
| RESEARCH ARTICLE

Juridical Review of Penal Policy in Handling Narcotics in Indonesia

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| ABSTRACT

This study aims to analyze the penal policy in tackling narcotics in Indonesia. The study used a juridical normative approach. The results showed that efforts to tackle criminal acts of narcotics abuse have two ways, namely using non-penal means or preventive measures (preventing before the crime occurs) and penal measures or repressive actions (after the crime has occurred). Repressive measures are all actions taken by law enforcement officials in response to the occurrence of a crime or criminal act, including repressive measures are investigations, prosecutions, and even crimes. Indonesia, in its efforts to tackle criminal acts of narcotics abuse, has formed a legal product to deal with this problem, including the issuance of Law Number 22 of 1997 concerning Narcotics, which has been amended by Law Number 35 of 2009 concerning Narcotics. Apart from these laws, there are also other regulations, both in the form of ministerial regulations, regulations from the head of the BNN, as well as joint decrees between the minister, the head of the BNN and the head of the Indonesian National Police.

| KEYWORDS

Judicial, Review, Legal, Penal, Criminal, Law, Narcotics

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1. Introduction

The abuse of Narcotics is now has arrived in a state of concern. Narcotics that were originally needed for treatment, in their development, then actually cause addiction to the sufferer or victim. One form of development of narcotics abuse is the illicit trafficking traffic of narcotics. Narcotics crime, in all its forms, is one of the international crimes that endangers mankind.

Currently, the Indonesian people and even the world community, in general, are faced with a very worrying situation due to the increasingly rampant unauthorized use of various narcotics. This concern is increasingly felt due to the widespread illicit circulation of narcotics in society, including among the younger generation. This will greatly affect the life of the nation and the next country because the younger generation is the successor of the ideals of the nation and state in the future.¹

Indonesia, which was originally a transit country for narcotics trafficking, has now been used as a destination for operations by the International Narcotics network. The high rate of narcotics abuse was also contributed by the actions of narcotics syndicates. Most of the abuse is in the try-to-use group, especially in the worker group. The reason for the use of narcotics is because of hard work, socioeconomic abilities, and environmental pressures of workmates are the factors that trigger the occurrence of narcotics abuse in the working group.²

Statistical data accessed from the official website of the National Narcotics Agency of the Republic of Indonesia shows reports of narcotics abuse cases in Indonesia reached from 2011 to 2018 as many as 14,010 cases of narcotics abuse, with narcotics evidence

¹Siswanto Sunarso, *Legal Politics in the Narcotics Law* (Jakarta: Rineka Cipta, 2012). p. 43

² Bayu Puji Hariyanto, "Prevention and Eradication of Drug Trafficking in Indonesia," *Journal of Daulat Hukum* 1, no. 1 (2018): 202.

as many as 20,470,386 if interpreted in rupiah, evidence of narcotics assets reaches 5,879,844,418,373 rupiahs. This data shows that narcotics abuse in Indonesia is very high and needs serious attention from the State.³

Narcotics smuggling entering Indonesia from abroad is increasingly rampant. A joint task force of the Directorate of Narcotics Crimes, Civic Police and Customs uncovered the smuggling of 1.8 tons of methamphetamine from a Singapore-flagged vessel in the Riau islands on Tuesday, February 20, 2018; the disclosure of meth was the largest of the previous revelations, on February 7, 2018, the National Narcotics Agency (hereinafter referred to as BNN) seized 1.3 tons of meth from the Singapore-flagged MV Sunrise Glory ship. The ship was captured by the Indonesian Navy at KRI Sigurot 864 in the waters of the Philips Strait of Batam Riau Islands, which is suspected of smuggling also carried out from Taiwan.⁴

