

# Law Enforcement for Perpetrators of Criminal Acts of Trafficking of Illegal Psychotropic Drugs

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**ABSTRACT:** *The development of the use of psychotropics today is increasing and not for the sake of treatment or for scientific purposes with the aim of obtaining big profits. The current abuse and illicit trafficking of psychotropic substances are increasingly complicated by the discovery of several facts in society, including the tendency to abuse psychotropic substances at the age of beginners or teenagers. The misuse of psychotropic substances can lead to a dependence syndrome if their use is not under the supervision and guidance of health workers who have the expertise and authority to do so. This is not only detrimental to the abuser but also has a social, economic and national security impact, so this is a threat to the life of the nation and state. Law enforcement for perpetrators of criminal acts of trafficking in psychotropic drugs. This type of research uses a normative juridical nature, namely by reviewing/analyzing secondary data in the form of legal materials, especially primary legal materials and secondary legal materials by understanding law as a set of positive rules or norms in the statutory system that regulates Human life Enforcement of criminal law in Indonesia has a good side and a bad side, in law enforcement against the illegal distribution of drugs, law enforcement officers have succeeded in arresting drug dealers/perpetrators of all ages and from all regions and from various aspects of the mode.*

**KEYWORDS** = Law enforcement, criminal acts, Psychotropics

## I. INTRODUCTION

The misuse and distribution of psychotropic substances is one of the problems that occurs in almost all countries, including Indonesia, unlike other crimes, psychotropics as a substance are drugs or materials that are useful in the field of treatment or health services and the development of science. Psychotropics on the other hand can cause very detrimental dependence if used without control, strict and careful supervision. (Muhammad Yamin, 2012)

Psychotropics which were originally shown for medicinal purposes, but with the development of science and technology, many types of psychotropics can be processed and their functions can also be misused. (Moh. Makaro Taufik, Suhasril, 2005) In the explanation of the Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics, it is stated that psychotropic problems can not only be detrimental to abusers, but also have an impact on social, economic and national security activities, so that this is a threat to the life of the nation and state. Increased supervision and control as an effort to prevent and eradicate abuse and illicit trafficking of psychotropic substances is very necessary, because crime in this field is growing both in terms of quality and quantity.

Like other countries, Indonesia has also ratified the 1961 Single Convention on Narcotics and the United Nations Convention on the Eradication of Illicit Traffic in Narcotics and Psychotropics. The Government of Indonesia has issued Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics. The purpose of regulating psychotropic substances is contained in Article 3, Law of the Republic of Indonesia Number 5 of 1997, namely:

1. Ensure the availability of psychotropic substances for the benefit of health services and science,

2. Preventing the abuse of psychotropic substances,
3. Eradicating the illicit circulation of psychotropic substances.

By taking into account the purpose of the law, it appears that in essence it wants psychotropic substances to be used only for the benefit of health services and science. Therefore, the use of psychotropics outside of these interests is an illegal or illegitimate use. Currently, Indonesia is not only a transit country or a destination country for the illicit trafficking of psychotropic substances but has developed into a producing country. Psychotropic cases are even more surprising to the public, because psychotropic problems have spread everywhere, initially only in big cities but now have penetrated into small towns, to residential areas, campuses and even schools. school. The circulation and use of psychotropics has also penetrated all levels, both the upper, middle and lower classes, the circulation of psychotropics has also penetrated starting from children, students, artists, officials and even security forces. (Hari Sasangka, 2003)

Seeing this fact, the function and role of law enforcement, especially the Indonesian National Police are required to carry out their obligations in accordance with the authority they have in terms of law enforcement as stipulated in Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police. For this reason, the Police are expected to always be ready to combat and overcome the dangers of the abuse and distribution of psychotropic substances, by establishing cooperation between relevant agencies and the participation of the wider community.

