

IMPLEMENTATION OF THE RATIFICATION OF UNITED NATION CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCE FOR INDONESIA

FAISSAL MALIK
DEWA GEDE SUDIKA MANGKU

ABSTRACT

Indonesia is a potential market for narcotics and other addictive substances due to supply and demand activities. In addition, many parties argue that Indonesia is also a black market for the illicit circulation of narcotics run by a network of local and international narcotics syndicates. The entrance of narcotics to Indonesia is very open, both by land, sea and air. Recruitment to find narcotics is very easy and inexpensive, so it is not surprising if there are many users and drug addicts in Indonesia. The illegal production and distribution of narcotics in the community and the magnitude of the impact of losses, both economic losses and social losses, open awareness circles to declare war on narcotics and other illegal drugs. This condition must be seriously responded by the government so as not to cause social effects in society. One form in responding to the increasingly massive trafficking and abuse of narcotics is by reviewing legislation so that it can adjust to the widespread and systematic nature of illicit trafficking and narcotics abuse at both national and international levels.

Keywords: drugs, ratification, addictive substances

INTRODUCTION

The development of dark circulation and abuse of narcotics and other addictive substances has become an important topic. This has become a serious problem and has reached a state of concern because it occurs within the national scope and has crossed national borders if it is seen as the convergence and technology it uses. Illegal circulation and abuse of narcotics has extended beyond the boundaries of social strata, age, sex. Urban is no longer a priority of dealers but has penetrated to the countryside and surpassed national borders which consequently is very detrimental to individuals, communities and the state (Hidayat & Hasan Asy "ari, 2013; 500). This situation places the illicit circulation and abuse of narcotics as enemies of the nations of the world because the impact is very damaging to humanity, especially the younger generation. That is what causes a joint agreement from countries in the world to fight narcotics and other addictive substances that are circulated illegally.

Some Asian regions, identified as one of the main sources of the biggest narcotics producer in the world, such as the golden crescent region which covers the border regions of Afghanistan and Pakistan, the golden triangle region which covers the border regions of Myanmar, Laos and Thailand which allegedly produces huge profits for perpetrators (producers and distributors) of narcotics crime (Hartanto, 2017; 11). This is done because the illegal circulation of narcotics is a business land that is very economically profitable. Manufacturers, distributors, and couriers enjoy enormous financial benefits in the not too long period of time, while users or users are promised an infinite pleasure after using narcotics.

From the description above, if it is connected with Indonesia, it is undeniable that Indonesia is a potential narcotics market and other addictive substances due to supply and demand activities. In addition, many parties argue that Indonesia is also a black market for the illicit circulation of narcotics run by a network of local and international narcotics syndicates. The entrance of narcotics to Indonesia is very open, both by land, sea and air. Recruitment to find narcotics is very easy and inexpensive, so it is not surprising if there are many users found in Indonesia and narcotics addicts (Santoso, 2013). It is predicted that the number of people involved in the illicit trafficking of narcotics and narcotics abuse will increase from year to year, if there is no effort to prevent, overcome and eradicate seriously and consistently.

The increasing illicit circulation of narcotics and narcotics abuse can be seen through BNN data which shows that the number of narcotics circulating during 2004 was 567.2 tons per year for cannabis, while for heroin there were 20.4 tons per year. If 1 (one) package of heroin is absorbed by the market of addicts in Indonesia. This condition at least confirms that Indonesia is a lucrative market for syndicates of domestic and international narcotics producers and dealers, who provide huge amounts of money with very large profits to the syndicate (Rivai, 2014; 26).

Meanwhile, in 2008, it can be stated that the number of narcotics abusers has reached 1.5% of the total population of Indonesia or around 3, 1 million to 3, 6 million people. Of the number of abusers, 26% tried to use, 27% regularly used 40% of non-injecting addicts and 7% were injecting addicts. Narcotics abuse in groups not students (40%). Whereas according to male sex (88%) is far greater than female (12%). The estimated loss of economic costs due to narcotics crime in 2008 was higher by around 37% compared to 2004, with a total loss of around Rp. 32.4 trillion (2008) consisting of Rp. 26.5 trillion individual (private) losses and Rp. 5.9 trillion is social costs. The private costs are mostly (58%) for the cost of consuming narcotics, while the social costs are mostly (60%) intended for loss of costs due to premature death. The projection of the University of Indonesia's Research Institute in collaboration with the National Narcotics Agency (BNN) shows that economic losses due to narcotics abuse have increased

from Rp. 32.4 trillion in 2008 to Rp. 57 trillion in 2013 (Rivai, 2014; 26). University of Indonesia (UI) Research Data in collaboration with the National Narcotics Agency (BNN) mentioned above shows that the actions of producers and dealers in producing and distributing narcotics illegally on their networks to be traded on users or users continue to increase. This condition certainly threatens and endangers the lives of people, nations and countries.