Commissioner General of Police Budi Waseso, who at that time served as the Head of the National Narcotics Agency of the Republic of Indonesia, said that the meth that failed to be smuggled was only a small part of the total narcotics entering Indonesia, according to him, only 10 percent of the total infiltrated in Indonesia. BNN acknowledged the loss of 5 (five) tons through the same route by the same ship. In its 2017 year-end report, BNN reported the two largest disclosures, namely 1.2 million ecstasy pills from the Netherlands on July 21, 2017, and 1 (one) ton of meth in Anyer on June 13, 2017. Meanwhile, at the beginning of 2018, it succeeded in uncovering 2 smugglings which, within 2 (two) weeks, managed to uncover the smuggling of 3.1 tons of meth suspected to come from Taiwan.⁵

Policies to combat narcotics abuse must be viewed in a broad context, namely in the frame of criminal policy or criminal law policy. According to Barda Nawawi Arif, implementing criminal law policy means holding elections to achieve the best results of criminal legislation in the sense of meeting the requirements of justice and usability.⁶

2. Discussion

1. Penal Policy in Indonesia

Criminal law policy means how to strive or make and formulate the best criminal legislation, which contains how far the applicable criminal provisions need to be changed or updated, what is done to prevent criminal acts from occurring, and the way in which investigations, prosecutions, justice and criminal implementation must be carried out.⁷

Criminal law policy is part of national legal politics, which has different parts. Despite this, the implementation of criminal law policy can occur jointly from all parts in an integrated manner. The parts of national legal politics include the criminalization policy (*Criminalization Policy*), punishment policy (*Punishment Policy*), and Criminal Justice Policy (*Criminal Justice Policy*).⁸

If the means of criminal law are chosen to overcome crime, it means that the politics of criminal law will be carried out, that is, to hold elections to achieve the results of criminal legislation that are in accordance with the circumstances and situation at one time and for the future. The implementation of the politics of criminal law must go through several stages, namely:⁹

1. Formulation Stage

i.e. the stage of enforcement of criminal law in abstracto by the law-making body. In this stage, lawmakers carry out the activity of choosing values that are appropriate to the current and future circumstances and situations, then formulate them in the form of criminal legislation to achieve the best results of legislation in the sense of meeting the requirements of justice and usability. This stage is called the Legislative Policy Stage.

2. Application Phase

The Application Stage is the stage of criminal law enforcement (stage of application of criminal law) by law enforcement officials ranging from the Police to the Courts. In this stage, law enforcement officers are tasked with enforcing and implementing criminal laws and regulations that have been made by lawmakers. In carrying out this task, law enforcement officers must stick to the values of justice, and the usefulness of this stage can be called the judicial stage.

³ <https://puslitdatin.bnn.go.id/portfolio/data-statistik-kasus-narkoba/> retrieved February 5, 2021.

⁴ Jogja Daily was published on Wednesday, February 21, 2018.

⁵ *Ibid.*

⁶ Barda Nawawi Arief, *The Potpourri of Criminal Law Policy (Development of the New Criminal Code Concept Drafting)* (Bandung: Citra Aditya Bakti, 2014). p 51

⁷ *Ibid* pp 26-27

⁸ Vivi Ariyanti, "Criminal Law Policy against Victims of Narcotics Abuse in Indonesia," *Dissertation of Gajah Mada University*, 2018. p. 8

⁹ Soedarto, *Capita Selecta of Criminal Law*. (Bandung: Alumni, 1981). p. 22

3. Execution Stage

The Execution Stage is the stage of concrete enforcement (implementation) of the Law by criminal implementing officers. In this stage, the implementing criminal officers are in charge of enforcing the criminal laws and regulations that have been made by the lawmakers through the criminal application that has been stipulated in the court's decision.¹⁰

Examining the politics of criminal law will be related to the politics of law. Legal politics consists of a series of words, *Politics* and law. According to Soedarto, the term politics is used with various meanings, namely¹¹

1. The word *politiek* in Dutch means something related to the state;
2. This means to talk about matters of statehood or those related to the state.

