

Drug Abuse Young Generation: Law Enforcement Challenges (Comparative Study of Indonesia and Australia)

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Abstract

Drug abuse that occurs is mostly carried out by the younger generation starting from their teens, this is due to the fact that teenagers are a period where humans are very vulnerable and easily influenced by various bad influences from their circle, drug abuse is one of the triggers, and as if it has been addressed by them as a trend in this modern era. Drugs can cause addiction effects for users, and on this basis, they will try their best to get and use them again. This problem is supported by students' access to various resources where they have their own pocket money and very broad association. Meanwhile, narcotics abuse itself is one of the crimes that can cause a lot of damage which is regulated in a special law, namely Law Number 35 of 2009 concerning Narcotics.

KEYWORDS

Drug Abuse ▪ Narcotics ▪ Students

Abstrak

Penyalahgunaan narkoba yang terjadi banyak dilakukan oleh generasi muda mulai dari usia remaja, hal ini dikarenakan remaja merupakan masa dimana manusia sangat rentan dan mudah terpengaruh oleh berbagai pengaruh buruk dari kalangannya, penyalahgunaan narkoba adalah salah satu penyebabnya, dan seolah-olah telah disikapi oleh mereka sebagai tren di era modern ini. Narkoba dapat menimbulkan efek kecanduan bagi pengguna, dan atas dasar ini mereka akan berusaha semaksimal mungkin untuk mendapatkan dan menggunakannya kembali. Masalah ini didukung oleh akses siswa ke berbagai sumber daya yang memiliki uang jajan sendiri dan pergaulan yang sangat luas. Sedangkan penyalahgunaan narkotika sendiri merupakan salah satu tindak pidana yang dapat menimbulkan banyak kerugian yang diatur dalam undang-undang khusus yaitu Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika. Undang-undang ini disusun untuk memberantas pelaku tindak pidana narkotika dan mengatur sanksi pidana yang dapat diberikan kepada mereka dan pihak-pihak yang terlibat dalam peredarannya, hal ini diperlukan mengingat besarnya dampak yang dapat ditimbulkan oleh zat berbahaya tersebut.

KATA KUNCI

Penyalahgunaan Narkoba ▪ Narkotika ▪ Pelajar

A. Introduction

According to Law Number 35 of 2009, Narcotics are chemicals (substances) or drugs produced from plants or non-plants, both synthetic and semisynthetic, which can cause a decrease or change in consciousness, decrease or change in taste, reduction or elimination of pain, and addiction. Laws and regulations related to narcotics in Indonesia began with the ratification of the Drug Ordinance (*Verdoovende Middelen Ordonnantie*, Stbl. 1927 No. 278 jo. No. 536). This regulation was then replaced by Law Number 9 of 1976 concerning

Drugs. This legislation was later updated to become Law Number 22 of 1997 which regulates narcotics until the birth of Law Number 35 of 2009 as the latest update of the Narcotics Law, Law Number 9 of 1976.¹ There is a very severe punishment in the current law, namely the death penalty, although there are those who argue that the death penalty is actually contrary to the 1945 Constitution because it violates human rights, while others argue that the death penalty is still needed to produce a deterrent effect and as an example to potential perpetrators of this crime.

In Indonesia itself, the issue of narcotics is in the spotlight among all levels of society from the top to the bottom social strata. Based on data from the National Narcotics Agency, it is stated that there is not a single city/regency in Indonesia that is 100% free from narcotics problems.² The rise of narcotics crime in Indonesia makes this problem require more attention from the government and the local community, because the victims of this crime are not only adults, but the younger generation is also one of them. Students or college students are victims who are very vulnerable to this, where they are still in a period of searching for identity and are easily influenced by their environment if they do not have a firm stand, this often makes dealers target them more often to make them addicted to drugs. this dangerous thing.

