

An Overview of Drug-Related Criminal Acts as Extraordinary Crimes in Indonesia

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Submitted: 28 May 2024

Revised: 18 May 2024

Published: 09 July 2024

Abstract:

Indonesia is a nation that has unfortunately become a target for drug trafficking, resulting in a growing number of drug-related crimes each year. To address drug crime in Indonesia, the government has issued Law No. 35 of 2009 on Narcotics and Law No. 5 of 1997 on Psychotropic. The Indonesian government's efforts to eradicate drugs crime have not been successful. This study employs a qualitative research design with a normative approach. Our study revealed that law enforcement has been considered optimal due to the government's establishment of the National Narcotics Agency (BNN) as a specialized, independent institution with broader authority than other law enforcement agencies. The 2009 Narcotics Law, specifically Law No. 35, establishes strict penalties for drug abuse, which can include imprisonment, additional punishment, or even the death penalty.

Keywords: Criminal; Extraordinary Crimes; Drugs Crimes; Indonesia

INTRODUCTION

The President of the Republic of Indonesia, Joko Widodo, declared that Indonesia was in a drug abuse emergency (Damanik, 2015). Drug abuse has been ranked 20th as a cause of death worldwide (Morgan, 2013). In Indonesia, 50-60 thousand people die every day from drugs, and every year, the number of deaths caused by drugs reaches 15 thousand people. Drug abuse not only has a negative impact on health but also affects the social lives of users, such as broken household harmony, a high divorce rate, and an increasing number of criminals in the social life environment.

Legally, drug crime is classified as a transnational crime, and drugs have even become enemies of the world community. The contemporary crime that currently concerns the international community is drug crime. Drug abuse is a crime that has become a common enemy globally. Drug abuse has broad and complex medical, psychiatric, economic, political, social, cultural, criminal, and legal dimensions. The development of drug abuse has threatened a nation and the existence of a country because the scope of its spread is well-organized, systematic, and widespread; thus, this crime is classified as organized crime, white-collar crime, corporate crime, and transnational crime (United Nations Office on Drugs and Crime, 2017).

In addition, drug trafficking is no longer limited to a particular country's territory, but it has exceeded national borders and an extensive international network in the world (Rugman, 2000). With the rapid development of information and communication technology, drug trafficking is increasing with

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diverse and sophisticated modus operandi, and collective collaboration is needed from the world community to deal with drug abuse and trafficking.

Based on the magnitude of the adverse effects of drug crimes, many experts categorize drugs as extraordinary crimes (Praptomo, 2006). This offense is considered to have tremendous, widespread, and systematic negative impacts, and can damage the peace and welfare of humanity. Although this crime does not directly kill humans, it will slowly destroy a civilization in a country, poverty will become increasingly endemic, the level of ignorance is higher, increasing crime rates, and can eliminate one human civilization (Iriani, 2015).

Indonesia is one of the largest archipelagic countries in the world (Laksmana, 2011). However, Indonesia's strategic geographical location makes Indonesian territory a very profitable drug trafficking route, so that all international drug networks trade in the Indonesian territory. Based on Indonesia's strategic conditions, Atmasasmita said that illegal narcotics transactions, both transnational and international, can transcend borders between countries globally (Atmasasmita, 1997).

Drug abuse has shown a highly increasing trend over time. Until now, drug trafficking has penetrated at various levels, not only in urban areas but also in rural areas. The United Nations Office on Drugs and Crime (UNODC) estimates that around 200 million people worldwide have illegally used this type of narcotic (Jenner, 2011). UNODC also estimates that narcotics or other addictive substances penetrate Indonesia through international network syndicates, such as networks from West Africa, Europe, India, Iran, and China (Armaghani, 2018). From the perspective of types, the types of drugs that are widely circulating in Indonesia are the types of meth, which originate from Eastern and Western Europe, such as Poland, the Netherlands, China, and Myanmar. Meanwhile, for other types of drugs, such as marijuana, Indonesia also obtained supplies from Colombia, Afghanistan, and Jamaica. While cocaine, most of its sources come from drug networks originating in Colombia that come from cocaine plants and are then processed into cocaine. Heroin-type drugs, if seen from the entry route to Indonesia, only come from two countries: Afghanistan and Myanmar (BNN, 2017).