The description above, at least illustrates the situation of Indonesia entering the narcotics emergency. Every line of human life for narcotics users and dealers is there. Users certainly need to be rehabilitated, as well as socialization needs to be done to prevent potential users. However, producers and distributors who produce and distribute narcotics certainly must be punished severely. The death penalty is not inappropriate for them. Many victims and victims have dependence on narcotics abuse. Not to mention those affected by diseases caused by narcotics use. Also, the number of crimes related to circulation and use continues to increase. Circulation of narcotics in Indonesia has reached the point of transforming Indonesia from a transit country into a destination country. Even in Indonesia, many parties produce narcotics (Juwana, 2015).

The mode and methods of narcotics crime are increasingly organized, even at a certain point transnationally. The method of transnational narcotics crime is done by using a high *modus operandi* and sophisticated technology, supported by a broad network of organizations and beyond national borders. Given the dangers of illicit trafficking and narcotics abuse that have threatened human life in all countries, the international world issued the Convention, the United Nation Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substance 1988 which was ratified by the Government of Indonesia with the Number Law. 7 of 1997 concerning Ratification of Unions Nations Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance 1988 (Susanti, 2010).

The Government of Indonesia has ratified the convention with Act No. 7 of 1997 concerning Endorsement of the United Nations Convention on Traffic in Narcotic Drugs and Psychotropic Substance 1988. Principles in the United Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance 1988 is a nation society -the countries and countries in the world need to give priority and priority to the problem of eradicating the illicit trafficking of narcotics and psychotropic substances. Eradication of these two problems is a problem of all countries in the world and must be dealt with together (Sunarso, 2004; 2). In this study will be discussed about how the Implementation of the Ratification of the United Nation Convention Against Illicit Traffic in Narcotic Drugs And Psychotropic Substance For Indonesia.

DEFINITION OF NARCOTICS

Various limitations of the meaning of narcotics in the literal sense and expert opinion, at least illustrate the complexity because narcotics problems have a broad dimension, both from the medical, psychiatric, mental health and psychosocial (<http://dedyarta.wordpress.com>). However, in order to obtain an overview of the definition and definition of narcotics, it is necessary to put forward some definitions and definitions of narcotics both literally and according to experts, in order to facilitate understanding the definition of narcotics.

Etymologically narcotics comes from English "narcose" or "narcosis" which means to sleep and anesthetize (Sadili, 1996; 390). Narcotics comes from Greek, which is "narcotics" which means anesthetized so that it doesn't feel anything. In terminology, in the Large Indonesian Language Dictionary (KBB) means narcotics are drugs that can calm nerves, eliminate pain, cause feelings of drowsiness, or stimulate (Moelyono, 1988; 609).

Different from the meaning in the literal sense, Smith Kline and French Clinical as quoted by Mardani, defines narcotics as follows: Narcotics are drugs which produce incentive or stupor due to their depressant effect on the central system. Included in this definition tire opium, opium derivatives (morphine, codeine, heroin) and synthetic opiates (meperidei, methadone). According to William Benton: Narcotic is general term for substance that produces lethargy or super or the relief of pain.

The definition and expert opinion on the definition of narcotics as stated above shows that narcotics are substances or substances that can function as drugs that can affect consciousness, but if misused can damage the physical (such as addiction) and mentally (loss of consciousness, behavior, encouragement wishes) of the wearer, both natural ingredients and synthesis (results of laboratory processing).

The definition of narcotics, which is regulated in Article 1 Paragraph (1) of Law Number 35 of 2009 concerning Narcotics, is substances or drugs derived from plants or plants that are both synthetic and semisynthetic which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can lead to dependence which is divided into groups as attached to the law.