In addition, the influence of globalization has become a real threat to the younger generation in Indonesia. The strange and negative culture from abroad is often followed by the younger generation who do not have a firm stand and are easily influenced, and do not have too high an education due to low literacy and environmental influences. One of the things that is an example and will be reviewed by the author in this paper is the phenomenon of "Lean Syrup" or "Purple Drank", this is a trend that is still widely practiced in the last 1 decade by young people abroad (especially America). In short, lean syrup is an "oplos" drink consisting of several drugs mixed with soft drinks, The author will try to

¹ Iwan Setyawan, "Pencegahan Penyalahgunaan Narkotika Berbasis Nilai Nilai Karakter Bangsa Pada Mahasiswa," *Jurnal Penelitian Pendidikan Sosial Humaniora* 3, no. 2 (2018).

² Roni Gunawan Raja Gukguk and Nyoman Serikat Putra Jaya, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 337–51, <https://doi.org/10.14710/jphi.v1i3.337-351>.

examine whether this trend is contrary to positive law in Indonesia or not. Because it is not impossible that the younger generation in Indonesia will not be affected and follow this, it is necessary to conduct a study to test whether this is illegal or not.

Based on the brief description above, the authors are interested in studying various factors that can cause narcotics crimes among students, as well as possible solutions that can be given to overcome this. In addition, the author will also identify the crime and what actions can be given by the government to the perpetrators of these crimes based on the applied law.

B. Method

The process of developing science and technology places research as an important instrument. This is because research aims to reveal the truth carefully, systematically, and consistently. During the research process, the data that has been collected and processed, is checked by the researcher. This research is normative legal research that uses a juridical approach, namely legal research conducted by evaluating library sources, statutory provisions, or relevant legal principles and used as a source of guidance. In this study, law is defined as the legal will of the provisions or policies established by a country. Therefore, the study of normative law is very important to understand the application of existing legal norms to real-world situations.

C. Result and Discussion

1. Narcotics According to Law No. 35 of 2009

According to Law no. 35 of 2009 concerning Narcotics in Article 1, Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence, which divided into groups as attached in this Law.

In addition, we must know the classification of narcotics groups in the applicable regulations. Looking at the provisions in Article 6 paragraph (1) of

the Narcotics Law, narcotics are classified into:

- 1) Class I narcotics are narcotics that can only be used for the purpose of developing science and are not used in therapy, and have a very high potential to cause dependence.
- 2) Class II narcotics are narcotics with medicinal properties used as a last resort and can be used in therapy and/or for the purpose of developing science and have a high potential to cause dependence.
- 3) Class III narcotics are narcotics with medicinal properties and are widely used in therapy and/or for the purpose of developing science and have mild potential to cause dependence.

To see an example, we can look in the Attachment to Permenkes 4/2021, the following are examples of types of narcotics based on their groups, including:

1. Narcotics class I: raw opium, coca plants, coca leaves, raw cocaine, cocaine, and marijuana;
2. Narcotics group II: alfacetilmetadol, anileridine, benzethidine, morphine, and fentanyl;
3. Class III narcotics: ethylmorphine, codeine, polkodina, and propyram.

Narcotics group I is the most dangerous group compared to the three, this class of narcotics can cause a very strong addictive effect on the abuser. It is important to know that narcotics can only be used solely for the benefit of health services and the development of science and technology. The term "health services" includes medical rehabilitation services.³Indeed, narcotics are legal drugs that are often used in the medical world, but nowadays, narcotics are widely misused by people who are less responsible for themselves. In fact, not a few who use narcotics come from among young people. Many of them abuse narcotics for reasons of inner pleasure, but unfortunately not many are aware

³ Abi Jam'an Kurnia, "Ini Aturan Tentang Penggolongan Narkotika Di Indonesia," Hukumonline.com, 2019, <https://www.hukumonline.com/klinik/detail/ulasan/lt5bed2f4b63659/ini-aturan-tentang-penggolongan-narkotika-di-indonesia/>.

of the dangers of narcotics.⁴

Whereas what is meant by the use of narcotics for "development of science and technology" is the use of narcotics especially for the benefit of treatment and rehabilitation, including for the benefit of education, training, research and development as well as skills carried out by government agencies whose duties and functions are to carry out supervision, investigation, investigation, and eradication of narcotics crimes and their illegal distribution.

