

## SENTENCE IN DRUG CASES FROM THE PERSPECTIVE OF THE NEW KUHP

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**Abstract:** The drug problem in Indonesia remains an urgent and complicated issue. Over the last decade, this problem has become more prevalent, as evidenced by the significant increase in the number of drug addicts or users, the emergence of various drug crime patterns, and the expansion of syndicate networks. It is not only a concern for the Indonesian people but also for the global community, which is now facing a very worrying situation due to the increasing use of various types of illegal drugs. This concern is further exacerbated by the illegal drug trade, which has penetrated all levels of society, including the younger generation. It can potentially damage the lives of society and the country. The behavior of some teenagers who ignore the values, norms and laws that apply in society is another cause of the rise in drug use among the younger generation. Many teenagers are still involved in drug abuse in everyday life. Therefore, this research aims to explore solutions for resolving drug-related conflicts among teenagers.

### INTRODUCTION

Narcotics is an abbreviation for Narcotics, Psychotropics and Other Addictive Substances, which indicates the ability of drugs to cause dependence (Sugon, 2008). An alternative definition states that a drug contains a substance that can relieve pain or discomfort and produce a state of fainting or an anesthetic (Sitanggang, 1999). This explanation illustrates that narcotics can have medical uses. The Big Indonesian Dictionary also explains that narcotics are drugs that have a calming effect on the nerves, can relieve pain, and cause drowsiness or stimulation (Sugono, 2008). Another term that refers to narcotics is NAPZA (Narcotics, Psychotropics, and Other Addictive Substances), which refers to substances or drugs that, if consumed through various means (drinking, smoking, breathing, swallowing, or injecting), can affect brain function and cause problems if used

continuously. Excessive use can result in changes in physical, psychological, and social conditions and can lead to dependence and addiction. Other facts also show that drug consumption can change mood, affect mental conditions, and have an impact on a person's behavior. Top of Form

## RESEARCH METHODS

Based on the data that has been collected, the research approach that we apply is a qualitative method. Qualitative methods emphasize in-depth observation; therefore, using this method in research can provide a more comprehensive understanding of the observed phenomena. Qualitative research focused on humanism, namely individuals and human behavior, is a response to the understanding that internal aspects of the individual influence all results of human activity. These internal aspects include the individual concerned's beliefs, political views and social background. Thus, the use of qualitative methods is expected to provide deeper insight into the complexity of the phenomenon being studied.

## RESULTS AND DISCUSSION

Currently, the phenomenon of drug trafficking is spreading throughout the region and affects various groups of people regardless of their social status. As previously explained, drugs can spread to various groups, in contrast to previous times when drug abuse was more dominant in certain groups such as celebrities, musicians, or individuals with high-income levels. Currently, the existence of drug addicts involves various levels of society, including those who are educated, up to civil servants. This change is caused by the availability of various types of drugs, ranging from expensive ones that can only be purchased by certain elite groups or celebrities to more affordable drugs that poor economic groups can purchase.

Drug use among teenagers has increased in recent years, especially in 2019, when drug abuse cases have become a serious problem in Indonesia. Cases such as the distribution and abuse of crystal methamphetamine show that there is a drug crisis in Indonesia (Hariyanto, 2018). According to the Head of the National Narcotics Agency (BNN), in 2019, the number of individuals addicted to drugs in Indonesia reached 3.6 million users, and this data shows an increase of 24-28

percent among teenage drug users (Puslitdatin, 2019). This increase can be attributed to factors such as economic hardship and increasing employment, which can trigger general depression in society. This depression then becomes a trigger for many children or teenagers to experience Attention Deficit Disorder (ADHD), which is often overcome by using drugs as a form of escape.

