has a very high potential to cause dependency syndrome.

b. Class II Narcotics

¹Aliffia Ananta, et al., Counseling for Adolescents Against Narcotics and Psychotropics, Jurnal Abdikarya: Journal of Community Service Work of Lecturers and Students, Vol. 03 No. 04, 2019, p. 301

²Moh. Makaro Taufik, Suhasril, and Moh. Zakky, 2005, Narcotics Crimes, Ghalia Indonesia, Bogor, p. 19.

³Moh. Taufik Makarao, Suhasril, and Moh. Zakky, 2003, Narcotics Crimes, Ghalia Indonesia Jakarta, p.1.

This narcotic is for treatment which is used as a last resort and can be used in therapy/treatment or for scientific purposes and has a strong potential to cause dependency syndrome.

c. Narcotics Class III

This narcotic is for treatment and is widely used in therapy/treatment or for scientific purposes and has a mild potential to cause dependency syndrome.

In general, the number of narcotics cases handled continues to increase. In addition to this, it raises concerns due to the increasing circulation of narcotics in Indonesia. On the other hand, this shows the increasing success of our law enforcers in uncovering narcotics cases.

A drug abuse case also occurred in the Semarang District Court area Number 91/Pid.Sus/2024/PN.Smg. Starting from the defendant, the defendant was in a rented house in the Petelan area, contacted by Mr. NDOG (DPO) and offered a job as an intermediary because Babalo was out of town. Then the defendant contacted Ndog, then Ndog showed photos of the location of the crystal methamphetamine. The defendant bought 4.87 grams and 4.79 grams of crystal methamphetamine. Then the defendant was ordered to divide it into 11 packages with each package weighing 0.45 and 1 package of 0.85 while the rest was as the defendant's wages. Then at around 22.30 WIB the defendant was contacted and asked for free crystal methamphetamine and invited to meet in Peterongan, South Semarang. Next, the defendant took the remaining 0.5 grams of crystal methamphetamine and divided it into 2 packages, each 0.25 grams stored in a used Marlboro cigarette pack stored in the right pants and the remaining 0.25 grams were put in a purple straw stored on the left motorcycle dashboard, leaving using a Honda Beat motorcycle with the police number H 2867 OU towards Jalan Peterongan and upon arriving at Jalan Petelah Selatan, Sarirejo Village, East Semarang District, Semarang City, the defendant was stopped by several people dressed as thugs. Then a search was carried out and evidence was found.

2. Research Methods

The approach method used in this study is the normative legal approach. The normative legal approach is a legal research conducted by examining library materials or secondary data as basic materials for research by conducting a search for regulations and literature related to the problems being studied.⁴ The research specification used is descriptive analysis, namely research that aims to provide an overview of the problems that occur in connection with the use of applicable laws and regulations and relevant theories which are then collected

⁴Soerjono Soekanto & Sri Mamudji, Normative Legal Research (A Brief Review), Jakarta, Rajawali Pers, p. 13-14

through data that is collected, processed, and arranged according to existing theories to obtain problem solving in accordance with applicable provisions.⁵

3. Results and Discussion

3.1. Legal implications for perpetrators of class I narcotics crimes based on justice

Criminal acts are the translation of the word strafbaarfeit in Dutch. Viewed from a literal perspective, strafbaarfeit consists of the word feit which in Dutch means part of a reality or eengedeelte van de werkelijkheid, while strafbaar means punishable. Literally the word strafbaarfeit can be translated as part of a reality that can be punished.⁶

The definition of narcotics crimes is not found in Law Number 35 of 2009 concerning Narcotics. In the provisions of Law Number 35 of 2009 concerning Narcotics, several narcotics crimes are determined, namely in Articles 111 to 148 of Law Number 35 of 2009 concerning Narcotics. In Law Number 35 of 2009 concerning Narcotics, it is determined that the penalties that can be imposed are the death penalty, imprisonment, imprisonment and fines. Criminal penalties can also be imposed on corporations, namely in the form of revocation of business licenses; and/or revocation of legal entity status.

Criminal has a broad meaning because the meaning of criminal is a general term, so there needs to be a specific statement regarding what criminal means. Criminal comes from the word straf (Dutch), which can basically be said to be a suffering (misery) that is deliberately imposed/imposed on someone who has been proven guilty of committing a crime.⁷As stated by Muladi and Barda Nawawi Arief that the term "punishment" is a general and conventional term, can have a broad and changing meaning because the term can connote a fairly broad field such as in education, morals, religion and so on. Therefore, criminal law, more specifically, needs to have a limitation of understanding or central meaning that can show its distinctive characteristics or properties.⁸

Likewise, the definition of narcotics crime is also not mentioned in Law Number 22 of 1997 concerning Narcotics and Law Number 5 of 1997 concerning psychotropics, or previously applicable laws, such as stb, 1927. No.278 jo No.536 concerning Ver Doovende Middelen Ordonantie and Law Number 9 of 1976 concerning Narcotics. The narcotics and psychotropics law does not discuss the definition of narcotics and psychotropics crime, but based on the definition and explanation of the crime above, it will help in providing an understanding of narcotics and psychotropics crime which of course still refers to the provisions contained in Law Number 5 of 1997 concerning Psychotropics.

⁵Sri Sumawarni, 2012, A Series of Legal Research Methods, UPT UNDIP Press, Semarang, p. 6.

⁶PAF Lamintang, 1997, Basics of Indonesian Criminal Law, Citra Aditya Bakti, Bandung, p. 181.

