The Danger of Drugs for Adolescent Development in the Perspective of Law No. 35 of 2009

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ABSTRACT

The latent danger of drugs is a big enemy for all humanity, and this is because the impact resulting from their misuse has a fatal effect on anyone who uses them. Today's drug circulation has penetrated among teenagers as a vital part of the nation's generation, the tendency of the dangers of drugs to development among teenagers certainly has a lot of effects on the situation and conditions of the social climate among the community, considering the most urgent thing when discussing adolescent development is how the substance of the younger generation a nation that the dangers of drug abuse have invaded. The enactment of Law Number 35 of 2009 certainly brings fresh air for law enforcement elements in Indonesia, but not for those addicted to drug abuse. The method used in this research is a normative juridical approach, namely by conducting research based on legal/reference materials by examining the theories and concepts of these legal materials, which are related to the legal principles of statutory regulations, invitations associated with this writing/research.

Keywords - The dangers of drugs; Teenager; Law.35.2009

INTRODUCTION

The number of narcotics, psychotropics, and addictive substances among teenagers tends to increase. The danger of losing a productive generation is in sight. Users of drugs, psychotropics, and addictive substances (drugs) are estimated to be around 5 million people or 2.8 percent of the total population of Indonesia. This figure is higher than the population of East Nusa Tenggara, which reaches 4.6 million people. Teenage users aged 12-21 years are estimated to be around 14,000 people, from the number of teenagers in Indonesia about 70 million people (1).

A consultant from the National Narcotics Agency (BNN) Addicts House, Benny Ardjil, said that cross-sectoral coordination is needed to deal with the problem of drug abuse. A minimum of five stakeholders, namely BNN, Ministry of Health, Ministry of Social Affairs, Ministry of Law and Human Rights, and the community. Based on BNN data, drug abuse in Indonesia in 2017 was 3,376,115 people in the age range of 10-59 years. Then in 2019, narcotics abuse in children and adolescents increased by 24-28 percent (2).

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Along with the advancement of sophisticated transportation, information, and communication technology, the modus operandi of today's crime in a relatively short time and with fast mobility, crime besides having local, national, and international dimensions, because it can cross the borders of borderless countries which is commonly referred to as crime. Transnational criminality. One form of transnational crime that is crucial because it involves the future generation of a nation, especially the younger generation, is a crime in the field of drug abuse (3).

The modus operandi of drug trafficking syndicates can easily penetrate the boundaries of countries through a neat management network and sophisticated technology and enter Indonesia as a transit country or even a destination country for illegal narcotics trafficking.

In-Law Number 35 of 2009, it is regulated that narcotics, on the one hand, are drugs or use materials in the field of treatment or health services and the development of science. Still, on the other hand, they can also cause very detrimental dependence if misused or used without strict and careful control and supervision. This is because of abuse and how bad and dangerous the negative effects will be. The worst possibility can even cause acute dependence that leads to death (4).

Circulation of narcotics in Indonesia, when viewed from a juridical aspect, is legal but prohibits the use of drugs without permission by Law Number 35 of 2009 concerning Narcotics, Psychotropics, and other Addictive Substances. The use of narcotics is often misused not for the benefit of medicine and science when viewed from such a situation at the practical level. Narcotics crime is used as a promising and rapidly growing business arena; this activity impacts mental damage both physically and psychologically for narcotics users, especially the younger generation. Therefore, researchers need to refer to policy evaluation theory (policy evaluation).

Law Number 35 of 2009 concerning Narcotics had given different treatment to perpetrators of narcotics abuse. Before this law came into effect, there was no difference in treatment between drug dealers, dealers, and producers. Narcotics users or addicts, on the one hand, are perpetrators of criminal acts, but on the other hand, are victims (5).

Narcotics users or addicts, according to the law as perpetrators of narcotics crimes, are the provisions of the Narcotics Law which regulates imprisonment given to perpetrators of narcotics abuse. Then, on the other hand, it can be said that according to the Narcotics Law, the narcotic addict is a victim. It is shown by the provision that narcotics addicts can be sentenced to rehabilitation. Narcotics addicts are self victimizing victims because narcotics addicts suffer from dependence syndrome as a result of their drug abuse (6).

