Double Track System in Criminal Sanction Against Narcotics Abuse

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ABSTRACT

The development of era shows a strong tendency to change the perception of narcotics addicts whom facing imprisonment and rehabilitation. The punitive approach may hide people who need a treatment, and the narcotic addicts may have fear arrest when they show up. Therefore, this situation prevents addicts from participating in treatment and rehabilitation programs. The output of the research is the essence of Double Track System for narcotics abuse to create equality in the imposition of criminal sanctions and action sanctions against narcotics abuse. The narcotics abusers, addicts and it victims that violate the criminal law, they are required to get rehabilitation as a form of recovery effort (curative) and make the abuser aware that his actions are detrimental to himself and his future. The efforts to overcome narcotics abuse through the Double Track System sanction have the characteristics of exploring the benefits of law to prevent criminal acts, especially the narcotics abusers, then the main target is to utilize the model of action sanctions and criminal sanctions in proportional concept as a solution to provide the effectiveness in eradicating deviant narcotic use massively and comprehensively.

Keywords: Criminal Sanctions, Narcotics Abuse, Double Track System
INTRODUCTION

Pancasila is the main basis of Negara Kesatuan republik Indonesia (NKRI). The term of legal state is developed around 19th century. Plato stated that a state of law is a state that has aspirations to pursue the truth, decency, beauty and justice. Pancasila is interpreted by Indonesian people to reflect on the environment, society, and he nation in life and as a basis for solving social problems.

The impact of a densely populated country and the increasing of complex problems made the state need to handle with the international crime. Sajipto Rahardjo stated that when people are more aware with the importance of the law role, the more secured people's lives will be, especially in law field which is currently active in Indonesia, then the community is increasingly aware of the importance of law in managing people's lives as a nation and state in life. The role of law is as a medium of social control and integrated tool.

Narcotics crime is a serious crime against humanity and has a significant impact on younger generation, especially in civilized countries. The narcotics deviation is a form of harmful action that has a cross-border distribution. Regarding of Indonesia as a state of law, it refers to a state that supports the rule of law in truth and justice.

Many people have experienced addictions due to the trafficking and narcotics with thousands of people have died in vain. When this situation is not taken seriously, the impact could destroy the nation’s next generation. Due to economic conditions and job difficulties, the number of traders and dealers is increasing day by day that many people are decided to be narcotics dealers. Therefore, the abuse and narcotics trafficking are considered as a danger that will cause some difficulty in social system. In fact, there are so many narcotics abusers in various countries, including Indonesia that is not easy to be fought. Then, the involvement of government, community, and related agencies are very much needed.

The impact of narcotics on the crime incidence is a problem that attracts people’s attention, even though the narcotics eradication has conducted out by the relevant of law enforcement officers. However, narcotics abuse is still happening until now since the lack of public awareness of the dangers caused by narcotics, as well as the efforts of law enforcement officers to provide a deterrent effect for narcotics abusers. Also, the absence of a system in implementing sanctions that can provide solutions to narcotics abusers is the another challenge in dealing with this problem. Moreover, as the development of people's lives, the crime will also

1 S Rahardjo, Hukum Dan Masyarakat (Angkasa, 1986).
2 Siswanto, Politik Hukum Dalam Undang-Undang Narkotika (UU Nomor 35 Tahun 2009 Tentang Narkotika) (Rineka Cipta, 2012).
increases, one of it is the narcotics abuse which has a dangerous effect on crime growth. This phenomenon is seen from one side of bad consequences that has received priority attention from various organization who have a sense of responsibility for the development and education of younger generation.

The role of law enforcement officers, investigators, prosecutors and arbiters should have the same perception in accordance with the rules regulated by law for achieving the justice expected by the community. In fact, the existence of law enforcement officers in enforcing Narcotics Law has a different perspective, narcotics abuse has given the heavy criminal sanctions, called corporal punishment, fines, and rehabilitation. However, in fact, the number of perpetrators are more increasing since the imposition of criminal sanctions does not provide a deterrent effect for perpetrators, the system of applying multiple sanctions (Double Track System) against abuse narcotics perpetrators is expected to reduce the rampant circulation of narcotics.

Along with today’s development, it shows a strong tendency to change the perception of narcotics addicts in dealing with imprisonment and rehabilitation. The punitive approach can hide people in need of treatment, and addicts fear arrest when they show up. This situation are prevents the addicts from participating in treatment and rehabilitation programs. The application of appropriate sanctions against the narcotics abusers is very necessary in providing law enforcement solutions to narcotics abuse in accordance with legal principles.

Narcotics abuse can be divided into addicts and victims, both of them are not get the right and consume narcotics against the law. However, the rules for narcotics addicts seem inconsistent. The Articles related to abuse include in criminal and action sanctions are regulated in Article 127 paragraph (1) of Law Number 35, 2009 concerning Narcotics regarding criminal sanctions, while in paragraph (2) and (3) of Law Number 35, 2009 concerning Narcotics towards action sanctions (rehabilitation).

