

LEGAL ANALYSIS OF THE PREVENTION AND ERADICATION OF NARCOTICS DISTRIBUTION IN CLASS II B CORRECTIONAL INSTITUTIONS TANJUNG BALAI

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ABSTRACT

Drug abuse is a serious problem that occurs in various levels of society, including in prisons. Drug abuse in prison environments can result in riots and uncontrolled security, as well as worsen the health and welfare of prisoners. The formulation of the problem in this thesis is how the legal regulation of narcotics trafficking and abuse in Indonesia, what are the factors causing narcotics trafficking in prisons, what are the obstacles faced by prisons in preventing narcotics trafficking in prisons and efforts to overcome them. The legal regulation of narcotics circulation in Indonesia is stipulated in Law Number 35 of 2009 concerning Narcotics, where the dealer is subject to the heaviest penalty, namely the death penalty as stated in Articles 114 and 119. The spirit and purpose of Law Number 35 of 2009 concerning Narcotics is to prevent and eradicate the illicit circulation of narcotics in Indonesia.

1. Introduction

Indonesia is a highly strategic country and significantly influences economic trade routes, both nationally and internationally. Its geographical location, as depicted on the world map, stretches between two continents: Asia and Australia, and two oceans: the Indian Ocean and the Pacific Ocean, both of which occupy a strategic intersection. Therefore, Indonesia holds a crucial position at the center of international traffic. This also demonstrates that Indonesia is a unified legal territory, consisting of waters with thousands of islands.

This strategic position makes regional and global political, economic, and security conditions influential factors in Indonesia's situation. These various influences, of course, have positive but also negative impacts. Both positive (beneficial) and negative (disadvantageous) aspects arise from Indonesia's openness to all corners of the world and its ease of access, particularly in the economic sphere, particularly in international trade.

Indeed, the Indonesian people have enjoyed numerous positive benefits from this foreign influence, such as the richness and diversity of culture (music, film, modeling, fashion, etc.), science and technology, and foreign investment (multinational corporations), which play a significant role in driving the national economy. The large, dense population, comprised of people from diverse backgrounds, blends together, forming groups with differing interests.

Each group strives for its own goals, some of which are not solely directed toward goodness and progress, but some also aim to damage and destroy society. For example, drug trafficking groups aim to expand drug trafficking, characterized by an increase in the number of drug users and addicts and an expanding network of dealers. The abuse and illicit trafficking of narcotics is currently a problem at both the national and international levels. Various efforts undertaken by the international community, including Indonesia itself, have still been unable to reduce the illicit drug trafficking carried out by organized crime perpetrators. The definition of organized crime itself refers more to the "method" of committing crimes, or *modus operandi*. Therefore, in this sense, a criminal organization is an organization established by criminals to optimize the achievement of their evil goals.

The illicit trafficking and abuse of narcotics involve a complex system with global influence and can be closely linked to a nation's national resilience. This situation undoubtedly presents a unique challenge for the Indonesian nation in maintaining and ensuring the continuity, peace, and well-being of its people. This is especially true when linked to the ideals of the nation's founders, namely, "To protect the entire Indonesian nation and all of Indonesia's territory based on unity by realizing social justice for all Indonesians." In fact, when used correctly, narcotics are essential substances in the medical/healthcare world. However, if abused, they can have fatal consequences for both the user's physical and mental health. Another impact of drug abuse is the emergence of criminal activity, whether the crime is committed consciously (intentionally) or simply out of a desire to experiment (just for fun).

Users ultimately become transported into a realm influenced by mirages or the subconscious, leading them to engage in actions they are unaware of and unaware of the consequences. It's conceivable that repeated methamphetamine use can lead to a stroke, damaging the frontal lobe of the brain. Bleeding can occur in the brain and beneath the soft membranes of the brain. Furthermore, high doses of narcotics can lead to aggressive behavior and increased risky behavior. High fevers, difficulty urinating, irregular heart rhythms, and, of course, death can occur. The Indonesian government is firmly committed to recognizing drug abuse and illicit trafficking as a real threat that must be addressed promptly and with the involvement of all elements of the nation. In the past five years alone, there



has been a continuous upward trend in drug crimes. This increase is evident in the increasing number of reported cases and the number of suspects involved, both as users and dealers.

It must be acknowledged that communication devices have become a basic necessity in modern society. This situation has led to the development of criminal *modus operandi*, often initiated, using, or mediated by communication devices. For example, drug abuse is a type of crime involving a network system, where the financier, producer, seller, courier, and buyer form a disconnected chain, sometimes completely unknown to each other.

2. Research Method

This research is descriptive and analytical, describing, examining, explaining, and analyzing laws and regulations related to the research objectives. The purpose of descriptive research is to accurately describe the characteristics of individuals, circumstances, symptoms, or specific groups, or to determine the frequency or distribution of a symptom or the frequency of a specific relationship between a symptom and other symptoms in society. Based on the method used, this research can be classified as sociological (empirical) legal research, namely, an attempt to examine the impact of the application of positive law on community life. In this research, the author directly conducted research at the location or place being studied to provide a complete and clear picture of the problem being studied. Furthermore, sociological legal research examines the correlation between law and society, thereby revealing the effectiveness of law enforcement in society.

