



## Analysis On Drug Crime Distribution (G List) Kind Of Narcotics (Case Study In Court Decision In Region III Cirebon)

lin Khaeriyatun Ni'mah<sup>1</sup> and Sukarmi<sup>2</sup>

**Abstract.**The problems of this study are: 1) How is the consideration and commitment of judges in the State Court in lowering the crime of trafficking of drudgs (G List)? 2) What are the constraints in finding criminal offense trafficking of drudgs (G List)? 3) How do the efforts and solutions should be executed against the crime of trafficking of drudgs (G List)?

Method sociological approach juridical law and specification in this study were included descriptive qualitative, The sources and types of data in this study are primary data obtained from interviews with field studies Security Chief Penitentiary (KPLP) Narcotics Prison Cirebon, And secondary data obtained from the study of literature. The problems studied by the theory of law enforcement, legal protection and law enforcement.

Results of the discussion concluded: Considerations and commitment of judges in the State Court in lowering the crime of trafficking of drudgs (G List) is to explicitly give appropriate consideration to the evidence in court, and a commitment to provide deserving punishment against criminal trafficking of drudgs G List. Obstacles in finding criminal offense trafficking of drudgs (G List) can be divided into the causes of the dealers and the causes of the user side, while the limiting factor of the dealers, namely Factors Poor Understanding of Law, Economic Factors, Environmental Factors Society, Factor Surveillance as well as factor constraints of the users, namely lack of evidence to arrest and lack Guide Report from Community. Efforts and solutions should be executed against the crime of trafficking of drudgs (G List) is through legal counseling on the dangers of drug distribution of G List, Doing arrest on drug users G List then perform a search pusher G List, Cooperate with BPOM in drug distribution of G List.

**Keywords:** Crime; Distribution; Drug; G List; Narcotics.

### 1. Introduction

According to Article 1 (1) of Act No. 36 of 2009 on Health states that "health is good health, both physically, mentally, spiritually and socially to enable more people to live socially and economically". And according to WHO, health is a state of being of body, soul and social enable everyone to live socially and economically productive<sup>3</sup>, It can be concluded that health is very important in the survival of the community. So in case of criminal acts in public health will be attacked directly either material and immaterial. So that people can not hold his life well.

Talking about health, then there are two aspects of health, namely the aspect of health measures and aspects of health resources. Aspects of health measures one of which is health care, which is divided into the maintenance of public health and health care of individuals. Maintenance of individuals known as maintenance medicine. While

---

<sup>1</sup>Civil Servant, email: [khaeriyatuni@gmail.com](mailto:khaeriyatuni@gmail.com)

<sup>2</sup> Lecturer of Master of Law, Sultan Agung Islamic University (UNISSULA), Semarang

<sup>3</sup>Titon Slamet Kurnia, 2007, *Hak Atas Derajat Kesehatan Optimal Sebagai HAM di Indonesia*, Bandung, p. 54.

aspects of health resources consist of health infrastructure, among others: hospitals, health centers, clinics, doctors' offices and health professionals include: doctors, nurses, field, pharmacist. All the activities of the implementation of health measures undertaken by health resources are always governed by the rules of medical, legal and moral, decency, morality<sup>4</sup>,

One of the problems most often occur in the health care law is rife at the moment is a crime in the field of pharmacy. Pharmacy is a profession related to the arts and sciences in the supply of natural resources and a suitable synthetic material to be distributed and used in the treatment and prevention of disease. One crime in the pharmaceutical field is the most common availability and misuse prevention and eradication of illicit traffic of drugs, such as narcotics, psychotropic substances including drugs G List.

Drugs (narcotics, psychotropic substances and drugs) is one cause of decreased quality of Indonesian human resources indirectly impedes national development. Availability of drugs could be useful as a drug and the development of science. But on the other hand can cause dependence highly detrimental if used without strict supervision and controls and carefully<sup>5</sup>,

Drug abuse is not a new thing in Indonesia. Cases of abuse of drugs, particularly drugs, has increased every year. Abuse of illegal drugs is not only happening in Big Cities in Indonesia. Abuse of illicit drugs are also rife in the area. Results of previous studies in 2014, drug trafficking has penetrated into all corners of Indonesia regarding the causes of drug trafficking<sup>6</sup>,

Rampant cases of trafficking of illegal drugs, especially drugs G List provides a high dependency effects for users. Users consider using *Carnophen* is a need to increase stamina (doping), body warmers, and is used for everyday purposes in performing daily activities.