Article 54 of Law Number 35 of 2009 concerning Narcotics states that: "Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation" (7). These legal provisions have had many positive and negative impacts in terms of the meaning of Law Number 35 of 2009. This can be interpreted in a double way, namely, how can people who are already clear users be categorized as victims and then get rehabilitation facilities? Then the meaning between users and dealers must, of

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course, be done holistically, because the development of drug trafficking is no longer just a social disease, but has become a business for certain elements who want to benefit and can continue the nation's generation, especially the younger generation of teenagers.

Referring to the perspective of the victim's responsibility, there are self-victimizing victims, namely perpetrators who become victims because of crimes they have committed themselves. It is often declared a victimless crime. However, this view forms the premise that there is no victimless crime. All or every crime involves 2 (two) things, namely the criminal and the victim. Examples of self-victimizing victims are drug addicts, alcoholism, homosexuality, and gambling. This means that the full responsibility lies with the perpetrator, the victim. The meaning between the victim and the perpetrator still needs to be done holistically for related parties. We cannot see a problem in drug handling only limited to proof, but there needs to be a mechanism carried out based on in-depth management.

Based on the introduction above, this study will examine the legal aspects of the dangers of drugs for adolescent development from Law No. 35 of 2009, which focuses on the extent to which adolescents handle drug abuse in the perspective of Law no. 35 of 2009.

METHOD

The method used in this research is a normative juridical approach, namely by conducting research based on legal/reference materials by examining the theories and concepts of these legal materials, which are related to the legal principles of statutory regulations, invitations associated with this writing/research.

RESULTS AND DISCUSSION

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Narkoba stands for Narcotics, Psychotropics and other Addictive Materials (8). Narcotics or narcotics comes from the Greek word market or Markham, which means sedated so that you can't feel anything. Whereas in English, narcosis or narcosis has the meaning of putting to sleep or anesthesia (9).

In the Republic of Indonesia Law, Number 35 of 2009, narcotics are described as substances or drugs derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or even eliminate pain, and can cause loss of consciousness. dependencies that are divided into various groups (10). Most of the substances contained in drugs are used for treatment and research. But for various reasons such as the desire to try, follow the trend or style, a symbol of social status, and want to forget the problem, then drugs are abused.

According to (Partodiharjo 2010), the government and the people have given a negative stamp to the word drugs. We can see this negative stamp on banners and slogans that we often hear, such as "get rid of drugs," say no to drugs." Whereas drugs have a positive side that is useful for the health sector, such as surgery. Drugs are prohibited if

their use is misused, such as to increase work stamina, relieve stress, and suppress hunger (11).

Indonesia is a drug emergency, based on data compiled by the National Narcotics Agency (BNN) from 2017 to 2019, namely the number of drug abuse in Indonesia in 2017 of 3.3 million people with an age range of 10 to 59 years. In 2019 it rose to 3.6 million people (12).

The evil nature of narcotics

In contrast to drugs or other substances, narcotics have three evil properties that can bind their use to become loyal enslaved people, not leave them, and love them more than anyone.

Three special characteristics that are very dangerous, namely: 1) Habitual, namely the nature of narcotics that makes its use will always be remembered, remembered, and imagined, so they tend always to seek and miss. This trait is what causes narcotics users who have recovered later to relapse. The so-called pleasure impression causes the feeling of heavy longing to want to wear again. 2) Addictive, namely the nature of narcotics that makes the user forced to use it continuously and cannot stop it. Cessation or reduction of narcotic use will cause a withdrawal effect, namely a feeling of excruciating pain. 3) Tolerance, namely the nature of narcotics, makes the body of the wearer more and more integrated with narcotics and adapts to the narcotics, thus demanding higher doses of use. If the dose is not increased, the narcotics will not react but make the wearer experience withdrawal. To obtain the same effect as in the past, the dose must be increased (13).

Purpose of the Narcotics Act

The legal basis for issuing Law No. 35 of 2009 is as follows: 1) Article 5 paragraph (1) and Article 20 of the Constitution of the Republic of Indonesia. 2) Law No. 8/1976 concerning the ratification of the 1961 single narcotics convention and the 1972 protocol that amended it (State Gazette of the Republic of Indonesia of 1967 No. 36, an additional Sheet of the Republic of Indonesia No. 3085). 3) Law Number 7 of 1997 concerning the ratification of the United Nations Convention Against Traffic in Narcotic Drugs and Psychotropic Substances 1988 (the United Nations Convention on the Eradication of Illegal Traffic in Narcotics and Psychotropic Substances 1988) State Gazette of the Republic of Indonesia of 1997 Number 17, Supplementary Sheet Republic of Indonesia Number 3673.