For example the case that occurred in the jurisdiction of the Wonosobo Police with the following chronology; 1 (one) suspect has been arrested, Feriyana Bin Suyatno, has been proven without the right to possess, store and or carry psychotropics (the Rikiona type), the suspect has been arrested by officers and a search was carried out and found evidence of 4 (four) Rikiona items wrapped in clear plastic clips which is stored in the white helmet worn by the suspect. For this action, the suspect is subject to criminal sanctions in accordance with the Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics. Based on the description above, the author examines "Law Enforcement for Criminal Actors in the Circulation of Psychotropic Illegal Drugs.

## II. RESEARCH METHODS

The method used in the theme is law enforcement for perpetrators of criminal acts of trafficking narcotics psychotropic drugs. This type of research uses a normative juridical nature, namely by reviewing/analyzing secondary data in the form of legal materials, especially primary legal materials and secondary legal materials by understanding law as a set of positive rules or norms in the statutory system that regulates human life. Normative legal research is research conducted by examining library materials. This normative legal research or literature includes: (1) research on legal principles; (2) research on legal systematics; (3) research on the level of vertical and horizontal synchronization; (4) comparative law; and (5) legal history. (Mamuj, 2004)

The specification of the research is descriptive analytical, namely to provide a detailed, systematic and comprehensive picture of law enforcement for perpetrators of criminal acts of trafficking psychotropic drugs. In this case, the author analyzes the data with legal analysis in accordance with the provisions of the applicable legislation and in accordance with the laws and regulations related to the case of the perpetrators of criminal acts of trafficking psychotropic drugs.

## III. DISCUSSION

Law enforcement for criminals can ensure legal certainty, order and legal protection in the current era of modernization and globalization can be implemented, if various dimensions of legal life always maintain harmony, balance and harmony between civil morality based on actual values in society. civilized. As a process of activity that includes various parties including the community in order to achieve goals, it is imperative to see criminal law enforcement as a criminal justice system.

Law enforcement is an attempt to tackle crime rationally, fulfill a sense of justice and be efficient. In the context of tackling crimes against various means as a reaction that can be given to criminals, in the form of criminal and non-criminal means, which can be integrated with one another. (Arief, 2002) According to

Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are outlined in the principles or views of values that are solid and manifest and act as a series of final stages of value elaboration to create, maintain and maintain peaceful social life. (Soekanto, 2005)

Crime is a basic understanding in criminal law. A crime is a juridical definition, unlike the term "evil act" or "crime" (crimen or verbrechen or misdad) which can be interpreted juridically (law) or criminologically. (Sudarto, 1990) A criminal act is an act that is prohibited by a rule of law, which prohibition is accompanied by threats in the form of certain crimes for anyone who violates the prohibition. For the existence of a criminal act there must be elements: an act (human); which fulfills the formulation in the law (formal requirements); and is against the law (material terms). (Moeljatno, 1985)

Perpetrators of criminal acts can be punished if they meet the requirements that the crime they commit fulfills the elements that have been determined in the Act. Viewed from the point of view of the occurrence of prohibited actions, a person will be held accountable for these actions, if the action is against the law and there is no reason to justify or negate the unlawful nature of the crime he has committed.

Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics, Chapter I General Provisions, Article 1 (paragraph 1) Psychotropics are substances or drugs, both natural and non-narcotic synthetic, which have psychoactive properties through selective effects on the central nervous system that cause characteristic changes. on mental activity and behavior.

Article 1 paragraph (5) explains that Circulation is any activity or series of activities for distribution or delivery of psychotropics, either in the context of trading, not trading or transferring. Psychotropic types are divided into 4 groups:

- a. Group I: is a psychotropic with a very strong addictive power to cause dependence, its medicinal benefits are not yet known, and its properties are being researched such as ecstasy (menthylendioxy menthaphetamine in tablet or capsule form), shabu-shabu (crystal form containing menthaphetamine).
- b. Group II: is a psychotropic with a strong active power to cause dependence syndrome and is useful for treatment and research. Example: amphetamine and methamphetamine.
- c. Group III: is a psychotropic with addictive power that is being useful for treatment and research. Example: lumubal, fleenitrazepam.
- d. Group IV: is a psychotropic with mild addictive power useful for treatment and research. Example: zepam nitrate, diazepam.