2. Criminalization of Narcotics Crime

Narcotics crime is one of the extraordinary crimes that urgently requires effective eradication actions such as weighting the threat of criminal sanctions. Special minimum criminal arrangements in Law no. 35 of 2009 gave birth to the assumption that the law aims to provide severe penalties for perpetrators of criminal acts in eradicating narcotics crimes. This is not entirely true, the special maximum criminal arrangement in the Law aims to prevent judges from acting arbitrarily in imposing sentencing decisions so as not to exceed the limits specified in Law No. 35 of 2009.⁵

According to the regulations contained in Law no. 35 of 2009, the responsibility of perpetrators of narcotics crimes varies depending on the activities carried out and the type of narcotics abuse. Criminal provisions for narcotics criminal liability related to Narcotics Group I are formulated in Article 111 to Article 116 of Law no. 35 of 2009, including:

a. Article 111 paragraph (1) stipulates that:

Any person who without rights or plants, maintains, owns, keeps, controls, or provides illegal Narcotics Category I in the form of plants, shall be punished with imprisonment for a minimum of 4 years and a maximum of 12 years and a minimum fine of Rp. 800,000,000.00 and a maximum of Rp.

⁴ Mellisa Fitri and Sumringah Migunani, "Sosialisasi Dan Penyuluhan Narkoba," *Asian Journal of Innovation and Entrepreneurship* 3, no. 2 (2014): 72–76, <https://journal.uii.ac.id/ajie/article/view/7808>.

⁵ Wijayanti Puspita Dewi, "Penjatuhan Pidana Penjara Atas Tindak Pidana Narkotika Oleh Hakim Di Bawah Ketentuan Minimum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," *Jurnal Hukum Magnum Opus* 2, no. 1 (2019).

8,000,000,000.00.

- b. Article 112 paragraph (1) stipulates that:

Every person who without rights or owns, keeps, controls, or provides Narcotics Category I illegally is not a plant, shall be punished with imprisonment for a minimum of 4 years and a maximum of 12 years and a minimum fine of Rp. 800,000,000.00 and a maximum of Rp. 8,000.000.000,00.

- c. Article 113 paragraph (1) stipulates that:

Any person who without rights or produces, imports, exports, or distributes Narcotics Category I illegally, shall be punished with imprisonment for a minimum of 5 years and a maximum of 15 years and a minimum fine of Rp. 1,000,000,000.00 and a maximum of Rp. 10,000,000,000. 00.

- d. Article 114 paragraph (1) stipulates that:

Any person who without rights or offers to sell, sell, buy, receive, become an intermediary in buying and selling, exchanging, or illegally delivering Narcotics Category I, shall be punished with life imprisonment or imprisonment for a minimum of 5 years and a maximum of 20 years and a maximum imprisonment of 20 years. a minimum fine of Rp. 1,000,000,000.00 and a maximum of Rp. 10,000,000,000.00.

- e. Article 115 paragraph (1) stipulates that:

Any person who without rights or illegally carries, sends, transports, or transits Narcotics Category I, shall be punished with imprisonment for a minimum of 4 years and a maximum of 12 years and a minimum fine of Rp. 800,000,000.00 and a maximum of Rp. 8,000,000,000. 00.

- f. Article 116 paragraph (1) stipulates that:

Any person who without rights or uses Narcotics Category I against other people or provides Narcotics Category I to be used by others illegally, shall be punished with imprisonment for a minimum of 5 years and a maximum of 15 years and a minimum fine of Rp. 1,000,000,000.00 and a maximum of Rp. IDR 10,000,000,000.00.

We can see the articles above show that the sanctions formulated in Law No. 35 of 2009 contains minimum and maximum provisions.

3. Rehabilitation

Rehabilitation is an effort to restore and restore the condition of former abusers or those suffering from drug dependence back to health, in terms of physical, psychological, social and spiritual health or religion (faith). And it is hoped that they will be able to return to normal functioning in their daily lives both at home, at school/campus, at work and in their social environment, when they finish their rehabilitation.⁶This rehabilitation requires a long time and also requires no small cost compared to prevention efforts. The parties who participated to assist in this rehabilitation effort included doctors, psychiatrists, teachers, religious leaders and especially the families of the victims.⁷The basis for criminalizing victims of narcotics abuse is contained in Law no. 35 of 2009 concerning Narcotics, namely by means of rehabilitation. Rehabilitation is regulated in article 54 which states "narcotics addicts and victims of narcotics abuse are obliged to undergo medical rehabilitation and social rehabilitation".

