

Criminology Review Of Criminal Accidents Of Narcotics And Criminal Policy Of Narcotics

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Abstract: In general, this study aims to find and explain the criminal provisions for criminal narcotics and criminal law policies against Narcotics addicts. The method of research that is incubated is the normative legal research method, that is analyzing and finding legal principles, legal synchronization, and legal system. The results showed that Criminal law policy against narcotics abuse and punishment (Double Track System) can be used as an alternative sanction in narcotics crime in Indonesia that is special for self-narcotics penyalaguna which is not accompanied by other narcotic credential such as Pengedar, Pengimport, Providers and producers. This is based on the circumstances and position of the Abuser who is both a sick and a victim of his deeds, who should have a special treatment to be able to recover to his original state / not for imprisonment.

Keyword: Criminology Review, Criminal Policy

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I. INTRODUCTION

Narcotics crime which is also commonly known as a drug is an extraordinary crime (extraordinary crime), so there needs to be a serious handling in handling the crime. However, it can be said that this crime is rampant and spread widely in the world, even in our country Indonesia.

In Indonesia alone, the abuse of narcotics has undermined the life of the people of Indonesia, so it can be said that every region in Indonesia has been infected with this extraordinary crime. Not without cause is said to be extraordinary crime, when viewed from the impact that resulted, it is very common if narcotics crime should be eradicated as deeply as possible.

Already many cases about narcotics that occurred in Indonesia, it can be seen from the many news that is broadcast in the media every day. Not only people who are victims of this narcotics crime, but the economically weak people also did not escape become victims of narcotics.

Narcotics abuse has become an urgent matter for the Indonesian government, even the international world. According to data from UNICEF (United Nations International Children's Emergency Fund) estimated more than 200 million people of the world using narcotics. While in Indonesia the number is estimated to have reached 1.3 million people and is generally located in big cities. Increased illicit drug trafficking can not be separated from the activities of transnational crime organizations operating in various countries in an international crime network. Due to the enormous profits, the criminal organization strives by all means to maintain and continuously develop the illicit narcotics business by infiltrating, interfering and destroying governmental structures, legitimate trade and financial ventures and influential groups in society. How not to be tempted to do circulation because the profit from the sale price of narcotics is high enough let alone narcotics make a person dependence will continue to want mengkomsumsi narcotics so that people who have consumed narcotics difficult to stop mengkomsumsinya so this is made a great advantage to earn money by circulating narcotics and when seen of the age of narcotics users in Indonesia between the ages of 16-27 years of age adolescents. So at age remaja very susceptible to abuse of narcotics. They know narcotics because of the offer, the persuasion, the pressure from their friends or the people who want to take advantage. Starting from trial and error eventually becomes dependent so can not leave it. People in general have not realized, that drugs if abused have a very harmful impact that can cause damage to the brain that can not think healthy and can even cause insanity other than brain damage and make crazy, narcotics can also cause damage to organs such as liver, kidneys, lungs and even through narcotics of deadly diseases can invade a person's body such as HIV disease and hepatitis through the use of a syringe alternately on a fellow drug addict. If viewed from the dangers of narcotics above it is very necessary to be guarded ketat so that narcotics in Indonesia do not merela lela and continue to circulate to cause the number of casualties fall, The development of the quality of narcotics crime has become a very serious threat to the life of indoneisa community. Although narcotics are also useful and

necessary for treatment and health care, but if misused or used are not in accordance with the standard of treatment, especially if accompanied by illicit narcotics will result in very harmful individuals and society, especially younger generation, and even cause more harm great for the life and cultural values of the nation.

II. FORMULATION OF THE PROBLEM

From the description above and in accordance with the title of this thesis proposal is "Review of Criminology of Narcotics Crime and Narcotics Addiction Narcotics Policy In Indonesia", the authors limit the problems related to the implementation of Law No. 35 of 2009 on Narcotics This problem limitation is intended to be more directing research in accordance with the purpose of research to be more specific and not out of the subject matter. In this thesis proposal is limited to the following issues: How is the Narcotics Crime Prevention and Criminal Law Policy Against Narcotics Crime Actor? and What factors become the Causes of Narcotics Crime?

III. THEORETICAL FRAMEWORK

Theory of Criminology

The theory of Criminology, which in English language, called criminology theory, while the Dutch language, called criminologie theorie is an expert view relating to the factors causing the perpetrators to commit crime. Theory conceptualized expert opinion. Criminology or in English is termed criminology. Understanding criminology can be read in the Big Indonesian Dictionary. Criminology is knowledge of crime and crime.

Crime is a behavior that is contrary to the prevailing values and norms set out in the law. Criminal or criminal offense is an act which is prohibited by a rule of law, a prohibition of which is accompanied by a threat (sanction) in the form of a specific criminal, for anyone who violates the prohibition.

Moeljatno gives the definition of criminology, that is from object ospek and its purpose. The object of criminology is the person who commits the crime (the criminal) itself. The purpose of criminology is to be able to understand what the criminals cause criminals, such as whether the criminal committed a crime because of his talent, or because it was pushed by the surrounding community (milliu), sociologically or economically, or for any other cause.