One type of psychotropic is methamphetamine. Shabu-shabu is a type of psychotropic which is an artificial stimulant drug derived from amphetamine. Its effect on the physical is stronger and faster than ecstasy. Shabu-shabu can accelerate body activities, increase heart rate, blood pressure, make the mouth dry and always sweat. Meanwhile, the psychological effects can be seen in feeling happy, increasing energy, feeling healthy, feeling powerful, confident, increasing concentration, decreasing appetite, not getting sleepy easily, and hallucinations occur. People who already suffer from addiction experience frequent mood swings, anxiety, irritability, confusion, tension, paranoia, and suicidal ideation. Methamphetamine users can be detected in their urine for 2-4 days.

Characteristics of Psychotropic Users, People who use psychotropic substances can be seen clearly by looking at their physical characteristics, daily activities that change drastically. The characteristics of psychotropic users, among others, are:

1. The body feels weak and unmotivated, there is no energy to carry out activities.
2. The face looks pale and the body becomes thin.
3. Body shivering heavily followed by hysterical screaming.
4. Difficulty in concentrating or focusing on something.

The misuse of psychotropic substances can lead to a dependence syndrome if their use is not under the supervision and guidance of health workers who have the expertise and authority to do so. This is not only detrimental to the abuser, but also has a social, economic and national security impact, so this is a threat to the life of the nation and state.

Seeing the impact of psychotropic abuse for users, it is necessary to punish the perpetrators of psychotropic dealers, in accordance with the applicable law. as a "giving or imposition of a criminal" then the meaning of the criminal system can be seen from 2 (two) angles:

- a. In a broad sense, the criminal system is seen from a functional point of view, namely from the point of view of its work/process. In this broad sense the criminal system can be defined as:
  1. The whole system (laws and regulations) for the functionalization/operationalization/concretization of criminals.
  2. The whole system (laws that regulate how the criminal law is enforced or operationalized in a concrete way so that a person is subject to criminal sanctions (law).
- b. In a narrow sense, the sentencing system is seen from a normative/substantive point of view, that is, it is only seen from the norms of substantive criminal law. In this narrow sense, the criminal system can be interpreted as:
  1. The whole system (laws and regulations) for sentencing
  2. The whole system (laws and regulations) for giving/imposing and implementing criminals. (Arief, 1998b)

From the definition of the criminal system above, it can be said that all the laws and regulations that exist in the Criminal Code (KUHP) and those outside the Criminal Code (KUHP) which are specific are all criminal systems. The Criminal System whose formulation is poured in. The law is essentially a system of authority to impose criminal penalties. (Arief, 1998a) From the statement above, it implicitly implies that the criminal system contains policies that regulate and limit the rights and authorities of state officials/officials in imposing/imposing a crime. In addition, the criminal system also regulates the rights/authorities of citizens in general.

The punishment system is part of the mechanism of law enforcement (criminal) so the punishment which is usually also interpreted as "criminal punishment" is nothing but a "policy process" that is deliberately planned. This means that the provision of the punishment to actually be realized is planned through several stages, namely:(Barda Nawawi Arief, 1992)

- a. The stage of determining the criminal by the legislator.
- b. The stage of giving the punishment by the competent body and
- c. The stage of criminal implementation by the competent implementing agency.

The integration of the three stages above which makes a system and stage of criminal determination play an important role in achieving goals in the field of punishment and this stage must be a careful planning stage and which gives direction to the following stages, namely the stage of criminal application and implementation stage. criminal.

The enforcement of criminal law in Indonesia has a good side and a bad side, in law enforcement against the illegal distribution of drugs, law enforcement officers have succeeded in arresting drug dealers/perpetrators of all ages as well as from all regions and from various aspects of the mode. but law enforcement officers also have a drawback where there is a lack of harmony between law enforcement officers in eradicating a crime. Because when law enforcers have harmony in eradicating and enforcing criminal law in Indonesia, law enforcers can also have appropriate targets in enforcing the law. In addition, these goals and targets can be achieved easily which in the end the crimes in a criminal act can be reduced by itself.