The definition of the term "victim of Narcotics abuse" is contained in the explanation of Law No. 35 of 2009, namely someone who does not intentionally use Narcotics because he is persuaded, tricked, cheated, forced, and/or threatened by others to use narcotics. Narcotics are formulated in Article 1 of Law No. 35 of 2009, namely people who use or abuse Narcotics and are in a state of dependence on narcotics, both physically and psychologically. In Law No. 35 of 2009 concerning Narcotics, the agency authorized to carry out the rehabilitation process is BNN (National Narcotics Agency) which has been formulated in articles 70 to 72 of the law. The examination and arrest of victims and perpetrators of narcotics abuse carried out by BNN in an effort to eradicate narcotics crimes will be tried by an appointed judge.⁸The involvement of the

⁶ Dadang Hawari, *Penyalahgunaan & Ketergantungan NAZA (Narkotika, Alkohol & Zat Adiktif)*, 2nd ed. (Jakarta: Balai Penerbit FKUI, 2006).

⁷ Afni Zahra and RB Sularto, "Penerapan Asas Ultimum Remedium Dalam Rangka Perlindungan Anak Pecandu Narkotika," *Law Reform* 13, no. 1 (2017): 18, <https://doi.org/10.14710/lr.v13i1.15948>.

⁸ Andri Winjaya Laksana, "Tinjauan Hukum Pidana Terhadap Pelaku Penyalahgunaan Narkotika Dengan Sistem Rehabilitasi," *Jurnal Pembaharuan Hukum* 2, no. 1 (2016): 74, <https://doi.org/10.26532/jph.v2i1.1417>.

National Narcotics Agency in the assessment process is very good, because the institution has quite a number of experts who can test someone involved in a narcotics abuse case. In addition, BNN can also distinguish or classify users whether they are in the light, moderate, or severe category, which of course will result in determining the process and stages of rehabilitation that they will undergo.⁹

Regarding between rehabilitation and imprisonment, every action has its crucial strengths and limitations. On the one hand, rehabilitation has the benefit of providing a humane environment for addicts and victims of drug abuse, but it also has technical drawbacks and serves as a haven for the narcotics mafia to hide from the law. On the other hand, prisons have the advantage of providing sufficient punishment for crimes that can destroy a nation, but the disadvantage is that if the perpetrators mix in prison, it is feared that it will expand the narcotics network.¹⁰

4. Crime/Abuse of Narcotics by the Young Generation

Based on data from the National Narcotics Agency (BNN), drug abuse in Indonesia has increased by 0.03% in 2019 compared to 2017. In other words, in 2019, there were 3.6 million narcotics users, 63% of whom were marijuana users. Of the 3.6 million drug users, 70% of them are people in productive age, namely 16-65 years, and 27% of drug users are students and college students.¹¹ There are many motivating factors that can cause people to fall into drug abuse. These factors can come from within the individual and external factors, namely the environment. Factors that encourage drug abuse that come from the personal self, among others, such as personality, physical, age, and others. Factors from

⁹ Euginia J. C. Manoppo, "Korban Penyalahgunaan Narkotika Menurut Uu No. 35 Tahun 2009 Tentang Narkotika," *Lex Crimen VII*, no. 4 (2018): 148–58.

¹⁰ Elpina and Mariah Sonanggok Purba, "The Narcotics Abuse Term Weaknesses in Criminal Law," *Jurnal Pembaharuan Hukum* 8, no. 1 (2021): 34–47.