Data collection is a crucial part of any research because it provides the necessary data for subsequent analysis according to the desired objectives. This research used a library data collection method. The data in this study were obtained through secondary data, namely data collected through the study of literature. Secondary data includes primary legal materials, secondary legal materials, and tertiary legal materials in the form of basic norms, legislation, scientific research results, books, and so on.

3. Research Results And Discussion

The difference between psychotropic drugs and narcotics is that psychotropic drugs are substances or drugs, whether natural or synthetic, not narcotics, that have psychoactive properties through selective effects on the central nervous system, causing characteristic changes in mental activity and behavior. Narcotics, on the other hand, are drugs or substances, natural, synthetic, or semi-synthetic, that can cause a decrease in consciousness, eliminate or reduce sensation or pain, and alter consciousness, leading to continued dependence on the substance.



Indonesia is no longer just a transit country for narcotics; it has become a consumer and producer nation, even exporting marijuana, ecstasy, and other narcotics, as evidenced by shipments via packages and couriers from Indonesia to other countries, as well as packages and couriers from abroad addressed directly to Indonesia. As one of the most densely populated countries in the world, Indonesia is certainly a potential market for narcotics. Numerous narcotics trafficking networks within countries, including Indonesia, have been found to have international connections, after being traced. Poverty makes people vulnerable to drug abuse and illicit trafficking. According to Article 1, point 6 of Law Number 35 of 2009 concerning Narcotics, illicit drug trafficking is any activity or series of activities carried out without authorization or against the law, which is defined as a crime involving narcotics and narcotic precursors.

Illegal drug use worldwide, including in Indonesia, has shown a sharp increase, affecting all nations and people of all religions, making it truly alarming. In Indonesia, drug abuse has now spread to all corners of the country, across all socioeconomic levels, entertainment venues, workplaces, hotels, and elsewhere. Drug abuse has now penetrated adolescents and young people not only in developed industrial countries and wealthy nations, but also among adolescents and young people in both urban and rural areas. Drug abuse is the use of several types of narcotics without health regulations or on a regular or routine basis, resulting in health problems, physical health, mental health, and social functioning.

Drug abuse is a form of behavioral deviation. Whatever the cause, the important message is that drug use outside of medical necessity is dangerous, destructive, and creates an unbearable burden for individuals, families, communities, nations, and humanity. Drug abuse is the use of drugs inappropriately, without authorization, and against the law. Examples include consuming drugs medically inappropriately (not according to the dosage and clinical indications) and illegally (not by a person or institution authorized to use, distribute, or produce them). Overdose can result in death. The mental and moral impacts of drug use, including physical damage to brain cells, nerves, and all body tissues, along with other vital organs, can cause stress in the individual. This suffering can lead to changes in character, attitude, and behavior, such as paranoia or constant suspicion and hostility, psychosis or aggression, and even apathy toward others (asocial behavior). In fact, because they have become addicted, many drug abusers are mentally and morally damaged, turning to fraud, criminals, and murder simply to obtain money to buy drugs.

The impacts on families, communities, and the nation include psychological problems, economic/financial problems, and violence and crime. Psychological problems will arise in families with drug abusers, including disruption of

domestic harmony due to shame in the eyes of neighbors and the community. Economic/financial problems will also affect families and communities with drug abusers. Much money is wasted on long-term treatment, and theft and loss of property are common within the family/community. Violence and crime are the result of economic/financial problems, which can escalate into violence and crime, starting in the family, then spreading to neighbors, then to the wider community, and ultimately to all corners of the country. Crime is ubiquitous, chaos is widespread, and poverty is widespread, all of which will hinder development and destroy the nation's future.

Narcotics do not always bring disaster, nor do they always have negative connotations. When used properly, appropriately, and correctly, narcotics can be beneficial to human life. The only permitted use of narcotics and psychotropics is for medical purposes, such as anesthesia during surgery or as a treatment for depression, and for scientific advancement, such as as research materials. Some narcotics are used legally, while others are used illegally. Abuse of narcotics and psychotropics is essentially related to violations of statutory provisions. Abuse of narcotics and psychotropics refers to the use and consumption of narcotics and psychotropics without the knowledge and supervision of a doctor. Continued use can lead to drug and psychotropic addiction. Narcotic use, when used without a doctor's prescribed dosage for medical purposes, can lead to addiction, with increasing frequency and strength. The use of narcotics outside of a doctor's supervision is called drug abuse and is considered dangerous to both individuals and society.

Drug abuse can be committed by an individual, but it has a dual effect on both the individual and society. This is possible because individuals are members of society, and conversely, society is made up of individuals. The use of narcotics and psychotropic substances by an individual will create vulnerabilities for the community due to the nature of the drug user. Narcotics in Indonesia are essentially medicines needed for health services, so their availability must be guaranteed. On the other hand, narcotics can lead to dependency if abused, resulting in physical, mental, social, and security disorders, ultimately disrupting national security and public order. Because of these detrimental properties, narcotics must be closely monitored nationally and internationally.