Based on the above basis, the Narcotics Law No. 35 of 2009 was formed, with the objectives: 1) Ensuring the availability of narcotics for health services and the development of science and technology. 2) Prevent, protect and save Indonesian children from narcotics abuse. 3) Limiting the illicit circulation of narcotics and narcotic precursors. 4) Ensure the regulation of medical and social rehabilitation efforts for drug abusers and addicts (14).

Regarding the scope of Law No. 35 of 2009, it has been regulated in Article 5 of Law No. 35 of 2009 that the regulation of narcotics in this law includes all forms of activities and actions related to narcotics and narcotics precursors, which are a prelude to the discussion of criminal provisions in the law. -laws that are regulated in detail. Matters related to

narcotics and narcotics precursors that have criminal consequences if violated because, in essence, narcotics can only be used in the interest of health services and the development of science and technology (4).

There is a sentence "can only be used for the benefit of health services." This sentence is a sentence of determination and limitation, which is limited in nature outside the interests of health and the development of science. These substances/drugs are categorized as narcotics or precursors cannot be used.

From the purpose of the enactment of the Narcotics Law No. 35 of 2009, which part (a) guarantees the availability of narcotics for health services and technological science in that section, drugs are like a double-edged sword, on the one hand, it is very much needed in the medical and scientific world. On the other hand, abuse is very important. They are endangering the future of the youth generation public peace and threatening national security.

The impacts that often occur in the community in society from drug abuse or dependence include: can damage family relationships, drastically reduce learning abilities and work motivation, it is difficult to distinguish between good deeds and bad deeds, behavior becomes anti-social, disturbances, health, increase traffic accidents when used while driving which results in accidents, acts of violence and crime.

Restricting the circulation of narcotics and narcotic precursors, which is the goal in the Narcotics Law no. 35 of 2009, limiting means keeping existing drugs from being circulated, in the Act according to article 1 point 2 of Law no. 35 of 2009, precursors are substances or chemical starting materials that can be used in the manufacture of narcotics which are distinguished in the table as attached in Law no. 35 of 2009 so precursors are substances or starting materials for chemicals that can be used as raw materials for the production process for pharmaceutical and industrial purposes.

But the use of precursors is not as good as imagined considering the dark precursors. It is undeniable that the precursors, on the one hand, are used as ingredients for cosmetics and medicines. However, on the other hand, it turns out that precursors can also be used for a criminal act, namely to make narcotics.

Perpetrators of narcotics crimes have different roles, positions, and sanctions, both based on the laws and regulations governing them and on their actions' parts and impacts. The classification of narcotics criminals can be seen from several aspects as stipulated in Law Number 35 of 2009 and other statutory provisions relating to narcotics crimes.

User

In-Law Number 35 of 2009, there are 4 (four) definitions of narcotics users, namely addicts, abusers, victims of abuse, and narcotics patients. Narcotics addicts are defined as people who use narcotics and are in a state of dependence, both physically and psychologically. At the same time, abuse is a person who uses drugs without rights or is against the law. A narcotics abuse victim is defined as someone who accidentally uses

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medications because he is persuaded, tricked, cheated, forced, and threatened to use narcotics (15).

Another term for narcotics users, namely users, users are people who use substances or drugs derived from plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can lead to dependence.

Dealer

The Narcotics Law does not explicitly define the definition of a narcotics dealer. Still, implicitly and narrowly, it can be said that a narcotics dealer is a person who carries out the distribution and delivery of narcotics. The definition of a dealer can also be carried out and is oriented to the dimensions of the seller, the buyer to be circulated, transport, store, control, provide, carry out the act of exporting and importing narcotics. In essence, this broad understanding is supported by most respondents from the Jakarta High Court, Surabaya High Court, and Denpasar High Court.

To what extent is the Handling of Drug Abuse in Adolescents in the Perspective of Law no. 35 Year 2009

Adolescence is a period of transition between childhood and adulthood. This period is the most crucial period, where at this time, the individual struggles to find his identity. Teenagers want to try new things and find their identity by hanging out with their peer group at the self-discovery stage. Peer groups have a fairly strong influence on a person, especially teenagers. Therefore, if a teenager has a weak mind and personality and is in an unhealthy environment, it cannot be denied that he will fall into negative things, including drug abuse.

The rise of drug abuse cases among teenagers is a concern and worry, especially for parents. The most effective drug abuse prevention efforts are prevention efforts carried out by families, especially parents. Because parents and family are the closest environments that can influence a person's behavior, it is important to strengthen the role of parents in anticipating the dangers of drugs.