Dealing with narcotics crimes is not only to make laws that are accompanied by threat of severe penalties and create a deterrent effect, but must be complemented by role of law enforcement officers who are authoritative and willing to implement the law consistently along with awareness support by community law (Dahlan, 2017). To realize a law that supports and authoritative is not easy since the fact that law accompanied by punishment is not enough to eradicate the crime itself. The punishment contained in a law must be implemented in society with an appropriate system of sanctions against narcotics abuse and supported by authoritative law enforcement officials.

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With the implementation of appropriate criminal sanctions system for narcotics abuse, even though it is only a trial sanction, it is hoped that it can provide a solution in handling narcotics crimes. The violent sanctions seem to have more deterrent effect. The society is aware of the sanctions received when they make a certain mistake, even if it is only a probationary sentence, this will create a deterrent effect. The criminal sanctions do not only hurt prisoners, but also educate them to repent and educate criminals to become useful figures in Indonesian society. This means that the purpose of punishment is for correctional purposes.\(^5\)

The handling of narcotics crimes must include several aspects that have a positive impact on the community, not only by making laws, but also optimizing the role of law enforcers, including police, prosecutors, judges in carrying out the task of enforcing laws and regulations. So that they are more consistent. In carrying out their duties, they are also able to act as a deterrent to narcotics abuse. In addition, the imposition of sanctions that are coaching or giving treatment are needed to be carried out on narcotics abusers with the application of an appropriate system of sanctions for perpetrators of narcotics abuse. Narcotics users, usually they also become Narcotics addicts. These narcotics addicts are not only punished for their narcotics abuse, but they also need to be given treatment or rehabilitation so that the addiction can be stopped either by medical action or by social action in the form of rehabilitation. The application of double sanctions (Double Track System) is one way that can be used against perpetrators of criminal acts of narcotics abuse to reduce the number of people, especially teenagers who abuse narcotics. So that this method of applying double sanctions (double track system) is expected to be a solution.

The imposition of sanctions on narcotics abusers based on the Narcotics Law no. 35 of 2009 is still problematic. This is based on the biased assumption that both the police/BNN, the prosecutor's office, and law enforcement officers have not fully implemented the law on narcotics specifically for perpetrators of narcotics abuse to impose sanctions on perpetrators of drug abuse, including the imposition of double sanctions on perpetrators of drug abuse (Double Track systems). This often violates existing laws, both in the criminal code and other judicial processes, as well as judicial administration, because the elements of legal provisions are often interpreted differently by law enforcement officials in their daily practice in the judiciary. The objectives of this research are to analyze and discover the nature of the Double Track System punishment system for narcotics abuse, and to identify and discover the concept of the Double Track System criminal sanctions system against narcotics abuse. Hopefully, that this research will be able to solve the existing problems related to the imposition of criminal sanctions on narcotics abuse in a systematic way and provide a deterrent effect for perpetrators.

RESEARCH METHOD

This research type used normative law where legal research reflected on the research or study of positive law or statutory norms. The problem approaches in this research were Philosophical Approach, Statute Approach, Conceptual Approach, and Case Approach. The legal materials of this research were obtained through Primary legal materials are statutory regulations regarding the object of research, Secondary legal materials which describe primary law in the form of research results, in the form of expert books, articles, scientific works, and opinions. legal experts, and Tertiary legal materials are supporting materials from the two previous materials.

The collection and processing of legal material data began with a literature search, an inventory of all primary, secondary, and tertiary legal materials. It also identified and classified relevant statutory materials, systematically organizing statutory materials to make them easier to read and study. The legal materials collected and grouped are selected according to the type of legal materials needed, especially those related to the questions raised in this paper. Obtaining information in the form of formal regulations and legal materials through the principles of criminal law, research documents closely related to legislation for reasons, and existing theoretical texts.

To examine the research problems described above, a layer of legal science is needed to examine legal problems and legal logic in this research. The elaboration of three layers of legal knowledge include the study of the legal dogmatic layer conducted using normative methods as well as scientific nature and juridical technical explanations, normative methods used as part of the study of legal theory, and the study of legal philosophy without a particular method and speculative scientific nature is implemented by reflective explanation.
RESULT AND DISCUSSION

Narcotics are in the form of drugs and materials that are useful for the medicine, health care and scientific development. On the other hand, when it is misused, narcotics can lead to addiction, resulting in physical, mental, social and safety issues, and create barriers to society. In the end, indirectly, it disrupts national and international security. The abuse of narcotics is a danger that can hinder the progress of Indonesian development.

