



A Legal Study on Drug Abuse among Teenagers

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ABSTRACT

The government has issued Law No. 5 of 1997 on Psychotropic Substances and Law No. 35 of 2009 on Narcotics. Thus the presence of this law can suppress the smallest abuse of narcotics. Narcotics abuse is a big problem for Indonesia because it can damage the next generation of the nation, society, Indonesia's National Resilience. Narcotics abuse can certainly cause physical damage, mental health, emotions and attitudes in society. The problem of narcotics abuse has threatened society and the nation so that it has become an organized crime in the national scope and for the international world. Based on this background, the author raises a scientific journal entitled "Legal Studies on Narcotics Abuse among Teenagers". Related to this scientific journal, the author explains the problem of how the application of criminal law regarding the regulation of narcotics crime in Indonesia and how the criminal law system regarding the regulation of narcotics crime in Indonesia. The research method in this scientific journal is carried out with a normative juridical approach, namely by analyzing the problem through a legal principles approach and referring to the legal norms contained in the legislation. The data used in this scientific journal is secondary data.

KEYWORDS:

law, study, narcotics, teenagers

INTRODUCTION

In the Big Indonesian Dictionary, Narkoba is an acronym or stands for Narcotics and Dangerous Drugs. While Narcotics is to relieve pain, cause drowsiness and stimulate opium, marijuana). In Law Number 35 of 2009 concerning Narcotics. Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic which can cause a decrease or change in consciousness, loss of taste, reduce and eliminate pain. And can cause dependence which is distinguished into groups as attached to this Law.

Narcotics abuse is a threat, and is troubling for the lives and users, their families, and society and even the State. On the other hand, narcotics are used for pain reduction or relief, because of their nature related to opioid receptors in the body. The effects of narcotics use are:

1. Depressant group (Downer): is a type of drug that causes reduced functional activity of the body, thus making the user calm and making sleep even unconscious. Examples: Opiates (Morphine, Heroin, and Codeine), Sedatives (tranquilizers), Hypnotics (sleeping pills), and Tanquilizers (anti-anxiety).

2. Stimulant group (Upper): is a group of drugs that stimulate the body's functions and increase work enthusiasm, in this group making users active, fresh, and excited. Example: Ampahetamine (Shabu, Extasi) and Cocaine.
3. Hallucinogenic group: is a group of drugs that makes users hallucinate which changes feelings and thoughts so that feelings can be disturbed. Example: cannabis (marijuana).

The narcotics syndicate that continues to try to undermine this nation with its drug business has made narcotics able to penetrate all lines, including the ranks of the TNI, Police and also civilian officials in various government agencies. It is no exaggeration that this country is in a drug emergency status. It is only natural that law enforcement and rehabilitation must be carried out simultaneously. The goal is very clear so that all ranks of the TNI and Polri are increasingly vigilant and aware that narcotics are not picky about their victims.

Narcotics crimes are very dangerous and are considered more than even terrorism. The victims caused by narcotics are very massive. For victims who are still alive, it can burden the family because the costs required for the recovery of drug victims are very expensive. handling of drug addicts must be responded with an open mind by the entire

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community. If the mindset of the community still considers drug addicts to be a disgrace, then this will be like a fire in the husk, which means that at any time it can explode, while in other places, dealers continue to try to supply narcotics supplies.

In the context of the military environment, the adverse effects of narcotics must be fully realized by all parties. Especially if the military member holds a weapon, you can imagine when he uses drugs and carries a weapon, then he has the potential to use his weapon carelessly, because he can experience misperceptions of the five senses, and disorientation of space and time.

Then translated into law No. 35 of 2009 concerning Narcotics which regulates, supervises and takes action against the circulation and abuse of Narcotics. Narcotics not only make people addicted, but can lead to the death of a person quickly and unnaturally. Humans really need a clean place in their environment and a healthy body in order to continue their life. Narcotics abuse has been called a crime against humanity. Narcotics is certainly an enemy of our nation in terms of producing the next generation of a healthy and drug-free nation.

Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semisynthetic which can cause a decrease or change in consciousness, loss of taste, reduce and eliminate pain, and cause dependence¹. Similarly, psychotropic drugs are substances or drugs, both natural and synthetic, not narcotics, which have psychoactive properties through selective effects on the central nervous system that cause characteristic changes in mental activity and behavior². Then Narcotics are substances or drugs derived from plants or not plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence, which is distinguished into groups as attached to this law.

Drug use is often associated with crime, as drugs are considered to have a negative influence and cause users to commit crimes. Crime is basically a relative formulation. Mustafa (2007) says that what is called crime as a social symptom is not merely an act that is prohibited by law, an act that is a biological disorder or psychological disorder, but these actions are detrimental and violate the sentiments of society⁴. If we refer to the formulation of crime as explained by Mustafa, the emphasis on determining whether a behavior is considered a crime or not is not to make formal rules as a reference.