When detailed one by one, drug abuse has many impacts, most of which have negative effects. In general, the impact of drug abuse can be seen physically, psychologically, and even socially.

Physical impact

There are many impacts of drug abuse on the physical use of its users, including neurological disorders of the nervous system, cardiovascular diseases of the heart and blood vessels, dermatological skin disorders, pulmonary lung disorders, and reproductive health problems.

Psychic impact

Some of the psychological effects that drug users will feel include loss of self-confidence, often tense and restless, full of suspicion, difficulty concentrating, fear, feeling annoyed and depressed, feeling insecure, tending to hurt themselves, and even committing suicide.

Impact on the social environment

In addition to impacting a person's physical and psychological, drug abuse can also affect a person's social environment, including being anti-social and immoral, being ostracized by the community, becoming a burden on the family, and the future is bleak.

The presence of Law Number 35 of 2009 concerning Narcotics in Indonesia is expected to be able to overcome the problem of narcotics and narcotics precursors from various aspects to reduce the reduction of illegal supply and demand to save the Indonesian nation from the threat of drugs because the content of the new law is more compensatory. Compared to the old law, an increased understanding is needed by all parties. The Narcotics Law emphasizes the role of the community to be actively involved in fighting narcotics crime. This includes the part of society, especially for teenagers.

Article 104 of the Narcotics Law states: "The community has the widest opportunity to participate in helping the prevention and eradication of narcotics abuse." Legal counseling activities about the dangers of drugs must be carried out by sharing or discussing with experts and target partners better to understand the content and content of the Narcotics Law and determine policies and strategic steps in anticipating the prevention and control of narcotics.

Policy Implementation of Law Number 35 Year 2009 concerning Narcotics Social Environment

Health promotion for drug users needs to be also considered at the social environment stage; therefore, special handling for drug users to reduce the adverse effects of drug use is necessary. The term harm reduction comes from the translation of Harn Reduction, which means reduction/reduction of loss/damage (16).

Reduction of ill effects of illegal drugs is a program concept that is used to prevent or reduce negative consequences related to drug use behavior. This goal is more short-term and pragmatic than the long-term goal of stopping drug use.

The motive of curiosity: in adolescence, a person usually has the nature of always wanting to know everything and trying something that has not or its negative impact is unknown. Forms of curiosity and want to try it, for example, by getting to know narcotics, psychotropics, and other addictive substances.

Personality

Low self-esteem: feelings of inferiority in social interactions, such as in the school environment, workplace, and so on, so that they cannot overcome these feelings, adolescents try to cover up their shortcomings to show their existence, do so by abusing

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narcotics, psychotropic substances, or substances. Other addictive substances, so they can feel that they are getting what they dream of, including being more active, braver, etc.

Emotional: adolescent emotional instability at puberty can encourage teens to reduce fatal mistakes. At these times, they usually want to be free from the bonds of the rules imposed by their parents. On the other hand, there is still dependence, resulting in personal conflicts. To escape the emotional war, they seek escape by abusing narcotics, psychotropic substances, and other addictive substances to try to reduce information or be more courageous in opposing the will and rules given by their parents.

Law enforcers discriminate between those who can be saved and those who are no longer helped. For the second category, the treatment is usually very harsh. There is even a hidden desire to get rid of relapse addicts as soon as possible because the treatment costs they spend are far greater than the possibility of recovering. Changes for the better are only possible if state administrators are aware that their problems are very complex, having political, economic, social, cultural, and historical dimensions.

March 2009 The Supreme Court issued a circular to all heads of high and district courts to place drug users in therapy and rehabilitation homes. From the perspective of drug law enforcement in Indonesia in the last ten years, this circular is a breakthrough for considering the health aspects given to users. Drug users are categorized as a health problem, not a crime that requires a prison sentence.

However, the classification of users in this circular is still too difficult for most drug users in Indonesia to fulfill. For example, the amount of evidence required is unrealistic even for one-time consumption, which is 0.15 grams for heroin. In addition to the amount of evidence, another requirement that is also difficult to fulfill is that the person concerned is not a drug case recidivist.

Since 2006 drug victims in Indonesia have organized themselves to form groups at the local level and network nationally and internationally. Fully aware that the oppression is influenced by various interests that lead to a legal product with erroneous information that has taken root in the community, the main mission of these groups is to provide education about drugs and carry out reverse proofs on the stigma attached to victims drugs.