⁷Alfi Fahmi, 2002, Criminal System in Indonesia, PT. Akbar Pressindo, Surabaya, p.1

⁸Muladi & Barda Nawai Arief, 2005 Criminal Theories and Policies, Bandung, PT. Alumni, p.2

According to Law No. 22 of 1997 concerning Narcotics, drugs are an abbreviation of narcotics, psychotropics and other addictive substances. The terminology of drugs is familiarly used by law enforcement officers, such as police, prosecutors, judges, and correctional officers. In addition to drugs, another term that refers to the three substances is NAPZA, usually narcotics, psychotropics and addictive substances. The term NAPZA is usually used more by health and rehabilitation practitioners. However, in essence, the meaning of the two terms still refers to the same three types of substances.⁹

Drug crimes are a global problem faced by almost every country, including Indonesia. Not only do they impact public health, narcotics also trigger various social, economic, and security problems. Many countries impose severe sanctions to combat this crime. For example, Malaysia, in Malaysia the maximum criminal sanction given to perpetrators of narcotics crimes is the death penalty, such as the BNN, Malaysia has the National Anti-Drug Agency as a special law enforcement agency for narcotics, while the law used is the 1952 Law on the Dangers of Drugs Malaysia. No different from Malaysia, Singapore and the Philippines also have special laws for narcotics crimes, such as Act 5 of 1973 The Misuse of Drug Act Revised Edition 2008 with the law enforcement agency being The Central Narcotics Bureau (CNB) in Singapore and The Comprehensive Dangerous Drugs Act of 2002 or Republic Act No. 9165 with the law enforcement agency being the Philippine Drug Enforcement Agency in the Philippines. The death penalty is still the maximum penalty for perpetrators of narcotics crimes in these countries. In contrast to Indonesia, where the judge's opinion is used as a reference in determining the level of punishment for perpetrators of narcotics crimes, in Malaysia, Singapore and the Philippines, the quantity of illegal drugs is the trigger for the mandatory death penalty.

Class I narcotics crimes are regulated in Law Number 35 of 2009 concerning Narcotics. In this law, there are provisions regarding the types of narcotics, sanctions, and legal processes applied to violators. At this point, it is important to deepen our understanding of the phenomenon of class 1 narcotics abuse. Its damaging impacts are not only felt by individuals directly involved, but also by families, communities, and society as a whole. Therefore, a deep understanding of this phenomenon is essential to develop effective prevention strategies, appropriate legal handling, and appropriate rehabilitation programs.¹⁰

The legal implications for perpetrators of class I narcotics crimes based on justice are closely related to the application of law that aims to create a balance between law enforcement. Class I narcotics crimes, which include substances with high dependency potential and high health risks, are strictly regulated in various laws and regulations, such as Law No. 35 of 2009 concerning Narcotics in Indonesia.

⁹Dewi Iriani, 'Drug Crimes: Abuse, Prevention and Implementation of the Death Penalty' (Ponorogo: Justica Islamica, 2015).

¹⁰Not Plants, Which Weigh, and Exceed Grams, 'Abusing Class I Narcotics', 09. April (2020), 29–39.

The main impact of committing class 1 narcotics crimes is sanctions. Sanctions for Narcotics Crimes Law number 35 of 2009 concerning Narcotics explains all matters relating to narcotics, including the definition of narcotics, basis, principles, objectives, scope, distribution, and criminal sanctions for those who violate it. These sanctions include Planting, Maintaining, Possessing, Storing, Controlling, or Providing Class I Narcotics in the form of plants. Perpetrators of narcotics crimes must be held accountable for their actions if their actions are contrary to Law no. 35 of 2009. The liability of perpetrators of narcotics crimes varies according to the actions they have committed and the type of narcotics that are misused in accordance with the criminal provisions contained in Law no. 35 of 2009. The sanctions here are divided into two, namely imprisonment and fines. Criminal provisions for narcotics criminal liability related to Narcotics include:

Article 111

(1) "Any person who without rights or against the law plants, maintains, owns, stores, controls or provides narcotics class I in the form of plants shall be punished with imprisonment for a minimum of 4 years and a maximum of 12 years and a fine of at least IDR 800 million and a maximum of IDR 8 billion.

(2) In the case of the act of planting, maintaining, storing, controlling or providing class I narcotics in the form of plants as referred to in paragraph (1) weighing more than 1 kilogram or more than 5 tree trunks, the perpetrator shall be punished by imprisonment for a minimum of 5 years and a maximum of 20 years and a maximum fine of IDR 8 billion plus 1/3.

Meanwhile, the sanctions for people who without rights or against the law possess, store, control, or provide non-plant narcotics are listed in the following articles:

1. Article 112 paragraph (1):

"Any person who without rights or against the law possesses, stores, controls or provides non-plant narcotics shall be punished with imprisonment of at least 4 years and a maximum of 12 years and a fine of at least IDR 800 million and a maximum of IDR 8 billion."

2. Article 117 paragraph (1):

"Any person who without rights or against the law possesses, stores, controls or provides narcotics class II shall be punished with imprisonment of at least 3 years and a maximum of 10 years and a fine of at least IDR 600 million and a maximum of IDR 5 billion."

3. Article 122 paragraph (1):

"Any person who without rights and against the law possesses, stores, controls or provides narcotics class III shall be punished with imprisonment of at least 2 years and a maximum of 7 years and a fine of at least IDR 400 million and a maximum of IDR 3 billion."

Then the sanctions for people who store, control, or provide non-plant narcotics, exceeding 5 (five) grams are listed in the following article:

1. Article 112 paragraph (2):

In the case of the act of possessing, storing, controlling, or providing narcotics class I which are not plants of more than 5 grams, the perpetrator shall be punished with a minimum of 5 years' imprisonment and a maximum of 20 years' imprisonment and a maximum fine of IDR 8 billion plus 1/3.

2. Article 117 paragraph (2):

In the case of the act of possessing, storing, controlling or providing class II narcotics weighing more than 5 grams, the perpetrator shall be punished with imprisonment for a minimum of 5 years and a maximum of 15 years and a maximum fine of IDR 5 billion plus 1/3.

