

# SANCTIONS POLICY TO ENTIRE LAW WHO ABUSE NARCOTICS

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## ABSTRACT

*Law enforcers who abuse narcotics need to apply a weighted sentence with the threat of maximum punishment so that it can provide a deterrent effect for other law enforcers so that they are not involved in using narcotics the act for law enforcers using narcotics has a bad impact and is a bad example for society. The imposition of weighted criminal sanctions against law enforcers who abuse narcotics must be applied due to Law No. 35 of 2009 concerning Narcotics does not specifically regulate ballast sanctions against law enforcers who abuse narcotics so that the sanctions given are still the same as other users.*

**Keywords:** Law Enforcement, Sanction, Narcotics

## INTRODUCTION

Narcotics abuse is a very complex problem; therefore it requires efforts and support from all parties to achieve the expected goals. As a result of the increasingly dangerous Narcotics problem, the government has begun to make various efforts to eradicate Narcotics abuse

The threat of punishment against narcotics abusers is indeed very high and heavy because the law considers that what is caused by narcotics abuse. Currently, narcotics abuse occurs very much from various groups or professions, even law enforcement officers are involved in narcotics abuse. Law enforcement officers, who are supposed to be a bulwark in the circulation of narcotics, but instead participate in narcotics abuse, will certainly harm the image of the law enforcement apparatus themselves, Dewa (2014).

Public trust in law enforcement officers is still low, the fear inherent in the hearts of the public over the existence of law enforcement officers is still high, due to the stereotypes of past law enforcement officers that tend to highlight violence and power rather than police actions that reflect ethics. Moral, noble character, Hernawati, Dani & Dini (2021).

Law enforcers are guardians of life together, therefore it is not an exaggeration if the legal profession is called a noble profession, the law provides an excuse for free individuals to live together in bonds. If Cicero says Ubi Societas Ius, modern society understands the opposite, Ubi Ibi Societas, because the law is an excuse for individuals to enter into contracts and live in the state. The strongest motivation that encourages free individuals to be bound in society is because of the hope of achieving prosperity, and that hope is only possible in social life. The problem that the author raises is "How is the application of heavyweight criminal sanctions against law enforcers who use narcotics?"

## METHODS

This study aims to find and find models and implementation of weighting sanctions against law enforcers who abuse narcotics through normative, sociological and, empirical legal research methods. Starting with conducting studies, field tracking, and analysis, until an appropriate and

concrete model and implementation is found, the weighting effect on law enforcers who abuse narcotics is found.

## THEORY REVIEW

Law enforcers have the function and authority to apply the law directly to the public. They consist of the police, prosecutors (especially in upholding criminal law), courts (including send courts and arbitrators) and, lawyers, Ibid. 5.

The reality in Indonesia shows that the three components of the embodiment of law to society do not perform their function properly so that the resulting output is of very low quality, even close to the nadir point. The lawmakers did not do their job properly. This is also mainly due to the low quality of lawmaking, their low commitment. However, in this case, the strength of the bargaining power of interests, so that the law is never made properly, also never produces a good product and rule of law.

The form of sanctions in criminal law is divided into "criminal sanctions" and "action sanctions", both of which stem from different basic ideas. Criminal sanctions are based on basic ideas; "Why the punishment was carried out", while the sanction of action departed from the basic idea "for what the punishment was held". In other words, criminal sanctions are reactive to an act, whereas action sanctions are more anticipatory to the perpetrator of the act.

Based on the substance of the sanctions, positive sanctions can be distinguished (in the form of reward, praise, pleasure or inner peace, protection, confirmation) and negative sanctions (in the form of reward or punishment). Based on the type of rule, we can distinguish between the existence of legal sanctions and non-legal sanctions. Legal sanctions include sanctions that are organized and implemented or enforced by the community as an organized unit (legal partnership, state).

Non-legal sanctions are sanctions that are not organized or whose application occurs in the afterlife (in religious principles). The application and enforcement of non-legal sanctions in general, depending on the parties concerned or, the community (group) without definite arrangements. Examples of non-legal sanctions, such as feelings of deep regret (disturbed conscience) or feelings of pleasure (serenity) or, "clear conscience" as a result of actions involving the obligation to obey ethical principles. Another example: boycotted as a sanction for violating the rule of decency; sanctions in the hereafter for not obeying religious principles.

There are also many concrete forms of legal sanctions. In the field of State Administrative Law, for example in the form of granting permits, canceling permits, rejected. In the field of Civil Law, there are sanctions in the form of determining whether legal action is valid or invalid (the legality of a legal act); an obligation to pay compensation or commit certain acts, or not to commit certain acts. In the field of Criminal Law, there are sanctions in the form of the imposition of certain sufferings against people who do not comply with what is prohibited or required by the rules of Criminal Law. Usually, a criminal sanction is also called a punishment.

Because legal sanctions are intended to force people to obey the rule of law, opinions that see legal sanctions as an essential element of the rule of law tend to identify law with power. Or, the opinion that states that legal sanctions are an essential element of the rule of law imply an opinion that identifies law with power. Because power is essentially the ability to impose the will on others so that other people are willing or unwilling to be motivated to do the desired action. And, the law through legal sanctions (is able) to enforce its will so that people obey legal principles. So, the law is synonymous with power.

The implementation of such legal sanctions must be distinguished from the act of exercising power or violence merely arbitrarily. This is because legal coercion occurs in the concretization of legal judgments or the embodiment of legal values into real reality. Therefore, legal sanctions are regulated and determined by the law itself. This means: the law will determine

the content and concrete form of the consequences that will be imposed on humans in connection with their behavior that obeys or does not comply with the rule of law, and will also regulate how to implement them and determine who or, which officials are authorized to do so. put on the results.