Based on the background of the above problems, the problem is formulated as follows: How consideration and commitment of judges in the State Court in lowering the crime of trafficking of drudgs (G List)?; What are the constraints in finding criminal offense trafficking of drudgs (G List)?;How efforts and solutions should be executed against the crime of trafficking of drugs (G List)?

## Research methods

The approach used in this study is a sociological juridical approach. Sociological juridical approach is to identify and conceptualize law as a social institution that is real and functional in a real life system.<sup>7</sup> The nature of research is descriptive qualitative, the sources and types of data in this study are primary data obtained from interviews with field studies Security Chief Penitentiary (KPLP) Narcotics Prison Cirebon, And

---

<sup>4</sup>Wila Chandrawila Supriya, 2001, *Hukum Kedokteran*, Jakarta: Manda Maju, p. 25.

<sup>5</sup>Siswanto Sunarso, 2011, *Penegakan Hukum Psicotropika dalam kajian sosiologi hukum*, Jakarta: PT. Raja Grafindo Persada, p. 5.

<sup>6</sup> MA Tabrani, 2014, *Penyebab Terjadinya Tindak Pidana Peredaran Obat Berbahaya (Daftar G) Jenis Carnophen*, Malang: unpublished thesis, p 65.

<sup>7</sup>Soerjono Soekanto, 1986, *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia Press, p. 51.

secondary data obtained from the study of literature. The problems studied by the theory of law enforcement, legal protection and law enforcement.

## 2. Results and Discussion

### 2.1. Considerations And Commitment Of Judges In The State Court In Lowering The Crime Of Trafficking Of Drudgs (G List)

Criminal acts of trafficking of drudgs (G List) or included in the classification of the crime of criminal acts the field of Pharmaceutical and narcotics and psychotropic substances, based on the author's search results in Internet media, on websites <https://www.google.com/search><sup>8</sup>, Which is based on the directory to five court's verdict in the region III Cirebon or former residency.

The criminal case acts of narcotic drugs and psychotropic substances is greater than the case acts criminal pharmacy, but that does not mean the criminal pharmacy will not switch to the crime of narcotic drugs and psychotropic substances, because of pharmaceutical drugs equal only to narcotics to interests of drunkenness.

The verdict of the State Court Cirebon No. 155 / Pid.Sus / 2019 / PN.Cbn. according to the author State Court Judge Cirebon is committed to the rule of law related to the crime of trafficking of drudgs penalize the list of G with criminal defendants for 1 (one) year five (5) months and a fine of Rp. 1,000,000.00 (one million rupiah) provided that if the fine was not paid to be replaced by imprisonment for submarine 1 (one) month.<sup>9</sup>

Decision of the judges mentioned above is one of the efforts to reduce the crime of trafficking of drudgs (G List), as the legal protection of the public. Protection of the law as stated by Satjipto Rahardjo is an effort to protect the interests of a person by allocating a power to him and one of the properties at the same time the purpose of the law itself is to provide protection to the public. It was realized in the form of legal certainty so that people can enjoy the rights granted as legal protection of the public<sup>10</sup>, In line with the opinion of the author Satjipto Rahardjo according to the decision of the judges on the case Number 155 / Pid.Sus / 2019 / PN.Cbn. has sought legal protection to people in general and for the defendant himself. On the community then by defendant, then at least a dealer of drudgs G List has been secured at the Correctional Institution, for a defendant (convict) itself during the trial had been granted aid lawyers of the Legal Aid Post State Court of Cirebon, so that the rights of the accused have been fulfilled as presented by Philip M. Hadjon argues that legal protection is the protection of the dignity of going to, and recognition of human rights that are owned by the legal subject under the provisions of the law of arbitrariness<sup>11</sup> Thus tractable author of the decision contained in the effort and commitment of judges to provide legal protection equally well against defendants who have committed acts that could undermine the nation's generation of drudgs circulate the list of G and to the people who do not want their families are exposed to drug abuse.

<sup>8</sup> Search on <https://www.google.com/search>, haris Saturday, March 21, 2020, at 12:05 pm.