Sudarto further emphasized that another meaning of politics is policy which is a synonym for *Policy*. In this sense, there are words such as political economy, criminal politics, legal politics and criminal law politics. The relationship between politics and law, Mahfud explained that law is a product of politics. Law is seen as ¹²*a dependent variable*, and politics as an Independent Variable. Assuming such, the mahfud formulated the politics of law as a legal Policy that will or has been implemented nationally by the government; it also includes understanding how politics affects the law by looking at the configuration of the forces behind the creation and enforcement of the law.¹³

According to Solly Lubis, legal politics is a political policy that determines what legal rules should apply to regulate various things in social and state life. On that basis, Sudarto said, legal politics is the policy of the state through bodies authorized to implement the desired regulations that are expected to be used to express what is contained in society and to achieve what is aspired to.¹⁴¹⁵

In order to express the values contained in society, of course, it is not only based on the juridical docmatical view but also includes a functional view. In this connection, Paul Scholten rejects Hans Kelsen's view that the rulings of legal science are nothing but the logical processing of positive materials, namely the law and the verdicts¹⁶

Criminal Politics or *Criminal Policy*, according to Marc Ancel, can be given the meaning of *The Rational Organization of the control of crime by Society*.¹⁷ The definition is no different from the view of G Peter Hoefnagels, who stated, *Criminal Policy is the rational organization of the social reaction to crime*.¹⁸ This means that criminal politics can be formulated as a rational effort of society in non-criminal countermeasures.

The politics of criminal law (at the micro level), as part of the politics of law (at the macro level), in the formation of laws, must know the value system prevailing in society, which relates to that situation in the proposed ways and with the goals to be achieved so that these things can be taken into account and respected. If this is the case, according to Sudarto, carrying out the politics of criminal law means an effort to realize criminal legislation that is in accordance with the circumstances and situation at one time and for the future. Sudarto further stated:¹⁹²⁰

The formation of the Law is a social process and a political process of great significance and has a wide influence because it will give a beuk and regulate or control society. These laws are used by the ruler to achieve and realize certain goals.

Thus, it can be said that the law has two functions:

1. Functions for expressing values; and
2. Instumental function.

¹⁰ Soedarto. p 22

¹¹ Soedarto, *Criminal Law And Community Development*. (Bandung: Sinar Baru, 1983). p. 1

¹² *Ibid.*, p 1.

¹³ Mahfud MD, *Legal Politics in Indonesia* (Jakarta: LP3ES, 1998). p. 1

¹⁴ Solly Lubis, *Sundry Politics And Law*. (Bandung: Mandar Maju, 1989). p. 4

¹⁵ Soedarto, *Criminal Law And Community Development*. p. 2

¹⁶ Paul Scholten, *The Structure of Legal Science Translated By BNA, In The Series Fundamentals of Legal Science*. (Bandung: Parahyangan Catholic University, 1997). p. 5

¹⁷ Barda Nawawi Arif, *Legislative Policy In Tackling Crime With Prison Law*. (Semarang: Diponegoro University, 2000). p. 47

¹⁸ Mac Ancel, *A Modern Aproach to Criminal Problems*. (London: Routledge & Kegan Paul, 1965). p. 57

¹⁹ Soedarto, *Criminal Law And Community Development*. p. 23

²⁰ *Ibid.*, pp 93-94.

According to Sahetapy, the role of law with a functional approach is not the same as law which acts as a mere tool (instrument). Approach functionally, the law in its application should be directed towards achieving the goal from which the law originated. If the law in Indonesia is sourced to Pancasila, then every product of legislation cannot be separated from its source, namely from where the law is interpreted, perceived and in its elaboration or manifested in the form of its manifestation must always breathe Pancasila.²¹

Sudarto referred to the results of the symposium on people's legal awareness during the transition period, which was held in Semarang on January 20-23, 1975 wrote countries that after World War II had gained independence tried to carry out modernization measures in their respective countries, With these steps, there has been a process of community development covering the economic, social, political and cultural fields. Modernization, according to Sudarto, can be interpreted as a process of adjusting to the state of the world constellation at that time, if the overall relationship of criminyl politics. According to sudarto, criminyl politics can be given a narrow, broader and broadest meaning.²²²³

