

Progressive Step Of Narcotic Abuse Eradication In Globalization Era

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Progressive Step Of Narcotic Abuse Eradication In Globalization Era

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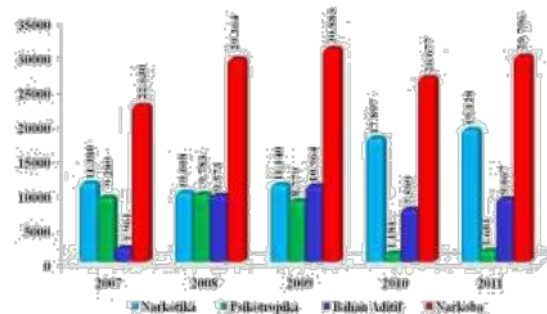
Abstract: Globalization impact cause narcotic abuse in Indonesia sharply increase quantitatively and qualitatively. Narcotic abuse has been global problem and serious threat in the nation and state. Narcotic condition in Indonesia has increased and worrying. Based on United Nation Office on Drugs and Crime (UNODC) data shows that Indonesia is on of the most narcotic user in the world, in average 1.5 % from Indonesia population or 2.9 – 3.6 million man as well as woman have involved in narcotic abuse and 22 % of them are teenager. It needs progressive step in preventing and eradicating narcotic, including consistency of presidential legal policy; coordination of National Narcotic Body, Police Officer and Ministry; the involvement of anti-drugs community and non-governmental organization, and developing anti narcotic legal culture or narcotic danger in society.

Keywords : Globalization, progressive step, narcotic abuse, eradication.

1 INTRODUCTION

GLOBALIZATION is taken from word global means universal. Globalization has no definite meaning but only as working definition. Because globalization means universal so that its meaning depend on people perspective. There is a person who consider it as a social or historical process or natural process which bring all the states and nations is united to embody a new world order or the unity of coexistence which derogate geographical, economic and cultural borders. In another perspective, globalization is considered as powerful states project which bring negative image on it (Jatmiko, 2009). Nevertheless, in several literatures found several definition of globalization. F.X. Adji Samekto (2000) define globalization as a process in which broadening of multidimensional man life scale from local to national and then, new scale all around the world without exemption. Soetandjo Wignjosoebroto give depiction on globalization as phenomenon of development from nation state to a borderless global world. Life has been various in global format, as if offer a new alternative which not only solve life aspect but also national laws, but also turn to be various in global life, even to spread enclave localism every where (Wignjosoebroto, 2008). Roland Robertson also explain that globalization is a characteristic of people relation which pass conventional limit such as state and nation. In interaction process, the world has been compressed and people awareness that world has been united (Rahardjo, 2009). Besides, I Gede A.B. Wiranata (2009) defines globalization as the unity of economic units in an economic unit which grow from time to time without border and put togetherness in concept of egalitarian and balance. Based on previous perspectives, it can be stated that globalization is an interaction between people which is multidimensional that across state border based on unity of economic globally. Interaction between people globally that across state border which bring positive impact and also can cause negative impact. Positive impact of globalization is development in science, technology, culture and law. Besides, negative impact of globalization is the entrance of many crimes. One of those is narcotic crime. Narcotic cause

negative impact for man because it is addictive if used more than stipulate dosage. In several cases, Law No. 35 Year 2009 On Narcotic allow the spread and distribution of narcotic. Related to Article 35, it is stated that narcotic is permitted for health service and science as well as technology development. Related to distribution, it is regulated from Article 39 to Article 41. This can be distributed by pharmacy industry, pharmacy big company and governmental saving place. The First category of narcotic can be distributed by big merchant to science and technology development. Then, related to narcotic distribution is regulated on Article 43 namely done by aphotic, hospital, medical facility and doctor. So that, narcotic spread and distribution is not according to regulation namely article 35, article 39 and Article 41 Law No. 35 Year 2009 On Narcotic. So that, it can be classified as crime. Narcotic spreading in Indonesia has come to the worrying point because it has been in average for man and woman. It according to United Nation On Drug and Crime (UNODC) statement that Indonesia is one of the most narcotic use in the world, in average 1.5% from Indonesia population or 2.9-3.6 million men as well as women. Graphic below shows drug spreading in Indonesia.