The high rate of drug trafficking in Indonesia has demanded that the Indonesian government establish drug crimes as extraordinary crimes, so that the handling of drug crimes against suppliers, dealers, and drug users must be more aggressive and repressive. According to Muladi, crimes classified as extraordinary with broad, massive, and systematic impacts require extraordinary handling using various approaches. To compensate for the increase in drug offenses classified as extraordinary crimes, progressive legal reform is needed both materially and formally to facilitate the process of law enforcement against drug offenders.

In Indonesia, several types of crimes are interpreted as extraordinary crimes, such as corruption, money laundering, environmental crimes, drug crimes, and terrorism. However, from a legal perspective, these crimes, especially drug crimes in Indonesia, can be categorized as extraordinary crimes. This study examines various regulations on drug crimes, especially against narcotics and psychotropic crimes, and the extent of the increase in drug trafficking in Indonesia so that drug crimes can be classified as extraordinary crimes.

METHODS

This research is legal, doctrinal, or normative. According to Rowe, normative research aims to find, explain, study, analyze and systematically state facts, principles, concepts, theories, laws so that knowledge and new ideas are found to be suggested to be a change or renewal (Rowe, 2015). There are several approaches that can be used in research that are legalistic or normative, including the statute, historical history, concept, case analysis, and comparative approaches (Diantha, 2017). However, this study only used concept and statute approaches to detect and analyze various concepts, laws, and regulations related to narcotics and other dangerous substances.

RESULTS

The concept of extraordinary crimes is always directed towards crimes against humanity and genocide, in which both types of crimes are gross violations of human rights. According to Ford, the extraordinary crime referred to in this case is a gross violation of human rights, in which an act committed with the intent of eliminating human rights and becoming the jurisdiction of the International Criminal Court can be sentenced to death for the perpetrators of these crimes (Ford, 2007).

The term extraordinary crime originally originated because of gross human rights violations. This can be seen in Article 5 of the Rome Statute of 1998, which determines that the criteria of the most serious crimes concerning the international community are genocide, crimes against humanity, war crimes, and crimes of aggression (Lemkin, 1946; Sunarto, 2007). Here, the term extraordinary crime always refers to four types of crime. These four crimes are considered extraordinary because the consequences can injure humanity's conscience and constitute grave violations that threaten world peace, security, and prosperity. According to Drumble, genocide crime, crimes against humanity, war crimes, and aggression crimes are considered extraordinary crimes because they have the main criteria: "is the planned, systematized and organized conduct that targets large numbers of individuals based on their actual or perceived membership in a particular group that has been selected as a target on discriminatory grounds" (Drumbl, 2007).

Mar A. Drumbl said that extraordinary crime is an extreme crime that is quantitatively different from other crimes in general. This crime is a serious, widespread, and massive enemy of humanity (Drumbl 2007). According to Claude Pomerleau, in essence, extraordinary crime is an action or behavior that are planned, systematized and organized behavior, and the target is mostly certain individuals and groups with discriminatory reasons (Pomerleau, 2008).

Extraordinary crime develops dynamically following changes in a country's government, economy, and politics (Kovač, 2007). Saiichiro Uno states that extraordinary crime is a universal phenomenon, increasing not only in quantity but also in quality from time to time (Arief, 1994). Moreover, legal experts say that, in addition to being a universal problem and occurring continuously, extraordinary crime also has a negative impact on the development of human civilization (Cofey, 1982).