POLICY FOR DETERMINING TYPES OF PROHIBITED AND CRIMINAL ACTIONS IN LAW NUMBER 35 OF 2009 CONCERNING NARCOTICS

The rapid progress of science and technology has affected almost all aspects of life and community activities. Technological developments, aware or not have an impact on legal, economic, social, cultural and political developments. This is an opportunity and a challenge that must be faced at the beginning of the 21st century (Asnawi, 2004; 7). Technology is known for its dual characteristics, which on the one hand has a positive influence on human activities, on the other hand it is also used as a means to commit crimes. Some forms of crime that are in line with technology are with the emergence of narcotics crimes, cybercrime, cybersex cyberporn, and so on.

The term policy comes from English "Policy" or in Dutch "Politiek" which can generally be interpreted as general principles that serve to direct the government (in a broad sense including also law enforcement officials in managing, regulating or completing public affairs, community problems or fields of drafting legislation and the implementation of laws / regulations with a purpose (general) that leads to efforts to realize the welfare or prosperity of the community (citizens) (Arief, 2001; 23).

Discussing the politics of criminal law, will be related to legal politics and criminal politics. Political law consists of a series of political and legal words. Mahfud, explained as quoted by Teguh Prasetyo and Abdul H.B, that law is a political product. Law is seen as a dependent variable (an affected variable) and politics as an independent variable (an influential variable). With this hypothesis, Mahfud then formulated the legal politics as follows: Legal policies that will be implemented nationally by the government; also includes an understanding of how politics influences the law by looking at the configuration of the forces behind the making and enforcement of the law. Here the law does not, can only be seen as imperative articles or necessities, but must be seen as a subsystem which in reality is not impossible very determined by politics, both in the formulation of material and article-article and in its implementation and enforcement (Barkatullah, 2005; 12).

Sudarto defines legal politics as follows:

1. Efforts to realize rules that are good in accordance with the situation and situation at a time;
2. The policy of the state through the authorized bodies to determine the desired regulations, which are expected to be used to express what is contained in society and to achieve what is aspired (Sudarto, 1983; 159).

Narcotics criminal acts from time to time are increasingly developing. The impact caused by the abuse and illicit circulation of narcotics is very dangerous for the life of the nation and state, especially for the continued growth and development of the young generation. The international community, including Indonesia, is paying great attention to the prevention and eradication of criminal acts of narcotics. The amount of international attention in efforts to prevent and eradicate narcotics abuse and circulation can be seen from the presence of international meetings and international conferences in the field of narcotics which gave birth to international conventions (Kusno Adi, 2009).

The Indonesian government is one of the participants and signatories to the 1961 narcotics convention and 1988 convention (Atmasasmita, 1995). Demonstrate policy in preventing and combating the abuse and illicit trafficking of narcotics. Policies taken by the Indonesian Government by issuing several products of legislation concerning narcotics, namely Law No. RI. 9 of 1976, Law of the Republic of Indonesia Number 22 Year 1997 and Law Number 35 Year 2009 concerning Narcotics.

In the explanation of Law Number 7 of 1977 concerning the Ratification of the United Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substance, 1988 it was explained that in order to achieve the ideals of the nation and maintain the continuity of national development in a safe, peaceful, orderly and dynamic environment in the environment national and international, it is necessary to improve control of the illicit circulation and abuse of narcotics and psychotropic substances.

Explanation of the convention above, it can be understood that in order to anticipate the occurrence of disturbances and threats of illicit trafficking and abuse of narcotics and other addictive substances, Indonesia participates in efforts to improve cooperation between countries in realizing special attention to illicit trafficking and abuse of narcotics, psychotropic substances and addictive substances others, by not ignoring the benefits in the fields of medicine and the development of science.

Anticipatory measures as stated above, always experience obstacles in eradicating illicit trafficking and narcotics abuse. Repressive eradication of narcotics crimes experienced various obstacles, Da'i Bahtiar explained, among others (Bahtiar, 2002; 7):