<sup>9</sup> Results Interview With Mr. Tutut Prasetyo Security Chief Penitentiary (KPLP) Narcotics Prison Cirebon, on January 14, 2020, 15:30 hours in Cirebon

<sup>10</sup> Soetjipto Rahardjo, 1983, *Permasalahan Hukum di Indonesia*, Bandung: Alumni, p. 121.

<sup>11</sup> Philip M. Hadjon, 1987, *Perlindungan Bagi Rakyat di Indonesia*, Surabaya: PT.Bina Ilmu, p. 1-2.

Considerations and commitment of judges in the State Court in lowering the crime of trafficking of drudgs (G List) is to explicitly give appropriate consideration to the evidence in court, and a commitment to provide deserving punishment against criminal trafficking of drudgs G List.

## 2.2. Obstacles in finding criminal offense trafficking of drudgs (G List)

Criminal cases trafficking of drudgs (G List) which occurs in region III Cirebon that includes the city of Cirebon, Cirebon regency, Indramayu district, Regency of Kuningan, Majalengka has now become a major focus of the problem by the police. The case of the crime of trafficking of drudgs (G List) are handled by the police in every police station from year to year has increased, it can be seen from the occupant Penitentiary (Prison) and State Prison (*Rutan*) in each district, where occupants existing prisons half were convicted of narcotics and psychotropic substances as well as drug trafficking convict hard G List<sup>12</sup>.

Tackling the crime of trafficking of drudgs G List, did find a variety of obstacles and barriers, because the of drudgs do not always have the packaging and the "logo" in accordance with the regulations that govern it, but also can be made that to be traded to the users or drug abusers G List , which is certainly not based on the views of the medicine, but the effect of a drug that can cause a particular effect, so that the investigator is not easy to determine whether a drug can be expressed as a hard drug G List, or not.

In one case in Cirebon or jurisdiction of the State Court of Cirebon not to proceed to the Court, is the case of the use of drugs' *Antimo* "by Citizens Patronage of Corrections (WBP) in State Prison (*Rutan*) Class I Cirebon, officials *Rutan* surprised and was surprised there was some prisoners who are intoxicated or "drunk", after intrograsi by authorized personnel, prisoners were drunken acknowledge that they are drunk because doing binge drinking medicine "*Antimo*" room in his cell, the drug is supplied by a guard, case the processed internally by *Rutan* Class I Cirebon, and the officer who supply '*Antimo* "is penalized with its duties transferred to the Department of Law and Human rights in Bandung<sup>13</sup>,

Law enforcement as proposed by Satjipto Rahardjo is a process for realizing the laws desires into reality. Which is referred to as the desires of the law here is nothing but the thoughts of a law-making body which is defined in the regulations of the law.<sup>14</sup>Added by Satjipto Rahardjo, that by the end of the law-making as described above, the new law only completed one stage of a long journey to regulate society. Stage law making remains to be followed by the implementation concretely in people's daily lives. This is what is meant by the law enforcement.<sup>15</sup>

---

<sup>12</sup> Results Interview With Mr. Tutut Prasetyo Security Chief Penitentiary (KPLP) Narcotics Prison Cirebon, on January 14, 2020, 15:30 hours in Cirebon.

<sup>13</sup> Results Interview With Mr. Tutut Prasetyo Security Chief Penitentiary (KPLP) Narcotics Prison Cirebon, on January 14, 2020, 15:30 hours in Cirebon.

<sup>14</sup>Satjipto Rahardjo, without the Year, *Masalah Penegakan Hukum Suatu Tinjauan Sosiologis*, Bandung: Sinar Baru, p. 24.

<sup>15</sup>Satjipto Rahardjo, 2000, *Ilmu Hukum*, Citra Aditya Bakti, Bandung, p. 181.

### 2.3. Efforts And Solutions Should Be Executed Against The Crime Of Trafficking Of Drugs (G List)

Enforcement and legal remedies against the crime of trafficking of drugs G List must still be pursued and enhanced to continue to suppress or even to eliminate the crime of trafficking of drugs G List in the jurisdiction of Ex Residency Cirebon, so that the region III Cirebon freed from the distribution of drugs G List misused.