3. Article 122 paragraph (2):

In the case of the act of possessing, storing, controlling or providing narcotics class III weighing more than 5 grams, the perpetrator shall be punished with a minimum of 3 years and a maximum of 10 years in prison and a maximum fine of IDR 3 billion plus 1/3.

The Narcotics Law explains the sanctions for those who produce, import, export or distribute narcotics as follows:

1. Article 113 paragraph (1):

Any person who without the right or against the law produces, imports, exports, or distributes narcotics class I shall be punished with imprisonment of at least 5 years and a maximum of 15 years and a fine of at least IDR 1 billion and a maximum of IDR 10 billion.

2. Article 118 paragraph (1):

Any person who without the right or against the law produces, imports, exports or distributes narcotics class II shall be punished with imprisonment of at least 4 years and a maximum of 12 years, and a fine of at least IDR 800 million and a maximum of IDR 8 billion.

3. Article 123 paragraph (1):

Any person who without the right or against the law produces, imports, exports or distributes narcotics class III shall be punished with imprisonment of at least 3 years and a maximum of 10 years and a fine of at least IDR 600 million and a maximum of IDR 5 billion.

Sanctions against Narcotics Intermediaries The sanctions for narcotics intermediaries themselves have not been explained specifically but are already in articles 114, 119, 124, and 129, namely as follows:

1. Intermediaries in Class I Narcotics transactions.

Any person who without right 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)." (Article 114 paragraph [1] of the Narcotics Law)

2. Intermediaries in the sale and purchase of Class I narcotics in the form of plants weighing more than 1 (one) kilogram or more than 5 (five) tree trunks or in the form of non-plants weighing more than 5 (five) grams.

In the case of the act of offering for sale, selling, buying, becoming an intermediary in buying and selling, exchanging, handing over or receiving Class I Narcotics as intended in paragraph

(1) which in the form of plants weighs more than 1 (one) kilogram or more than 5 (five) tree trunks or in non-plant form weighs 5 (five) grams, the perpetrator shall be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third). (Article 114 paragraph [2] of the Narcotics Law)

(2) Intermediaries in the Sale and Purchase of Class II Narcotics.

"Any person who without right or against the law offers for sale, sells, buys, receives, acts as an intermediary in the sale and purchase, exchanges, or delivers Class II Narcotics, shall be punished with imprisonment for a minimum of 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 119 paragraph [1] of the Narcotics Law)

(3) Intermediary in the sale and purchase of Class II narcotics weighing more than 5 (five) grams.

In the case of an act of offering for sale, selling, buying, receiving, acting as an intermediary in the sale and purchase, exchanging, or handing over Class II Narcotics as referred to in paragraph (1) weighing more than 5 (five) grams, the perpetrator shall be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 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 119 paragraph [2] of the Narcotics Law).

1. Intermediaries in the Sale and Purchase of Class III Narcotics

Any person who without right or against the law offers for sale, sells, buys, receives, acts as an intermediary in the sale and purchase, exchanges, or delivers Class III Narcotics shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 600,000,000.00

(six hundred million rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah). (Article 124 paragraph [1] of the Narcotics Law).

2. Intermediary in the Sale and Purchase of Class III Narcotics Weighing More Than 5 (Five) Grams.

In the case of an act of offering for sale, selling, buying, receiving, acting as an intermediary in the sale and purchase, exchanging, or handing over Class III Narcotics as referred to in paragraph (1) weighing more than 5 (five) grams, the perpetrator shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third). (Article 124 paragraph [2] of the Narcotics Law).

In addition to the provisions of criminal sanctions for people who act as intermediaries for narcotics transactions, there are also provisions for people who act as intermediaries for narcotics precursor transactions. Narcotics precursors are substances or starting materials or chemicals that can be used in the manufacture of Narcotics (Article 1 number 2 of the Narcotics Law). Criminal provisions for intermediaries for the sale and purchase of narcotics precursors are contained in Article 129 letter c which reads:

Article 129: Anyone who without rights or against the law: offers for sale, sells, buys, receives, acts as an intermediary in buying and selling, exchanges, or hands over narcotic precursors to make narcotics shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a maximum fine of IDR 5,000,000.00 (five billion rupiah).

As seen in the explanation of the elements of Article 112 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics, namely:

a. Elements of every person

What is meant by every person in this law is the subject of a criminal act as a person who is brought to trial and whose identity is truly stated in the indictment of the public prosecutor.

b. Without rights or against the law,

What is meant by without rights or against the law is not having the authority to do so.

c. Own

What is meant by having is to have, and must be truly as the owner regardless of whether the goods are physically in his hands or not. Having must also be seen from how the goods became his or the origin of the goods.

d. Keep

What is meant by storing means putting it in a safe place so that it is not damaged or lost, where there is special treatment for goods so that they must be treated by placing them in a place that is provided and safe.

e. Control

What is meant by controlling means having power over (something), holding power over something. That someone is said to control goods if he can have power over what is controlled, he can control something that is in his power, it is not necessary whether the object is in his power physically or not, what is important is that the perpetrator can take actions such as selling, giving to others or other actions that show that the perpetrator really has power over the goods.

f. Provide

What is meant by providing means preparing, holding, (preparing, arranging and so on) something for someone else. That providing means that the item is there not for one's own use.

g. Class I narcotics are not plants

That what is meant by class I narcotics that are not plants are the types of class I narcotics contained in Attachment 1 of Law Number 35 of 2009 concerning Narcotics.

The legal consequences for suspects of Class 1 non-plant narcotics can be very severe and can have an impact on their lives as a whole. Therefore, it is important to raise awareness of the risks and consequences of large-scale narcotics crimes as part of efforts to prevent and overcome narcotics problems in society.