1. To prevent and eradicate narcotics smuggling into Indonesia it is not easy to remember the length of the coastline and thousands of islands. Now more open transportation routes from abroad directly to several cities in Indonesia both by sea and air;
2. In Indonesia there is dark cannabis cultivation in several provinces. Cannabis is very easy to grow in our country and is usually planted in forest areas that are difficult to know given the vastness and density of our forests.
3. Since a few years ago, methamphetamine, ecstasy and other psychotropics have been in dark laboratories, with increasing capacity and production capacity. Detecting dark laboratories is not easy, because it does not require large building power and sophisticated equipment;
4. To produce certain narcotics and psychotropic substances, precursors are usually used for industrial / pharmaceutical purposes. This is very difficult for supervision and prevention because these chemicals are used in general;
5. The dark distribution system of narcotics syndicates, is very closed and wide, uses a cell system, and is tiered, so it is very difficult to find out more than anything else. An important person from the syndicate, given the system of proof and legal threats adopted in the Law of the Republic of Indonesia is still very light;
6. In the legal distribution system of certain narcotics used for health purposes, there is a leak / fraud because there are weaknesses in the control and supervision;
7. Money Laundering (money laundering) in the form of activities related to narcotics crime, is still difficult to eradicate. Although Indonesia already has a law on money lending, its implementation still requires government regulations.

Therefore, in order to maximize and streamline the eradication of narcotics crimes, the Government of Indonesia then establishes a non-structural institution that is located under and directly responsible to the President of the Republic of Indonesia, the National Narcotics Agency (BNN) based on the Republic of Indonesia's Presidential Decree Number 17 of 2002, which was then replaced with Presidential Regulation No. 83 of 2007. The National Narcotics Agency has the task and function of coordinating with relevant

government agencies in the formulation of policies and implementation of national policies within the framework of availability, prevention and eradication of abuse.

Implementation of the Ratification of the United Nation Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substance for Indonesia Based on the ratification of the International Convention mentioned above, the Government and Parliament form Law No. 22 of 1997 concerning Narcotics, in lieu of Law No. 9 of 1976. The arguments that were established in the establishment of Law No. 22 of 1997 concerning Narcotics, among others:

1. The new law in lieu of Law Number 9 of 1976 must be able to give birth to a common perception, regarding the danger of narcotics abuse and the consequences it can cause, both for individuals, the community, and for the nation and state;
2. Must be able to prevent, stop and simultaneously eradicate all forms of illicit drug trafficking, and together with the international community try to overcome the problem;
3. Must be able to provide protection to the community without discriminating status and position, ensuring the creation of legal certainty with the core truth and justice, in its participation in developing the embodiment of national disciplines;
4. Must be able to provide the heaviest sanctions, against violators of narcotics crimes, whether carried out individually, in groups, organized, or corporately, on a national and international scale, so that the weight of repressive actions that are inherent in the law can produce psychological effects more real, able to be used as a preventive tool;
5. Must be able to guarantee the implementation of legal procurement of narcotics for the benefit of health services and the development of science;
6. Must be able to guarantee the implementation of treatment and rehabilitation efforts for patients' victims of narcotics abuse;
7. The awareness of the narcotics business is economically very profitable and tempting so that the impact of any syndrome caused by the dealers and their networks is ignored. Therefore, strict and integrated arrangements and implementation must be strictly enforced;
8. Narcotics if misused, can be a poison that can damage the physical and human soul. If the distribution extends along with uncontrolled illicit circulation, narcotics can destroy the lives of the people and the nation, especially the younger generation, and will weaken national security (Sujono, and Bony Daniel, 2011; 12).

Based on the arguments built in the establishment of Law Number 22 of 1997 concerning Narcotics as mentioned above, the author can interpret it in several perspectives; first, narcotics are very useful and needed for the treatment of health services and science; second, if narcotics are misused or used not in accordance with the standard of treatment, especially if accompanied by illicit circulation and narcotics abuse will have a very detrimental effect on individuals, as well as the general public, it can even lead to greater danger to life and cultural values nation, and in the end will weaken national security; third, increasing control and supervision as an effort to prevent and eradicate abuse and illicit trafficking of narcotics is very necessary, because narcotics crimes are generally not carried out by individuals, but are carried out jointly and even organized syndicates that are organized, secretly and neatly; fourth, narcotics crimes are carried out transnationally, using modus operandi and sophisticated technology, including in the security of the results of narcotics crimes. The development of the quality and quantity of narcotics crimes is a very serious threat to the life of mankind; fifth, to further improve the control, supervision, prevention and eradication of narcotics abuse, it is necessary to regulate in the form of new laws based on faith and devotion to God Almighty, the principles of benefit, balance, law, harmony and harmony in the life of the law, and according to the development of science and technology; Sixth, the narcotics law must have a broader scope, both in terms of norms, material scope, and aggravated criminal threats.