From this interpretation, many experts have provided descriptions and types of extraordinary crime in various forms. For example, Sukardi mentioned that extraordinary crime is a crime that has a large and multi-dimensional impact on social, cultural, ecological, economic, and political, which can be seen from the consequences of an action found and studied by various government and non-government institutions, both national and international (Sukardi, 2005). According to Winarno, extraordinary crime not only has a negative impact on economic problems but also has an impact on the ecology, society, and culture of a country (Budyatmojo, 2013).

Narcotics, dangerous substances, psychotropic substances, and other addictive substances affect human life. In Indonesia, narcotic and psychotropic abuse have increased dramatically; therefore, the President of Indonesia, Joko Widodo, set Indonesia in a drug emergency. A report by the United Nations Office on Drugs and Crime (UNODC) stated that the number of drug abuse incidents in Indonesia is increasing every year, and the most widely used drugs are amphetamine type stimulants (ATS), such as crystalline methamphetamine or often referred to as *shabu-shabu* and ecstasy (United Nations Office on Drugs and Crime, 2013). The UNODC report was confirmed by the National Narcotics Agency (BNN), which stated that in 2015 and 2016, the number of evidences and confiscations of methamphetamine and ecstasy was greater than in other types of drugs. According to the BNN, methamphetamine and ecstasy drugs that entered Indonesia came from Iran, Germany, the Netherlands, Belgium, and China. Using transit points in Singapore and Kuala Lumpur, meth and ecstasy then enter Indonesia through Medan and Jakarta (UNODC, 2013).

In addition to amphetamine-type stimulants, many new types of drugs are circulating in Indonesia, including synthetic cannabinoids, cathinones, and sympathomimetics. When Indonesia began to book substances classified as new types of drugs (new psychoactive substances) in 2014, there were 18 new types of derivative drugs. By the end of 2016, after conducting various investigations and research,

the BNN Laboratory Office categorized 46 substances as new psychoactive substances, adding to the list of new types of drugs (BNN, 2016).

Surprisingly, in 2018, the Directorate General of Customs and Excise (DJBC) cooperated with the Republic of Indonesia Police, the Indonesian National Armed Forces (TNI), and the National Narcotics Agency (BNN) to arrest a drug-carrying vessel carrying more than 1 and 6 tons of drugs in the Riau Islands region. As of March 2018, the DJBC staff working together with the National Police, Indonesian National Armed Forces, and National Narcotics Agency were recorded to have successfully dealt with 80 cases of drug smuggling, with a total of 2, 876 tons secured (Sakti, 2018). All illicit goods are smuggled through the land, sea, and air. However, up to 80% of these drugs enter sea. The mode of smuggling through the sea remains a favorite of drug syndicates because of the vast area of the ocean and the large number of islands in Indonesia, which have become weak points exploited by drug syndicates (Sakti, 2018).

World agencies such as the United Nations (UN) through the United Nations Office on Drugs and Crime (UNODC) reported that there were an estimated 3.7 million to 4.7 million users of narcotics in Indonesia. The number is detailed by the type of narcotics that 1.2 million people are users of crystalline methamphetamine and around 950,000 people use ecstasy. there are 2.8 million cannabis users and approximately 110,000 heroin addicts. Narcotics abuse was reported to have been estimated throughout 2014 at 33.8 million people and in 2015 in a study conducted by BNN in collaboration with the Center for Health Research of the University of Indonesia, it was estimated that narcotic users reached 5.8 million (Primantari, 2013).

Although there are no definitive data on the number of drug abuse cases in Indonesia, it is estimated that in recent years, the number of drug abuse cases has tended to increase, although the actual number is estimated to be similar to the iceberg phenomenon, where the number of cases is much greater than that reported or collected. According to data from the National Narcotics Agency (BNN), in 2016, there were 807 narcotic cases and 1,238 people were named suspects with details of 1,217 Indonesian citizens and 21 foreign citizens (Saputra, 2017). However, in 2017, the number of drug handling cases increased to 46,537 (Adhitia, 2017).