Circulation and abuse of psychotropic substances in society must be prevented and addressed. This prevention effort must really be carried out in accordance with the issuance of Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics, so that this psychotropic problem does not grow in society as a bad epidemic for the development of the State, this concerns the role of law enforcement officers, especially the Police, the Attorney General's Office, and Court.

The criminal justice system is essentially a criminal law enforcement process. Therefore, the criminal justice system is closely related to the criminal legislation itself, both material criminal law and formal criminal law (criminal procedure). In this case the criminal justice system is a form of embodiment of law enforcement.

In order for the criminal process to run properly in accordance with the justice system in Indonesia, it is necessary to synchronize the tasks of investigation and prosecution carried out by law enforcement officers in accordance with their authorities and functions.

Law enforcement by the National Police is based on the Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics. Chapter XIII Investigation, Article 55, Apart from what is stipulated in Law Number 8 of 1981 concerning Criminal Procedure Code (State Gazette of 1981 Number 76, Supplement to State Gazette Number 3209), police investigators of the Republic of Indonesia may:

- a. Carry out supervised delivery investigation techniques and covert purchasing techniques;
- b. Opening or inspecting any goods sent by post or other means of communication which are suspected of having a connection with cases involving psychotropic substances currently under investigation;
- c. Eavesdropping on telephone conversations and/or other electronic telecommunication devices conducted by people who are suspected or strongly suspected of discussing issues related to psychotropic criminal acts. The period of wiretapping lasts for a maximum of 30 (thirty) days.

Based on Article 56 it is explained that:

- (1) In addition to investigators of state police officers of the Republic of Indonesia, certain civil servants are given special authority as investigators as referred to in Law Number 8 of 1981 concerning Criminal Procedure Code (State Gazette of 1981 Number 76, Supplement to State Gazette Number 3209) to carry out criminal investigations as regulated in this law.
- (2) The investigator as referred to in paragraph (1) has the authority to:
  - a. Carry out an examination of the veracity of reports as well as information on criminal acts in the field of psychotropics;
  - b. Conduct examinations on persons suspected of committing criminal acts in the field of psychotropics;
  - c. Requesting information and evidence from individuals or legal entities in connection with criminal acts in the field of psychotropics;
  - d. Carry out examination or confiscation of materials or evidence in criminal cases in the field of psychotropics;
  - e. Carry out storage and security of evidence confiscated in criminal cases in the field of psychotropics;
  - f. To examine letters and/or other documents regarding criminal acts in the field of psychotropics;
  - g. Opening or inspecting any goods sent by post or other means of communication which are suspected of having a connection with cases involving psychotropic substances currently under investigation;
  - h. Request assistance from experts in the context of carrying out the task of investigating criminal acts in the field of psychotropics;
  - i. Determine the start and end of the investigation.
- (3) Matters that have not been regulated under the authority of Civil Servant Investigators as regulated in the applicable legislation, especially regarding investigation procedures shall be stipulated by Government Regulation.

Article 57:

- (1) In front of a court, witnesses and/or other people in a psychotropic case that is being investigated are prohibited from mentioning the name, address, or other things that give the possibility of revealing the identity of the reporter.
- (2) At the time the examination in court is about to begin, the judge shall give advance warning to the witness and/or other person concerned with the case of a psychotropic crime, not to mention the identity of the reporter, as referred to in paragraph (1).

Article 58:

Psychotropic cases, including cases that take precedence over other cases to be submitted to court for examination and settlement as soon as possible.

Duties of the Public Prosecutor (JPU), In the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office, the Prosecutor's Office as a state institution that carries out state power in the field of prosecution must carry out its duties and authorities independently, layered from the influence of government power and the influence of power. Other provisions in Article 1 of the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office are explained as follows:

Article 1: In this Law what is meant by:

1. Prosecutors are functional officials who are authorized by law to act as public prosecutors and implement court decisions who have obtained permanent legal force and other powers based on the law
2. Public Prosecutor is a prosecutor who is authorized by this Law to carry out prosecutions and carry out judges' decisions.
3. Prosecution is the action of the public prosecutor to delegate the case to the competent district court in matters and according to the method regulated in the Criminal Procedure Code with a request that it be examined and decided by a judge in a court session.

