


Article Review: Implementation of Criminal Sanctions For Narcotic and Psychotropic Substance Abuse in Indonesia

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Article Info	ABSTRACT
Keywords: Abuse narcotics, psychotropics, sanctions criminal, regulatory medicine in Indonesia.	The abuse of narcotics and psychotropic substances is a serious issue with far-reaching impacts on public health, social stability, and national resilience. Although these substances have legitimate benefits in the fields of medicine and science, their illegal use poses significant risks to society, particularly to the younger generation. Indonesia has established criminal sanctions for perpetrators of drug abuse through Law Number 35 of 2009 on Narcotics and Law Number 5 of 1997 on Psychotropics. This study aims to analyze the application of criminal sanctions for the abuse of narcotics and psychotropics, including legal aspects, involvement of both the general public and medical personnel, and the effectiveness of the current law enforcement system. The findings indicate that the implementation of criminal sanctions still faces several challenges, such as inconsistencies in legal treatment, limited rehabilitation facilities, and weak control over drug distribution. Therefore, a more humane and integrated legal approach through prevention, treatment, rehabilitation, and repressive measures is crucial to breaking the cycle of drug abuse in Indonesia.
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I INTRODUCTION

Abuse narcotics and psychotropics has be one of problem crucial issues faced the Indonesian nation in a number of decade last. Distribution and consumption substances This No only cause disturbance health physical and mental for individuals, but also triggers emergence problem social, increasing number crime, as well as burden to system law and services health. Although narcotics and psychotropics own utility in practice medical and science knowledge, its use in a way No legitimate — whether by individuals, syndicates, or individual power health — causes very high risk to public wide.

As form not quite enough state responsibility in protecting the people, Indonesia has set policy law through Constitution Number 35 of 2009 concerning Narcotics as well as Constitution Number 5 of 1997 concerning Psychotropics. Second Constitution the in a way firm load arrangement about classification substances, procedures supervision, as well as forms sanctions criminal for the perpetrators abuse, either in category users, distributors, and manufacturers. In addition, regulations this also emphasizes importance distinction between addict narcotics that are necessary rehabilitated and perpetrators action criminal pure must punished in a way firm.

However, in practice, implementation sanctions criminal to abuse narcotics and psychotropic drugs in Indonesia are still face complex challenges. Some of them is mismatch in giving punishment, lack of synergy inter-enforcement law, limitations facility rehabilitation, up to problem overcriminalization to users. It is not uncommon for this to happen inequality treatment the law that gives rise to distrust public to justice system justice criminal.

Phenomenon the rise abuse narcotics type abused codeine in form mixture drink and alprazolam which is traded without recipe doctor become proof real that supervision Not yet walk maximum. On the other hand, still there is power medical or negligent pharmacy or deviate in in practice, so that open opportunity occurrence abuse. Therefore that, it is necessary done analysis deep related effectiveness implementation sanctions criminal to perpetrator abuse narcotics and psychotropics, both from side regulation, enforcement law, as well as the impact to effort prevention.

Study This aim For evaluate implementation sanctions criminal in case abuse narcotics and psychotropics in Indonesia, identifying obstacle in implementation law, as well as give recommendations for the system applicable law capable give effect deterrent at a time ensure justice restorative, especially for victims of abuse.

METHOD

This research was conducted using the literature method. review, focusing on analyzing the application of criminal sanctions for narcotics and psychotropic drug abuse in Indonesia. The literature search process was conducted through scientific databases such as Google Scholar, with a publication range of articles between 2015 and 2025. From the search results, 5,360 articles were found that have been published in national scientific journals. To filter articles relevant to the focus of the study, keywords such as "narcotics abuse," "psychotropic drugs," "criminal sanctions," and "drug regulations in Indonesia" were used.

After initial screening based on title, abstract, and topic relevance, six articles specifically discussed the application of criminal sanctions to narcotics and psychotropic drug abuse in Indonesia. These six articles were analyzed in depth to gain a comprehensive understanding of how criminal law is applied in narcotics and psychotropic drug abuse cases, from the perspective of legislation, implementation in the field, and obstacles encountered in the law enforcement process.

The next step in this research was to compile data from each selected article. The researchers simplified the main information and arguments from each article to create a more concise and structured study. By integrating various perspectives and findings from the analyzed literature, this research is expected to provide a comprehensive picture of the effectiveness of criminal sanctions and encourage improvements in policies for handling drug and psychotropic abuse in Indonesia.

RESULTS AND DISCUSSION

From the data that has been obtained there is journal that discusses related Implementation Sanctions Criminal To Abuse Narcotics and Psychotropics in Indonesia. The following This can seen in table 1 regarding results from search.