Narcotic Use Graphic In Indonesia
Source : National Narcotic Body

Data shown by United Nation On Drug and Crime (UNODC) shows that narcotic spreading abuse has been in worrying point. It seems from narcotic spreading practice which continuously increase that will bring impact for himself or society especially young generation. Even, this will endanger life and cultural value which at the end will weaken national defense. Narcotic abuse id narcotic use out of medical indication, no prescription and pathologic (cause abnormality)

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and cause obstacle to home activity, school, university, working place and social environment. Narcotic addict is most condition caused by material abuse with material tolerance (high dosage) and material end symptom (Mardani, 2008). Narcotic abuse and addict has a very wide dimension and complex from medical, psychosocial and law side. Law perspective related to crime caused by globalization influence namely narcotic make terrifying effect for the world include Indonesia. Indonesia cannot be elapsd from globalization wave. For example, in globalization process recently is marked by series of narcotic crime which impact to Indonesian people life. Narcotic crime is complicated social problem. It needs a consistent action to solve that problem. One of those is through legislation and find the causes through scientific study about crime perpetrator character and from physical, social and cultural (crime ethology) aspect. Through real efforts to solve transnational crime, dream of state desires in Preamble of Indonesian Constitution 1945 namely to protect entire the nation, to promote people prosperity, to enlighten the state and join the implementation of world order based on freedom, eternal peace and social justice. To achieve those dream and promote national development in safe, comfortable, order and dynamic in national as well as international environment, it is in need to improve the control things which disturb national stability namely narcotic and psychotropic dark abuse and spreading.

2 GLOBALIZATION INFLUENCE TO DEVELOPMENT OF NARCOTIC ABUSE

Globalization as an intensification process of awareness on the world as a unity has been accelerated for several last decades. The acceleration of globalization process is begun in industrialization and capitalization process in European states and spread to the entire world. The big influence of globalization can bring impact to social, cultural, political and economical changes in the entire world. Indonesia as a state in the entire world cannot be separated from globalization influence. Globalization influence to Indonesia is undeniable when Indonesia decide to be member of trade organization in regional as well as international. As member of world trade, Indonesia is open economic state. When Indonesia be an open economic state, there are many kinds of transnational crime namely narcotic crime. Transnational crime or global crime is stated for the first time by United Nations Crime Prevention and Criminal Justice Branch in 1976. It is done to identify crime phenomenon across the nation. A crime can be considered as global crime based on two sides : firstly, perpetrator. Crime perpetrator will make a chance to form web even transnationally. Secondly, impact. Impact of global crime will be gotten by many state. Several characteristic of global crime is stated by United Nations in United Nations Convention Against Transnational Organized Crime in 2000 is crime done by more than a state but preparation, planning direction and control is in another state, done by more than one state but involve crime organization which do crime more than one state, done in a state but brings impact other state. Crime classified as global crime is illegal drugs abuse, stoned and narcotic (Payne, 2009). Dealing with crime development related to narcotic abuse cannot be let because the impact can destroy society, nation and state development and many kinds of negative impact in society. It is necessary to take efforts related to narcotic prevention and eradicating. Juridical, there is no difference between narcotic and other crimes. Narcotic is

also categorized as cross border crime and transnational crime. From perpetrator perspective, this crime cannot be solely done but done organized with sophisticated modus (Supramono, 2004). Narcotic as global crime can cause threat state politics and economic as individual and global entity. Global crime also can be threat for national security, regional and international. Indonesia as part of global organization can experience transnational crime in term of narcotic. For example narcotic trade, technology and transportation development has made good path for drugs trader to spread forbidden drugs. Empirically, narcotic trader club in one state with trader club in another state can make a web by using technology and ignoring state border. The spread of narcotic club trader and its activity broaden terror threat. It makes almost entire states in the world experience pressure under narcotic terror. War on drugs had been begun by America through war on drugs policy. This policy had influenced political policy in the entire states and be turning point to war on drugs as international enemy. Related to this, Indonesia take a role to solve narcotic crime development by making Law No. 22 Year 1997 Narcotic as basic regulation of narcotic and other forbidden drugs abuse eradication in Indonesia but in reality has not been implemented maximally, from quality and quantity aspect. Then to response narcotic development problem continuously increase make government stipulate Law No. 35 Year 2009 on Narcotic as change of Law No. 22 Year 1997. This law authorize National Narcotic Body as Government Institution Non Ministry to exercise government task in prevention and eradication of narcotic abuse and dark spreading of narcotic, psychotropic , precursor and other addictive material. Law No. 35 Year 2009 on Narcotic make different treatment for narcotic abuse perpetrator. Before this law prevail, no difference treatment between narcotic user, addict, spreader and producer. This law also contain strict sanction but in reality crime perpetrator also increase and no deterrence effect for prisoner and even there is a proclivity to do it again. It is caused by judge verdict which give no deterrence effect to the perpetrator (Kaligis & Associates, 2012).