The focus of criminal sanctions is aimed at wrongdoing or, negligence by someone through the imposition of suffering so that the person concerned becomes a deterrent. The focus of action sanctions is more focused on helping the perpetrator to change, Muladi & Nawawi (2010). Sanctions in criminal law are all reactions to violations of the law determined by law, starting from the detention of the suspect and prosecution of the defendant to the conviction of the judge. So in Soedarto's opinion, criminal sanctions emphasize the element of retaliation or reward, it is suffering that is deliberately inflicted on an offender. Meanwhile, sanctions act as protection for the community and guidance or care for the maker, Sudarto (1973).

Sanctions are generally negative are nature, there some positive sanctions that are positive are nature which is rewards and, negative ones in the form of punishment which have certain effects on the perpetrator. According to Soerjono Soekanto, that the effect of a formal negative sanction alone will not affect the deterrent, this effect will come from the strength of a threat that is applied, if a provision is violated. The speed with which the sanction or, rewards are implemented is as important as the certainty and severity of the punishment, Soerjono (1990). An immediate sentence or, an immediate reward has a greater effect than if it was postponed. So the actual speed factor is a reflection of the certainty and severity of punishment.

Narcotics, namely chemical substances that are put in the human body (either orally, inhaled, or, intravenously, by injection) can change a person's thoughts, moods or feelings and, behavior, Muchlis (2006). The provisions for imprisonment and fines as stipulated in Law No. 35/2009 on Narcotics only state the specific minimum and maximum criminal penalties for certain types of criminal acts and each particular narcotics object. Criminal acts in the field of narcotics include, among other things, acts such as Article 113 of producing, or Article 114 of sale and purchase transactions or distributing, illicit distribution, or Article 127 of narcotics users, constituting an act that is detrimental to society and the state.

Sudarto stated that punishment is the same as punishment, punishment comes from the basis of the word law so that it can be interpreted as establishing the law or deciding about the law Sudarto (1977).

## DISCUSSION

Law enforcement against narcotics crime has been carried out by law enforcement officials and has received judges' decisions in court proceedings. It is hoped that law enforcement can act as an antidote to the widespread abuse and illicit trafficking of narcotics, but in reality, the more intensive law enforcement is carried out, the more narcotics trafficking will increase.

Acts subject to criminal penalties as stipulated in Article 111 to Article 148 are all criminal offenses. Narcotics are drugs that affect the central nervous system causing characteristic changes in mental activity and behavior and have the potential to result in addiction syndromes. The use of narcotics must be carried out correctly in the context of treatment so that if used freely it results in suffering from a disease and addiction wants to always use narcotics.

The personality of law enforcement officials or the personality of state administrators who have been regulated by law if they commit deviations or violate the professional code of ethics, then the legal sanctions in the laws governing apply to them or to whom sanctions are aimed also play a very important role in supporting them. the role of sanctions and legal effectiveness.

The nature and nature of sanctions can be distinguished between positive sanctions which are rewards and negative sanctions in the form of punishments. The premise is that the legal subject will choose one and avoid the other. In general, legal circles think that punishment is a

burden of suffering, while the reward is pleasure so that as a result someone's behavior will follow it. In general, the forms of sanctions or penalties can be in the form of moral sanctions which are considered despicable, administrative sanctions for government employees, then corporal punishment in the form of imprisonment or restraint, fines by paying an amount of money, revocation of a person's rights which are officially announced by the competent authorities. Every punishment or sanction has a certain social meaning because the strength of a sanction depends on the human perception of the sanction; it also includes different perceptions of various abuses.

The threat of punishment or negative sanctions has a frightening effect or is only formal, instead the strength of such a threat will come if it is applied if the provisions are violated. Meanwhile, positive rewards or sanctions are mere incentives or momentary pleasures. On the other hand, however, there is an assumption that the threat of punishment is only an impulse to commit crimes because constitute fraud is the channel for various human desires that are subject to various pressures. The factor for the speed of a reflection of the certainty and severity of punishment. Or in other words, that the prolonged or slow handling of a violation will result in the emergence of new violations, the emergence of a sense of distrust of the performance, unprofessionalism of law enforcers.

Law enforcers who abuse narcotics get sanctioned punishment and dismissal only, law enforcers who abuse narcotics can apply additional sanctions or maximum sanctions, namely life sentences and death sentences by following the provisions of Article 112 of Law No. 35 of 2009 on Narcotics. When the application of sanctions is still the same as that of other narcotics users or dealers, sanctions for law enforcers of narcotics abuse have not provided a deterrent effect.

## CONCLUSION

Law enforcement means the enforcer of the truth where his words and actions must be in harmony. Through various efforts and conceptual steps, it is hoped that the implementation of law enforcers' duties can truly show professionalism according to the expectations of society. With the existence of law enforcers who use narcotics that tarnish the name of law enforcers, it is necessary to take real action from the leadership of law enforcement agencies in responding to this case, law enforcement actions using narcotics have a bad impact and become a bad example for the community. The imposition of weighted criminal sanctions against law enforcers who abuse narcotics must be applied due to Law No. 35 of 2009 concerning Narcotics does not specifically regulate ballast sanctions against law enforcers who abuse narcotics so that the sanctions given are still the same as other users. Other sanctions are disrespectful dismissal of law enforcers who abuse narcotics, law enforcement officials who abuse narcotics should not occupy law enforcement agencies.

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