



Narcotics as a Transnational Organized Crime

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Abstract

The increase in all human activities in various ways, especially in the world of technology and communication makes everything easier and more developed, one aspect that does not escape this convenience is international crime, especially in international drug abuse. This study uses a descriptive method with a qualitative approach and data triangulation analysis, the results of the study explain that narcotics abuse is a crime that will greatly impact all aspects of life, the increase in narcotics abuse in Indonesia is caused by an international trade system that has an impact on all lines. life is no exception for those who take advantage of this moment to commit an international crime with their motives and various ways of creating an organization that connects people from various countries, until the most common cases are drug crimes.

Keywords: Criminal, Narcotics, Transnational

1. Introduction

From year to year the number of crimes is increasing and diverse, the motives of crime are increasingly difficult to guess and tend to develop in accordance with the civilization of the human era, entering the era of globalization as today, crime is not only circulating in one country's territory, but has also entered into Another state boundaries, one of the crimes that is very rife to shake the world of the homeland is the circulation of narcotics, with all the capabilities and sophistication of technology and information, the distribution of narcotics has deeply disturbed all Indonesian people, especially with the ability of narcotics dealers to smuggle illegal goods (Hariyanto, 2018; Gukguk et al, 2019). Emphasized that narcotics crime is no longer just a crime but a national and international problem, narcotics trafficking does not recognize age, gender, religion, as long as the illicit goods can be smuggled and circulated then all generations will be affected As a result, of course, this is an irony for all levels of society, including the government as the legal holder whose task is to eradicate all crimes that exist in Indonesia, including the misuse of narcotics. Young people, the next generation of the nation, and the generation who will be proud of the name of Indonesia. Protection of children in a crime, especially narcotics crime is an important thing, because children are the next generation of the nation (Utami, 2014; Pamungkas et al, 2017; Herindarsti, 2018).

Narcotics crime has long been a problem that does not seem to know the term over, even the dealers are now more comfortable with the ease of access that can be enjoyed along with the development of the global economy, this is evidenced by the development of more and more types of narcotics, even most cases of narcotics successfully revealed by the police as an international network that managed to enter through various transportations, even neglecting the inspection of guard officers, the ease of transacting and smuggling various types of narcotics was actually predicted long ago in line with the increasing international trade war involving many countries. other countries to be able to enter the territory and boundaries of other countries, the current digital era has given rise to a phenomenon called a global village where people can relate to one another without any geographical, economic, ideological boundaries, political, social, cultural and legal. (Prisgunanto, 2012; Jainah, 2013; Siswoko, 2017; Nugrahenti et al, 2021).

The law in Indonesia itself views a narcotics crime as an enemy of the state and all of that has been included in a Law no. 35 of 2009 is that addicts and victims of narcotics abuse are given action sanctions (medical rehabilitation and social rehabilitation), while narcotics abusers who are not addicts are given criminal sanctions. Parameters of victims of narcotics abuse in Law no. 35 years old. The existence of the Narcotics Law as the right legal umbrella in deciding the case files for drug addicts, dealers, and even narcotics couriers is an appropriate step in anticipating the development of other drug cases, which are indeed very common nowadays and wandering everywhere, another example of drug abuse which is very barbaric and regardless of age is the distribution of children under the age of 20, with very cunning motives, these narcotics dealers tend to be smart in entering these types of illicit goods into some objects that are very favored by children such as narcotics cases that are tucked into candy shells, of course this is a very serious problem for our government to be more careful in dealing with narcotics trafficking, especially among minors, protection of narcotics crimes against children. Children really need to be looked after This is because children are part of the younger generation as one of the human resources who are the potential and successors of the nation's struggle in the future (Zahra, 2017; Prayuda, 2020; Achmad, 2021).

Transnational crime or commonly known as transnational crime is an association of people who have an organizational system in which there are several people who come from different countries, they form a network by utilizing the funds collected from the distribution of narcotics. to various regions in the world, of course this is a phenomenon that is very dangerous to the security of the whole world, even events like this can threaten human civilization, which is far from the words peace, security and prosperity, in addition to the term international law or international law, is also used The term transnational law or transnational law is referred to as all laws that regulate all actions or events that go beyond the territorial boundaries of a country (Atmasasmita, 1997; Thontowi, 2017; Yolandi, 2020).