Another thing that is quite impressive in the development of the world drug problem is the effort to increase the countermeasures of drug problems not only on the supply side, but also on the demand side⁷. In terms of national interest, this convention can ensure legal certainty and justice in law enforcement efforts of illicit trafficking of narcotics and psychotropic substances involving criminals across Indonesia's territorial boundaries. In addition, for national interests, especially domestic interests, will be

obtained a certainty and expediency in order to regulate the circulation of narcotics and psychotropic drugs for the benefit of medicine and science.

So many officials, artists and people are abusing drugs. All elements of the nation have used narcotics excessively. The Indonesian nation and the nations of the world have made the distribution and abuse of narcotics a national emergency. Combating abuse must be addressed immediately with the firmness of law enforcement officials, because otherwise the nation's next generation will be morally and physically damaged.

Law enforcement has the goal that people obey the law. Public obedience to the law is caused by three things, namely: (1) fear of sin; (2) fear because of the power of the authorities related to the imperative nature of the law; (3) fear because of shame of doing evil. Law enforcement by non-penal means has targets and objectives for the benefit of internalization. The existence of the Narcotics Law, namely Law No. 35 of 2009 concerning Narcotics, is an effort of the Indonesian government's legal politics towards overcoming narcotics crimes. The establishment of narcotics laws is expected to tackle illicit trafficking and abuse of narcotics by using criminal or penal means.

RESEARCH METHOD

Type and Approach This research uses a normative juridical approach, because of the approach, this model of legal research is called normative legal research. Legal material studies, legal provisions are primary legal materials of the Criminal Code, Law No. 5 of 1997 concerning Psychotropic, Law No. 35 of 2009 concerning Narcotics. Data analysis using library research method or literature review. This literature study research is to conduct research from library books, magazines, journals and articles and sources from the internet that are relevant to the issues discussed.

RESULTS AND DISCUSSION

Drug abuse is an unlawful act that can be committed by individuals (individual to individual) or groups (groups to other groups, or to other individuals, or vice versa). The average user's reason for using drugs is to seek tranquility, high curiosity or just want to try, to get pleasure, as an escape from problems, following trends and others. Apart from users, there are also drug dealers ranging from small scale to large scale. The sale and purchase of drugs can be done between friends, between regions, and even between countries. As far as I know, the sale and distribution of drugs in Indonesia is very high. Narcotics on the one hand are drugs or materials that are useful in the field of medicine in a predetermined amount and approval from the Minister on the recommendation of the Head of the Food and Drug Administration, while on the other hand can cause dependence which is very detrimental, especially to oneself or the body if misused.

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While the definition of abuse in Article 1 paragraph 15 of Law No. 35 of 2009 concerning Narcotics (hereinafter referred to as Law No. 35/2009 concerning Narcotics), “A misuser is a person who uses Narcotics without the right or against the law”. Article 1 paragraph 14 of Law No. 35/2009 on Narcotics explains that “Narcotics dependence is a condition characterized by the urge for effort and the policy to make good criminal law regulations in essence cannot be separated from the goal of crime prevention.” So the policy or politics of criminal law is also a form of crime prevention. So the policy or politics of criminal law is also part of criminal politics. In other words, seen from the point of view of criminal politics, the politics of criminal law is identical to the notion of “crime prevention policies with criminal law”. using narcotics continuously with increasing doses to produce the same effect and if the use is reduced and/or stopped suddenly, it causes typical physical and psychological symptoms “. If a person has tested positive for narcotics and is selling or using narcotics unlawfully, a criminal offense can be imprisonment or medical/social rehabilitation.

Drug abuse is a form of mental disorder that is carried out in the form of behavioral deviations related to drug use. This disorder is commonly found in adolescents and young adults, which often causes anxiety for parents, educators and society. Because narcotics are often detrimental to the physical and mental health of the perpetrator, family, community and country. Especially in criminal acts which are one of the crimes classified as extraordinary crimes, currently the threat is quite large for adolescents, adolescents who are discovering their identity certainly have a high level of curiosity and have the opportunity to become perpetrators of narcotics abuse and not only adolescents but adults can also have the opportunity to become perpetrators of narcotics abuse. On the other hand, the easy circulation of drugs from irresponsible people also makes it easier for a dealer to get his prey. For example, a dealer will look for prey in schools, hangouts, nightclubs, and others.

Efforts to overcome crime with criminal law are essentially also part of law enforcement efforts (especially criminal law enforcement). The politics or policy of criminal law can be said to be part of law enforcement policy. In addition, crime prevention efforts through the making of criminal law are essentially also an integral part of efforts to protect society (social welfare). Criminal law policy becomes very reasonable if it is an integral part of social policy. Social policy can be defined as all rational efforts to achieve community welfare and at the same time includes community protection. This means that the definition of social policy includes social welfare policy and social defense policy.

In essence, criminal law policy (penal policy, criminal policy, or strafrecht politiek) is a comprehensive or total process of criminal law enforcement. According to Wisnubroto, criminal law policy is an action related to.

1. How the government's efforts to tackle crime with criminal law;

2. How to formulate criminal law in order to be in accordance with the conditions of society;
3. How the government policy to regulate society with criminal law;
4. How to use criminal law to regulate society in order to achieve greater goals.