Apart from that, the increase in various nighttime activities of teenagers, such as an increasing number of nightlife activities, also contributes to the spread of drugs among teenagers and has an impact on society in general. Resolving drug problems among teenagers is a complex task, considering that handling it requires collaboration from various parties, including the government, police, elements of society, the media, families, schools and the young generation themselves. The younger generation, as a vulnerable group, can become victims of drugs, especially because early childhood is a phase that is very susceptible to the dangers of drugs if they become users. Adolescence is also a period of identity and self-exploration, where teenagers adopt new values and norms to strengthen their identity. They are curious and tend to try new things, including risky behavior. Teenagers who use drugs often start because of offers from their friends or groups. It is difficult for them to refuse the offer for various reasons, such as the desire to be accepted in the group, the urge to appear mature, or the desire to try new things. Many of them face difficult challenges in refusing because they are faced with boredom, loneliness and stress due to the problems they face. Amid this pandemic, many teenagers are experiencing stress and depression due to unusual situations, so some of them may be taking drugs as a way to deal with this stress and depression.

According to the Narcotics Law Number 35 of 2009, which is often referred to as the Narcotics Law, it is the legal basis for efforts to prevent and eradicate drugs and illicit trafficking, which have very detrimental impacts and pose serious threats to society, the lives of many people, and country.

According to Law Number 113.1 and Number 2 of 2009, the act of manufacturing, importing, exporting or distributing Category I narcotics which is carried out illegally or violates the law can be subject to a minimum prison sentence of 5 (five) years to a maximum of 15 (fifteen) years, and a fine. minimum IDR 1,000,000,000 (one billion rupiah) to maximum IDR 10,000,000,000 (ten billion

rupiah). Suppose Category I narcotics, as described in paragraph 1, are produced, imported, exported, or marketed in the form of plants weighing more than 1 (one) kilogram or more than 5 (five) pieces or non-plants weighing more than 5 (five) grams. In that case, the perpetrator can be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 5 (fifty) years to a maximum of 20 (twenty) years and a fine imposed by the provisions in paragraph 1 plus 1/3 (one-third).

Drug abuse is a serious threat to Indonesian society, especially because the younger generation is the main target and is vulnerable to its negative impacts. Therefore, teenagers have a high risk of falling into drug abuse. This issue is very significant to investigate, especially with a focus on the young generation in Indonesia. Various forms of drugs, such as marijuana, heroin, cocaine, opium, ecstasy, alcohol and other narcotics, have the potential to damage entire generations of humans. Although in certain doses, drugs can have medical benefits, their misuse can harm health and even cause death. Thus, drug addiction in adolescents is very detrimental, not only for the affected individuals but also for the nation as a whole. This article is based on several literature studies cited in the article. The purpose of writing this article is to provide an overview of the general drug situation in Indonesia and how to prevent it. This is important to study because the number of drug cases, especially among teenagers, continues to increase and threatens the future of the younger generation. Writing this article involves several stages, such as collecting relevant news from online media and evaluating literature and references such as books, articles/magazines, research reports, etc., according to the subject being discussed. This article aims to increase public awareness about the dangers of drugs so that it can encourage efforts to prevent drug abuse in all circles, especially among teenagers.

## CONCLUSIONS AND RECOMMENDATIONS

Based on these findings, recommendations or suggestions can be prepared to strengthen efforts to overcome drug addiction among teenagers. This effort needs to get support from various parties, especially the community, to protect teenagers as the country's next generation. The proposed measures involve various aspects,

including law enforcement, preventive measures, education, and anti-drug campaigns. All these efforts must be implemented comprehensively, starting from the family environment, school, and the community environment in general. These three environments are closely related to youth activities. In the family environment, parents must show a democratic attitude and provide adequate recognition, respect, and attention to their children or adolescents. The school environment also needs to play an active role by providing training and information about the dangers of drugs as part of prevention efforts against drug addiction in teenagers. Meanwhile, in society, every element of society must act firmly and consistently as a form of social control to prevent drug addiction. These efforts must be carried out continuously to create an environment that supports the positive development of adolescents and prevents the negative impacts of drug abuse.

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