In addition to narcotics smuggling, which is already rife in the international community, the Indonesian government must also anticipate other crimes that come through the dark side of the transnational, ranging from human trafficking, terrorism, and the involvement of organized corruption with other countries. In another case regarding narcotics abuse which is indicated through an international network, it has

entered a very worrying stage, the incident is mostly found among students or minors, according to a source in the South Sulawesi News daily, in 2019, the prevalence rate of narcotics abuse per year in the group of minors (students) touched the figure of 3.21% or equivalent to 2,297,492 people while in the group among students the percentage touched the figure of 2.1% or equivalent to 1,514,037 people. With various assumptions and facts that have been found in the field that narcotics abuse is increasingly rampant and once again the narcotics dealers never stop to be able to smuggle these illicit goods to anyone without exception, this is very concerning for the development of Indonesian children who must face a harsh reality, their existence out there is very threatened with the many modes of drug smuggling.

Along with the spread of the narcotics trade, which involves many countries covering various regions to remote parts of the country, the ingredients and content contained in these substances are increasingly diverse, so that they are difficult to identify, but basically narcotics themselves come from a plant or herbs. both synthetic and semi-synthetic, the effect is truly extraordinary, besides being able to cause a decrease in consciousness, loss of pain, increase stamina and courage and the two things that are most very dangerous for humans if they consume these prohibited items frequently, believe the effects of dependence are very powerful until death, then if this is the case, it is necessary to take very firm action and deter the narcotics traffickers. The scope of criminal law includes three provisions, namely criminal acts, liability, and punishment. The criminal provisions contained in Law no. 35 of 2009 concerning Narcotics is formulated in Chapter XV of Criminal Provisions Articles 111 to 148. Law no. 35 of 2009 concerning Narcotics (Rahmadhani et al, 2018; Ariastuti, 2020).

In the international world, narcotics embezzlement involving many major airports has actually been found and disclosed in various forms, and according to the UNODC (United Nations Office on Drugs) report revealed that the production and trade of narcotics through international trade which includes various the areas around Southeast Asia including Laos, Myanmar, Thailand, including Indonesia, most of the porters caught and caught in this international operation are those who come from China, this certainly places the Southeast Asia region as the most ideal region (Nuranie, 2018). In the case of narcotics abuse, of course this is a very dangerous signal for the Indonesian state for the entire community and law enforcement officers in charge of dealing with the spread of narcotics. Actually the narcotics eradication program which is commanded by the legal institution of the National Narcotics Agency of the Republic of Indonesia has issued many programs and plans in connection with the increasing circulation of narcotics nationally and internationally, with the slogan "Fighting Drugs", as the first step in taking firm action against anyone who uses narcotics or similar substances that are prohibited by the government, the government also reveals that the abuse and illicit trafficking of narcotics is an extraordinary crime that threatens the world and can be used as a weapon in a proxy war to paralyze the nation's power.

The aims and objectives of this study are to find out how, narcotics crime as an international crime. Some references and previous research that the researcher used in the preparation of this study were, Drug Crime as a Phenomenon of Transnational Organized Crime, this research was compiled by Jainah (2011) using normative, and

prescriptive juridical research methods. The results of this previous study explain that, drug crimes in Indonesia are part of transnational crimes committed by professional and organized perpetrators involving Indonesian citizens and foreign nationals. Drug crime is one of the means to get a quick profit in an illegal and against the law where in these activities there are sponsors and actors who have been trained to carry out the drug business activities. Many law enforcers have also been affected and have even become perpetrators of these drug crimes.

The next research is entitled, *Legal Arrangements for Narcotics Crimes as Transnational Crimes in the Southeast Asia Region*, this research was compiled by Sari et al (2016) using normative methods and the results of this previous study explained that, there are several instruments international law in the Southeast Asian region which regulates narcotics crimes under international law in Southeast Asia in the context of eradicating illicit narcotics trafficking, however, there are still vague norms in international legal arrangements. This vague norm has an impact on the application of the type of punishment that is still different in each country and there is a need for uniformity in application to reduce drug trafficking in Southeast Asia.

The third study entitled, *Legal Arrangements for Narcotics Crimes as Transnational Crimes in Indonesia and Thailand*, this research was compiled by Prahmani (2021), using descriptive normative methods and the results of this previous study explained that, namely the arrangements used in eradicating trafficking illegal narcotics in Indonesia, Law No. 35 of 2009 concerning Narcotics, prohibits and threatens crime against narcotics abuse, in the form of individuals or legal entities (corporations). Thailand in terms of narcotics crime prevention and eradication of narcotics is The Narcotics Act B.E.2522 (A.D.1979) prohibits and provides criminal penalties for narcotics abuse, both individuals and groups of narcotics networks. Eradication of illicit drug trafficking from the two countries, Indonesia and Thailand, have not demonstrated and proven their effectiveness in terms of preventing and eradicating illicit narcotics trafficking, because there are still many drug dealers who are widespread domestically and abroad and the number of users of illegal drugs is increasing. This extraordinary crime has become a global crime that has claimed many victims who are entangled in narcotics cases.