3 GOVERNMENTAL ANTICIPATION OF DRUGS ABUSE ERADICATION IN GLOBALIZATION ERA

Drug abuse crime can be categorized as trans national crime. So that, it needs an extra effort from many parties in Eradication of narcotic crime. The Eradication of drugs abuse and spreading must be done by government, law officer, National Narcotic Body. However, people role in drug Eradication is absolutely necessary. Without people role, the effort done by government will be not maximal. The steps that can be taken are consistency of presidential legal policy; coordination of National Narcotic Body, Police Officer and Ministry; the involvement of anti-drugs community and non-governmental organization, and developing anti narcotic legal culture or narcotic danger in society. The first is consistency of presidential legal policy. The trend of crime development or narcotic abuse from time to time tends to increase even case demolished by police officer only an iceberg phenomenon, only a little of entirety come to the surface and the rest is immeasurable. This increase is caused by technological advance, globalization and information wave. As basic consideration to achieve legal purpose is part of legal policy definition namely to increase Indonesian human capital quality

for attaining prosperity by increasing of medical service by providing particular narcotic necessary as medicine, preventing and eradicating of drugs and precursor abuse. Narcotic in one side is medicine or useful material in medical or health service and science development and in another side can cause addict if it is abused without tight control and supervision. Policy in state administration law that import, produce, plant, save, spread and/or use narcotic without supervision and control is violating law and categorized as narcotic crime and cause a lot of danger for the people, society, state and National defense. Government legal stipulation that narcotic crime has been transnational done by using many high modus, advanced technology, wide organization and arise many victims mainly young generation which endanger society and state. So that, La No. 22 Year 1997 on Narcotic has not been fit into development in Eradication drugs (Siswanto 2012). Second, coordination of narcotic national body, Indonesian police and ministry. Spreading of drugs must be eradicated through law enforcement. Law enforcement lie on synchronization of values in legal principles and implementation as last step of value elaboration to create, maintain and defend life peace (Soekanto, 2007). The step of drug Eradication and narcotic dark spreading done by Indonesian Police can be divided into three efforts namely preemptive, preventive and repressive. Preemptive effort is done by educating and environmental development of people life style, make a harmonious relation between people and between people and police officer through socialization, increase people awareness in securing his environment and enlightening that use, buy even trade of drugs violate the law and religious norm. besides, preemptive effort also can be done through investigation. Preemptive effort can be done through people guidance and police intelligent. Besides, education and environmental development also can be done by coastal police to people in coastal area and remote area. Preventive effort also can be done through preventing the entrance of drugs from abroad by tight supervision in border area such as airport, port and land border. Besides, to prevent of illegal narcotic entrance domestically by making special operation or raid on the road to car and motorcycle in susceptible area through zigzag system so that it is unreadable by narcotic trader or places susceptible of drugs trade illegally such as clubs, patrol of narcotic seeking or weed farm in remote area and prevent drug leak from legal source such as hospital, optician, proof of crime. Prevention through socialization, enlightenment and guidance on drug danger and the importance of environmental supervision by people mainly family. Related to repressive effort, it can be in form of law enforcement to narcotic abuse and dark spreading can be done through investigation professionally by police criminal unit and drug. That effort can be done by paying attention of law maximally and target based on balance between action and punishment as well as punish everyone who obstacle narcotic crime investigation as stated in Article 138 Law No. 35 Year 2009 and narcotic abuse and dark spreading is ahead from other crimes to be decided on the court according to article 74 Law No. 35 Year 2009 on Narcotic and article 58 Law No. 5 Year 1997 on Psychotropic. Besides, it is necessary to make cooperation. Cooperation can be done between police officer and ministry and non-ministry institution as custom general director, Immigration General Director, Ministry of Religion, Ministry of Tourism, Art and Culture, Drugs and Food Exercise Institution, State Attorney, Supreme Court,