1. In a narrow sense, criminal politics is described as the whole of the principles and methods on which the reaction to lawlessness is criminal;
2. In a broader sense, criminil politics is the entire function of the law enforcement apparatus, including the workings of the courts and police;
 - a. In the broadest sense, criminyl politics is a whole of policy carried out through legislation and official bodies aimed at enforcing the central norms of society.

The enforcement of these central norms, according to sudarto, can be interpreted as tackling crime. Carrying out criminal politics means holding elections from many alternatives, which are the most effective in the fight against crime. In another section, Sudarto also stated that running the politics of criminal law also holds options to achieve the best results of criminal legislation in the sense of meeting the requirements of justice and usability. To achieve successful and useful results, policymakers can take advantage of the information provided by criminology, and ignoring the information will result in the formation of non-functional laws.²⁴

Sudarto's view above, in line with Marc Ancel's, according to him, *in modern science has primery three essential compnens: Criminlogy, Criminal Law, and Penal Policy. Criminology*, studying evil in all aspects. Furthermore, *the Criminal Law* explains and applies positive regulations for the reaction of the community to the phenomenon of crime. *Penal Policy*, both as a science and an art, has a practical purpose, mainly to allow positive regulations to be better formulated and to guide not only legislators who design criminal legislation but also the courts where they are applied and the correctional administration (*Prison Administraton*) which exerts a practical influence on court decisions.²⁵

Criminyl politics or non-criminal countermeasures policies can cover a wide scope; this means that criminyl politics can be formulated as a rational effort from the community to overcome criminal acts; as stated by G. Peter Hoefnagels that the *criminal policy* can be pursued through 3 (three) ways, namely:²⁶

1. *Criminal Law Application;*
2. *Prevention Without Punishment;*
3. *Influencing Views of society on crime and punishment.*

Criminal crime prevention policies can be grouped into 2 (two) types, namely, the policy of overcoming criminal acts by using criminal law means (*Penal Policy*) and policies for overcoming criminal acts by using facilities outside the criminal law (*Non Penal Policy*). Basically, *Penal Policy* emphasizes on repressive actions after a criminal act occurs, while the *non-penal policy* emphasizes more on preventive actions after a criminal act. According to the view from the point of view of criminal politics in macro terms, the *non-penal* policy is the most strategic policy for countering criminal acts. This is because *the non-penal policy* is more of a

²¹ Sahetapy, "Law in Political Context in Legal System Development Policy," *CSIS Journal of Analysis Law January-February XXII*, no. 1 (1993): 55-56.

²² Soedarto, *Criminal Law And Community Development*. p. 96

²³ Soedarto, *Capita Selecta of Criminal Law*. pp. 113-114

²⁴ *Ibid.*, pp 161-162.

²⁵ Marc. Ancel, *Social Defence, A Modern Approach to Criminal Problems* (London: Routledge & Kegan Paul, 1965). pp. 4-5

²⁶ G. Peter Hoefnagels, *The Other Side of Criminology* (Holland: Kluwer de venter, 1973). p.5

preventive measure for the occurrence of a criminal act. The main target of *the non-penal Policy* is to deal with and eliminate conducive factors that cause a criminal act to occur.²⁷

The policy of overcoming criminal acts using criminal law means (*Penal Policy*) is known as "Criminal Law policy" or "criminal law politics" Marc Ancel argues criminal law policy (*Penal Policy*) is a science as well as an art that has a practical purpose of allowing positive legal regulations to be formulated better and to provide guidelines to lawmakers, courts that apply laws. The criminal law policy is one of the components of *modern criminal sciene* in addition to *Criminology* and *Criminal Law*.²⁸