¹¹ Lenny Tristia Tambun, "27% Pengguna Narkotika Dari Kalangan Pelajar Dan Mahasiswa," *BERITASATU*, 2021, <https://www.beritasatu.com/nasional/792291/27-pengguna-narkotika-dari-kalangan-pelajar-dan-mahasiswa>.

the environment include family, social, religious factors and others.¹²

There is an urge from oneself to use narcotics due to a condition such as mental disorders, and encouragement from outside such as an invitation, seduction, pressure and coercion from others to use or consume narcotics is one example. The busyness of both parents and families with their respective activities or work, or the impact of broken homes as a result of (broken home) and lack of parental attention to children is a "gap" for teenagers to seek escape in the wrong way, namely abusing narcotics, psychotropic substances or liquor or dangerous drugs. Therefore, conditions in society also affect the behavior of young people in general.¹³

Cases of drug abuse are more dominated by men than women, this is because of the habit or activity of smoking among students, smoking is generally done by male students compared to women. Smoking is nothing but a "gateway" for students to try narcotics. From the habit of smoking and hanging out with friends who are also fellow smokers, this is what ultimately affects them to be tempted to try using narcotics.¹⁴ This is commonplace because marijuana or marijuana (classified as a type of narcotic) is often identified with cigarettes, where marijuana leaves are abused by chopping, drying and then burning and smoking like tobacco leaves. The most typical effect when smoking marijuana leaves is euphoria or joy to giggle and giggle for no apparent reason, followed by hallucinations or seeing things that are not real.¹⁵

If narcotics are used continuously or exceed the prescribed dose, it will result in dependence. Steve Sussman and Susan L. Ames describe drug dependence as follows "Drug dependence is being described when tolerance

¹² Titi Andriyani, "Upaya Pencegahan Tindak Penyalahgunaan Narkoba Di Kalangan Mahasiswa Politeknik Negeri Sriwijaya," *Jurnal Ilmiah Orasi Bisnis*, 2011.

¹³ Prana Prahara. R, "Perilaku Sosial Pengguna Narkoba Dan Obat – Obatan Telarang Di Kalangan Mahasiswa Usu" (Medan, 2016).

¹⁴ Novita Sari, "Tinjauan Yuridis Terhadap Upaya Pelajar/Mahasiswa Dalam Memperoleh Narkoba," *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 121, <https://doi.org/10.30641/dejure.2019.v19.121-136>.

¹⁵ "Mana Yang Lebih Bahaya, Rokok Atau Ganja?," detikhealth, 2011, <https://health.detik.com/berita-detikhealth/d-1590556/mana-yang-lebih-bahaya-rokok-atau-ganja>.

and withdrawal are experienced, when someone loses the ability to predict and control their drug use, and when consequences pile up.”¹⁶ which is essentially a condition when a person cannot control his desire to reuse drugs that have been consumed beyond the rules. Addiction can lead to addiction. Addiction, according to the National Institute on Drug Abuse (NIDA), is defined as a chronic, relapsing disorder characterized by compulsive drug seeking and use, despite adverse consequences for the user.¹⁷We can conclude, dependence is more directed to self-recovery or eliminating mental disorders (such as depression) but exceeds the rules or doses, while addiction is merely because they want to consume them and get side effects even though they are dangerous.

Then, addiction can cause physical and psychological disorders, due to damage to the central nervous system (CNS) and organs such as the heart, lungs, liver and kidneys. The impact that appears on a person due to narcotics abuse varies, depending on the type of narcotic used, the personality of the user, and the situation or condition of the user. In general, the impact of narcotics addiction is visualized on a person's physical, psychological and social behavior, for example being a gloomy, grumpy, anxious, depressed, paranoid, and so on.¹⁸

5. Trend of “Lean Syrup” or “Purple Drank”

“Purple Drank (PD),” a mixed drink with drugs, introduced to the mainstream Hip Hop in 2000. This music genre seems to always have a relationship with narcotic content. Early Hip Hop artists celebrated the upward socioeconomic mobility of drug sales, and some modern hip-hop artists have exploited their success through drug use. In other words, there has been a

¹⁶ Steve Sussman and Susan L Ames, “The Social Psychology of Drug Abuse,” *Open University Press*, 2001, 25, <https://www.researchgate.net/publication/266497797>.

¹⁷ Fadhli Rizal Makarim, “Ini Beda Kecanduan Dan Ketergantungan Obat,” *halodoc*, 2021, <https://www.halodoc.com/artikel/ini-beda-kecanduan-dan-ketergantungan-obat>.