Drug addiction is a mental and behavioral illness that can negatively affect psychiatric and social environmental problems. Narcotic and psychotropic abusers are very vulnerable and easily infected with human immunodeficiency virus (HIV), hepatitis, and tuberculosis, which can then be transmitted to the public (Endri, 2016). Budi Waseso said that a total of 50 people die every day due to drug consumption. This occurs in various age groups, both teenagers and parents. The death rate from drug abuse was estimated at 104,000 people aged 15 years and 263,000 people aged 64 years. Generally, they die because of overdose when consuming drugs (Wijaya, 3018).

Considering the negative impact of multidimensional drug abuse on health, social, cultural, economic, and political, these crimes are categorized as extraordinary crimes. Commission III of the Indonesian House of Representatives Hearing Meeting with the National Narcotics Agency (BNN) stated that narcotics crimes are extraordinary, organized, and transnational crimes that lead to several other crimes such as terrorism, arms smuggling, human trafficking, and other similar crimes (Sekretariat DPR RI, 2017).

Therefore, extra attention and treatment are needed, as well as severe punishment for perpetrators (extraordinary punishment) (Kadarmanta, 2012). In Indonesia, the heaviest sentence imposed on drug traffickers is the death penalty (Leechaianan, 2013). Although the international community has widely rejected the concept of capital punishment, Indonesia still carries out the death penalty for certain crimes, including those against crime. The rejection of the death penalty can be seen in the material examination of Articles 80-82 of Law No. 22 of 1997 concerning Narcotics in the Constitutional Court (Zerial, 2007). In decision No. 2-3 / PUU-VI / 2007, the Constitutional Court is of the opinion that Article 6 paragraph (2) of the ICCPR provides space for specific capital punishments for the most serious crimes.

The Constitutional Court is of the opinion that narcotic crimes are particularly serious crimes by comparing narcotic crimes with genocide and crimes against humanity because these three types of

crimes can negatively affect the economic, cultural, and political foundation of society and cause the danger of incalculable gravity (Zerial, 2007). Based on two of their decisions, no. 2 / PUU-V / 2007 and No. 3 / PUU-V / 2007 on October 30, 2007, the Constitutional Court ruled that criminal acts of narcotics and psychotropic abuse constitute extraordinary crimes based on the United Nations Convention Single Convention on Narcotic Drugs, 1961, and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, in which both have been ratified by the Indonesian government. In the convention, the crime of narcotics and psychotropic abuse is considered a serious crime if it is carried out in an aggravating situation that is carried out with the participation of a national or international group, using violence or firearms, and involving public officials.

DISCUSSION

Drugs are social terms that are often referred to as narcotics and other dangerous drugs. The term drug is used by law enforcement officials such as the police, national narcotics agencies, prosecutors, judges, and penitentiary officers. According to William Benton, a drug is a general term for all types of substances that weaken, anesthetize, or reduce pain (Mardani, 2008). However, the terms commonly used in governance are Narcotics, Psychotropic, and other Addictive Substances (NAPZA). In addition, the term drug is also used in the health service sector, which emphasizes prevention of physical, psychological, and social health aspects, and drugs are often called psychoactive substances that work in the brain, causing changes in behavior, feelings, and thoughts (Anggreni, 2015).

NAPZA is a material, substance, and drug that affects the human body, especially the brain or central nervous system, causing disorders of physical health and psychological and social function due to habits, addiction, and dependency on drugs (Anggreni, 2015). In the circular letter of the National Narcotics Agency (BNN), the No. SE/ 03/ IV/ 2002 stated that NAPZA stands for *Narkotika, Alkohol, Psikotropika, dan Zat Adiktif Lainnya*, which are restricted and prohibited for use. In this regulation, NAPZA, in the form of substances or drugs derived from plants or non-plants, both synthetic and semisynthetic, can cause a decrease or change in consciousness, loss of sensitivity, reduction in pain, and dependence.