Penal Policy or the politics (policy) of criminal law is essentially about how criminal law can be properly formulated and provides guidelines to lawmakers (legislative policy), application policy (*Judicial Policy*) and implementation of criminal law (*Executive Policy*). Legislative policy is a very decisive stage for the next stages because when criminal legislation is made, it has been determined the direction to go or, in other words, what actions are deemed necessary to be used as an act prohibited by the criminal law. This means that it concerns the process of criminalization.²⁹

In relation to this, Barda Nawawi Arif stated, "the policy to make good criminal legislation cannot be separated from the ³⁰*purpose* of tackling crime". Meanwhile, the definition of crime mitigation, according to Mardjono Reksodipoetro, is an effort to control crime so that it is within the limits of community tolerance. Furthermore, Barda Nawawi Arif said that the policy of overcoming crime with criminal law is essentially part of the criminal law enforcement policy.³¹ Therefore, the politics of criminal law is part of the policy of overcoming crime through the making of criminal laws and regulations, which is an integral part of social politics³². According to Barda, this social politics can be interpreted as any rational effort to achieve the welfare of society and, at the same time, includes the protection of society.³³

If criminal politics uses the politics of criminal law, then criminal politics must be a deliberate and conscious step-and-g. Choosing and establishing criminal law as a means of overcoming crimes must strictly take into account all the factors that can support the functioning or operation of criminal law in reality. Therefore, the ongoing criminalization process must be evaluated because, as Bruggink wrote, which was translated by Arif Sidarta:³⁴³⁵

Today people may complain that devolving the rules of law has the opposite effect than intended. Originally, the rule of law was intended to regulate social life in a better way, but the rules of law actually strangled social life by shackling creativity and spontaneity too much.

To further clarify, Bruggink gave an example of the rules of law that concern the relationship between parent and child. If the government sets more rules, it is possible that the core relationship between parents and children will be depressed. For this reason, according to him, insight into the role of legal methods in society is needed as a starting point.³⁶

Soedarto said that carrying out the politics of criminal law means holding elections to achieve the best legislative outcomes in the sense of meeting the requirements of justice and usability.³⁷

In essence, criminal law policy (*penal policy*) can be functionalized and operationalized through several stages, namely the legislative formulation or policy stage, the application or judicial policy stage and the executive or administrative policy stage.³⁸

2. *Penal Policy* in Narcotics Countermeasures in Indonesia

The policy of combating criminal acts will be meaningless if the development policy or social policy will actually cause factors that are criminogenous and victimogenous. The integral policy carried out with an emphasis on the act of reducing or eliminating those conditions that could give rise to crime received serious attention from the 7th UN Congress of 1985. It is explained in the

²⁷Teguh Prasetya and Abdul Halim, *The Politics of Criminal Law: A Study of Criminalization And Decriminality Policies* (Yogyakarta: Pustaka Pelajar, 2005). p. 16

²⁸Ancel, *Social Defence, A Modern Approach to Criminal Problems*. pp. 4-5

²⁹Soedarto, *Criminal Law And Community Development*. pp. 39-40

³⁰Barda Nawawi Arif, *The Potpourri of Criminal Law Policy*. (Bandung: Citra Aditya Bakti, 1996). pp. 29-30

³¹Arief, *The Potpourri of Criminal Law Policy (Development of the Drafting of the New Criminal Code Concept)*. p. 30

³²Ibid.,p 30

³³Mardjono Reksodipoetro, *Human Rights in SPP* (Jakarta: University of Indonesia, 1994). p. 84

³⁴Ibid.,p 31

³⁵Arif Sidarta, *Reflections on the Law* (Bandung: Citra Aditya Bakti, 1996). p. 167

³⁶Arief, *The Potpourri of Criminal Law Policy (Development of the Drafting of the New Criminal Code Concept)*. p. 157