Crime prevention efforts per se can be reached by the application of criminal law and criminal law prevention<sup>16</sup>. Drug Investigation Unit in the jurisdiction of Ex Residency Cirebon has made various efforts in tackling the crime of trafficking of drugs G List at *Satresnarkoba*. Efforts made include the preventive and repressive<sup>17</sup>, Preventive measures are preventive measures that had been run up by the *Satresnarkoba* include: the installation of billboards / banners appeal, legal counseling and raids, as well as repressive efforts that have been done so far to reduce the number of criminal acts of trafficking of drugs G List include: investigation, investigation, arrest, Detention, Seizure and Destruction of evidence.

Police investigating authorities as the frontline in combating the crime of trafficking of drugs G List has sought various forms and mitigation solutions both internally, also done externally.

Efforts and solutions that must be executed in external actually not only the obligation of the police investigators only, but the parties and the Food and Drug Monitoring Agency (BPOM) is also needed, externally efforts include:

- Installation of Billboards and banners appeal
- Development Activity Counseling (*Binluh*) Law
- Efforts Revealing Actors Network Distributors

Efforts and solution of preventive and repressive law enforcement, as the circulation of drugs G List, according to the authors should refer to the principles of legal protection. The principles of legal protection in Indonesia's own foundation is Pancasila as the state ideology and philosophy based on the concept *Rechtsstaat* and "rule of law". Where the principle of legal protection Indonesia focuses on the principle of the law on the protection of human dignity which is based on Pancasila<sup>18</sup>.

## 3. Closing

### 3.1. Conclusion

- Considerations and commitment of judges in the State Court in lowering the crime of trafficking of drugs (G List) is to explicitly give appropriate consideration to the evidence in court, and a commitment to provide deserving punishment against criminal trafficking of drugs G List.
- Obstacles in finding criminal offense trafficking of drugs (G List) can be divided into the causes of the dealers and the causes of the user side, while the limiting factor of

<sup>16</sup>Kusno Adi, 2009, *Kebijakan kriminal dalam penanggulangan tindak pidana narkoba oleh anak*, Malang: UMM Press, p. 100.

<sup>17</sup>Soedjono D, 1976, *Penanggulangan Kejahatan (Crime Prevention)*, Bandung: Alumni, p. 31.

<sup>18</sup>Philpus Hadjon M., op.cit. h. 38.

the dealers, namely Factors Poor Understanding of Law, Economic Factors, Environmental Factors Society, Factor Surveillance as well as factor constraints of the users, namely lack of evidence to arrest and lack Guide Report from Community.

- Efforts and solutions should be executed against the crime of trafficking of drudgs (G List) is through legal counseling on the dangers of drug distribution of G List, Doing arrest on drug users G List then perform a search pusher G List, Cooperate with BPOM in drug distribution of G List.

### 3.2. Suggestion

- Should the investigator and the POM cooperation are intensive in monitoring and prosecution of trafficking of drudgs G List, against pharmacies that sell prescription drugs G List must be dealt with harshly by revoking the permit, according to the airport and dealers who do not have a distribution license pharmacy.
- Should the police investigation in order to make effective socialization, so that the public has a litigious and voluntarily provide reports to the police investigators if they know their illicit trafficking in of drudgs G List or use illegal in the community, by providing assurances that the complainant would be given legal protection, if possible removed regulations that give rewards or rewards to people who report their illegal distribution of prescription drugs G List.
- Should be issued more stringent regulations governing the circulation-only drugs are often used to get drunk.

### 4. References

- [1] Abdussalam and DPM Sitompul, 2007, *Sistem Peradilan Pidana*, Jakarta: Restu Agung
- [2] Chairul Huda, 2011. *Dari 'Tiada Pidana Tanpa Kesalahan'menuju kepada'Tiada Pertanggung Jawaban Pidana Tanpa Kesalahan'*, Jakarta: Kencana
- [3] Erdianto, 2010, *Pokok-Pokok Hukum Pidana*, Pekanbaru: Alaf Riau
- [4] Single Setia Hadi, 2013, *PerUndang-Undang Narkotika Dan Psikotropika Terbaru*, Jakarta: Harryando
- [5] Soejono and Abdurahman, 1999, *Metode Penelitian*, Jakarta: Rieneka Citra
- [6] Soerjono Soekanto, 1986, *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia Press
- [7] SR Sian, 1985, *Hukum Pidana Militer di Indonesia*, Jakarta: Alumni AHM-PTHM