Justice is one of the goals of law. Therefore, law enforcement officers are not only required to be able to punish the guilty, but are also required to be able to provide protection to victims of crime as much as possible. Law Number 35 of 2009 concerning Narcotics has regulated the qualifications between perpetrators, addicts and victims of narcotics crime abuse. However, in its implementation in the jurisdiction of the District Court, all those involved in narcotics cases are not determined by their qualifications against suspects so that both perpetrators, addicts and victims of narcotics abuse are sentenced to prison.

The prison sentence imposed on defendants who fall into the dealer category with the aim of providing a deterrent effect for the defendant and also a warning to other people/society to stay away from narcotics is not appropriate considering that in some cases even narcotics transactions can still be carried out in prison. Based on the considerations in these Articles, the defendant can be sentenced to prison and also ordered to undergo rehabilitation.

Criminal law is intended as retaliation or retribution for the perpetrator's mistake, while the action is intended for the protection of society against people who commit acts that endanger society and for the development and care of the perpetrator. then there is a development of sanctions in the field of criminal law in the form of actions.¹¹This shows that sanctions in criminal law are increasingly

¹¹Siti Nurjanah, Criminal Law and Punishment in Indonesian Legislation, Journal of Legal Research, <http://www.e-jurnal.com/2016/03/pidana-dan-pemidanaan-dalam>perundang.html, accessed on November 1, 2024 at 17:17.

humanistic. Furthermore, in the process of giving a sentence or the criminalization process, the role of the judge is very important. He concretizes the criminal sanctions contained in a regulation by imposing a sentence on a particular person in a particular case.¹²

In accordance with what Barda Nawawi Arief said that: "the purpose of the criminal policy, namely determining a punishment, cannot be separated from the purpose of criminal politics. In its overall meaning, namely the protection of society to achieve welfare. Therefore, to answer and understand the purpose and function of criminalization, it cannot be separated from the existing theories of criminalization".¹³

As explained, criminalization can be simply interpreted as punishment. The punishment in question is related to the imposition of a criminal sentence and the justification for imposing a criminal sentence on a person who, with a court decision that has permanent legal force (*incracht van gewijsde*), has been legally and convincingly proven to have committed a crime.¹⁴ Regarding the theory of punishment, in general it can be grouped into three large groups, namely absolute theory or retribution theory (*vergelings theorien*), relative theory or goal theory (*doel theorien*), and combining theory (*verenigings theorien*).¹⁵ The sole purpose of criminal law is to maintain legal order in society. As the purpose of the relative theory in maintaining public order, criminals who are sentenced to criminal punishment is one of the prevention efforts. According to Wirjono Prodjodikoro, for the makers of criminal law, prosecutors and judges can choose one of the three types of criminal law theories in carrying out their duties. This is firmly stated by Wirjono Prodjodikoro because the values of justice are not based on what theory is adopted but rather on humanist elements concerning the conditions of society and the perpetrator (criminal) which are processed through a combination of logic and heart that are born in a conscience. Referring to the opinion above, the purpose of punishment according to the combined theory is: Revenge, making the perpetrator suffer; Prevention efforts, preventing criminal acts from occurring; Rehabilitating the perpetrator; and Protecting the community.¹⁶

This objective was also mentioned by Andi Hamzah who stated that the combined theory views retaliation and defense of social order. However, overall the combined theory is less discussed by scholars.¹⁶ At that time, crimes were known as criminal *extra ordinaria* which means "crimes not mentioned in the law". Among these criminal *extra ordinaria*, the most famous is criminal *stellionatus*

¹²Muladi and Barda Nawawi Arief, *Criminal Theories and Policies*, Alumni, Bandung, 1984, p. 2

¹³*Ibid* Pg 4

¹⁴*Ibid*

¹⁵E. Utrecht, *Criminal Law I*, University of Jakarta, Jakarta, 1958, p. 157.

¹⁶Wirjono Prodjodikoro, *Principles of Criminal Law in Indonesia*, PT. Refika Aditama, Bandung, 2008, p. 29

(evil/evil acts). In this case, a legal principle called the principle of legality is needed.¹⁷

Based on the legality view above, it can be emphasized that judges in applying punishment to perpetrators of criminal acts should also look back at the principle of legality related to the legal rules of a criminal act. So that the judge in reading his decision also refers to the applicable laws and regulations.

Regarding the legal regulation on the handling of narcotics crimes, there were several revisions to Law Number 22 of 1997 because several weaknesses were still found during its implementation or application so that the Law was ratified in 2009, giving birth to Law Number 39 of 2009 concerning Narcotics, which has several differences with the previous law. The weaknesses found in the regulation of narcotics according to the law are that the classification of narcotics has not been clarified based on current developments.¹⁸

A panel of judges who have high moral integrity in maintaining their independence will be able to function as good law enforcers in carrying out their judicial duties and authorities.¹⁹ So that during the implementation of the judicial process, starting from the examination of the incident, evidence to the verdict handed down, the panel of judges always adheres to principles that are accountable. The judge's decision will also have an adequate level of quality. The parties to the case as seekers of justice also tend to accept the verdict that has been handed down, even voluntarily carrying out the verdict, because it is considered to be in accordance with the sense of justice of the community.²⁰

In a criminal decision, the public prosecutor's demands against the defendant can be increased or decreased by the judge, as long as it does not exceed the maximum criminal threat in the law. criminal invitation.²¹ Judges have the freedom to make judgments about the severity of the sentence.²² This means that

¹⁷Loebby Loqman, Development of the Principle of Legality in Indonesian Criminal Law, Reading Material, Paper Presented at the Seminar on the Principles of National Criminal Law Organized by: National Law Development Agency, Ministry of Justice and Human Rights of the Republic of Indonesia in Collaboration with the Faculty of Law, Diponegoro University, Semarang, 2004, p. 2-3
¹⁸ <http://upeks.fajar.co.id/2016/10/19/payung-Hukum-uu-narkotika-belum-maksimal/> accessed on November 1, 2024 at 17.30 WIB.