Table 1. Implementation Sanctions Criminal To Abuse Narcotics and Psychotropics in Indonesia

No	Author (Year)	Article Title	Research methods	Conclusion
1	(Oktaphiyani Agustina Nongka, 2017)	APPLICATION OF CRIMINAL SANCTIONS FOR ABUSE OF PSYCHOTROPIC SUBSTANCES BASED ON LAW NUMBER 5 OF 1997	approach juridical normative	Conclusion of journal This is that abuse psychotropic drugs arranged in Constitution Number 5 of 1997, which provides sanctions criminal weight, including imprisonment, fines, up to criminal dead, especially For Psychotropics Group I. After publication Constitution Number 35 of 2009, part of it group psychotropic drugs diverted to in category narcotics. Sanctions given For give effect deterrent and protective public from impact bad abuse psychotropic drugs.
2	(Salmi, Ilham B. Nurdin, Laola Subair, 2025)	Prevention Efforts Sedative Drug Abuse Group Psychotropics : Regulatory Studies and Field Practices	method qualitative with approach normative and empirical law	Enforcement efforts abuse psychotropic drugs by the Police Palopo Already walking, but its effectiveness Still hampered by the lack of role as well as society and limitations means infrastructure. Although the funds are assessed enough, synergy between apparatus law, institutions rehabilitation, manpower medical, and community important For effectiveness prevention. Suggested strategies covering advocacy, partnership, empowerment society, as well as improvement rehabilitation and education.
3	Dwi Rahmawati, Arjun Dwi Prasetya, Nabela Fitriani Utamawati, Year. 2023)	Implementation Sanctions Criminal To Abuse Narcotics and Psychotropics in the Community Teenager	Normative law	Enforcement sanctions to the person who sells drugs on the price that has been determined by the Government, in accordance with with provision in Article 62 paragraph (1) of the Law Number 8 of 1999 Concerning Protection Consumers and the Law Number 36 of 2009 concerning Health, namely will get sanctions in the

No	Author (Year)	Article Title	Research methods	Conclusion
				form of 5 years punishment prison or pay fine amounting to Rp. 2,000,000,000.00 billion rupiah and the sanctions imposed for pharmacy that sells drug on the price that has been determined by regulation law can revoked permission the business that will carried out by officials giver permission in sanctions administrative matters that will be done If already given two opportunities violated, according to with provision in Article 7 paragraph (1) of the Minister of Trade Regulation Number 57 of 2017.
4	Ranny Mose2 Christi	REGULATIONS ON CRIMINAL SANCTIONS IN PSYCHOTROPIC CRIMES IN INDONESIA	approach juridical normative	Conclusion of journal This state that arrangement about psychotropic drugs in Indonesia are based on various instrument law international which then adopted to in law national. Development regulations This reflect dynamics social public in face abuse psychotropic drugs and narcotics. However, the Law Number 5 of 1997 concerning Psychotropics considered Already No Again effective For to overcome circulation darkness and abuse psychotropic drugs Because sanctions regulated criminal law No give effect deterrent. Therefore that, the government present Constitution Number 35 of 2009 concerning Narcotics that enter psychotropic drugs groups I and II in narcotics group I, and pull out provision previously contained in Constitution Psychotropics.

No	Author (Year)	Article Title	Research methods	Conclusion
5	Risky Waldo, Surya Oktarina. 2024	Implementation Sanctions Criminal Penalties for Abuse Narcotics Based on Article 112 of the Law Number 35 of 2009 Concerning Narcotics (Analysis of Decision Number: 4109 K/ Pid.Sus /2020)	approach juridical normative	Conclusion of journal This state that the judge in decision Number : 4109 K/ Pid.Sus /2020 has state defendant proven in a way valid and convincing guilty do action criminal " without right or oppose law have, keep, control Narcotics Group I is not plants " based on Article 112 paragraph (1) of the Law Number 35 of 2009. However, the punishment imposed that is criminal prison for 2 years and 6 months assessed No in accordance with minimum provisions of the article those who regulate minimum sentence of 4 years prison. With thus, the decision the considered beyond authority or contradictory with law positive. Author suggested that the judge also consider articles 127 and article 54 regarding rehabilitation, because defendant including category abuser narcotics who are actually also victims

No	Author (Year)	Article Title	Research methods	Conclusion
6	Moses Fitri Fatkhiya, Ayu Dzakiyyah Khonsa (2023)	OVERVIEW OF NARCOTIC AND PSYCHOTROPIC DRUGS USE IN ORIGINAL PEKALONGAN PHARMACIES IN 2022	observational descriptive	concluded that use drug narcotics and psychotropics in pharmacies the Enough high and varied. Research This show that drug the most narcotics used is Codikaf tablets with percentage by 58.56%. Codikaf contains codeine, which is a narcotics group III with Power addictive light However still need supervision strict Because can cause dependency. While that, use drug psychotropic drugs highest is Proneuron with percentage by 19.79%. Proneuron contain combination Metamizole and Diazepam, are used For overcome painful currently until heavy as well as own effect sedative. The height use second type drug This show importance good supervision and recording by personnel pharmacy so as not to happen abuse, considering Good narcotics and psychotropic drugs is drug hard as can be cause effect dependency and risk tall If used without indication proper medical care.