Drug abuse is a drug that is not used for medicinal purposes; however, because it wants to enjoy its effects, it is misused (Martono, 2006). Sunarso said that drug abuse is pathological drug use that has lasted for at least one month, causing disruption in work and social functions (Sunarso, 2004). The victims of drug abuse are abusers who use the drugs themselves. In the science of criminology and victimization, it is stated that the crime of drug abuse can cause a person to become a perpetrator and a victim. A person can be a user or addict but at the same time become a victim of the crime itself. According to Parasians, victims of drug abuse are people who use and abuse narcotics for pleasure purposes, overcome stress, and experience dependency on narcotics, both physically and psychologically (Simanungkalit, 2004).

Law No. 35 of 2009 states that narcotics can only be used for the benefit of health services and/or the development of science and technology. Based on this provision, narcotics can only be used if their use or utilization is in the interest of health services or the development of science and technology (Kiaking, 2017). The initial discovery of narcotics intended to heal or eliminate pain was made for soldiers who had been injured or shot on the battlefield.

Narcotics are widely used in the pharmaceutical world as well as in the implementation of patient operations in hospitals, so that the correct use of narcotics can be legally justified. According to Syahrizal, narcotics are drugs that work selectively on the central nervous system (CNS) and have a main effect on changing consciousness or causing a decrease in consciousness, loss of taste, and pain reduction, and are used as analgesics, antipasmotics, and premedication of anesthesia (Syahrizal, 2013). Some types of ingredients that affect pain are found in drugs, such as pain relievers, cough medicines, and influenza medicines, which are pharmaceutical terms used in the world of health for the benefit of the treatment and operation of patients in hospitals.

Generally, most of the criminal acts regulated in Law No. 35 of 2009 concern narcotics, illegal use of narcotics, or the use of narcotics without any medical indication, that is, someone using narcotics without rights or authority. Law No. 35 of 2009 concerning narcotics threatens many narcotic abuse offenders such as users, transaction agents, providers, and others committed by someone in good health.

Law No. 35 of 2009 concerning narcotics, no less than 38 articles in Chapter XV concerning Criminal Provisions that regulate and threaten crimes against narcotic abuse offenders, among others contained in Article 111, stipulates that:

- a. Any person who has no rights or violates the law of planting, maintaining, possessing, storing, controlling, or providing Narcotics of Group I in the form of plants shall be sentenced to a maximum of 4 (four) years imprisonment and a maximum of 12 (12) years and a fine of at least Rp. 800,000,000.00 (800 million rupiah) and a maximum of Rp. 8,000.00,000.00 (eight billion rupiah);
- b. In the case of the act of planting, maintaining, possessing, storing, controlling, or providing Narcotics Group I in the form of plants as referred to in paragraph (1) weighing more than 1 (one) kilogram or exceeding 5 (five) trees, the offender is liable to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (20) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one-third).

One type of Narcotics Group I, consumed by many people, is marijuana. Marijuana is a plant that grows wild-like grass, but in some areas in Indonesia, marijuana is planted illegally. Marijuana plants are usually used by local residents as a spice in seasoning food or to relieve pain. The modus operandi of marijuana cultivation by residents is through the opening of plantation land, planted in flower pots, planted in apartments, and some are cultivated indoors with very sophisticated lighting technology.

Criminal threats against type I narcotics are contained in Article 114 of Law No. 35 of 2009 concerning narcotics, which determines that:

- a. Any person without rights or unlawfully offering to sell, sell, buy, accept, being an agent in buying and selling, exchanging, or delivering Narcotics of Group I, will be sentenced to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000.00,000.00 (ten billion rupiah);
- b. In the case of offering to sell, sell, buy, being an agent in buying and selling, exchanging, delivering, or receiving Narcotics of Group I, as referred to in paragraph (1) in the form of plants weighing more than 1 (one) kilogram or exceeding 5 (five) a tree or in the form of a non-plant weighing 5 (five) grams, the offender is sentenced to capital punishment, life imprisonment, or a maximum prison sentence of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