The role of the public prosecutor as one of the law enforcement officers is required to be able to carry out their duties and obligations professionally. That is to prosecute perpetrators of psychotropic crimes and ask the judge to decide the case. All actions taken by the public prosecutor are an effort to create order in society and the fulfillment of a sense of justice in the community as well as the creation of successor generations that can compete with other countries.

The duty of the judge in deciding cases. The implementation of criminal justice is an effort to overcome crimes that occur in the community by bringing criminals to court so as to have a deterrent effect on criminals and make potential criminals think twice before committing a crime.

The judge's consideration is one of the most important aspects in determining the realization of the value of a judge's decision that contains justice (*ex aequo et bono*) and contains legal certainty, besides that it also contains benefits for the parties concerned so that the judge's considerations must be addressed carefully, both , and careful. If the judge's considerations are not thorough, good, and thorough, then the judge's decision that comes from the judge's considerations will be annulled by the High Court/Supreme Court.

Judges in examining a case also require evidence, where the results of the evidence will be used as consideration in deciding the case. Proof is the most important stage in the examination in court. Proof aims to obtain certainty that an event/fact submitted has actually occurred, in order to obtain a true and fair judge's decision.

Based on the results of the research, it is described about law enforcement for perpetrators of criminal acts of trafficking illegal psychotropic drugs, Decision Number: 69/Pid.Sus/2019/PN Wonosobo. The Wonosobo District Court which tried the psychotropic criminal case with the usual examination procedure in the first instance handed down the following decision in the Defendant's case. Identity of the Defendant: Full name Feriyana Bin Suyatno, Place of birth Banjarnegara. Age/Date of Birth 25 Years/November 25, 1993. Gender Male. Indonesian Nationality. Siwalan Sembir's residence is RT.02/RW.02, Tanjungtirta Village, Pugelan District, Wonosobo Regency. Islam. Private Employee Jobs. The defendant Feriyana Bin Suyatno is being held in the detention center.

Investigator from 18 May 2019 to 6 June 2019. Investigator Extension by Public Prosecutor from 7 June 2019 to 16 July 2019. Public Prosecutor from 10 July 2019 to 29 July 2019. District Court Judges since 19 July 2019 until August 17, 2019. First Extension District Court Judge By the Head of District Court from 18 August 2019 to 16 October 2019. The defendant faced himself; the District Court; After reading:

1. Determination of the Chairman of the Wonosobo District Court Number 69/Pid.Sus/2019/PN Wsb dated 19 July 2019 regarding the appointment of the Panel of Judges;
2. Determination of the Panel of Judges Number 69/Pid.Sus/2019/PN Wsb dated 19 July 2019 regarding the determination of the trial day;
3. Case files and other related documents;

After hearing the statements of the Witnesses, Experts and the Defendant as well as paying attention to the evidence of letters and evidence presented at the trial, After hearing the reading of the criminal charges submitted by the Public Prosecutor which are basically as follows: To declare that the defendant Feriyana Bin Suyatno has been legally and convincingly proven guilty committing a crime "unrightfully possessing, storing, and or carrying psychotropic substances" as stated in the indictment. Sentencing the defendant Feriyana Bin Suyatno with a prison term of 1 (one) year and a temporary detainee with an order that the defendant remains detained and fined the defendant Rp. 5,000,000,- (five million rupiah) subsidiary 3 (three) months in prison, Stipulates that the defendant, if it is found guilty and sentenced to a crime, is burdened with paying court fees of Rp. 2,000, - (two thousand rupiah). After hearing the request of the Defendant which basically asked for leniency on the grounds that the Defendant was the breadwinner of the family and the Defendant felt guilty, regretted, and promised not to repeat his actions again; After hearing the Public Prosecutor's response to the Defendant's request which principally stated that he remained in his claim;

