

OVERCOMING DRUG CRIMES IN SOCIETY FROM THE PERSPECTIVE OF PANCASILA JUSTICE

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ABSTRACT: National development aims to create a prosperous, just, and equitable society, both materially and spiritually, based on Pancasila and the 1945 Constitution. Efforts to improve public services include health, narcotics, psychotropics, and other addictive substances. Drug crimes are generally not committed by individuals alone, but rather collectively, even by organized, well-organized, and highly secretive syndicates. Furthermore, drug trafficking is transnational in nature, carried out using sophisticated methods and technology. To combat drug abuse, the government has issued Law No. 5 of 1997 concerning Psychotropics and Law No. 22 of 1997 concerning Narcotics. Law No. 22 of 1997 has been revoked and replaced by Law No. 39 of 2009. General Provisions Article 1 paragraph (1) of Law No. 5 of 1997 concerning Psychotropics states that psychotropics are substances or drugs, whether natural or synthetic, not narcotics, which have psychoactive properties through selective influence on the central nervous system which causes typical changes in mental activity and behavior.

Keywords: *Combat, Criminal Acts, Drug, Pancasila Justice*

INTRODUCTION

National development aims to realize a prosperous, just, and prosperous society that is equitable, both materially and spiritually, based on Pancasila and the 1945 Constitution. One effort to realize a prosperous, just, and prosperous Indonesian society is to improve public services.

In efforts to improve public services, including health, narcotics, psychotropics, and other addictive substances, better known as narcotics, play a crucial role as medicines when used appropriately for scientific and health purposes, for example, in surgery and pain relief, at doses prescribed by a doctor.

However, the reality in Indonesian society shows that drugs intended for medicinal purposes and scientific advancement have been misused for temporary profit and pleasure. This reality can endanger Indonesia's national resilience.

Drug crimes are generally not committed by individuals alone, but rather collectively, even by organized, well-organized, and highly secretive syndicates. Furthermore, drug trafficking is transnational in nature, carried out using sophisticated methods and technology. In various cities across Indonesia, drug abuse continues to increase, driven by users, dealers, and producers. Drug abuse is not limited to young people but has also spread to people of all social statuses, including students, entrepreneurs, university students, doctors, members of the Indonesian National Armed Forces (TNI), Indonesian National Police (Polri), and other law enforcement agencies. The proliferation of drug crimes has become a very serious threat to human life worldwide.

In its efforts to combat drug abuse, the government has issued Law No. 5 of 1997 concerning Psychotropics and Law No. 22 of 1997 concerning Narcotics. Law No. 22 of 1997 has been revoked and replaced by Law No. 39 of 2009. The formation of this law is inseparable from the existence of conventions such as the 1971 Convention on Psychotropic Substances and the 1981 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, because in reality, psychotropic crimes are transnational in nature, and for that reason, cooperation with other countries is needed based on conventions on psychotropic substances.

General Provisions Article 1 paragraph (1) of Law No. 5 of 1997 concerning Psychotropics states that psychotropics are substances or drugs, whether natural or synthetic, not narcotics, which have psychoactive properties through selective influence on the central nervous system that causes typical changes in mental activity and behavior.

By carefully examining the definition of psychotropics as stated in the general provisions of Article 1 paragraph (1) of the Psychotropics Law, Gatot Supramono's statement is correct, stating that:

"This definition emphasizes the existence of a narrower limitation on the scope of psychotropics, namely substances and drugs that are not narcotics, with the intention of avoiding conflict with the scope of narcotics. Because if this limitation is not made, it will be difficult to distinguish which substances or drugs are classified as psychotropics and which are classified as narcotics."¹

¹ Gatot Supramono, *Hukum Narkoba Indonesia*, Djambatan, Jakarta, 2001, hlm.110

The Psychotropic and Narcotics Law does not provide an explanation of what dependency syndrome is. However, the definition is sought in the Great Dictionary of the Indonesian Language. According to the Great Dictionary of the Indonesian Language, the definition is as follows: "Syndrome can be defined as a collection of symptoms or signs that occur simultaneously and indicate certain abnormalities, such as emotions or actions..."²

The criminal provisions in the Psychotropics Law above are provisions that refer to social phenomena, which O.C. Kaligis explains as follows:

"These criminal provisions can serve as models for various other laws when implementing criminalization or reforming laws that need to be replaced and adjusted. One characteristic of legal reform is the inclusion of social criminological phenomena as a consideration in determining prohibited acts and their criminal sanctions. This phenomenon is the existence of conspiratorial crimes by organizations and corporations."³

Recognizing these negative impacts, criminal law, as part of general law, must prioritize or gradually minimize drug abuse.