It can be said that Indonesia is currently experiencing a very serious drug abuse problem that threatens the younger generation. Adolescents are a vulnerable group to drug abuse because, in addition to being dynamic, energetic, and always eager to experiment, they are also easily tempted and easily discouraged, leading to drug abuse.

The problem of drug abuse is a very complex one, having become a social disease that is difficult to eradicate. This is because the drug problem is not solely a legal



issue (illegal acts) that are the responsibility of the police and government alone. It also involves the responsibility of all elements of society. The development, illicit trafficking, and abuse of drugs have entered a very dangerous phase and constitute a strategic threat to the survival of the nation and state. With the participation of the community as a whole, the task of law enforcement officers becomes easier and somewhat lighter, thus ensuring a successful commitment to the war on drugs. The term "drug addict" is used to simplify the identification of people who use drugs in a state of dependence, and to distinguish them from growers, producers, distributors, couriers, and dealers. Drug abuse is the use of drugs not for medical purposes, but for the enjoyment of their effects, in excessive amounts, irregularly, and over a long period of time, resulting in physical, mental, and social health problems. Continuous drug abuse affects the user's thinking, feelings, and behavior. This can lead to addiction, which ultimately leads to dependence.

People who are addicted to drugs typically experience impaired bodily functions and behavior due to the addictive substances contained in various types of drugs. Drug users cannot control themselves enough to stop using them, thus eliminating their social control. This situation makes them willing to do anything to obtain drugs. This is what shapes the characteristics of drug users. In response to Government Regulation Number 25 of 2011, the National Narcotics Agency (BNN) issued Regulation Number 2 of 2011 of the Head of the National Narcotics Agency of the Republic of Indonesia concerning Procedures for Handling Suspected or Defendant Drug Abusers, Victims of Drug Abuse, and Addicts. In its considerations, it states that drug abusers, victims of drug abuse, and addicts who are named suspects or defendants in narcotics and narcotic precursor criminal cases during the judicial process require special treatment through placement in medical and/or social rehabilitation institutions to receive treatment and care for their recovery.

This Regulation of the Head of the BNN provides technical guidelines for handling drug abusers who are named suspects or defendants so that they can undergo medical and/or social rehabilitation during the judicial process. Articles 3 through 7 of Regulation No. 2 of 2011 of the Head of the National Narcotics Agency of the Republic of Indonesia explain the procedures for submitting a request for rehabilitation for a suspect or defendant. The suspect or defendant must submit a written request to the investigator, public prosecutor, or judge, depending on the level of examination. Article 6 of this Regulation also outlines the requirements that must be met for the application to be processed further.

To detect drug abuse, in addition to drug testing, drug addicts, both adults and minors, are encouraged to immediately report their addiction cases to undergo rehabilitation therapy at rehabilitation centers. This self-reporting process is called



mandatory reporting. This mandatory reporting is regulated by Government Regulation No. 25 of 2011 concerning the Implementation of Mandatory Reporting for Narcotics Addicts. Article 54 of Law No. 35 of 2009 concerning Narcotics states that drug addicts and victims of drug abuse are required to undergo medical and social rehabilitation. Thus, it is clear that if a drug abuser is identified, the individual (if an adult) or the abuser's parents (if a minor) must immediately report the abuser to ensure immediate medical and social rehabilitation. The surrounding community must initiate this mandatory reporting initiative to quickly achieve a drug-free environment.

4. Conclusion

The legal regulations governing drug trafficking in Indonesia are stipulated in Law Number 35 of 2009 concerning Narcotics, which imposes the harshest penalty, namely the death penalty, as stipulated in Articles 114 and 119. The spirit and purpose of Law Number 35 of 2009 concerning Narcotics is to prevent and eradicate the illicit trafficking of narcotics in Indonesia. The factors contributing to drug trafficking in correctional institutions are internal, and can arise from inmates or inmates, correctional officers, or visitors. The causes may be negligence by officers to check everyone entering and leaving the correctional facility, including cleaners, staff, and visitors. A lack of security personnel to monitor and check due to the large number of inmates. A lack of firm supervision and inspections can lead to drug trafficking within the facility. Obstacles faced by correctional facilities in preventing drug trafficking include the mental weakness of correctional officers involved in drug abuse and trafficking within the facility, the difficulty of detecting the modus operandi of drug infiltration, the limited availability of urine testing kits for inmates due to their high cost and budgetary constraints, and the lack of human resources skilled in the field of narcotics inmate development, resulting in a lack of innovation in inmate development programs. Efforts that can be made are to provide counseling to correctional officers so that bribery is not easily carried out and to provide mental training for correctional officers and improve the welfare of correctional officers by trying to get metal detectors, trying to find a budget to get urine test equipment and establishing cooperation with related agencies such as hospitals and the police to provide guidance with counseling on the dangers of narcotics.

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