Based on the definition of criminal law policy stated above, both by A. Mulder and others, the scope of this criminal law policy actually covers a fairly broad problem, which includes an evaluation of the substance of the current criminal law for the renewal of the substance of criminal law in the future, and how to apply this criminal law through the components of the Criminal Justice System, as well as no less important is the effort to prevent crime. This prevention effort means that criminal law must also be one of the instruments to prevent the possibility of crime. This also means that the application of criminal law must have an effective influence to prevent before a crime occurs.

Types of Prohibited Acts in Law No. 35 of 2009 on Narcotics

The scope of criminal law includes three provisions, namely criminal acts, responsibility, and punishment. The criminal provisions contained in Law No. 35/2009 on Narcotics are formulated in Chapter XV Criminal Provisions Article 111 to Article 148. Law No. 35/2009 on Narcotics, there are four categorizations of unlawful acts that are prohibited by law and can be threatened with criminal sanctions, namely:28

1. The first category, namely acts 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 as well as Article 129 letter (a));
2. The second category, namely acts 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 as well as Article 129 letter (b));
3. The third category, the acts of offering for sale, selling, buying, receiving, brokering, exchanging, or delivering narcotics and narcotic precursors (Article 114 and Article 116 for class I narcotics, Article 119 and Article 121 for class II narcotics, Article 124 and Article 126 for class III narcotics and Article 129(c));
4. The fourth category, namely acts 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 as well as Article 129 letter (d)).

Law No. 35/2009 on Narcotics has regulated the types of sanctions imposed on narcotics crimes, among others:

1. Criminal offenses for people who abuse drugs or as victims of narcotics abuse, the people who abuse drugs

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- are obliged to undergo medical rehabilitation and social rehabilitation.
2. Criminal Actions of Parents/Guardians of Narcotics Addicts who are not old enough (Article 128) shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of Rp1,000,000.00 (one million rupiah).
 3. Criminal Offenses Committed by Corporations (Article 130) shall be punished with imprisonment and fine with 3 (three) times aggravation. Corporations may be subject to additional punishment in the form of: a. revocation of business license and/or b. revocation of legal entity status.
 4. Penalty for Person Who Does Not Report the Existence of Narcotics Crime (Article 131). Shall be punished with a maximum imprisonment of 1 (one) year or a maximum fine of Rp50,000,000.00 (fifty million rupiah).
 5. Crime on Attempt and Conspiracy to Commit Narcotics and Precursor Crime (Article 132) Paragraph (1), shall be punished with the same imprisonment in accordance with the provisions as referred to in the aforementioned Articles. Paragraph (2), shall be punished with imprisonment and maximum fine increased by 1/3 (one third).
 6. Criminal Offenses for Ordering, Giving, Persuading, Forcing with Violence, Deceit, Inducing Children (Article 133) paragraph (1), shall be punished with death penalty or life imprisonment, or imprisonment for a minimum period of 5 (five) years and a maximum period of 20 (twenty) years and a fine of at least Rp2,000,000.000.00 (two billion rupiah) and a maximum of Rp20,000,000,000.00 (twenty billion rupiah). paragraph (2), shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah).
 7. Criminal Offenses for Narcotic Addicts Who Do Not Report Themselves (Article 134) paragraph (1), shall be punished with a maximum imprisonment of 6 (six) months or a maximum fine of Rp2,000,000.00 (two million rupiah). paragraph (2), shall be punished with a maximum imprisonment of 3 (three) months or a maximum fine of Rp1,000,000.00 (one million rupiah).
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In the context of the military environment, the adverse effects of narcotics must be fully realized by all parties. Especially if the military member holds a weapon, you can imagine when he uses drugs and carries a weapon, then he has the potential to use his weapon carelessly, because he can experience misperceptions of the five senses, and disorientation of space and time.

CONCLUSION

Many people forget that we are a great nation, so our behavior is only a follower and easily trapped in a number of negative things including narcotics and illegal drugs. Drug abuse is influenced by the lack of character education in students. Students are only supplied with scientific knowledge, but character education is very minimal. It needs a character or personality education laboratory, not just a science laboratory. An incomplete personality can form a dishonest human being, so it is necessary to prevent drug abuse by including a syllabus of personality education from the lowest to the highest level of education.

Drug abuse has involved many elements. The drug cartels are instrumental in the high level of drug trafficking in Indonesia. Officials, pilots, law enforcement officers, students and even children have become victims of drug abuse. Law enforcement officials even cooperate with the drug cartels to sell and protect the drug cartels. Law enforcement, which can be bribed and is very weak, is an additional element that causes drug abuse to remain high in Indonesia. The concept of criminal law for narcotics itself includes criminal action, criminal and non-criminal (penal) law. Criminal action is the science of crime prevention that can be done by combining the application of criminal means and prevention without using criminal means. Criminal law action is an effort to overcome crime by using criminal means. Meanwhile, non-criminal measures are preventive measures before the occurrence of crime.

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