PROBLEM

Based on the description in the introduction above, the following problems can be formulated:

1. What are the factors that cause drug crimes?
2. How can drug crimes be prevented?

RESEARCH METHODS

The research method used in this research is normative juridical, namely a research in legal science conducted by referring to and based on library data, namely that obtained from books, literature or scientific papers in the field of law and legislation, as well as other provisions related to the research conducted, especially Law Number 5 of 1997 concerning Psychotropics and Law Number 35 of 2009 concerning Narcotics.

DISCUSSION

Factors Causing Drug Crimes

Based on the author's research, drug crimes are a form of transnational crime that is highly disruptive and endangers the survival of the nation and state. According to Soedjono Dirjosisworo in his book: "Indonesian Narcotics Law," the following are the reasons why a generation is prone to drug abuse:

a. Internal Factors

Internal factors are factors that cause drug abuse that originate within the individual, namely:

1. As an act of protest and defiance against authority, such as parents, teachers, norms, and so on.
2. To prove courage and engage in dangerous acts such as fighting.

² Kamus Besar Bahasa Indonesia, Balai Pustaka, Jakarta, 1996, hlm. 944

³ O.C. Kaligis & Associates, *Narkoba dan Peradilannya di Indonesia*, Alumni Bandung, 2002, hlm.21.

3. To facilitate sexual activity.
4. To alleviate loneliness by seeking activity.
5. To find meaning in life.
6. To fill emptiness and boredom due to lack of activity.
7. To demonstrate solidarity.
8. To relieve disappointment, anxiety, and various difficulties that are difficult to face.
9. Simply driven by curiosity and the desire to experiment.

b. External Factors

External factors are causal factors that originate outside the individual, namely:

1. Environmental and Family Factors

Many drug users are influenced by environments where drug abuse is prevalent, as well as by dysfunctional families, lack of communication and affection, and despair and disappointment, which push them to use drugs as an escape.

2. Occupational Factors

Someone who works in a work environment where drugs, especially psychotropic drugs, are often involved in drug abuse.

3. Socioeconomic Factors

People who abuse drugs generally come from the middle to upper socioeconomic classes because they have the money to acquire drugs.

4. Peer Pressure

Most drug users become acquainted with peers, who serve as the initial medium for drug introduction. As is common in these groups, if one member refuses to use drugs, pressure from the group arises.⁴

According to B. Simanjuntak, there are several groups of people who abuse drugs, including:⁵

a. Experimental User (Those who experiment)

Driven by curiosity, they only try drugs occasionally and in small doses, and usually stop on their own.

b. Social Recreational User (Those who use drugs for social and recreational purposes). They use drugs only at certain times, such as parties and other events. In this case, users do not use drugs excessively.

c. Circumstial-Situational User (Those who use drugs due to circumstances)

They use drugs because they are driven by circumstances, for example, athletes, long-distance drivers, and others.

d. Intensified Drug User (Those who use drugs intensively)

In this group, drug users are chronic, using drugs at least once a day to escape existing problems.

e. Compulsive Drug User (Those who use drugs for social and recreational purposes)

⁴ Soedjono Dirjosisworo, *Hukum Narkotika Indonesia*, Citra Aditya Bakti, Bandung, 1990, hlm. 16

⁵ B. Simanjuntak, *Kriminologi dan Patologi Sosial*, Tarsito, Bandung, 1991, hlm. 34.

This type of user is unable to stop using drugs because they use them too often and at very high doses. The current reality in various regions is that drug crimes are driven by several contributing factors:

- a. Factors stemming from society itself, with moral and mental health issues and a lack of faith in God Almighty leading to drug abuse.
- b. The influence of family and social environments, which influence people to abuse drugs due to their easy access.
- c. Economic factors, such as those affecting furniture craftsmen who earn above-average incomes, make it easy to purchase or obtain drugs.
- d. Lack of understanding of the consequences of drug crime.

Efforts to Combat Drug Crimes

As previously explained, in order to address the problem of drug crimes, the causal factors of drug crimes are known. Therefore, the following actions can be taken to combat drug crimes:

1. Sociological Actions: Sociological actions must be taken before legal action, namely through: Preventive and Repressive Efforts

Preventive Efforts (Prevention). Prevention can be defined as the initial effort before a crime occurs. In this regard, environmental changes must be made to reduce factors that support criminal acts.

Arif Gosita explains that criminal behavior contains several elements, such as:⁶

- 1) Supporting elements in a criminal act.
- 2) The risks inherent in committing a crime.
- 3) The past that conditions an individual's involvement.
- 4) The structure of possibilities for committing a crime.