The criminal provisions contained in Article 114 above are aimed more at those who commit narcotic abuse, which are included in Group I Narcotics with business motives, namely, to sell, offer, exchange, etc. Article 127 of Law No. 35 of 2009 concerning narcotics reiterates that:

- (1) Every drugs abuser of:
 - a. Narcotics of Group I for their selves will be sentenced to a maximum of 4 (four) years of imprisonment.
 - b. Narcotics of Group II for their selves will be sentenced to a maximum of 2 (two) years of imprisonment.
 - c. Narcotics of Group III for their selves will be sentenced to a maximum of 1 (one) year of imprisonment.
- (2) In deciding cases as referred to in paragraph (1), the judge must pay attention to the provisions referred to in Articles 54, 55, and 103.
- (4) In the case of abusers, as referred to in paragraph (1), if they can be proven to be victims of narcotics abuse, they must undergo medical rehabilitation and social rehabilitation.

Psychotropic drugs are another type of drug that are very dangerous. This type of narcotic is specifically regulated in Law Number 5 of 1997 regarding psychotropics. This law comprehensively regulates offenses related to illegal production, distribution, and use of drugs classified as psychotropic drugs. However, the regulation of psychotropics has been limited, and several provisions contained in psychotropic law have been accommodated in Law Number 35 of 2009 concerning Narcotics. Some of the types of psychotropics in Law Number 5 of 1997 concerning psychotropics have been regulated in Law Number 35 of 2009 concerning narcotics (Sujono, 2013). For example, in the attachment to Law No. 5 of 1997 concerning Psychotropics, the types of Group I and Group II have been revoked, because it has been regulated or stipulated as Narcotics of Group I in Law Number 35 Year 2009 concerning Narcotics (Mose, 2015).

Changes in the regulation of the classification of psychotropics I and II in Law Number 35 of 2009 concerning narcotics began during the discussion on the formation of Law Number 35 of 2009 concerning Narcotics between the House of Representatives of the Republic of Indonesia and the government. The Government observes that the provisions contained in Law Number 5 of 1997 concerning Psychotropics and Law Number 22 of 1997 concerning narcotics have the principle equality of the two laws, especially the provisions concerning the procedures for procurement, distribution, fostering, supervising, community participation, and annihilation of narcotics and psychotropic substances.

The amendment to the provision is based on the reason that "due to the high level of dependence' is a strong reason for the transfer of psychotropic groups I and II into the annex to the Narcotics Law. This is seen from the medical aspect that narcotics and psychotropics have something in common. Both substances can cause dependence (addiction). If narcotics or psychotropic drugs are abused or used without strict medical supervision, in addition to being addictive, the use of these substances can cause damage to brain function and behavioral changes in people who abuse them. The next reason is that the transfer of psychotropic groups I and II into the annex to Narcotics Law is intended to improve supervision in the context of eradicating the illicit trafficking of psychotropics, both class I and class II (Sasangka, 2003).

The regulation of psychotropic criminal acts in Law Number 35 of 2009 concerning narcotics is contained in Articles 59 to 72. The intended crimes include the following.