³⁷Soedarto, *Capita Selecta of Criminal Law*. p. 151

³⁸Barda Nawawi Arif, *Law Enforcement Issues and Crime Management Policies* (Bandung: Citra Aditya Bakti, 2001). p. 75

congressional document on "*Crime prevention in the txt context of development*" (document A/CONF.121/L.9) that efforts to eliminate the causes and conditions that can give rise to crime must be "*the basic crime prevention strategies.*"

Efforts to overcome the criminal act of drug abuse have two ways, namely using non-penal means or preventive measures (preventing before the occurrence of crime) and penal efforts or repressive actions (efforts after the occurrence of crime). Repressive efforts are all actions taken by law enforcement officials in countermeasures after a crime or criminal act, including repressive efforts are investigations, prosecutions until a crime is committed. Meanwhile, according to Roeslan Saleh, three reasons regarding the need for criminal justice in criminal law, as for the essence, are as follows: ³⁹⁴⁰

1. Whether or not criminal law is necessary does not lie in the issue of the goal to be achieved but lies in the issue of how far to achieve that goal can use coercion; the problem lies not in the result to be achieved but in the consideration between that result and the value of the limits of each individual's personal freedom.
2. There are attempts at improvement or treatment for the convicted, and besides that, there must still be a reaction or violation of the norms that have been committed and cannot be given casually.
3. The influence of criminal or criminal law is not solely aimed at criminals but also at influencing non-malicious people that are citizens of society who obey the norms in society. If criminal law is to be used, it can be seen in the overall relationship of criminal politics or social defence planning, which must be an integral part of the national development plan.

Awareness of the dangers of narcotics abuse in Indonesia was actually a long time ago, as evidenced by the existence of *the Verdoovende Middelen Ordonantie* (Stbl. 1927 No. 278 jo. No.536). However, the handling of the problem has not been taken seriously by the government. It was not until 1976 that Indonesia began to regulate the narcotics problem until it was finally regulated in Law 35 of 2009 concerning Narcotics

The Indonesian government views they need, together with other world communities, to actively take part in efforts to eradicate the illicit circulation of narcotics and psychotherapy; this is the reason why the Indonesian State decided to sign the *United Nations Convention Againts Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (United Nations Convention on the Eradication of Illicit Circulation of Narcotics and Psychotropics, the Year 1998) in Vienna, Autria on March 27, 1989, and has ratified the Single Convention on Narcotics 1961 with Law number 8 of 1996, as well as establishing Law number 9 of 1976 concerning Narcotics.⁴¹

Law Number 9 of 1976 concerning Narcotics was passed based on the Statute Book of the Republic of Indonesia Number 37 of 1976. Enacted in Indonesia as a legal instrument in the regulation of narcotics issues, the birth of the Law was based on the Single Convention on Narcotics of 1961 and the Protocol that amended it, which was the result of the *United Nations Conference for Adoption of a Single Convention*.⁴²

Law Number 9 of 1976 concerning Narcotics was born on the consideration of:

1. That narcotics are necessary drugs in the field of medicine and science;
2. On the contrary, narcotics can also cause a very detrimental dependence if used without restrictions and careful supervision;
3. That the manufacture, storage, circulation, and use of narcotics without strict restriction and supervision and contrary to applicable regulations is a crime that is very detrimental to individuals and society and is a great danger to human life and state life in the fields of politics, security, economy, social, culture, and national resilience of the Indonesian nation that is building;
4. That to regulate the manner of supply and use of narcotics for medicinal and/or scientific purposes and to prevent and overcome the dangers that can be posed by the side effects of the use and abuse of narcotics, as well as the rehabilitation of drug addicts it is necessary to establish in the new Law on narcotics, in lieu of the *Verdoovende Middelen Ordonantie* (Stbl. 1927 No. 278 jo. No.536) which has ceased to be incompatible with technological advances and the development of the times;
5. Article 3, paragraph (1) of Law Number 9 of 1976 stipulates that narcotics are only used for medicinal purposes and/or scientific purposes. CHAPTER III regulates the transport of narcotics. There is an obligation to the owner or loader of the narcotics to inform the captain, captain of the aviator or driver about the type and quantity of narcotics to be transported for import or export or only transit.