The Criminological Theory of a Biological Perspective

The criminology theory from a biological perspective is a criminology theory that examines and analyzes that evil humans are caused by the influence of biological factors or their physical properties. Experts who examine criminology theory from a biological perspective are numerous. The main developer or originator of this theory, namely Caesar Lombrosso and Enciro Ferri.

Caesar Lombrosso (1835-1909) was an Italian-born physician. He was nicknamed as the father of modern criminology. He developed a theory called birth criminal. The theory of born criminal states that "Criminals are a lower form in life, closer to their ape-like ancestors in terms of innate and character traits than those who are not criminals. They can be distinguished from non-criminals through some stigmata statistics of the physical characteristics of creatures at the beginning of their development, before they become human. Lambrosso argues that: the criminals have large jaws and strong canine teeth, because of the nature commonly possessed by carnivorous creatures that devour and tear raw meat.

The reach / forearm of criminals is often greater than their height, as are possessed by apes who use their hands to move their bodies on the ground; An individual born from one of five stigmata is a born criminal. This category includes approximately one-third of all perpetrators; and Female criminals are different from male criminals. He is a prostitute who represents a born criminal. Female criminals have many similarities with children, their moral sense is different, that is full of grudge, jealousy. As a consequence of female criminals is a monster.

Another expert who studies criminology from a biological perspective is Enciro Ferri (1856-1929). Enciro Ferri argues that:

"Crime can be explained through the study of the interactive effects between physical factors (such as race, geography, and temperature), and social factors (such as age, sex, psychological variables). He argues that crime can be controlled or overcome by social change, such as housing subsidies, birth control, freedom of marriage and divorce.

Theory of Psychological Criminology

The criminological theory from a psychological perspective was developed by Yochelson and Samenow Sigmund Frued, and Dugdale. Yochelson (a psychiatrist) and Samenow (a psychologist) argue that: "the factor that causes criminals to commit a crime is because the criminals are both having an abnormal pattern of thinking that leads them to decide to commit a crime.

Sigmund Freud, the inventor of Psychoanalysis, argues that: "criminality may be the result of an overactive conscience that results in excessive guilt. He mentions that those who experience unbearable guilt

will commit crimes in order to be arrested and punished. Once they are punished then their feelings of guilt will subside. A person performs a behavior that is forbidden because of his conscience, or superego so weak or imperfect that his ego (which acts as an intermediary between the superego and id) is unable to control the impulses of the id (the part of the personality that contains the desire and the strong drive to be satisfied and fulfilled). Because the superego essentially merupakan a deep parent image, awakened when the child accepts the attitudes and moral values of his parents, then further if there is such an image of the possibility will give birth to the id uncontrolled and subsequent delinquency "

The psychoanalytic approach still stands out in explaining both normal and asocial functions. There are three basic principles of psychological learning about evil, which include: The actions and behavior of adults can be understood by looking at the development of their childhood. Behavior and unconscious motives are intertwined, and that interaction must be described when it comes to understanding evil; and Crime is essentially a representation of psychological conflict.

IV. DISCUSSION

Narcotics In Law No. 35 Year 2009

In Law No. 35 of 2009 on Narcotics provides the definition that Narcotics are substances or drugs derived from plants or not plants, either synthesis or semisintesis, which can cause decrease or change of consciousness, loss of taste, reduce to pain relief, and can causing dependencies that are differentiated into groups.

Narcotics comes from the Greek word "narke" which means drugged so it does not feel anything. Some people argue that narcotics comes from the word "narcissus" which means a kind of plant that has a relationship that can cause people to become unconscious⁴⁵. In addition, the pharmacological understanding of medicines according to the Encyclopedia of Indonesia IV (1980: 2336) is a drug that can relieve pain originating from the Visceral region and can cause stupor effects (stunned or conscious conditions but must be bullied) and addiction. Narcotic effects are caused in addition to causing unconsciousness can also cause the imagination / hallucination and cause the stimulus / stimulant.

The most frequently abused types of Narcotics are morphine, heroin (putauw), pethidine, including cannabis or cannabidiol, marijuana, hashish and cocaine. M. Ridha Ma'roef mentions that narcotics there are two kinds of natural narcotics and synthetic narcotics. Included in the category of natural narcotics are various types of opium, morphine, heroin, marijuana, hashish, codeine and cocaine. Mini-narcotics is included in narcotic terms narrowly whereas narcotic narcotics is a broad definition of narcotics and includes Hallucinogen, Depressant and Stimulant.

Narcotics crime is an extraordinary crime crime, so there needs to be serious handling in handling the crime. In Indonesia alone, the abuse of narcotics has undermined the lives of people from various circles so that these crimes include crime rate above, it is necessary to review the status of criminal level in the criminology perspective. Criminology which can also be called a science that studies crime or criminals and the causes of a person committing a crime, it is necessary to review criminal acts of drug abuse misuse through the law regulating Narcotics. In Law No. 35 of 2009 on Narcotics provides the definition that Narcotics is a substance or drug derived from plants or not plants, either synthesis or semisintesis, which can cause decreased or change of consciousness, loss of taste, reduce to pain relief, and can cause dependence. In the Narcotics law also distinguished between the victims of abuse of narcotics and narcotics penyalaguna then to see the distinction or grouping of crime misuse of Narcotics with victims of misuse of Narcotics through laws that regulate the narcotics and the related theories therein, but in addition to criminal provisions it is also necessary to see the criminal policy of the victims of misuse of Narcotics so that it can distinguish the provisions and legal channels.