¹⁹Achmad Ali and Wiwie Heryani, Sociology of Law, Empirical Study of the Courts, Prenada Media Group, Jakarta, 2012, p. 12

²⁰Bambang Sutiyoso, Sri Hastuti Puspitasari, Aspects of the Development of Judicial Power in Indonesia, quoted from Sahlan Said, SH, Independence of Judicial Power - Practical Experience Towards Judicial Independence, Benchmarks and Obstacles, Seminar on 50 Years of Judicial Independence in Indonesia at Gadjah Mada University, August 26, 1995, UII Press, Yogyakarta, 2005, p. 87

²¹Moch Choirul Rizal, Criminal Procedure Law Dictate (Kediri: Faculty of Sharia, IAIN Kediri, 2021), p. 56.

²²Harahap, Discussion of Problems and Application of the Criminal Procedure Code: Court Hearing Examination, Appeal, Cassation, and Judicial Review, p. 354.

the indictment and everything proven in court becomes the basis for the judge to issue a verdict.²³

For the accused, the criminal decision has 2 (two) sides. First, legal certainty is obtained, so that the accused can determine his attitude towards the criminal decision. Second, the reflection of the values of justice can be implemented through the judge's decision by considering the attitude and character of the accused, whether good or bad, so that the accused's mistake is commensurate with the punishment imposed.²⁴ reflection of values and sense of justice in society needs to be the judge's attention in his decision. For that, the achievement of justice through the judge's decision is a measure to be able to say the success of the implementation of criminal justice. Because, the judge is the determinant of justice, so he is required to act fairly and impartially.²⁵

In this case, the author takes one example of the Semarang District Court decision Number: 91/Pid.Sus/2024/PN Smg, to be analyzed related to the case of the perpetrator of class 1 narcotics crime Number: 91/Pid.Sus/2024/PN Smg, that the Defendant was found guilty and violated Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics. The judge sentenced Tri Bambang adhi Prakoso Bin Kasno Yulianto to 4 (four) years in prison and a fine of IDR 800,000,000.00 (Eight Hundred Million Rupiah) with the provision that if the fine is not paid, it must be replaced with 3 (three) months in prison.

In the decision, the judge has considered all considerations both legally and non-legally. In the imposition of criminal law by the judge, the criminal consequences of the perpetrator for the crime committed by the perpetrator are accounted for in the form of imprisonment for 4 (four) years and a fine of IDR 800,000,000.00 (Eight Hundred Million Rupiah) with the provision that if the fine is not paid it must be replaced with imprisonment for 3 (three) months. Normatively, the sanction is still within the minimum limit regulated by law, which threatens a minimum imprisonment of four years and a maximum of twelve years. with a minimum fine of IDR 800,000,000, - (eight hundred million Rupiah) and a maximum of IDR 8,000,000,000., -. (Eight Billion Rupiah).

When viewed from the perspective of criminal liability, the defendant has fulfilled all the elements required to be punished, namely the existence of an unlawful act, error or *dolus*, and the absence of justification or excuse that eliminates his criminal liability. The defendant acted as an intermediary in the sale and purchase of narcotics with full awareness and not under duress, so that his actions were entirely the result of evil intentions (*mens rea*) which he carried out with real

²³Kasim and Nusa, *Criminal Procedure Law: Theory, Principles, and Developments Post Constitutional Court Decision*, p. 231.

²⁴Lilik Mulyadi, *Judge's Decisions in Criminal Procedure Law: Theory, Practice, Drafting Techniques, and Problems* (Bandung: PT Citra Aditya Bakti, 2007), p. 119.

²⁵Budi Suhariyanto, "The Position of Judges in the Reform of the Terrorism Criminalization System to Realize Legal Accountability," *De Jure Legal Research Journal* 17, no. 4 (2017): 330.

actions (*actus reus*). This is in accordance with the trial facts which show that the defendant acted actively in the circulation of narcotics and was not a victim of a narcotics syndicate. If analyzed further from the perspective of justice, the sentence imposed, namely four years in prison and a fine of eight hundred million, is the minimum sentence regulated in Article 112 paragraph (1) of the Narcotics Law. Based on Court Decision no. 91/Pid.Sus/2024/PN.Smg, the judge's reason for reducing the Public Prosecutor's demands regarding the criminal sanctions imposed on the defendant, due to several considerations that have been mentioned in the decision, namely:

- 1) The defendant regretted his actions and promised not to repeat the act again.
- 2) The defendant has never been convicted or in other words the defendant is a first offender;
- 3) The defendant behaved politely in court
- 4) The defendant was the backbone of the family.

Based on the reasons above, the Panel of Judges reduced the sentence demanded by the Public Prosecutor from 4 (four) years and 10 (ten) months minus the time the defendant was in detention with the order that the defendant remain detained and a fine of IDR 800,000,000,- (Eight Hundred Million Rupiah) subsidiary 6 (six) months in prison, to a prison sentence of 4 (four) years and a fine of IDR 800,000,000.00 (Eight Hundred Million Rupiah) with the provision that if the fine is not paid it must be replaced with a prison sentence of 3 (three) months.

In the verdict, the judge applied the minimum criminal limit considering that the defendant was a first-time offender and had shown remorse and promised not to repeat his actions. From this perspective, the verdict seems to consider the humanitarian aspect and provide an opportunity for the defendant to improve himself, but on the other hand, if we look at the impact caused by drug crimes, especially on the wider community and the younger generation, there is an argument that the sentence may not fully reflect justice for society.

Narcotics are crimes that have a systemic impact, damaging morality, health, and the future of the younger generation who are the main targets of their distribution. Indonesia is also facing a drug emergency situation, where the government is actively trying to eradicate drug distribution through various programs. Therefore, the author argues that the minimum sentence imposed, without any aggravation based on the social impact of the action, has not fully provided an adequate deterrent effect or reflected the level of seriousness of the crime committed.