Discussion

The Criminal Code divides all type action criminal into two groups big that is group

Crimes (misdrijven) that are included in Book II of the Criminal Code and categories violations (overtreading) contained in Book III of the Criminal Code. Meanwhile Book I contains principles law criminal law in general valid for all over law criminal positive. Besides action the listed crimes in the Criminal Code there is a number of type action crimes outside the normal Criminal Code called as action crimes outside the Criminal Code or also known as action criminal special. Between the Criminal Code and rules other crimes outside the Criminal Code There is point of connection. Point relationship That lies in the rules general Book I of the Criminal Code Article 103 as provision in Chapters I to Chapter VIII of the Book this also applies for acts that are regulated by the provisions other laws are threatened with criminal, except if by law otherwise specified

Constitution Number 5 of 1997 concerning Psychotropics is one of the form regulation legislation criminal specifically those outside the Criminal Code (KUHP). In Article 3 of the law this, it is mentioned that objective main settings in the field psychotropic drugs is as following :

- a. Guarantee availability psychotropic drugs For interest service health and development knowledge knowledge.
- b. Prevent occurrence abuse psychotropic drugs.
- c. Eradicating circulation dark psychotropic drugs.

Furthermore, in Article 4 of the Law Number 5 of 1997 explained about use psychotropic drugs, as following :

1. Psychotropics only can used For interest service health and/ or knowledge knowledge.
2. Psychotropics group I only can used For objective development knowledge knowledge.
3. apart from use as referred to in paragraph (2), psychotropic drugs group I is stated as goods forbidden.
4. Provision more carry on about determination and changes types psychotropic drugs as referred to in paragraph (3) shall be regulated by the Minister.

Settings Psychotropics in National Law

Arrangement psychotropic drugs in law national started with arrangement about narcotics and psychotropics were first listed in *Verdovende Middelen Ordonnantie* (Staatsblad No. 278 jo No. 536). In life society, regulations This more known as *Drug Regulations*. Legal materials in regulation legislation the only arrange about trade and use narcotics, while provision about giving service health for addict No arranged.

Implementation sanctions criminal in abuse psychotropic drugs according to Constitution Number 5 of 1997 concerning Psychotropics Constitution Number 5 of 1997 concerning Psychotropics in a way special arrange provision criminal in Chapter XIV, which includes Articles 59 to 72. In Chapter this, is set various action related crimes with psychotropic drugs, including acts like produce, distribute in a way dark, or abuse psychotropic drugs that can harm society and state.

The act of producing or distribute psychotropic drugs in a way illegal will leading to abuse by the community. Individuals who consume it in a way free can experience disturbance serious health problems. If misuse This happen in amount big, then condition public in a way overall will weaken. Reviewed from the impact, crime in field psychotropic drugs are very harmful and can endanger resilience national. Therefore that, the perpetrator abuse psychotropic drugs subject to sanctions high and heavy penalties, with objective give effect deterrent as well as prevent others from doing action criminal similar in field psychotropic drugs.

Use narcotics in a way overall dominated by drugs containing substance active codeine. Codeine is drug analgesic from common opium class used For relieve painful currently until heavy. Apart from being analgesic, codeine is also known as drug cough, but its use own risk dependence or effect addictive, so its circulation is strictly limited and monitored in a way strict.

In use medicine, not only benefit the therapy that must be considered, but also the effects possible side caused by codeine including in category of narcotics depressants, namely compounds that can pressing system body, especially system nerve central nervous system (CNS). Depressant system nerve center Work with method lower activity functional from the SSP, which ultimately cause decline function several body organs. Effects Work depressant This covering emphasis awareness, pain reduction, and decline pulse heart and rate breathing.

A number of report mention existence case abuse codeine which causes impact Serious until death. Therefore that, use drugs containing codeine as narcotics need supervision strict from power health to prevent risk abuse and effects dangerous side effects.