The last research entitled *Implementation of Assessment Regarding Rehabilitation of Victims of Narcotics Abuse Judging from the Legislation*, this research was compiled by Muslikan and Taupiq(2019) using normative juridical research methods with a qualitative approach and the results of this previous study explained that, the process of implementing rehabilitation for victims Narcotics abuse by the Narcotics Rehabilitation Center in Bogor Regency is in accordance with statutory regulations, but it does not rule out the possibility that this deficiency is always present in carrying out these regulations, furthermore the implementation of an assessment of victims of narcotics abuse in the Indonesian National Police is the same as that carried out by the National Narcotics Agency, namely if a narcotics victim makes a report without an arrest process, the police will direct it directly to the recipient institution that is obliged to report (IPWL), and if the victim of narcotics abuser is arrested by the police, the process of receiving assessment reports from investigators is no later than 1x24 hours and the integrated assessment team

provides recommendations for assessment results with a maximum period of 6 days to investigators to be reported in writing to the local district court.

From the explanations of the previous studies above, the researchers found a fundamental similarity regarding aspects of the formulation of the problem that the researcher is currently researching, namely regarding narcotics crime as an international crime, for this reason the researcher uses the previous study as a commensurate description and reference, so that in formulating problems in research This can be concluded and described with methods and understanding that are as good as some of the previous studies that researchers have used.

2. Approach Method

In this study the researcher wants to examine a phenomenon that discusses narcotics crime as an international crime, in this study the researcher uses a qualitative descriptive approach by reviewing several journals or articles related to the topic of discussing narcotics crimes as international crimes, the type of research used is development research or what is often known as the Research and development model is used because it is easy to apply, systematic in nature with a clear framework, There are two sources of data used in this study, where the data includes primary data and secondary data. , what is meant by secondary data is the main data related to the topic and also the research being studied, where the researcher gets these sources from journals and also references related to the education of local wisdom and cultural values. Furthermore, in qualitative research methods, the main purpose of carrying out data analysis techniques is to reduce data and facts that have been encountered in the field in a form that is easier to understand or the data is summarized and concluded more easily for interpretation (Rahayu et al, 2020; Ali, 2021).

3. Result and Discussion

Based on the results of the research that has been carried out, using the observation method on several articles related to the topic of discussion of narcotics crime as an international crime by evaluating and also analyzing the data found in the field, it can be concluded several results and also a thorough discussion. find, namely:

3.1 The Development of Narcotics Crime in the World-Transnational Organized Crime

In handling narcotics cases involving and the second route through the north which enters the Yunnan Province area, precisely in China, which is continued to Kunming and eventually spread to various regions in Southeast Asia. Crime organizations have now entered various business activities including legal industrial activities, illegal, extortion of workers and extortion by fraud (Golose, 2000, Khotimah et al, 2021).

However, in reality the Indonesian state has not escaped the target of international narcotics traffickers, this is evidenced by the increasing number of arrests for narcotics abuse at various borders, airports and docks that arrest various international class narcotics networks that try to enter and distribute these illicit goods. In carrying out these heinous acts, these drug couriers used several tricks to trick the officers in the field, ranging from swallowing, this mode was considered very

reckless among the narcotics couriers, by swallowing the narcotics raw and stored in his stomach, then there is the false concealment mode or hiding narcotics in an item, this mode is actually an old trick which is then reused by the couriers, as for several international narcotics cases that had shocked the world of the homeland, such as smuggling cases narcotics from abroad which occurred on January 30 and 31 last 2019, precisely in the city of Bali where the case occurred at the arrival terminal of I Gusti Ngurah Rai International Airport.

The case finally opened the eyes of organizations among Asean countries to further close ranks and be aware of the increasingly widespread transnational crime, especially in terms of narcotics crime, through the Asean Plan of Action to Combat Trans - National Crime decided that, the main target of ASEAN is combating transnational crime and drug trafficking, a common crime, which affects growth and vitality in ASEAN countries. The impact of globalization, technological advances and the widespread mobility of people and resources across national borders, transnational crimes are increasingly rampant, diversified and organized. This region has to face many other forms of crime that transcend national borders and political sovereignty such as terrorism, new types of drugs, art smuggling, trafficking of women and children and piracy. Of course, this is a good step where the stakeholders of countries in Southeast Asia participate in their efforts to fight all crimes that can damage peace among ASEAN countries in particular (Clark et al, 2020; Gelmi et al, 2020).