In Law No. 35 of 2009 on Narcotics has also been mentioned about some terms that have the same essence as the Narcotics users themselves, such as Narcotics Addiction, Misuse, Abuse Victims, Former Narcotics Addict and Patient. Based on various istilah which is variously related to Narcotics Misuse so that give impact and different implication so that there is an consistent in terms of treating people who use narcotics as victims of narcotics abuse for themselves.

In the Indonesian Criminal Justice System the principle of legality then

in practice in general, all narcotics cases including self-narcotics for non-distributors are usually always processed legally in accordance with legal norms as stipulated in the Narcotics Law that is with the threat of criminal sanctions imprisonment. So the Narcotics Abuser for the self who is not a dealer who initially as a victim who should be rehabilitated becomes subject to imprisonment as provided for in Article 127. Not only that, the narcotics user who is not a Circumference when presented in front of the court shall be charged with another incidental passage overlap. The logic of users who get narcotics unlawfully, then of course there are also at the same time some of the acts done user tersebut sebagai formulated in Article 111 and or Article 112 or even Article 114 which has elements of buying, controlling, storing, or own ultimately used.

Narcotics Law with other criminal offenses contained in the Narcotics Law, where narcotics users who get narcotics in against the law must fulfill the element of "controlling", "possessing", "storing", and / or "buying" narcotics where it is also regulated as a separate crime in the Narcotics Law. In practice law enforcement officers also linked (including / include / juncto) between criminal offenses of narcotics users and criminal offenses of illegal possession, possession, storage or purchase of narcotics where the threat of criminalization becomes much higher and uses a minimum special sanction of at least 4 years in prison and the minimum fine Rp 800.000.000, - (eight hundred thousand rupiah).

The large number of narcotics abuse cases, especially the narcotics abuse for themselves and the criminal policy which responds in a repressive manner as regulated in Article 127 juncto Article 111 and or Article 112 or even Article 114 of Law no. 35 of 2009 which prioritizes retributive justice of course this will bring logical consequences for the number of residents in Penitentiary besides for users who are not distributors who become double victimization.

Number of Narcotics (NAPI) narcotics in law based on positive law applicable in Indonesia cause the number of NAPI in Penitentiary become dominant besides not yet adequacy of special narcotic Drugs, causing prison in Indonesia full or overload. This is also in line with what was delivered by the Vice Chairman of Commission IX of the House of Representatives, Nova Riyanti Yusuf stated that 70% of residents of LAPAS are currently occupied by those who are involved in narcotics cases.1 Of 32 offices in Indonesia 23 prisons have overcapacity and not exceeds the capacity of only 9 (nine), namely: Yogyakarta, Central Java, Maluku, North Maluku, Papua, West Papua, West Sulawesi, South Sulawesi, Southeast Sulawesi.

In Law No. 35 of 2009 on Narcotics as for kwalifikasi actions against the law are categorized as a narcotic crime consists of five categories, namely: First Category; All acts in the form of possessing, storing, possessing or supplying narcotics and narcotics precursors. Second category; All acts in the form of producing, importing, exporting or distributing narcotics and narcotics precursors. Third Category; All acts of offering to sell, sell, buy, accept, mediate in the sale, purchase or exchange of narcotics and drug dealers. Fourth Category; Any acts of carrying, transporting, transporting or transiting narcotics and drug dealers.

The normative Narcotics Terminology is not explicitly mentioned in Law No. 35 of 2009, but only describes some terms that have essences that are almost identical to self-abusers, among others: Addicts, Narcotic abuser, Misuse, Victim of abuser, Former Narcotics addict, Patient.

Narcotics abusers for themselves are a type of crime without a victim "crime without victim" where self-narcotics penyalaguna which without accompanied by other non-criminal punishment such as distributing, producing, importing, exporting and various other kwalifikasi in the Act Number 35 Year 2009, other than as a perpetrator of crime but also at the same time as a victim of a crime committed by himself.

V. CONCLUSION

1. Criminal law policy against narcotics abuse and punishment (Double Track System) can be used as an alternative sanction in narcotics crime in Indonesia that is special for self-narcotics penyalaguna which is not accompanied by other narcotic credential such as Pengedar, Pengimport, Providers and producers. This is based on the circumstances and position of the Abuser who is both a sick and a victim of his deeds, who should have a special treatment to be able to recover to his original state / not for imprisonment.
2. The form of action sanction can be used as alternative sanction in the reformulation of narcotic crime in the future is something that is appropriate with the condition of narcotics abuser as a sick person and in accordance with the objective of the establishment of Law No. 35 Year 2009 on Narcotics

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