National Narcotic Body and etc. As one of crime eradication alternative, criminal legal policy is part of criminal policy. So that, in united crime eradication, criminal legal policy (penal approach) in development must pay attention another alternative namely non penal approach namely eradicating crime by using other tools beside criminal law. Penal approach which tend to be repressive in implementation contain limit and must be balanced with non-penal approach namely preventive effort. Even, from criminal policy perspective, repressive effort has weakness that must be balanced with non-penal approach which tend to be preventive effort. Even from criminal policy perspective in macro and global level, non-penal approach has main and strategic position from all criminal policy. It does not mean that penal effort is unimportant or can be put aside. In contrast, penal effort is a very vital effort in law enforcement to eradicate crime. Cooperation can be done between police officer and ministry and non-ministry institution as custom general director, Immigration General Director, Ministry of Religion, Ministry of Tourism, Art and Culture, Drugs and Food Exercise Institution, State Attorney, Supreme Court, National Narcotic Body and etc. Crime eradication policy, known as criminal policy, consist of wide scope. Roughly can be differed that crime eradication effort through penal law stress on repressive (pain/eradication) after the crime happen and non-penal stress on preventive control before the crime happen. Third, the involvement of anti-drugs community and non-governmental organization, people. People role and anti-narcotic community such as Komando (Anti Narcotic Community), Granat (National Movement on Anti Narcotic), Gepenta (National Movement on Anti Narcotic and Anarchy) is also necessary because people has wide chance to take role in helping prevention and eradication of narcotic abuse and dark spreading according to Article 104 Law No. 35 Year 2009 on Narcotic and Article 54 Law No. 5 Year 1997 on Psychotropic. People role can be in form of seeking, finding and informing, giving suggestion and opinion, get answer on question about its report related to narcotic abuse and dark spreading. Besides, people role also can be done in many ways depend on environment by making harmonious family and social environment which aware on narcotic danger. It also can be done by people through education, religious activity and other social activity. Besides, people role also can be in form of seeking, finding and informing, giving suggestion and opinion, get answer on question about its report related to narcotic abuse and dark spreading. Besides, people role also can be done in many ways depend on environment by making harmonious family and social environment which aware on narcotic danger. It also can be done by people through education, religious activity and other social activity. Fourth, developing anti narcotic legal culture or narcotic danger in society. As explained before that drug spreading in society has come to worrying level. As stated by Head of National Law Guidance Body, Enny Nurbaningsih that drug spreading in Indonesia come to the worrying level. The spreading has involved young generation. Even, Indonesia has been target of International spreading because Indonesia has many markets and expensive price. So that, in solving narcotic crime need the role of every state element include society in developing society legal culture in anticipating narcotic spreading in society. It is necessary to make a massive effort to increase people awareness of the youth about narcotic danger. Socialization of Law No. 35 Year 2009 be an emerging necessity on youth. It is necessary to campaign " Freedom of

Drugs". In this campaign, it is also socialized about legal information channel namely Legal Aid Program For The Poor, Legal Counseling Application Based on Web, Legal Café in 33 Law and Human Right Ministry Office through Legal Socialization, Legal Consultation and Legal Aid and Legal Culture Festival Program.

4 CONCLUSION

Globalization wave has big influence in every life aspect namely politic, social, culture, law and economy. This influence can arise positive impact in term of science development, technology, culture and law. Besides, negative impact of globalization is the entrance of many crime. One of which is narcotic. In term of narcotic crime, there are so many efforts done to solve. It needs progressive step in preventing and eradicating narcotic, including consistency of presidential legal policy; coordination of National Narcotic Body, Police Officer and Ministry; the involvement of anti-drugs community and non-governmental organization, and developing anti narcotic legal culture or narcotic danger in society. Besides those progressive steps, it is also necessary to make cooperation between state to solve transnational crime namely make cooperation with other state's police in form of between country cooperation, ASEAN cooperation or internationally through United Nation especially Interpol. ¹cooperation can be in form of investigation aid or education cooperation through Jakarta Center for Law Enforcement Cooperation (CLEC) and United Nation On Drug and Crime (UNODC). Those cooperation must be supported and continued by state through government to government cooperation in form of cooperation or extrad²on cooperation and reciprocal legal aid in crime problem. To anticipate impact of globalization, there is no other ways but Indonesia must manage its legal system mainly criminal justice system in narcotic eradication to answer all related questions. But to build that system, it depend on political will of authorized government.

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