Although in terms of regulation and stipulation of criminal threats explicitly stipulated in Law No. 22 of 1997 concerning Narcotics it is considered adequate as described above, but in its development, both transnational and international types and illicit trafficking of narcotics and narcotics abuse, continue to experience quality and quantity improvement. On that basis, at the General Assembly of the People's Consultative Assembly of the Republic of Indonesia (MPR-RI) in 2002 through the Decree of the People's Consultative Assembly of the Republic of Indonesia Number VI / MPR / 2002 recommended to the People's Representative Council of the Republic of Indonesia and the Republic of Indonesia amendments to Law Number 22 of 1997 concerning Narcotics.

Another thing that is the reason for the amendment to Law Number 22 Year 1997 because narcotics crimes are no longer carried out individually, but involve many people together, even syndicates that are widely organized, work neatly, and are carried out in secret (both at national and international levels). For the sake of preventing the increasing illicit and quantitative distribution of narcotics and narcotics using increasingly widespread victims, especially among children, adolescents, and the younger generation. In addition, to protect the public from the dangers of illicit trafficking and narcotics abuse, this law also regulates narcotics precursors. This is necessary because narcotics precursors are starting substances (chemicals) that can be used in making narcotics.

The regulation of criminal provisions in Law Number 35 of 2009 concerning Narcotics is regulated in Chapter XV of Articles 111 to 148, with the stipulation of criminal sanctions in the form of special minimum, general maximum and special criminal penalties. The regulation of sanctions is very different from the formulation of the Criminal Code which is the parent of criminal legislation in Indonesia, the criminal formulation used is a general minimum, both for imprisonment and confinement for 1 (one) day (Article 12 Paragraph (2) and Article 18 Paragraph (1) Criminal Code), as well as special general and maximum. That is, there are different rules, especially regarding "special minimum criminal", because the Criminal Code as a master system does not recognize a specific minimum in terms of punishment. Specific minimum criminal sanctions against narcotics abuse by producers, dealers, are regulated in a special minimum form of criminal, namely 20 (twenty) years imprisonment, life imprisonment, and capital punishment. The criminal threat is carried out based on the class, type, size and number of narcotics.

The aspirations of the Indonesian people as stated in the Preamble of the 1945 Constitution are to protect the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life, and participate in carrying out

world order based on freedom, eternal peace and justice social. To achieve these ideals and maintain the continuity of national development in a safe, peaceful, orderly and dynamic atmosphere both in national and international environments, it is necessary to increase control over matters that can disrupt national stability, among others, against the abuse and illicit circulation of narcotics, and psychotropic. In anticipation of such disturbances and threats, Indonesia participates in efforts to increase cooperation between countries in the context of realizing people's welfare, paying special attention to the abuse of narcotics, psychotropic drugs and other addictive substances, without neglecting their benefits in the fields of medicine and science.

Indonesian people, even the world community in general, are currently faced with a very worrying situation due to the increasingly widespread use of various types of illegal narcotics and illegal drugs. This concern has been intensified due to the widespread illicit circulation of narcotics and psychotropic substances that have spread in all walks of life, including among the younger generation. This will greatly affect the life of the nation and the country, because the younger generation is the successor of the ideals of the nation and the state in the future.

Under the auspices of the United Nations, a Single Convention on Narcotic Drugs was produced, 1961 (Single Narcotics Convention 1961) in New York, United States on March 30, 1961, and amended by 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971 in Vienna, Austria on March 25, 1972, and finally the United Nations Convention on Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988

In this case, Indonesia has ratified the Single Convention on Narcotics 1961 and its Protocol with Law No. 8 of 1976 and the Psychotropic Convention 1971 with Law Number 8 of 1996, and established Law No. 9 of 1976 concerning Narcotics. In line with the ideals of the nation above, and the commitment of the Government and the people of Indonesia to actively take part in every effort to eradicate the abuse and illicit circulation of narcotics and psychotropic drugs, Indonesia needs to ratify the United Nations Convention Against Illicit in Narcotics Drugs and Psychotropic Substances, 1988 with Constitution. This law will provide a stronger legal basis for taking steps to prevent and eradicate the abuse and illicit circulation of narcotics and psychotropic substances.