Thus, according to Arief Gosita, criminal behavior is: Behavior that adapts to certain environmental conditions. Therefore, behavior is: A process of determining an individual's decisions used to adapt to future environments and to change those environments.⁷

To combat drug crimes, the Indonesian National Police (Polri) has undertaken several efforts. These efforts include:

- a. Conducting patrols in areas prone to drug abuse.
- b. Collaborating with community elements, religious leaders, and youth organizations in various regions, the police regularly hold discussions with community elements, religious leaders, and public order and security officials in their respective areas, while maintaining good relations between the police and the community.
- c. Conducting outreach in schools and communities about drug issues. The police regularly conduct outreach and outreach, particularly in schools, both public and private, as well as within the community as a preventative measure to prevent young people from falling into the trap of drug use and abuse, which is increasingly widespread and disturbing the community.

⁶ Arief Gosita, *Masalah Korban Kejahatan*, Edisi Pertama, Akademi Pessindo, Jakarta, 1995, hlm. 7.

⁷ *Ibid*, hlm. 8.

- d. Conducting operations in locations where drug transactions frequently occur. Operations are conducted in specific locations, such as during dangdut performances. Cafes, hotels, and tourist attractions prone to drug abuse. During these operations, the police maintain confidentiality of the operation's timing and coordinate with relevant parties. Furthermore, efforts are made to minimize the attention of those in the vicinity.
- e. Using information to address drug trafficking/transactions. In uncovering drug trafficking and abuse cases, the police seek the most comprehensive information possible, both from intelligence and criminal investigation units, as well as from members of the public who know or observe suspicious drug-related activities in their area.
- f. Conducting investigations into drug suspects, including those involved in the investigation, all the way to the courts.
- g. Zero tolerance for anyone, including members of the police force involved. The police will not tolerate anyone caught committing drug abuse. They will prosecute cases of psychotropic abuse until they reach the courts. Likewise, religious leaders, who are currently actively combating the problem of psychotropic drugs, must educate the public, especially the younger generation, that drug abuse is forbidden according to religion and is deeply hated by Allah SWT, the Lord of the universe, because it can cause individuals to lose their sense of self and engage in actions prohibited by Allah SWT. In their sermons, religious leaders have explained the causes and consequences of engaging in these prohibited acts, particularly drug abuse. This is due to a lack of strong faith, which leads to such actions. Therefore, in efforts to combat drug crime, it is hoped that each individual will strengthen their faith capacity, thereby creating inner and outer peace within the community.

b. Repressive Efforts

To combat drug crime, the Indonesian National Police (Polri) has undertaken various repressive efforts, including special operations, namely Operation Antik (anti-narcotics) in locations where drug transactions frequently occur.

Operations are conducted in specific locations, such as dangdut performances, cafes, hotels, and tourist attractions prone to drug abuse. During these operations, police maintain confidentiality and coordinate with relevant parties. Furthermore, operations are carried out discreetly, uncovering drug trafficking and transactions, and investigating drug suspects, all the way to court.

2. Legal Action

Given that Indonesia is a country governed by law, addressing drug crimes requires legal action. It is hoped that law enforcement will lead those who commit drug crimes back to the right path. Legal and legal action are appropriate, as the law contains sanctions commonly used to deter people from committing crimes.

As stated by Ahmad Azhar Basyir, MA, the following:

The threat of punishment for various crimes is necessary to deter people from committing them. Simply prohibiting or ordering an act without a penalty is not guaranteed to be obeyed, and this aligns with the tendency for lust to violate or

ignore orders.⁸

Efforts to address drug crimes continue to be undertaken by all parties, both the government and the community, because everyone desires a peaceful and orderly society.

That the legal action here is in the form of criminal punishment for perpetrators of psychotropic crimes as regulated in the Republic of Indonesia Law Number 5 of 1997 concerning Psychotropics which is stated in Chapter XIV in its criminal provisions which consist of 14 (fourteen) articles, namely Article 59 to Article 72, and Law Number 35 of 2009 concerning Narcotics in Chapter XV, in Articles 111 to 148.

CONCLUSION

Based on the above discussion, we arrive at the following conclusions. The conclusions of this discussion are, The factors causing drug crimes are: Internal factors, namely: factors originating from society itself, including moral and mental health, and a lack of faith in God Almighty; and External factors, namely: the influence of the family and social environment, economic factors, and a lack of understanding of the consequences of crime. The police's efforts to combat drug crimes include sociological measures in the form of preventive and repressive measures, such as increased patrols, collaboration with the community and religious leaders to improve public order and security, conducting outreach in schools and the community about drug issues, investigating drug suspects up to the court level, and then taking judicial action in accordance with applicable laws and regulations.

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Regulations

Undang-undang RI No. 5 Tahun 1997 tentang Psikotropika

⁸ Ahmad Azhar Basyir, *Hukum Pidana Islam*, Penerbit Fakultas Hukum UII, Yogyakarta, 1998, hlm. 2

Undang-Undang RI No. 35 Tahun 2009 tentang Narkotika

Undang-undang RI No. 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia