

Application of Criminal Sanctions Against Actors of Narcotics Crime Category I in the Form of Possession of Marijuana Fields

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Abstract

This study analyzes the efforts to eradicate narcotics criminals carried out by law enforcement officers against the existence of marijuana fields and the cultivation of cannabis plants in the community. This paper uses normative legal research. The research approach used by the researcher is the statutory approach and the conceptual approach. The technique used to analyze the data is descriptive qualitative in line with the research method applied by the researcher. Efforts to eradicate narcotics crimes carried out by law enforcement officers are through penal and non-penal channels. The corrective route is understood through the procedures of the criminal justice system, while the non-penal course involves the community. Article 104 of Law Number 35 of 2009 concerning Narcotics states that the community has the amplest opportunity to prevent and eradicate abuse and illicit trafficking of narcotics and narcotic precursors. Furthermore, Article 105 says that the community has rights and responsibilities to prevent and eliminate abuse and illegal trafficking of drugs and narcotic precursors.

Keywords

criminal sanction; combat narcotics, crime



I. Introduction

Narcotics are substances or drugs that are very useful and necessary for the treatment of certain diseases. However, if it is misused or used not following treatment standards, it can have detrimental consequences for individuals or society, especially the younger generation (Daming, 2016). This will be more detrimental if accompanied by misuse and illicit trafficking of narcotics, resulting in more significant danger to the nation's life and cultural values, which will weaken national security (Supriyanto et al., 2021).

The Indonesian government is aggressively fighting narcotics abuse; narcotics abuse is transnational because it can cross national borders by using sophisticated modus operandi and technology, with a neat management network and also supported by a vast network of organizations and then entering Indonesia as a transit country (Fletcher, 1998). or even as a destination country for illegal narcotics trafficking and has caused many victims, especially among the nation's young generation to an alarming level so that it is hazardous for the life of the community, government and state, narcotics abusers are divided into two categories, namely perpetrators as dealers and perpetrator as a user (Wardhana, 2020).

In general, Indonesian people and even the world community are currently faced with a very worrying situation due to the widespread use of various types of narcotics. Drug abuse begins on average in adolescence and continues in young adults. Ironically, it is not only among adults that drugs are well known and consumed, but narcotics are also known among teenagers and minors (Brown & Siegel, 2016).

The phenomenon of abuse and illicit trafficking of narcotics in the general public requires real action to eradicate the abuse and illegal trafficking of drugs. Narcotics crime is a particular crime because it does not use the Criminal Code (KUHP) as its legal basis but uses Law Number 35 of 2009 concerning Narcotics. The establishment of the Narcotics Law is expected to tackle the abuse and illicit trafficking of narcotics, in addition to regulating the use of narcotics for medical and health purposes and regulating medical and social rehabilitation (Ashworth & Horder, 2013)

Narcotics abuse in the world continues to increase, as also happens in Indonesia. Based on survey data from the National Narcotics Agency (BNN), at least 4.7 million people in the nation's generation are exposed to narcotics. Meanwhile, the type of narcotics with the highest number of users in Indonesia and at the world level, in 2018, a total of 192 million narcotics users used cannabis-type drugs or in Indonesia known as marijuana.

To prevent and eradicate narcotics crime in Indonesia, the government has established a regulatory policy in Law Number 35 of 2009 concerning Narcotics. This regulatory policy seeks to increase its usefulness to prevent and eradicate narcotics abuse and illicit trafficking through the threat of criminal sanctions. Substances or drugs categorized as cannabis plant species include narcotics group I. What is meant by cannabis plants, all plants of the Cannabis genus and all parts of plants including seeds, straw, processed cannabis plants or parts of cannabis plants including cannabis resin and hashish.

Cannabis plants that have been banned in the Narcotics Act but are still found in the community have been cultivated through marijuana fields or grown hydroponically at home. In October 2020, the Tasikmalaya National Narcotics Agency (BNN) uncovered the existence of marijuana plants that were intentionally cultivated for consumption and sale in a resident's house in Tasikmalaya Regency, West Java.

In the raid, BNN managed to arrest four perpetrators, one of which was the owner of a house used as a place for cannabis cultivation. BNN officers found 45 marijuana plants of various sizes, with the largest size of about one meter. The perpetrators have been growing cannabis for years for their own needs and selling it to some areas in Tasikmalaya and outside the city. The discovery of the cannabis business was based on community reports.

In September 2020, the Bengkulu Regional Police (Polda), on information submitted by the surrounding community, had succeeded in dismantling a two-hectare marijuana field in a coffee plantation area in Rejang Lebong Regency, Bengkulu. At the time of the raid by the police, they did not find the owner of the marijuana field.

In the two-hectare marijuana field, around 1,500 marijuana stalks were collected, some of which were destroyed on-site and some were taken to the Bengkulu Police Headquarters. The police also found 250 kg of dried marijuana leaves, one unit of scale, one long-barreled assembled firearm and one can of cannabis seeds suspected to be used as seeds.

In July 2020, Cimahi Police personnel managed to reveal that the ganja plant was planted on an area of one hectare in the middle of the Bukit Tunggul plantation, Bandung Regency. Disclosure of marijuana fields began with the arrest of two marijuana dealers in the Cimahi city area. During the raid, the police caught the culprit. The perpetrators were snared with the threat of imprisonment following the provisions of the Narcotics Law with a minimum imprisonment of five years and a maximum of fifteen years.

Law Number 35 of 2009 has regulated the provisions of narcotics crimes related to criminal acts by planting narcotics group 1 types of plants in the form of marijuana, as stated in Article 111 paragraph (2) and Article 114 paragraph (2), which reads as follows.

Article 111 if the act of planting, maintaining, possessing, storing, controlling, or providing Narcotics Category I in the form of plants as referred to in paragraph (1) weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks, the perpetrator shall be punished

with a criminal fine. Life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum penalty as referred to in paragraph (1) plus 1/3 (one-third).

The several cases mentioned above show that law enforcement officers, both from the Indonesian National Police and the National Narcotics Agency, can dismantle and raid marijuana cultivation locations and fields based on information from the community. Even though their marijuana cultivation is planted in a resident's house, it has been done for years.

II. Research Methods

This research uses normative legal research. Normative legal research is research that focuses on examining the application of rules or norms in positive law (Ahmad Zuhdi, 2012). The subject of the study is a law which is conceptualized as a norm or practice that applies in society and becomes a person's reference in behavior so that this research focuses on an inventory of positive law, legal principles and doctrines, legal discovery in concreto in concreto, legal systematic, level of synchronization, comparative law and legal history (Zaini, 2011).

The research approach used by the researcher is a statutory approach and a conceptual approach in collecting research data in this study using library research techniques (Fletcher, 1998). After the data is collected and processed by the researcher, the data analysis stage is carried out. The method used to analyze the information is descriptive qualitative in line with the research method applied by the researcher in this study.

III. Discussion

3.1 Narcotics Crime Law Enforcement

Law enforcement attempts to tackle crime rationally, fulfill a sense of justice and be efficient in tackling crimes against various means as a reaction that can be given to criminals, in the form of criminal and non-criminal means, which can be integrated. Suppose illegal means are called upon to tackle crime. In that case, it means that criminal law politics will be carried out, namely holding elections to achieve the results of criminal legislation under the circumstances and situations at a time and for the future.

According to Soerjono Soekanto, law enforcement does not only mean implementing legislation. In reality, in Indonesia, but the trend is also so, so the notion of Law Enforcement is so popular. There is even a tendency to interpret law enforcement as implementing court decisions. This narrow understanding contains weaknesses because the implementation of legislation or court decisions can occur and even disturb the peace in the community's social life. Narcotics crime cases in general are not only committed individually but are also carried out together (Tumanggor, 2019). The use of narcotics at a dose regulated by a doctor for medicinal purposes does not have harmful side effects for the body of the person concerned (Zulyadi, 2020).

Talking about criminal law enforcement is not only how to make the law itself, but also about what law enforcement officials do in anticipating and overcoming problems in law enforcement that occur in society, which can be done penal (criminal law) and non-penal (without punishment). Using criminal law).

Non-penal (preventive) efforts this non-penal countermeasure is more focused on prevention before a crime occurs and is indirectly carried out without using illegal means or criminal law, for example: Handling the object of crime with physical or concrete means to prevent the relationship between the perpetrator and the thing with standards of security, providing supervision on the object of crime. 1) Reduce or eliminate opportunities to commit

crimes by improving the environment. 2) Counseling on awareness about shared responsibility in the occurrence of crime, which will positively influence crime prevention.

Penal efforts (Repressive) Penal measures are one of the efforts of law enforcement or all actions taken by law enforcement officials that are more focused on eradicating after the occurrence of crimes committed by criminal law, namely criminal sanctions, which are a threat to the perpetrators. Investigations, further investigations, prosecutions and so on are parts of criminal politics.

Functionalization of criminal law attempts to tackle crime through rational criminal law enforcement to fulfill a sense of justice and efficiency. Elements Law enforcement elements include Legal certainty (*rechtssicherheit*). The law must be implemented and enforced. Everyone hopes that the law can be enacted in the event of a definite possibility. How the law must apply does not deviate *fiat Justitia et great Mundus* (even though the world will collapse, the law must be upheld). That is what legal certainty wants, and legal certainty is justifiable protection against arbitrary actions, which means that a person will get something expected under certain circumstances.

Benefits (*zweckmassigkeit*) the community expects benefits in implementing or enforcing the law, and the law is for humans. The implementation of the law or law enforcement must provide benefits or uses for the community. Do not just because the law is implemented or enforced create unrest in the community.

Justice (*gerechtigkeit*) The community is very concerned that the implementation and enforcement of the law must be fair, the law is not identified with justice, the rule is general, binding on everyone is generalizing, whoever steals must be punished. Whoever steals must be punished, regardless of who steals. On the other hand, justice is subjective, individualistic, and does not generalize.

Law enforcement against narcotics crimes has been widely carried out by law enforcement officers and has received many judges' decisions. Law enforcement should be expected to be a deterrent factor to the increase in illicit trade and narcotics trafficking. Still, the more intensive law enforcement is carried out, the more the circulation and illegal occupation of drugs will also increase.

The statutory provisions governing the narcotics problem have been drawn up and enforced. However, this crime related to narcotics cannot be appeased. In recent cases, many drug dealers and dealers have been caught and received severe sanctions. Still, other perpetrators seem to have ignored them and are even more inclined to expand their areas of operation.

Law enforcement against crime in Indonesia where the government as the organizer of state life needs to provide protection and public welfare through various policies that are on the agenda of the national development program. This government policy is incorporated in social policy. One part of this social policy is law enforcement policies, including legislative policies. Meanwhile, crime prevention policies are part of law enforcement policies.

The Narcotics Law, namely Law no. 35 of 2009 concerning Narcotics, is a legal, political effort by the Indonesian government to combat narcotics crimes. The establishment of the Narcotics Law is expected to tackle illicit trafficking and narcotics abuse by using criminal law or penal means.

Crime prevention efforts with criminal law are essentially part of law enforcement efforts (especially criminal law enforcement). Politics or criminal law policies can be said to be part of law enforcement policies. In addition, efforts to combat crime through the making of criminal laws (laws) are essentially also an integral part of social welfare efforts.

Criminal law policy becomes very reasonable if it is an integral part of social policy or politics (social policy). Social policy can be interpreted as all reasonable efforts to achieve

public welfare and at the same time include community protection. This means that the notion of social policy has social welfare policy and social defense policy.

In essence, criminal law policy (penal policy, criminal policy, or strafrechtpolitiek) is a comprehensive or total criminal law enforcement process. According to Wisnubroto, criminal law policies are related actions in terms of (1) How is the government's efforts to tackle crime with criminal law; (2) How to formulate criminal law to be under the conditions of society; (3) What is the government's policy to regulate society with criminal law; (4) How to use criminal law to regulate society to achieve a bigger goal (Hulsman, 2013:33).

The scope of criminal law includes three provisions, namely criminal acts, liability, and punishment. The criminal provisions in Law no. 35 of 2009 concerning Narcotics are formulated in Chapter XV of Criminal Provisions Articles 111 to 148. Law no. 35 of 2009 concerning Narcotics, four categorizations of unlawful acts are prohibited by law and can be threatened with criminal sanctions.

3.2 Law Enforcement against Perpetrators of Marijuana Field Ownership

Law Number 35 of 2009 concerning Narcotics in Article 111 paragraph (1) and paragraph (2) regulates the crime of narcotics group I in the form of plants. Class I narcotics according to the category, including marijuana. Thus, perpetrators of possession of marijuana fields are subject to a criminal offense in Article 111 paragraph (1) and paragraph (2), which reads Article 111 (1) Anyone who without rights or against the law plant, maintain, possess, store, control, or provide Narcotics Category I in the form of plants, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years.) years and a minimum fine of Rp. 800,000,000.00 (eight hundred million rupiahs) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah). (2) If the act of planting, maintaining, possessing, storing, controlling, or providing Narcotics Category I in the form of plants as referred to in paragraph (1) weighs more than 1 (one) kilogram or exceeds 5 (five) trees, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

By looking at the arrangement of criminal sanctions referred to in Article 111 of the Narcotics Law, it can be said that the perpetrators of possession of marijuana fields are categorized as narcotics class I, which were found and destroyed by the National Narcotics Agency in Aceh. The National Narcotics Agency (BNN) has again discovered a marijuana field in the North Aceh Region. The BNN team identified 5 hectares of marijuana fields at an altitude of 223 MDPL in Alue I Mudek (Lhok Manggeh) Hamlet, Teupin Rusep Village, Kec. Sawang Kab. North Aceh Aceh Province. The variety of plants found has a height of 100 to 250 cm with a plant density of 1 stem per square meter. The BNN team also managed to find plant seeds in polybags that are ready to be sown on land known to belong to the state. Director of Narcotics Deputy Eradication of BNN, Brigadier General Pol Drs. Aldrin MP Hutabarat, S.H., M.Si, and The joint team managed to cut down approximately 20,000 marijuana sticks weighing 6 tons.

From the description of the Deputy for Eradication of BNN above, it can be concluded that law enforcement against perpetrators of criminal acts of possession of marijuana fields is subject to Article 111 paragraph (2) with the threat of life imprisonment because it has fulfilled the elements contained in Article 111 paragraph (2) of the Law. Number 35 of 2009 concerning Narcotics.

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narcotics trade will also increase. The statutory provisions governing the narcotics problem have been drawn up and enforced. However, this crime related to narcotics cannot be appeased. In recent cases, many drug dealers and dealers have been caught and received severe sanctions up to the death penalty, namely shooting to death. Still, other perpetrators seem to have ignored them and are even more inclined to expand their area of operation. Law enforcement against crime in Indonesia where the government as the organizer of state life needs to provide protection and public welfare through various policies that are on the agenda of the national development program. This government policy is incorporated in social policy. One part of this social policy is law enforcement policy, including legislative policy. Meanwhile, the crime prevention policy itself is part of the law enforcement policy.

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3.3 Problems in Enforcement of Narcotics Law Number 35 the Year 2009

The consequence of the rule of law that the state founders have chosen implies that all forms of human activity are regulated by law. The law referred to is the normative provisions issued by the authorities and includes the legal principles underlying the normative requirements. Regarding this legal principle, Satjipto Rahardjo stated that the legal regulation provides nutrition to the legal system. It is not only a legislative building but a building full of values and has its philosophy and spirit. Consequently, if we leave the principles of law, there is chaos in the legal system.

Law refers to the rules as the rules of the game together. In this context, the government is termed legal substance. The primary function of this sub-system is to coordinate and control all deviations to comply with the game's rules. Parson then puts the law as the main element in system integration. This is also supported by Steeman, who confirmed that what formally forms a society is the general acceptance of the normative rules of the game. This normative pattern must be seen as the most core elements of an integrated structure. In Bredemeier's framework, the law is functioned to resolve conflicts that arise in society. Efforts to overcome and eradicate narcotics crimes are very dependent on normative provisions, which are the legal umbrella for law enforcers in enforcing the law.

Law Number 35 of 2009 concerning Narcotics is a legal umbrella to overcome and eradicate narcotics crimes. These provisions have met the rules of juridical, sociological and philosophical applicability. Juridically, importing, exporting, producing, planting, storing, distributing, and using Narcotics without strict and thorough control and supervision and contrary to laws and regulations is a Narcotics crime because it is very detrimental and is an enormous danger to life. People, society, nation and state, and Indonesia's national security are stated in the basis for considering this Law. The regulation regarding the use of narcotics also follows the higher provisions, namely the provisions in the Constitution that provide human rights for everyone to obtain a healthy environment and optimal health services as regulated in Article 28H paragraph (1) of the Constitution governs the use of narcotics. States that everyone has the right to live in physical and spiritual prosperity have a place to live, have a good and healthy living environment and have the right to obtain health services.

The guarantee of constitutional rights to health services is the basis for regulating the distribution and use of narcotics in Indonesia.

Law is a social reality. Antony Allot calls it "Laws or actual legal systems are a social reality. Sociologically, narcotics crimes have been transnational, carried out using high modus operandi, advanced technology, supported by an extensive network of organizations,

and have caused many victims, especially among the nation's young generation, which is very dangerous to the life of the community, government and state. Narcotics crime is no longer a problem in each country but a problem for all countries worldwide. Therefore, a cooperation mechanism is needed between law enforcers in each country.

Philosophically, the existence of Law Number 35 of 2009 concerning Narcotics is intended to create a prosperous, just and prosperous Indonesian society that is materially and spiritually evenly distributed based on Pancasila and the 1945 Constitution of the Republic of Indonesia in which the quality of Indonesian human resources is one of the National development capital needs to be maintained and improved continuously, including its health status. In addition, to improve the health status of Indonesian human resources in the context of realizing people's welfare, it is necessary to enhance efforts in the field of treatment and health services, among others, by seeking the availability of certain types of Narcotics which are very much needed as drugs as well as preventing and eradicating the dangers of abuse and illicit trafficking of Narcotics and Narcotics Precursor.

There are some fundamental differences in investigations carried out before and after Law Number 35 the Year 2009 concerning Narcotics. Before enacting this law, methamphetamine and ecstasy were classified as psychotropic Category II, which carries a lower penalty. These types of narcotics are listed in Law Number 35 of 2009 and are included in group I with a heavier criminal threat.

Law Number 35 of 2009 also regulates any person who without rights or against the law who owns, keeps, controls, or provides Narcotics Precursor for the manufacture of Narcotics; producing, importing, exporting, or distributing Narcotics Precursor for the manufacture of Narcotics; offer to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or delivering Narcotics Precursor for the manufacture of Narcotics; carry, send, transport, or transit Narcotics Precursor for the manufacture of Narcotics. It has not been regulated in the previous law regarding this precursor, so it is a new thing in Law Number 35 of 2009 concerning Narcotics. This provision is beneficial for the police in tackling narcotics crimes.

The rule of law, which is only constructed as a legal building, needs to be made more complete and intact in terms of having a political structure. Law is only a dead text if no institution enforces it. Therefore, a law enforcer was formed who was tasked with implementing the law. In practice, the law can be enforced by the state apparatus to create a peaceful, orderly and just society. Regarding human behavior, the law requires humans to perform born actions so that humans are bound to the legal norms that apply in state society.

Regarding law enforcement, Zainuddin Ali believes that law enforcers or people in charge of implementing the law cover an extensive scope. Because it concerns officers at the upper, middle and lower strata, this means that officers should have a guideline in carrying out the task of applying the law. These undoubtedly written regulations cover the scope of their duties.

State institutions were formed precisely to further encourage the growth and development of the civilization of the Indonesian nation, under the ideals and image of a civil society that is advanced, independent, physically and mentally prosperous, democratic and just. Law enforcement by law enforcers is intended to create an ideal organization. The ideal society, according to Bentham, is a society that tries to increase happiness and minimize unhappiness or a culture that tries to give as much pleasure as possible to the people in general, so that unhappiness is attempted as little as possible by the people in general.

Investigations, prosecutions, and examinations in courts of abuse and illicit trafficking of Narcotics and Narcotics Precursors are carried out based on statutory regulations unless otherwise stipulated in Law Number 35 of 2009.

Cases of abuse and illicit trafficking of Narcotics and Narcotics Precursors, including issues that take precedence over other matters to be submitted to the court for immediate settlement. The implementation of the process of examining Narcotics criminal cases and Narcotics Precursor criminal acts at the level of appeal, cassation level, review, and execution of the death penalty and the process of granting amnesty must be implemented accelerated following statutory regulations. Using Narcotics with the aim of eliminating stress or the problems they experienced around (Surya, 2019).

Obstacles to overcome and eradicate narcotics occur due to a lack of resources within the National Police, both in quality and quantity. In uncovering the perpetrators involved in international networks, the police must deal with foreign nationals. Meanwhile, the mastery of foreign languages by Polri investigators is still very low. To support this, the police are still relying on translators.

This lack of resources for law enforcement officers can be seen from the shared knowledge of eradicating narcotics crimes and ignorance in revealing perpetrators who have used increasingly sophisticated modes.

The Denpasar City Police resort police's efforts to overcome and eradicate narcotics crimes are concretized through continuous monitoring and observation of narcotics prisoners in prison until the prisoner returns to the community. The argument is that the police believe that if they are not supervised in jail, the prisoner can control narcotics crimes committed outside the prison. When he leaves prison, the police believe that the former convict will one day commit another narcotic crime because the narcotics business is up-and-coming. Existing prisoners in the community who do not undergo treatment in the form of rehabilitation will return to their initial work/activities, namely returning to narcotics problems. Therefore, the police's eradication and control of narcotics until the narcotic convict return to the community.

The eradication of narcotics crime at the prison location encountered several obstacles, including the lack of supervision from the Wasmat judge (control and observation). Narcotics convicts are also not separated from general criminal convicts. As a result, they exchanged experiences in prison and tried to distribute narcotics after leaving prison. In addition, there is also a loophole for narcotics dealers to weaken prison officers and police officers under surveillance.

3.4 Narcotics Crime as an International Crime

According to Romli Atmasasmita, Narcotics crime uses the term criminal act compared to the use of the term crime. This is motivated because the term crime is related to elements of criminal responsibility and other considerations (De Cuellar, 1995).

Article 3 paragraph (1) and paragraph (2) of the 1988 Vienna Convention, concerning the limitation of narcotics and psychotropics, which include the actions of (1) Planting, buying, trading, transporting and distributing narcotics and psychotropics; (2) Develop and organize, manage and finance the actions referred to in letter (a); (3) Transferring assets obtained from the actions referred to in letter (a) and (4) Preparing, experimenting, persuading and agreeing to carry out the actions referred to in letter (a).

The convention's provisions govern international law and can be categorized as one of the provisions governing international criminal law. The doctrinal business of classifying crimes into international crimes is more empirical and based on international conventions or customs. In this case, at least three requirements must contain either international or transnational elements or part of both and be accompanied by details of the need to categorize as an international crime.

Another international element, consisting of direct or indirect threats to world peace and security and causing feelings of a shock to human values. Referring to the UN convention on transnational organized crime in Palermo 2000, it provides the characteristics of international crime, as follows (1) It is committed by more than one country; (2) It is carried out in one country but substantially of its preparation, planning, guidance or control is carried out in another country; (3) It is committed in a country but involves a criminal organization that is involved in the crime of more than one country; (4) It is carried out in one country but has a substantial effect on other countries.

Concerning international conventions, it can be said that international crimes are considered crimes in multilateral ways that are recognized by a significant number of countries, provided that the instruments include data on ten criminal characteristics.

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988. This convention is an affirmation and refinement of more effective legal means in the context of international cooperation in the criminal field to prevent and eradicate transnational crime organizations that carry out illicit trafficking of narcotics and psychotropic substances (Hulsman, 2013).

3.5 Application of Sanctions for Narcotics Offenders in Marijuana Field Ownership

Criminal provisions regarding narcotics matters are contained in Articles 111 to 148 of Law Number 35 of 2009. At least two main things can be found from the illegal formulation in Law Number 35 of 2009 concerning narcotics, namely the spirit of eradicating the circulation of criminal acts. Narcotics crime and narcotics precursors, as well as the protection of narcotics users. These two passions result in the circulation of narcotics crimes and narcotics precursors being given severe sanctions. In contrast, narcotics users, especially narcotics addicts and victims of narcotics abuse, are encouraged to receive treatment through rehabilitation. Narcotics addicts and victims of narcotics abuse must undergo medical rehabilitation and social rehabilitation so that every parent, family and even the public who know there are narcotics addicts and victims of narcotics abuse but do not report their knowledge will receive a criminal threat (Article 131).

There is a separation related to the regulation of criminal provisions in Law Number 35 of 2009 concerning Narcotics, namely (a) Regarding the eradication of narcotics and narcotics precursors and (b) Regarding narcotics abuse and narcotics addicts.

The eradication of narcotics trafficking is found among others in the provisions of Articles 111 to 126, while those relating to narcotics abuse are located among others in Articles 127 and 128.

Therefore, as contained in Articles 111 to 126 of Law Number 35 of 2009, the provisions can only be imposed on a person within the framework of "circulation" both in trade, not trade or transfer.

A narcotics abuser in obtaining narcotics must be done by buying, receiving or getting from other people. For that, the narcotics in his hands clearly belong to him or at least in his power. Hence, it is certainly not appropriate to apply Article 111, Article 112, Article 114, Article 115, Article 117, Article 119, Article 122, Article 124 and Article 125 of Law Number 35 of 2009 concerning Narcotics, with the assumption that these articles include prohibitions on possessing, keeping, controlling, buying, receiving, and carrying.

In connection with the application of punishment for perpetrators of double-field ownership as regulated in Article 111 of Law Number 35 of 2009 concerning Narcotics, most cases are decided by judges with a minimum imprisonment of five years for perpetrators of criminal acts possessing class I narcotics in the form of multiple plants. The imposition of a minimum imprisonment sentence is based on the owner being deemed less than the weight determined by the laws and regulations.

However, for the perpetrators of ownership of double fields covering an area of 4 (four) to 7 (seven) hectares, the application of imprisonment is a life sentence. Article 111 (2) of Law Number 35 of 2009 concerning Narcotics contains the formulation of a criminal threat with the word "or" so that the judge has the choice whether to impose a life imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years. twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third), with the consequence that if the judge imposes life imprisonment, it means that the fine may not be charged in the form of detention because the alternative of the second form of punishment is using the word "and."

IV. Conclusion

Efforts to eradicate narcotics crimes carried out by law enforcement officers are through penal and non-penal channels. The corrective route is understood through the procedures of the criminal justice system, while the non-penal course involves the community. Article 104 of Law Number 35 of 2009 concerning Narcotics states that the community has the amplest opportunity to prevent and eradicate abuse and illicit trafficking of narcotics and narcotic precursors. Furthermore, Article 105 says that the community has rights and responsibilities to prevent and eliminate abuse and illegal trafficking of drugs and narcotic precursors.

Suggestions from this research are for the government to carry out regulations in monitoring and early prevention of activities as well as the existence of double fields in remote areas through exercises to improve infrastructure and human resources that work synergistically and for Polri investigators to apply a cooperation mechanism in an integrated criminal justice system with BNN investigators and the community as an integrated system in carrying out the task of eradicating narcotics as an extraordinary crime.

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