Partner-raising to support the realization of drug policies that side with the people continues to be carried out where individuals and legal aid institutions join together, draft laws, along with the results of narcotics policy evaluation research.

Drug harm reduction services implemented in government-owned health centers since 2004 have expanded, especially in areas with dense populations of users of narcotics, psychotropic substances, and other addictive substances.

One of these health services is the substitution of narcotics, psychotropic substances, and other addictive substances. Although only limited to the type of opioid, this service sets a precedent for protecting the public from illicit drug trafficking. By being provided, monitored, and regulated by the government so that the dose, price, and consumption are controlled, the victims of narcotics, psychotropics, and addictive substances (drugs), who participate in this service do not need to commit criminal acts to

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get drugs because the prices are controlled. Their quality of life is maintained, may increase due to medical and social supervision.

Controlling, controlling, and regulating drugs by the state is a policy option that favors the people. It is only with this policy choice that the state controls the price, quality, distribution, and consumption so that the organized crime syndicates that have so far managed the production, distribution, and circulation of drugs can overthrow. The state protects people from the negative potential of substances whose properties have been known and consumed by humans in various parts of the world since thousands of years ago.

The problem of narcotics abuse is a serious problem faced by the government, so to overcome it, various policies must be issued that can minimize the abuse of narcotics. The following are some steps that the government has taken in preventing the abuse of Narcotics:

First, in 1971, the government established a Bakolak Inpres institution to handle and minimize the occurrence of drug abuse crimes, juvenile delinquency, and money laundering.

Second, in 1999, a new institution called BKNN replaced the task of Bakolak Inpres. Third, in 2002, the BKNN institution was changed to BNN, where the network was wider, which could reach the provincial, district, and city levels. The regional government manages this institution at the regional level.

Fourth, in 2009 a policy was issued regarding granting ministerial-level BNN authority with direct command lines to the provincial, district, and city BNN.

Improvement and supervision to prevent and eradicate abuse and illicit trafficking of narcotics are very necessary. Because narcotics crimes are generally not carried out by individuals independently but carried out collectively, even by syndicates that are well organized, neat, and very secret. In addition to narcotics crime, the development of the quality of narcotics crime has become a serious threat to human life.

To further improve control and supervision to prevent and eradicate narcotics abuse and circulation, joint efforts are needed between law enforcement officers and the community, because without coordination of the illicit trafficking of narcotics, the community begins to feel the effects and consequences in real terms, even at the threat level, harmful to the interests and welfare of society. Symptoms include narcotics entering the family environment, schools, and traditional territories have been infiltrated.

Furthermore, to prevent narcotics abuse, the Government affirms in Law Number 35 of 2009 Article 54 Narcotics addicts and victims of Narcotics abuse undergo medical rehabilitation and social rehabilitation. Law Number 35 the Year 2009 Article 55 paragraph (1) Parents or guardians of Narcotics Addicts who are not old enough are required to report to public health centers, hospitals, and medical rehabilitation and social rehabilitation institutions appointed by the Government to receive treatment and treatment through medical rehabilitation and social rehabilitation.

Meanwhile, paragraph (2) Narcotics addicts of sufficient age must report themselves or be written by their families to public health centers, hospitals, and medical rehabilitation

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and social rehabilitation institutions appointed by the Government to receive treatment and treatment through medical rehabilitation and social rehabilitation.

The narcotics rehabilitation program is a series of coordinated and integrated efforts, consisting of medical actions, mental guidance, psychosocial, religious, educational, and vocational training to improve self-adjustment, independence, and self-help efforts and achieve functional abilities by their potential mentally, socially, and economically. In the end, they are expected to overcome the problem of drug abuse and return to interacting with the community in a normal way.

CONCLUSION

This study concludes that the dangers of drugs today have exceeded the threshold, considering all the ways and spaces that can be entered by the influence of drug abuse itself, especially among teenagers. This has a great impact on the development of teenagers who are the successors of the nation's generation who will later contribute a lot to the growth and development of this country. Several things need to be considered together in efforts to handle and prevent drug trafficking. Also, the impact of drugs, namely: the presence of the role of the family in managing life governance, so that good communication and interaction between parents and children are established, then the participation of the government is very crucial, namely the existence of regulations with all techniques in the handling and prevention of drug abuse—the birth of Law. No. 35 of 2009 should be a gateway for the handling and preventing drug abuse in the community, especially for teenagers.

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