In addition, when viewed from the perspective of justice for society, the author argues that the law is not only intended to punish criminals, but also to protect society from similar crimes in the future. By imposing heavier sentences, the legal system also serves to provide a strong signal to other perpetrators who may be

involved in the drug network that such actions will not be tolerated, as well as to strengthen the government's efforts to eradicate drugs. In this case it can be said that it has been fulfilled normatively because the defendant committed his actions with full awareness and was not under duress or influenced by other parties. The defendant had a clear intention (*mens rea*) and carried out concrete actions (*actus reus*) to store and buy narcotics. Therefore, the element of guilt in this crime has been legally fulfilled. However, the fact that the defendant committed this crime consciously and without coercion should be a factor that increases the punishment. In this case, the judge's decision to impose a minimum sentence, according to the author, has not considered the aspect of justice for society and provided an adequate deterrent effect. Judging from the defendant's role in the distribution of narcotics, his actions contributed to the spread of dangerous goods that damage society, especially the younger generation. Drug trafficking is a criminal act that has a broad and destructive impact, not only on individual users, but also on the social order as a whole.

Therefore, the perpetrator in the drug trafficking network should be considered an aggravating factor in the trial process. However, the judge in his decision chose to impose a minimum sentence, which could be considered not to reflect the level of seriousness of the crime committed by the defendant. A sentence that only reaches the minimum limit can be considered unfair in the context of drug trafficking which is a serious crime and has wide-ranging impacts. Although the sentence has met formal legal standards, society demands stronger protection against the impacts of drugs, and this can only be achieved by imposing sanctions that are appropriate to the level of crime and the role of the defendant in the crime. The minimum sentence for the perpetrator is not enough to send a clear message that an active role in drug trafficking cannot be tolerated.

Therefore, the author feels that this decision has not fully fulfilled the sense of justice, both for the victim, society, and the legal system as a whole. Although normatively the decision is in accordance with the provisions of the law, a deeper consideration of the social impact and moral responsibility of the defendant in this crime should be used as a basis for imposing a heavier sentence. This would be more in accordance with the objectives of criminal law, namely to provide protection to society and provide a strong deterrent effect for perpetrators of similar crimes. Thus, in this case, the criminal consequences of the defendant have not fully reflected the expected values of justice, both in terms of law enforcement against efforts to eradicate narcotics in the Republic of Indonesia.

3.2. Factors Causing Class 1 Narcotics Crimes

In Indonesia, the problem of narcotics is increasing, therefore the Government takes narcotics crime seriously because it can damage the generation and morality of the nation. Drug abusers are increasingly diverse while the steps to overcome them are not easy, to overcome the problem of drugs requires integrated and comprehensive efforts that include preventive, repressive,

curative (therapy) and rehabilitation efforts. However, on the other hand, there are many constraints that influence and are interrelated with each other, including the geographical location of Indonesia, the economy, ease of obtaining prohibited drugs, family and society, personality, or even psychological factors of each individual who abuses them.

Narcotics distribution is any activity of distributing or handing over narcotics, whether in the context of trade, non-trade or transfer for the benefit of health services and the development of science and technology. In the context of trade, every activity of narcotics distribution including the transfer of narcotics outside the customs area to the importer's warehouse must be accompanied by valid documents, in the form of an import/export approval letter, invoice, transport letter, letter of delivery of goods, doctor's prescription and a copy of the doctor's prescription made by the importer, exporter, pharmaceutical industry, pharmaceutical wholesaler, government pharmaceutical storage facilities, hospitals, health centers, treatment centers, doctors, and pharmacists.

If outside the provisions of Article 35 Number 35 of 2009 concerning Narcotics, then the distribution of Narcotics is a crime. In a legal sense, a crime can be interpreted as an act that violates the law or has violated a provision prohibited by law. Crime is also a form of action that generally has the meaning of an act that is not in accordance with applicable legal norms. In addition, the definition of a crime is an intentional act or negligence that violates written criminal law or a judge's decision carried out by a person who is not a defense or justification and is threatened with sanctions determined by the state as a crime or violation.²⁶The types of crimes can be seen from their characteristics, as follows:²⁷

1. Crime is an act that is done intentionally. This means that someone commits a crime based on his thoughts, then implements it into an act or negligence in acting.
2. Crime is a failure to act. That is, a person already has evil intentions and is obliged to commit a crime in certain circumstances, but his actions fail due to some reason.
3. Crime is a violation of criminal law.
4. Crimes are committed without seeking any legally recognized defense or justification.
5. The consequences of committing a crime are sanctions imposed by the state on perpetrators of the crime.

Crime means behavior that is prohibited by the state because criminal acts cause harm to individuals and society, therefore the state provides punishment as an effort to prevent and eradicate such crimes.²⁸In its development, crime is

²⁶M. Ali Zaidan, *Criminal Policy*, Sinar Grafika, Jakarta, 2016, p. 11.

²⁷Ibid, p. 12.

²⁸Yesmil Anwar and Adang, *Criminology*, PT. Refika Aditama, Bandung, 2010, p. 179.

explained not only from behavior but also from the presence of more signs or plans of the perpetrator that have been neatly arranged and unknown to other people from a long time ago as a label, reason, and cause for carrying out the criminal behavior.

One of the crimes that is currently attracting public attention and is often occurring in Indonesia is narcotics crime. Narcotics crime is a very serious problem. Narcotics crime has penetrated all levels of society, both from the lower middle class and the upper middle class. The rampant cases of narcotics crime in Indonesia lately are due to the extensive narcotics distribution network syndicate, so that optimal efforts are needed to eradicate the narcotics distribution network to the roots. Law enforcement officers must be increasingly vigilant and careful in guarding and supervising all transportation routes in Indonesia, because transportation routes in Indonesia, both land, sea, and air, are often used as a means of distributing narcotics from foreign countries.