Encouraged by a deep concern over the increasing production, demand, abuse and illicit circulation of narcotics and psychotropic drugs as well as the fact that children and adolescents are used as a market for illicit use of narcotics and psychotropic, and as targets for the production, distribution and illicit trade in narcotics and psychotropic substances, has encouraged the birth of the United Nations Convention on the Eradication of Dark Narcotics and Psychotropic, 1988.

The Convention as a whole contains the main points of mind, among others, as follows:

1. The peoples of nations and countries in the world need to give attention and top priority for the problem of eradicating the illicit circulation of narcotics and psychotropic substances.
2. Eradication of illicit trafficking in narcotics and psychotropic substances is a problem for all countries need to be handled together too.
3. Provisions stipulated in the Single Narcotics Convention 1961, Protocol 1972 concerning Changes in the Single Convention on Narcotics 1961, and the Psychotropic Convention 1971, need to be emphasized and refined as a legal means to prevent and eradicate the illicit circulation of narcotics and psychotropic substances.
4. The need to strengthen and enhance more effective legal means in the context of international cooperation in the criminal field to eradicate transnational crime organizations in the illicit activities of narcotics and psychotropic drugs.

The Convention aims to enhance more effective international cooperation on various aspects of illicit trafficking in narcotics and psychotropic substances. For this purpose, the parties will harmonize the respective laws and administrative procedures according to this Convention by not ignoring the principle of equality of sovereignty, the integrity of the state, and the principle of not interfering in matters which are essentially internal problems in each country.

Without ignoring the principles of each law, States Parties to the Convention will take the necessary actions to establish as a crime every illicit circulation of narcotics and psychotropic substances. The definition of circulation includes a variety of activities from the very beginning, namely starting from planting, production, distribution, traffic, distribution, to its use, including for personal use.

The crimes mentioned above can be subject to sanctions in the form of imprisonment or forms of deprivation of liberty, fines and confiscation of assets insofar as they can be proven as a result of crime. In addition, the culprit can be subjected to coaching, retirement, rehabilitation, or social reintegration.

The parties ensure that the judiciary and other authorized officials who have jurisdictions can consider the real conditions that cause crime as referred to in Article 3 paragraph (1), constituting a serious crime, such as:

- a. involvement in crimes from organized crime groups whose perpetrators are members;
- b. involvement of actors in other organized crime activities internationally;
- c. involvement in other acts that are facilitated by the conduct of crime the said;
- d. use of violence or firearms by perpetrators;
- e. the crime is committed by a civil servant and the crime is related to his position;
- f. make children victims or use children to commit crimes;
- g. crimes committed in or around prisons, educational institutions, institutions social services, or other places school children or students gather to do

educational, sports and social activities;

h. before imposing criminal sanctions, specifically repetition of similar crimes committed, both at home and abroad insofar as the crime can be reached by law national parties.

The crimes referred to in this Convention are types of crimes which according to the national legal system of the party are considered as crimes that can be prosecuted and convicted.

The State Party must take jurisdictional action against various crimes committed by the perpetrators or suspects as referred to in Article 3 paragraph (1) of the Convention, both for crimes committed in the territory, on board ships or in airplanes of the State Party, whether carried out by citizens and people who live in the area. Each Party must also take action if it is necessary to establish jurisdiction over the crime referred to in Article 3 paragraph (1), if the suspect of the crime is in his territory and is not extradited to another Party.

CONCLUSION

The aspirations of the Indonesian people as stated in the Preamble of the 1945 Constitution are to protect the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, eternal peace and justice social. To achieve these ideals and maintain the continuity of national development in a safe, peaceful, orderly and dynamic atmosphere both in national and international environments, it is necessary to increase control over matters that can disrupt national stability, among others, against the abuse and illicit circulation of narcotics and psychotropic. To overcome this problem, various international activities including conferences have been held both under the auspices of the League of Nations and under the auspices of the United Nations. Beginning with the efforts of the League of Nations in 1909 in Shanghai, China held a hearing which discussed ways to monitor drug trafficking. Subsequently at the trial the Opium Commission had produced the first treaty on drug control, the International Opium Convention (International Convention on Opium) in The Hague, Netherlands in 1912. In line with the ideals of the nation above, and the commitment of the Government and the Indonesian people to always actively take part in every effort to eradicate the abuse and illicit circulation of narcotics and psychotropic drugs, Indonesia has ratified the United Nations Convention Against Illicit in Narcotics Drugs and Psychotropic Substances, 1988 by law. This law will provide a stronger legal basis for taking steps to prevent and eradicate the abuse and illicit circulation of narcotics and psychotropic substances.