That the defendant was brought to trial by the Public Prosecutor charged with the following indictment: That the Defendant Feriyana Bin Suyatno on Saturday 18 May 2019 at around 14.00 WIB or at least around May 2019 or at least at some time in the year 2019, located at Jalan Wonosobo Banjarnegara Km.7 north of the Selomerto Police Ex./Kec. Selomerto Kab. Wonosobo, or at least in a place that is still included in the jurisdiction of the Wonosobo District Court, commits a crime without the right to possess, store, and or carry Psychotropics, which is carried out by the Defendant in the following manner and actions:

Whereas initially the day and date mentioned above was around 11.46 WIT the defendant contacted witness Irawan by telephone. Then the defendant said "ana R (rikлона) ora" (no rikлона) to which witness Irawan answered "pira" (how much), then the defendant asked again "regane pira" (how much) and witness Irawan answered "sijine seket, arep tuku pira" (only fifty thousand rupiahs, how much do you want to buy) then the defendant said "papa wae" (four only). After that the defendant and witness Irawan agreed to meet at the defendant's boarding house in Sokanandi Banjarnegara, after meeting the defendant gave Rp. 200,000,- (two hundred thousand rupiah) and witness Irawan gave 4 (four) round white pills bearing the mf rikлона logo wrapped in clear plastic clips. Then the defendant kept the white round drug with the MF logo in the white helmet he was wearing. Then the defendant went to Wonosobo by using a white Honda Beat motorbike, Nopol R 2079 RW.

That at the time and place as at the beginning of this indictment, when the defendant was sitting on a motorcycle, 4 (four) round white pills bearing the mf rikлона logo were found by witness Ari Widiyanto and witness Joni Wartoyo, SH (both witnesses were members of the Wonosobo Police.) from inside the defendant's white helmet, in addition to the search of the defendant, evidence was found and secured in the form of 1 (one) black Samsung cellphone along with its SIM card and 1 (one) white Honda Beat motorcycle unit Nopol R 2079 RW.

That the defendant did not have a license to buy, possess or consume rikлона type psychotropics. The defendant bought rikлона type psychotropics without using a doctor's prescription and purchasing through individuals not at pharmacies. The defendant does not have a history of illness or medical record that is required to consume rikлона type psychotropic substances.

Based on the Minutes of Criminal Laboratory Examination from the Forensic Laboratory of Semarang Branch No. Labs. : 1308/NPF/2019 prepared and signed by Drs. Teguh Prihmono, MH, Ibnu Sutarto ST and Esti Lestari, S.Si and know Dr. Nursamran Subandi, M.Sc., Head of the Forensic Laboratory Semarang Branch which was made on May 28, 2019 which in the conclusion that evidence number: 2792/2019 /NPF in the form of white tablets bearing the "mf" logo is containing Clonazepam registered in Group IV (four) serial number 30 attachment to Law of the Republic of Indonesia No. 5 of 1997 concerning Psychotropics. The Defendant's actions as regulated and subject to criminal penalties in Article 62 of the Law of the Republic of Indonesia No. 5 of 1997 concerning Psychotropics.

Regarding the Public Prosecutor's indictment, the Defendant stated that he understood and did not raise any objections. Considering, that to prove his indictment, the Public Prosecutor had submitted the following witnesses: Labs. : 1308/NPF/2019 prepared and signed by Drs. Teguh Prihmono, MH, Ibnu Sutarto

ST and Esti Lestari, S.Si as well as knowing Dr. Nursamran Subandi, M.Sc., Head of the Semarang Branch Forensic Laboratory which was made on 28 May 2019 which in the conclusion that evidence number: 2792/2019 /NPF in the form of white tablets bearing the "mf" logo is containing Clonazepam registered in Group IV (four) serial number 30 attachment to Law of the Republic of Indonesia No. 5 of 1997 concerning Psychotropics.