Drug crimes are a serious threat to Indonesia, so the country has declared a drug emergency and a war on drug trafficking.²⁹ Prevention and eradication of drug abuse and distribution does not only rely on law enforcement efforts, but must be balanced with efforts to reduce demand.³⁰ Imprisonment for criminalization of drug dealers, addicts and victims of drug abuse is not the only solution. In other words, criminalization is not the root of the problem of drug abuse and illicit trafficking, and the practice of criminalizing drug abuse can cause new problems. The weaknesses of the national legal system are often used by perpetrators to facilitate their business so that they are difficult to prosecute, as well as various modes of operation carried out by drug traffickers, while their victims are a reality that cannot be avoided, Indonesia is in a strategic position in drug trafficking as well as in the realm of law enforcement, Indonesia is unable to move alone without cooperating with countries that at least have similar legal systems, especially with countries in Southeast Asia.

Eradication of narcotics crimes must consider various factors, namely first, narcotics trafficking crimes are transnational crimes that are organized and very disturbing. Second, the impacts caused include being able to damage the joints of community life, destroy state resilience and hinder national development. Third, that narcotics crimes also do not recognize discrimination based on age, gender, education, social status, economic status or culture.³¹ Thus there are obstacles including: First, Law enforcement officers in carrying out their duties and functions are limited by the sovereignty of a country. Second, if the perpetrator of a crime is being pursued in a country and the perpetrator flees to another country, the law enforcement officers who are pursuing cannot enter the

²⁹Ali Zaidan. M, Yuliana Yuli. W, "Indonesia's Role in Combating Narcotics" (Jurnal Yuridis Vol. 2 No. 2 December 2015, p. 190), accessed from <https://ejournal.upnvj.ac.id/Yuridis/article/download/200/170>

³⁰Ibid

³¹Ibid p. 192

other country. Third, in order to make an arrest, law enforcement officers must cooperate with law enforcement officers from the country where the perpetrator fled. Fourth, the obstacles faced if countries do not have the same rules on this type of inter-state crime.³²

Narcotics crimes can be interpreted as an act that violates the provisions of narcotics law, in this case Law Number 35 of 2009 concerning Narcotics and other provisions that are included and or do not conflict with the law. Based on Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics which states that

The definition of narcotics is 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 this Law.

In Law No. 35 of 2009 concerning Narcotics, regulations regarding narcotics groups are contained in Article 6 number (1). In these provisions, narcotics are divided into several groups, namely:³³

1) Class I Narcotics are narcotics that can only be used for the purpose of developing science and are not used in therapy, and have a very high potential to cause dependence. Class I and Class II Narcotics from Law Number 5 of 1997 concerning Psychotropics. Types of narcotics in this class include, Marijuana, Opium, Cocaine and the most well-known type of methamphetamine or crystal methamphetamine.

2) Class II Narcotics are narcotics with medicinal properties 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 dependency. Narcotics in this class consist of 86 types.

3) Class III Narcotics Narcotics have medicinal properties and are widely used in therapy and/or for scientific development purposes and have a mild potential to cause dependency. Narcotics in this class consist of 14 types.

In the annex to the Narcotics Law, what is meant by category I, includes the following:

a. Papaver; is the papaver somniferum L plant, and all its parts including the fruit and straw, except the seeds.

b. Raw opium, which is the solidified sap itself, is obtained from the fruit of the Papaversomniferum L plant which is processed only for packaging and transportation without paying attention to its morphology content.

c. Homemade opium from:

1) *Opium*, namely the result obtained from raw opium through a series of processes, especially by dissolving, fermenting and heating with or without the

³²Ibid, p. 199

³³Article 6 point (1) Law No. 35 of 2009 concerning Narcotics

addition of other materials with the intention of converting it into an extract suitable for compaction;

2) *Opium dust* namely the remains of opium after it has been smoked without regard to whether the opium was mixed with leaves or other ingredients;

3) *Jicingkon* namely the results obtained from processing jicing.

d. Morphine, is the main alkaloid of opium with the chemical formula $C_{17}H_{19}NO_3$.

e. Coca, namely plants of all the genus *Erythroxylon* of the family *Erythroxylaceae* including and buy its seeds.

f. Coca leaves, namely leaves that have not been dried or have been dried in powder form from all plants of the genus *Erythoruxylon* from the family *Erythroxylaceae* that produce cocaine directly to obtain cocaine.

g. Raw cocaine is all the products obtained from coca leaves that can be processed directly to obtain cocaine.

h. Cocaine is a metal ester-I-benzoyl ecgonine with the chemical formula $C_{17}H_{21}NO_4$.

i. Ecgonine is a lecgomine with the chemical formula $C_9H_{15}NO_3H_2O$ and its esters and derivatives which can be converted into ecgonine and cocaine.

j. Cannabis is all plants of the genus *Cannabis* and all parts of the *Cannabis* plant including cannabis resin and hashish.

k. Marijuana resin is resin taken from the marijuana plant, including processed products that use resin as the basic ingredient.