1. Using group I psychotropics other than for scientific purposes (Article 59, paragraph (1), letter (a))
2. Producing and/or using in the case of group I psychotropic production processes (Article 59 paragraph (1) letter (b));
3. Circulating group I psychotropic, not distributed by drug factories and large traders to research institutions and/or educational institutions for the benefit of science (Article 59 paragraph (1) letter (c)).
4. Importing group I psychotropics other than for the benefit of science (Article 59, paragraph (1) letter (d);
5. Without the right to own, store, and/or carry group I psychotropic drugs (Article 59, paragraph (1) letter (e));
6. Producing group I psychotropic substances other than those produced by licensed drug factories (Article 60, paragraph (1) letter (a));
7. Producing or distributing psychotropic drugs in the form of drugs that do not meet the standards and/or requirements (Article 60 paragraph (1) letter b)
8. Producing or distributing psychotropic drugs that are not registered in the department responsible for the health sector (Article 60 paragraph (1) letter c)
9. Distributing and receiving psychotropic distribution other than those specified in Article 12, paragraph (2) of this law (Article 60, paragraphs (2) and 3);
10. Submit psychotropic substances other than those stipulated in Article 14 paragraph (1), Article 14 paragraph (2), and Article 14 paragraph (3) (Article 60 paragraph (4)), accept submission of psychotropic substances other than those specified in Article 14 paragraph (3) and Article 14 paragraph (4) (Article 60 paragraph (5)).

11. Export or import psychotropic substances other than those specified in Article 16 without export/import approval letters carry out export or import psychotropic transports without export/import approval letters (Article 61).
12. Without the right to own, store, and/or carry psychotropic drugs (Article 62)
13. Carry out psychotropic freight without transport documents (Article 63, paragraph (1) letter a).
14. Changing the destination of the export country by not fulfilling the provisions (Article 63, paragraph (1) letter b).
15. Repackaging psychotropic substances by not fulfilling the provisions (Article 63 paragraph (1), letter c)
16. Does not mention the label on psychotropic packaging (Article 63, paragraph (2) letter a)
17. Putting out a print in the form of information in a psychotropic label that is incomplete and/or misleading (Article 63 paragraph (2) letter b).
18. Advertising psychotropic substances not on medical scientific print media and/or pharmaceutical scientific print media (Article 63 paragraph (2) letter c)
19. Conducting psychotropic destruction not in accordance with the provisions referred to in Article 53 paragraph (2) or Article 53 paragraph (3) (Article 63 paragraph (2) letter d)
20. Trials or acts to commit psychotropic crimes (Article 69)
21. Psychotropic criminal acts carried out corporately (Article 70).
22. Conspiring or agreeing to commit, carry out, assist, or order to participate in committing, advocating, or organizing a psychotropic crime as referred to in Articles 60, 61, 62, or 63 (Article 71).

Law Number 35 of 2009 concerning Narcotics also includes criminal charges:

- a. Article 70 explains that if a psychotropic criminal act as referred to in Articles 60, 61, 62, 63, and 64 is committed by a corporation, then in addition to the conviction of a criminal offense, corporations are subject to 2 (two) penalties for fines applicable for criminal acts, and additional sanctions may be imposed in the form of revocation of business licenses.
- b. Article 71 states that anyone who conspires or agrees to commit, carry out, assist, order to take part in committing, advocating, or organizing a criminal act as referred to in Articles 60, 61, 62, or Article 63 in the criminal offense as a conspiracy to threaten the criminal punishment plus a third of the criminal applies to the criminal.
- c. Article 72 states that if a psychotropic crime is carried out using a child who is not yet 18 (18) years old and is not married or a person is under exertion, or when a criminal act has not passed two years after he has fully or partially imposed a criminal sentence on him, criminal threats will be added by a third of the penalties applicable to the crime.

Because of the difficulty in dismantling the practice of psychotropic circulation, Law No. 5 of 1997 specifically regulates the offenses of conspiracies. Various methods have been uncovered that reveal collaboration between dealers, including pharmacies, drug depots, clinics, other businesses, and consumers, facilitating the easy sale of psychotropic drugs to the general public. Article 71 of the Psychotropic Law stipulates that conspiracies are limited to conspiracies or agreements to commit, assist, order, participate in committing, advocating, or organizing a criminal act referred to in Articles 60, 61, 62, and 63.