3.2 Narcotics Crime as a Transnational Crime in Indonesia

Indonesia as a country that obeys the law in all actions that can threaten the integrity of the Unitary State of the Republic of Indonesia, has from time immemorial declared war on Narcotics, this is proven by very severe punishments for those who abuse narcotics and prohibited goods. in everyday life, even Indonesia has a death sentence at the same time that can reward narcotics dealers, both those who deal in the country and those who come from abroad, this seriousness certainly deserves a very high appreciation, especially in institutions -an institution concerned with dealing with narcotics abuse in Indonesia, Of course, there is the National Narcotics Agency (BNN) with the assistance of the Indonesian National Police who continue to be active and move forward in peeling and eradicating all acts of narcotics distribution and abuse in Indonesia.

As stated in Chapter XV of the criminal provisions of Articles 111 to 148 of Law no. 35 of 2009, regarding the use of prohibited goods and drugs including narcotics in it, there are four categorizations which are included in unlawful acts which are prohibited by law and can be threatened by criminal sanctions including, these acts have control over storing and providing various narcotics and narcotics precursors, they will be charged with articles 111 and 112 for class I narcotics, then Article 117 for narcotics class II and article 122 for narcotics class III and article 129. Furthermore, for the category of acts in the form of producing, importing, or distributing narcotics and narcotics precursors will be snared under Article 113 for class I narcotics, then Article 118 for class II narcotics and Article 123 for narcotics class III and Article 129. In the third category, namely, acts in the form of offering, selling, sell, buy and receive and become a role This includes exchanging and surrendering narcotics and narcotics precursors, which will be subject to snares

under Article 114 and Article 116 for Class I Narcotics, Article 119 and Article 121 for Class II Narcotics (Defeo, 2020).

Of course all the actions This is taken with preventive steps and is structured with a very strict pattern, because the narcotics problem has become an enemy of the state, which if left unchecked, the effect will be very dangerous for the survival of all Indonesian people, but the law has actually determined various categories for such as users, couriers, dealers or people who are not involved in the distribution of narcotics, as well as the term rehabilitation for those who are victims of narcotics trafficking, not as permanent users or as dealers. parameters of victims of drug abuse. These parameters are the condition of being caught red-handed, found evidence of narcotics for 1 (one) day use, positive for using narcotics, and there is no evidence of involvement in illicit narcotics trafficking (Arianti, 2018).

The increase in narcotics abuse cases that occurred in Indonesia may be caused by the development of international narcotics cases which are increasingly widespread and move freely, this is a concern for the Indonesian government to immediately take action in various regions as a gateway to the Indonesian state, because if Narcotics are increasingly widespread and the circulation is wider, this will greatly affect the development of social life, another thing that will also be affected by the global circulation of narcotics is the threat to the political sovereignty of a country, because narcotics distribution activities have crossed the borders of a country's territory so that on the other hand can weaken the authority and all forms of government in a country, this is certainly very detrimental to the entire nation, including the Indonesian nation, so with all the existing laws and regulations all Indonesian people must fight all forms of narcotics on the one hand can self-destruct, narcotics can also damage the identity of a nation, the development of narcotics in Indonesia is also due to the existence of international organized crime from abroad. Criminal law itself should view narcotics users as victims of criminal acts (Hafrida, 2016).

4. Conclusion

Based on the research that the researchers conducted on the discussion of, how, narcotics crime as an international crime, the researchers can conclude several main points that can be drawn conclusions, the results of various observations that researchers found in the field, namely, the era of globalization has brought many positive impacts. very significant in various aspects of human life, ease of accessing all information and communication, has connected many countries to interact with each other, or what is often referred to as cross-country (transnational) relations, one of the impacts arising from increased cooperation. transnational crime is the increase in crime involving many people in it, especially in terms of national narcotics abuse, this phenomenon is certainly very worrying for world security which is far from safe, peaceful and prosperous, international narcotics crime is also not has arrived and has greatly impacted the security of the Indonesian state, where in recent years cases of abuse and distribution of narcotics in several parts of Indonesia have increased very high of course this is based on the increase in the cross-border trading system, which has quite an impact on the security system in Indonesia, because After all, the crime

of drug abuse is a threat to future generations of the nation who must be aware of the bad effects that can arise from the narcotics crime.

5. Reference

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