Class II narcotics are narcotics that are effective for treatment that are 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 dependency. It is said to be the last resort for treatment because after the choice of class III narcotics, there is only the choice of Class II narcotics, Class I narcotics are not allowed by law to be used for therapy and have a very high potential to cause dependency. Regarding narcotics included in Class II, they are as follows:

a) Alpha acetylmethadol;

b) Alphameprodine;

c) Alfamethadol;

d) Alpharodin;

e) Alfentanyl;

f) Allylprodine;

g) Acetylmethadol;

h) Benzetidine;

i) Benzetidine;

- j) Betameorodina;
- k) Betaprodine;
- l) Betamethadol;
- m) Betaprodine;
- n) Betacetylmethadol;
- o) Bezitramid;
- p) Dextromoramide;
- q) Diamphromide

Class III Narcotics are narcotics that are effective for treatment and are widely used in therapy and/or for the purpose of developing science and have a low potential to cause dependence compared to Class I Narcotics and Class II Narcotics, for Class III Narcotics there are not many types, only 14 types. In accordance with the Attachment to Law Number 22 of 1997 the details are as follows:³⁴

- a) Acetyldihydrocodeine
- b) Dextropropanoleptic;
- c) Dihydrocodeine;
- d) Ethymorphine;
- e) Codeine;
- f) Nocodicodine;
- g) Nicodidine;
- h) Norcodeine;
- i) Pulcodina;
- j) Propyram;
- k) Salts of narcotics in the above groups;
- l) A mixture or preparation of opium with other non-narcotic substances;
- m) Mixture or preparation of difenoxin with non-narcotic substances;
- n) A mixture or preparation of diphenoxylate with other non-narcotic substances.

In addition to the provisions regarding the sale and purchase of narcotics, Law No. 35 of 2009 also regulates provisions regarding intermediaries for narcotic precursor transactions. In Article 1 paragraph 2 of Law No. 35 of 2009 concerning Narcotics, the definition of a narcotic precursor is a substance or initial material or chemical that can be used in the manufacture of narcotics. The criminal

³⁴Ibid., p. 168

provisions for couriers or intermediaries for the sale and purchase of narcotic precursors are Article 129 of Law No. 35 of 2009, which reads:

Punishable by imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah), anyone who violates the law or:

- a) Possessing, storing, controlling, or providing narcotic precursors for the manufacture of narcotics;
- b) Producing, importing, exporting or distributing narcotic precursors for the manufacture of narcotics;
- c) Offering for sale, selling, buying, receiving, acting as an intermediary in the sale and purchase, exchanging, or handing over narcotic precursors for the manufacture of narcotics;
- d) Carrying, sending, transporting, or transiting narcotic precursors for the manufacture of narcotics.

Based on Article 35 of 2009 concerning Narcotics, there are four categories of unlawful acts that are prohibited by law and are subject to criminal penalties:

- a. 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 (a));
- b. 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));
- c. 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, 151 ADIL: Jurnal Hukum Vol. 7 No.1 Article 124 and Article 126 for class III narcotics and Article 129 letter (c));
- d. 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 (d)).

While abuse in English is called abuse which means improper use. So that drug abuse in English is called drugs abuse. Drug abusers are those who in their lives do have problems with drugs and alcohol, both physically and mentally.

The narcotics law has prohibited and threatened with severe punishment for perpetrators of criminal acts who have narcotics or store narcotics, the author takes an example of a court decision in the Semarang District Court Jurisdiction,

there are still cases of people who have or store narcotics. In Article 112 paragraph (1) with a minimum sentence of 4 years and a maximum of 12 years and a fine of at least IDR 800,000,000 and a maximum of IDR 8,000,000,000.

Factors that cause class 1 narcotics crimes in Decision Number 91/Pid.Sus/2024/PN include the following:

a. **Social Factors:** Unsupportive social environments, such as poverty, unemployment, and lack of education, often encourage perpetrators to engage in drug abuse. Instability in social life can increase a person's vulnerability to drug offers.

b. **Economic Factors:** Economic pressures and financial needs can drive individuals to engage in drug trafficking as a quick way to make money. This situation is often exacerbated by a lack of access to decent employment.

c. **Influence of Friends:** The friendship environment involved in drug abuse can influence individuals to, as in decision no. 91/Pid.Sus/2024/Pn.Smg experienced by the defendant Tri Bambang Adhi Prakoso bin Kasno Yulianto who was influenced by his brother Ndog to become an intermediary for Class 1 non-plant narcotics.

d. **Availability of Narcotics:** Easy access to class 1 drugs on the black market increases the likelihood of individuals engaging in abuse. This availability is often associated with extensive and efficient distribution networks.

e. Environment, the environment plays a very important role for someone in living their life because the environment can influence someone from someone who has never committed a crime to someone who commits a crime. The environment influences a person's characteristics, be it attitude, nature, behavior, and actions. Someone who lives in a bad environment will become bad. Because humans have a curious nature. Behind the curious nature and a bad environment, someone can commit a crime. Even though the person does not know whether the actions they do are wrong or not. The surrounding environment can influence someone to commit a crime. If in the environment most people commit narcotics crimes, then someone who previously did not commit a crime will also commit a crime influenced by environmental factors.

The next factor that makes it difficult to combat drug trafficking is the effectiveness of the law in society. Discussing the effectiveness of the law in society means discussing its ability to regulate and/or force society to obey the law. Considering the extent to which the law is enforced, whether the sanctions imposed by law enforcement provide a deterrent effect for drug offenders, and how many years of sanctions are given to drug offenders, both users and dealers, it is clear that drug trafficking continues to grow. This proves that the law has not been effectively implemented, because many of the sanctions imposed are not firm and sometimes end before being examined in court.

4. Conclusion

The legal implications for perpetrators of class I narcotics crimes are strictly regulated in Law No. 35 of 2009 concerning narcotics, which aims to create a balance between law enforcement and protecting the community from the dangers of narcotics. The main impact of class 1 narcotics crimes is sanctions. Perpetrators of this crime can be subject to various sanctions, which mainly include imprisonment and fines. The responsibility of perpetrators of narcotics crimes varies according to the actions they have committed and the type of narcotics abused in accordance with the criminal provisions contained in the applicable laws. The narcotics law strictly prohibits and even imposes severe sanctions on anyone who possesses or stores narcotics. Class I narcotics crimes are influenced by several main factors, such as social factors, economic conditions, social influences, easy access to narcotics, and environmental influences. These factors are interrelated and contribute to the rampant cases of narcotics abuse.

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