¹⁸ Sumarlin Adam, “Dampak Narkotika Pada Psikologi Dan Kesehatan Masyarakat,” *Komunikasi Penyiaran Islam IAIN Sultan Amai Gorontalo* 1, no. 1 (2012): 1–8, <https://doi.org/10.1017/CBO9781107415324.004>.

change in Hip Hop culture from drug dealers to drug users. According to research, there has been an increase in the use and consumption of prescription drugs such as codeine, promethazine, dextromethorphan, and diphenhydramine because these drugs are legally available, can be obtained free of charge with health insurance, and are considered safe.¹⁹ Starting in 2010, when young, up-and-coming rappers like Lil Pump, Smokepurpp, and Chief Keef, they often mention it and seem to be promoting it (Purple Drank or Lean). In fact, many talented young artists have died from drug abuse such as Juice WRLD, Mac Miller, and Lil Peep.

Purple Drank is a recreational drug made from cough syrup (codeine, promethazine hydrochloride) combined with a soft drink, usually Sprite, Fanta or an alcoholic beverage.²⁰ A survey has been conducted at a major university in the United States (Southeastern). The survey results stated that as many as 6.5% of the 2,349 sample students had consumed this PD (Purple Drank). The PD trend has spread massively among young people in the country because the hip-hop music genre is also one of the best-selling and most famous music genres in America. This does not rule out the possibility that this dangerous trend can enter Indonesia, because there are also many fans of hip-hop music in Indonesia, which is usually in demand by young people.

If we look at its composition, PD contains codeine, which is classified as a Group III narcotic in Permenkes No. 4 of 2021. This is also supported by the purpose of using PD itself, which is not for treatment, but to get a certain sensation from the side effects of the drink. So, it is clear that this is a narcotics abuse and is against the law, and as previously explained a narcotic can cause a dependence effect which will later result in drug addiction. The trend of PD is very dangerous and must be avoided by the younger generation in Indonesia considering that they are the individuals who are most prone to fall into this kind of thing. This is because the younger generation is one of the people who

¹⁹ Calvin John Smiley, "Addict Rap?: The Shift from Drug Distributor to Drug Consumer in Hip Hop," *Journal of Hip Hop Studies* 4, no. 1 (2017): 94.

²⁰ A. Miuli et al., "'Purple Drank' (Codeine and Promethazine Cough Syrup): A Systematic Review of a Social Phenomenon with Medical Implications," *Journal of Psychoactive Drugs* 52, no. 5 (2020): 453–62, <https://doi.org/10.1080/02791072.2020.1797250>.

use the internet the most.

D. Conclusion

In Indonesia, the regulation of narcotics in general and their criminal acts are contained in Law Number 35 of 2009 concerning Narcotics. The criminal sanctions formulated in Law no. 35 of 2009 contains minimum and maximum provisions, and there are also regulations regarding rehabilitation for victims of abusers and narcotics addicts. The large number of narcotics users who come from young people is something that needs more attention from the government, especially the institute that is authorized to weigh narcotics crimes, namely the National Narcotics Agency. There are many driving factors that can cause people to fall into drug abuse, namely personal and environmental factors, both of which play a major role in this. In addition, unacceptable western cultural trends such as "Purple Drank" or "Lean Syrup" make this condition worse because it has the potential to increase narcotics abuse cases in the country. Purple Drank is a recreational drug made from cough syrup (codeine, promethazine hydrochloride) mixed with soft drinks, such as Sprite or alcohol. The test results show that the Purple Drank trend is one of the acts of narcotics abuse, where we can find that codeine is included in class III narcotics in Permenkes No. 4 of 2021 and can cause dependence or addiction effects. This means, when we consume the drink to get the effects of its use, then we have taken an action that is against the law and can be punished. Purple Drank is a recreational drug made from cough syrup (codeine, promethazine hydrochloride) mixed with soft drinks, such as Sprite or alcohol. The test results show that the Purple Drank trend is one of the acts of narcotics abuse, where we can find that codeine is included in class III narcotics in Permenkes No. 4 of 2021 and can cause dependence or addiction effects. This means, when we consume the drink to get the effects of its use, then we have taken an action that is against the law and can be punished. Purple Drank is a recreational drug made from cough syrup (codeine, promethazine hydrochloride) mixed with soft drinks, such as Sprite or alcohol. The test results show that the Purple Drank trend is one of the acts of narcotics abuse, where

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