REFERENCES

- Achmad Rivai, 2014, *Narkoba Di Balik Tembok Penjara*, Yogyakarta, Aswaja Pressindo.
- Anton M. Moelyono, 1988, *Kamus Besar Bahasa Indonesia*, Jakarta, Balai Pustaka.
- AR.Sujono, dan Bony Daniel, 2011, *Komentar dan Pembahasan Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika*, Jakarta: Sinar Grafika, hlm. 12-14.
- Barda Nawawi Arief, 2001, *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*, Bandung, Citra Aditya Bakti. *Convention on Psycotropic Substance 1971*
- Cristine Susanti, 2010, "Konsep Harm Reduktion Dalam Perkara Narkotika Terhadap Pecandu Yang Tertangkap", dalam Jurnal Law Review Volume X No.2-November.
- Da'i Bahtiar, 2002, "Kebijakan dan Strategi Badan Narkotika Nasional Dalam Pencegahan dan Pemberantasan Penyalagunaan dan Peredaran Gelap Narkotika dan Psikotropika", Makalah disampaikan Dalam Seminar Nasional Badan Narkotika Nasional, 16 April. Jakarta, hlm, 7
- Dedyarta, <http://dedyarta.wordpress.com/2015/02/15/manfaat-narkotika-dan-psikotropika-dalam-bidang-kesehatan>.
- Haque Opium Convention 1912*
- Haris Faulidi Asnawi, 2004, *Transaksi Bisnis E-Commerce Perspektif Islam*, Yogyakarta, Magistra Insania Press.
- Hikmahanto Juwana, 2015, "Narkoba dan Hukuman Mati" Kompas, Senin 19 Januari.
- Jhon M. Elthols dan Hasan Sadili, 1996, *Kamus Inggris Indonesia*, Jakarta, Gramedia Cet.XXIII.
- Konvensi Wina 1988*.
- Kusno Adi, 2009, *Diversi Sebagai Upaya Alternatif Penanggulangan Tindak Pidana Narkotika oleh Anak*, Cetakan Pertama, Malang, UMM Press.
- Romli Atmasasmita, 1995, *Kapita Selekta Hukum Pidana dan Kriminologi*, Cet. Pertama, Bandung, Mandar Maju.
- Santoso, 2013, *Selaku Kepala Badan Narkotika Provinsi Maluku (BNP)*, Media Indonesia, *Com*, Indonesia "Surga Pengedar Narkoba Internasional" 26 Januari.
- Single Convention on Narcotic Drugs 1967*
- Siswanto Sunarso, 2004, *Penegakan Hukum Psikotropika Dalam Kajian Sosiologi Hukum*, Jakarta, Cetakan ke-4: Raja Grafiindo Persada.
- Sudarto, 1983, *Hukum Pidana dan Perkembangan Masyarakat*, Bandung, Sinar Baru.
- Syamsul Hidayat & Hasan Asy'ari, 2013, "Kontroversi Penerapan Pidana Mati Terhadap Tindak Pidana Narkoba", Dalam *Jurnal IUS Kajian Hukum dan Keadilan*, Vol I Nomor 3 Desember.
- Teguh Prasetyo dan Abdul Halim Barkatullah, 2005, *Politik Hukum Pidana Kajian Kriminalisasi dan Dekriminalisasi*, Yogyakarta, Pustaka Pelajar.
- The Convention for the Suppression of the Illicit Traffic in Dangerous Drugs 1936*,
- The Geneva Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs 1931*,
- The Geneva Internasional Opium Convention 1925*,
- United Convention Against Illicit Traffic in Narcotic Drugs and Psychotropika Substance, 1988*

Wendra Hartanto, 2017, “*Penegakan Hukum Terhadap Kejahatan Narkotika dan Obat-Obat Terlarang Dalam Era Perdagangan Bebas Internasional Yang Berdampak Pada Keamanan dan Kedaulatan Negara*” *Jurnal Legislasi Indonesia*.

Faissal Malik
Faculty of Law
Universitas Khairun Ternate

Dewa Gede Sudika Mangku
Faculty of Law and Social Sciences
Universitas Pendidikan Ganesha Singaraja