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Furthermore, the Panel of Judges will consider whether based on the above-mentioned legal facts, the Defendant can be declared to have committed the crime for which he is accused; Considering, whereas the Public Prosecutor has indicted the defendant with a single charge as regulated in Article 62 of the Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics, the elements of which are as follows:

1. Whoever;
2. Illegally possessing, storing, and/or carrying psychotropic substances;

Based on these legal facts, the defendant's actions can be categorized as "possessing and carrying psychotropic substances"; from the legal facts that were revealed at the trial it was proven true, in his actions the defendant did not have permission from the competent authority and was not in the context of treatment and/or treatment, based on these considerations the second element "unrightfully possessing and carrying psychotropic substances" has been fulfilled, because all elements of Article 62 of the Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics have been fulfilled, then the Defendant must be declared to have been legally and convincingly proven to have committed a criminal act as charged in the single indictment of the Public Prosecutor.

The Panel of Judges did not find things that could abolish criminal liability, both as justifications and excuses, then the defendant must be held accountable for his actions the defendant was able to take responsibility, then the defendant must be found guilty of the crime charged against the defendant and therefore must be prosecuted criminal. Whereas Article 62 of the Law of the Republic of Indonesia Number 5 of 1997, the criminal threat is cumulative punishment, namely imprisonment and a fine so that in addition to being sentenced to imprisonment for the length of time that will be stated in the verdict, the Defendant is also sentenced to a fine, the amount of which will also be stated in the verdict. with the provision that if the fine is not paid, it will be replaced with imprisonment, the length of which will be stated in the verdict. The defendant has been subject to legal detention, then the period of detention must be deducted entirely from the sentence imposed.

Whereas in order to impose a sentence on the Defendant, it is necessary to first consider the aggravating and mitigating circumstances for the Defendant. Aggravating circumstances: The Defendant's actions are not in line with the government's program which is currently aggressively eradicating the trafficking of illicit drugs, the Defendant's actions have caused distress to the public; Mitigating circumstances: Defendant behaved politely in court, Defendant felt guilty and promised not to repeat his actions, Defendant had never been convicted.

If the defendant is sentenced to a crime, he must also be burdened with paying court fees; Taking into account Article 62, Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics, and Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure Code (KUHAP), as well as other relevant laws and regulations. To declare that the defendant Feriyana Bin Suyatno above has been legally and convincingly proven guilty of committing a crime without the right to possess and carry class IV psychotropic substances as stated in the single indictment of the Public Prosecutor. 5,000,000.00 (Five million rupiahs), provided that if the fine is not paid, it must be replaced with imprisonment for 3 months and Determine the

period of detention that has been served by the Defendant to be deducted entirely from the sentence imposed, Determine that the Defendant remains detained.

Juridically, the judge in the case of imposing a sentence on the defendant of a criminal act may not impose a sentence except with at least two valid pieces of evidence, so that the judge obtains the belief that a criminal act has actually occurred and the defendant is guilty of committing it, the Defendant's actions are not in line with the program. the government is currently aggressively eradicating the distribution of illegal drugs, the Defendant's actions have caused distress to the public.

In carrying out their duties and functions, judges are obliged to maintain the independence of the judiciary. To carry out law enforcement in Indonesia, the court is only an institution, but in fact the role of judges is very sensitive because in settling a case in court, especially in criminal justice, it is the judge who gives verdicts based on facts. found in court. Even the judges in passing a verdict/decision must rely on the principles of legal certainty, justice and expediency in order to obtain a decision that is considered fair by the community, although to apply the principle as a whole is not easy, often experiencing obstacles.

#### IV. CONCLUSION

That law enforcers, especially in carrying out the application of the functions of investigation and prosecution in law enforcement of criminal acts of trafficking of psychotropic drugs based on the criminal justice system, shall take various actions, including increasing cooperation and good coordination between Police investigators and the Public Prosecutor, so as to facilitate the trial process. Defendants often provide answers in front of a panel of judges that differ from reality, because the perpetrators of psychotropic drug traffickers often seek the truth on their own and provide convoluted information. The judge's decision has reflected a sense of justice for the community.

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