³⁹Susanto, *I.S. Criminology. Faculty of Law* (Semarang: Diponegoro University, 1995). p. 118

⁴⁰ Ibid p 147.

⁴¹ Ibid., p 65

⁴²Sunarso, *The Legal Politics of the Narcotics Act.* p. 9

In CHAPTER IV, Law Number 9 of 1976 concerning narcotics is regulated acts that are prohibited from being carried out, which include:⁴³

1. It is prohibited without the right to grow or maintain possession in stock, possession, storage, or possession of papaver plants, coca plants or cannabis plants;
2. It is prohibited without the right to produce, process, extract, convert, concoct or otherwise make available narcotics;
3. It is prohibited without the right to possess, store for possession or for supply or possession of narcotics;
4. It is prohibited without the right to carry, send, transport or transport narcotics;
5. It is prohibited without the right to import, export, offer to be sold, distribute, sell, buy, hand over, or accept to intermediary the sale and purchase or exchange of narcotics;
6. It is prohibited without the right to use narcotics against others or to give narcotics for the use of others;
7. It is forbidden without the right to use it for itself.

The Narcotics Law also regulates government policy measures in order to ensure the availability of certain types of narcotics. Policy on narcotics guidance and supervision where the government conducts guidance on all activities related to narcotics which include:

1. Meet the availability of narcotics for the benefit of health services and/or the development of science;
2. Prevent and eradicate all forms of abuse and illicit circulation of narcotics;
3. Prevent the involvement of minors in the abuse and illicit circulation of narcotics;
4. Encouraging and supporting research and/or technology development activities in the field of narcotics for the benefit of health services;
5. Improve the ability of drug addict rehabilitation institutions both organized by the government and by the community.

The classification of narcotics in this law is also carried out; narcotics are divided into 3 (three) groups, Groups I, II and III, based on the level of dependence. Law Number 22 of 1997 concerning Narcotics regulates efforts to eradicate narcotics crimes through the threat of fines, imprisonment, life imprisonment, and the death penalty. Apart from that, Law Number 22 of 1977 concerning Narcotics also regulates the use of narcotics for medicinal and health purposes and regulates medical and social rehabilitation⁴⁴. Narcotics crimes are no longer committed by individual people but are carried out by involving many people together; *bakan* is an organized syndicate with such a wide network, working neatly and very secretly both at the national and international levels. With the increasingly complex problems above, the Government of Indonesia then issued Law Number 35/2009 concerning Narcotics⁴⁵.

3. Conclusion

Criminal law policy is part of national legal politics, which has different parts. Despite this, the implementation of criminal law policy can occur jointly from all parts in an integrated manner. The parts of national legal politics include the criminalization policy (*Criminalization Policy*), punishment policy (*Punishment Policy*), and Criminal Justice Policy (*Criminal Justice Policy*).

Indonesia, in its efforts to tackle criminal acts of narcotics abuse, has formed a legal product to deal with this problem, including the issuance of Law Number 22 of 1997 concerning Narcotics, which has been amended by Law Number 35 of 2009 concerning Narcotics. Apart from these laws, there are also other regulations, both in the form of ministerial regulations, regulations from the head of the BNN, as well as joint decrees between the minister, the head of the BNN and the head of the Indonesian National Police.

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⁴³H. Siswanto. S, *Legal Politics in the Narcotics Law (Law Number 35 of 2009)*, First Printing (Jakarta: PT Rineka Cipta, 2012). p. 10

⁴⁴H. A Tumpa, *Understanding the Pksistension of Forced Money (Dwangsom) and Its Implementation in Indonesia* (Jakarta: Kencana Prenadamedia Group, 2010). p. 12

⁴⁵ Law Number 35 of 2009 concerning Narcotics.

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