In the provisions criminal law in the law Psychotropics, no mentioned in a way firm about group psychotropic drugs certain things in question, but rather only use the term " psychotropic " in general general. With thus, it can interpreted that provision it also includes Psychotropics group I. As comparison, provisions Article 60 states : Whoever :

- a. Producing psychotropic drugs No in accordance with provisions of Article 5; or
- b. Producing or distribute psychotropic drugs in form drugs that are not fulfil standards and/ or condition as intended in Article 7; or
- c. Producing or distribute psychotropic drugs in form drugs that are not registered with the responsible department answer in the field health as intended in Article 9 paragraph (1), shall be punished with criminal maximum imprisonment of 15 years and a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).

Based on the provisions of Article 60, do not explained in a way explicit group the psychotropic drugs in question, so that can interpreted that provision criminal the valid For all group psychotropic drugs, including group I. With Thus, Psychotropics group I can charged provision criminal in Article 59 and articles others, such as Article 60 and Article 62. However, it is necessary known that provision in Article 59 in particular special of course intended to Psychotropics group I.

Regulated actions in Articles 59 to 66 basically is offense crime. If you look at from the impact, crime in field psychotropic drugs bring very detrimental influence for nation and state, even can shake resilience national. Therefore that, the perpetrator action criminal law in the field of This threatened with serious crimes, including criminal death and the maximum fine amounting to Rp. 5,000,000,000.00 (five billion rupiah) as listed in Article 59 of the Law Psychotropic drugs. The purpose of threat serious crimes This is For give effect deter someone cancel his intention do action criminal psychotropic drugs, because the sanctions received are very heavy and detrimental.

Implementation Sanctions to Helpers and Doers Conspiracy in Action Criminal Psychotropics

Discussion about aid and conspiracy in action criminal as arranged in the Criminal Code (KUHP) also applies in context crime psychotropic drugs. Based on Constitution Number 5 of 1997 concerning Psychotropics, good actions assisting, conspiring, or test do crimes in the field psychotropic drugs charged threat the same crime the weight with perpetrator main, as listed in Article 69. This is show that whoever is involved in implementation crime psychotropic drugs will charged punishment equal, without existence subtraction.

Constitution This show how the seriousness of the state in handle action criminal psychotropic drugs. Punishment for perpetrator No can lightened as arranged in the Criminal Code as rule general, but rather enforced in a way special (*lex specialis*) according to with provision in the Psychotropic Law. In its application, the judge will set aside the Criminal Code and refer to the Psychotropic Law as base law main.

Coverage agreement wicked as arranged in Article 71 of the Law Psychotropics covers actions participate as well as or agree For conduct, assist, direct, instigate, or arrange regulated crime in Articles 60, 61, 62, and 63. Crimes This own serious impacts, especially If conspiracy or conspiracy succeed done, because can speed up circulation dark psychotropic and aggravating problem abuse drugs in society. In the case of conspiracy, the punishment plus one third from punishment the main thing that should be dropped. In fact, according to Article 72, if the act of treason involving children under age, then the sanctions will charged with same level the weight like towards adults.

Apart from criminal main, Law Psychotropics also regulate sanctions criminal additional. Article 60 to with Article 63 stating that punishment can plus one third. Provisions about criminal addition This valid special for actors in the form of legal entities (corporations) and foreigners. Corporations can charged fine up to two times from the amount stated in articles In addition, Article 70 regulates that sanctions addition can in the form of revocation permission business.

Temporary that, Article 67 states that when a stranger involved in crime psychotropic drugs, then they can charged action expulsion from the territory of the Republic of Indonesia. Crime psychotropic drugs cause complex issues related who is the real victim. In cases involving production, distribution, export and import psychotropic drugs, the state is the most disadvantaged party. However, in case abuse, perpetrator Can become criminal and also a victim of abuse substance said. Although psychotropic drugs own benefit in field treatment and services health, abuse outside supervision medical can cause impact serious negative, good for individual and public in a way general. Condition This the more worrying Because the most vulnerable groups to abuse psychotropic drugs is generation young. In fact, they is generation successor nation. The expansion abuse psychotropic drugs is threat Serious to values culture and resilience national in a way overall.

CONCLUSION

Constitution Number 5 of 1997 concerning Psychotropics is law criminal specifically regulating in a way firm use, supervision, as well as sanctions to violation psychotropic drugs. Both perpetrators main, assistant, or those who conspire in crime This subject to punishment equal, even can aggravated, including criminal death and fine big. Psychotropic like codeine own risk addiction tall so that need supervision strict. Abuser Can become a victim at the same time the perpetrator. Therefore that, the countermeasures done in a way comprehensive through prevention, treatment, rehabilitation, and enforcement law so that its impact to society, especially generation young, can minimized.

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