According to Article 72 of the Psychotropic Law, when the conspiracy involves a minor, the sentence will be increased to that of an adult, with an additional penalty of one-third of the crime, as outlined in Articles 60 to 63 of the Psychotropic Law. In addition to stipulating basic crimes, the Psychotropic Law also provides for additional crimes. Not all perpetrators of crimes in the field of psychotropics can be subject to additional sentences, because additional sentences are only for corporations and foreigners. For corporations that commit the crime, in addition to being subjected to a principal sentence, namely a fine of twice the sentence fine under Articles 60, 61, 62, 63, and 64, additional sentences may also be subjected to the revocation of a business license based on Article 70.

Foreigners involved in Indonesian psychotropic crimes, in addition to being subjected to a basic criminal sentence, may also be subjected to additional sentences under Article 67 in the form of an expulsion from the territory of the Republic of Indonesia. In the domain of psychotropic crimes, the

question arises of who constitutes the victim of these offenses. Upon reevaluating the scope of such crimes to encompass production, trafficking, exportation, and importation, it becomes evident that the state is disadvantaged in this scenario. In contrast, if the victims of psychotropic crimes are users of these substances, the perpetrators of such offenses can also be considered victims.

Based on the outcomes of these crimes, it is appropriate for individuals convicted of narcotic and psychotropic offenses to be subjected to the harshest penalties. Article 59 of the Psychotropic Law stipulates that the highest and heaviest criminal sentences are capital punishments. Similar to narcotic crimes, in addition to being sentenced to death and punishment, assets from narcotic and psychotropic criminals can be confiscated. In Article 136 of Law No. 35 of 2009 it is determined that narcotics and narcotics precursors along with results obtained from narcotics and/ or narcotics crime and/ or narcotics precursor crime, both in the form of assets in the form of movable or immovable, tangible or intangible objects and goods items or equipment used to commit narcotic crimes and narcotics precursor offenses are confiscated for the state.

Although Law Number 5, Year 1997 concerning psychotropics and Law Number 35 Year 2009 concerning narcotics have tightly regulated and aggravated the penalties for those who produce, distribute, and consume drugs, it does not make them aware to stop doing business and consume illegal drugs. In both the provisions above, it is regulated that the community has an important role and has the opportunity to prevent psychotropic abuse by informing the authorities when they see certain parties who are indicated in contact with these illegal drugs. Based on these rules, the public is required to play an active role in supervising and informing law enforcement if they find out that a person and/or corporation is using and trading drugs classified as psychotropic.

CONCLUSION

The concept of extraordinary crimes was established in response to significant violations of human rights. As outlined in Article 5 of the Rome Statute of 1998, these crimes are classified under the jurisdiction of the international community. These offenses included genocide, crimes against humanity, war crimes, and crimes of aggression. The term extraordinary crime is typically associated with four categories of offenses. Although war and aggressive crimes may be difficult to identify or reoccur, the growth of democracy in most countries has contributed to their decline. According to contemporary legal developments, the term "extraordinary crime" is now applied not only to the four traditional categories of crimes but also to those that exhibit similar characteristics, such as terrorism, drug-related offenses, and psychotropic crimes.

The crime of narcotics and psychotropic abuse is an extraordinary crime based on 1961 the United Nation Convention Single Convention on Narcotic Drugs and 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, both of which have been ratified by the Indonesian government. By convention, narcotic and psychotropic abuse is considered a serious crime that can damage the universal order of life. The Constitutional Court recognized the classification of narcotic and psychotropic crimes as extraordinary crimes. The Court contends that these crimes, when compared to genocide and crimes against humanity, are considered extremely severe. The three types of crimes against humanity can pose a threat to the economic, cultural, and political infrastructure of society and may have far-reaching and unforeseeable consequences.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

Funding

This study received no external funding.

How to cite:

Husni, H., Nur, M. (2024). An Overview of Drug-Related Criminal Acts as Extraordinary Crimes in Indonesia. *International Journal of Law, Social Science and Humanities (IJLSH)*, 1(1), 38-49. <https://doi.org/XX.XXXX/ijlsh.XXXX>.

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