The outcome of prison sentence analysis is the exclusion and/or restriction of movement freedom in the sense that inmates are placed in a place (Penitentiary) where prisoners cannot enter or leave freely and must comply with all applicable rules. The criminalization of narcotics abuse is one of the breakthroughs in reducing or controlling narcotics cases in Indonesia. The punishment and confinement look similar, but in reality the two types of punishment are very different, prison or modern Indonesian term “penitentiary” is an actual invention that has developed in the last 300 years.

The imprisonment of narcotics abuse aims to fix narcotics users and the reform of criminal system which will direct to more rational direction. This is contrary to the old ideology which aims to eliminate narcotics addicts from society. Although the current criminalization of narcotics addicts is for rehabilitation, the essence of crime as a sanction for law violators cannot be denied. According to A.A.L. Minkenhof Sudarto, changing the prison system into work and supervision system outside the prison should not fascinate the prisoners since they are still uncomfortable.

The modern penal system was developed by John Howard in late 18th century. The prison situation at that time forced him to design a criminal system in which inmates quarantined and worked regularly. The punishment system remains to be argued by experts, and no one has been completely satisfied. This direction of view only emerged in 19th century was in line with the emergence of two contradictory thoughts on punishment philosophy.

The analysis shows that the background to the decision of narcotics abusers is one of the milestones in Indonesia's history to reduce the number of narcotics cases. In Indonesia medical perspective, they are victims who actually need medical treatment. However, there are also some obstacles since they have to report the victim to National Narcotics Agency (BNN). In fact, this punishment will contaminate them in prison instead of curing them. The efforts in dealing with narcotics addiction is by taking appropriate steps and behaviors to reduce the high level of Narcotics abuse in Indonesia. In reality, the level of abuse as well as narcotics trafficking in Indonesia has increased. Based on this explanation, the character of Double Track System sanctions implementation against Narcotics abusers can be applied, called the existence of action sanctions against Narcotics abusers. The Law no. 35, 2009 concerning narcotics has provided a fairly open
space in the implementation of sanctions for these actions. Moreover, in several
countries, a new paradigm has emerged that sees narcotics abusers or addicts are no
longer as criminals, but as sufferers of chronic diseases that require treatment and
recovery stages. This hypothesis creates new sanctions in dealing with victims of
narcotics addicts who are no longer treated according to legal provisions, but
immediately place criminals or addicts in the center of rehabilitation. This focuses
on efforts to apply double sanctions, called action and criminal sanctions against
narcotics abusers.

The discussion on the basis idea of "Double Track System" against Narcotics
abusers has basic view of the sanctions system as the essence of application and use
of criminal law sanctions for narcotics abuse. The ideological philosophy is
"Equality between Criminal Sanctions and Action Sanctions". This idea is based on
the evolution of criminal sanctions from classical to modern as well as Neo
Classical. The classical flow of crime is retributive and repressive towards criminal
acts. Born in the 18th century, this is non-determinism idea related to human free
and emphasizes the criminal behavior, then the criminal law actions are needed.
The classical criminal and criminal law are emphasis on punishing the act, not the
perpetrator.

The modern schools emerged in the 19th century that used scientific method
to investigate causes and dealing with perpetrators directly or actively influencing
as many criminals as possible. In modern schools, the personality and environment
are affect human freedom for they are not criticized or punished. As an impact on
the idea of “Criminal Individualization”, the criminal system in modern criminal
law focuses on the perpetrators and their behaviour. The types of sanctions include
action sanctions as well as criminal sanctions, the recognition of criminal sanctions
equality as well as sanctions for actions including basic rights and basic ideas in
"Double Track System Concept".

The Double Track System does not fully use any of the criminal sanctions or
action sanctions. Both are placed on an equal footing on the Double Track System
concept. The focus is emphasized on the equality of criminal sanctions as well as
action sanctions within the framework of the Dual Track System., It is related to
the results on suffering level (through the existence of criminal sanctions) and
criminal process factors (through the existence of action sanctions) are important.
The difference between action sanctions and criminal or behavioural sanctions can
be seen in Table 1.
Table 1. The Differences in Criminal Sanctions and Action Sanctions

<table>
<thead>
<tr>
<th>Criminal Sanctions</th>
<th>Action Sanctions</th>
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<tbody>
<tr>
<td>Based on the basic principle of &quot;why the sentence was imposed&quot;.</td>
<td>Based on the basic idea of &quot;what is the punishment for&quot;</td>
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<tr>
<td>Reactive in action.</td>
<td>Anticipatory for the perpetrator of the act</td>
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<tr>
<td>The emphasis is on the element of retaliation, which is intentionally harming the perpetrator of a crime</td>
<td>The further emphasis is placed on the basic idea of protecting communities and nurturing and caring for perpetrators</td>
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<tr>
<td>The emphasis is placed on the punishments implemented for the crimes committed.</td>
<td>Have goals with a social nature.</td>
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The characteristic of Dual Track System sanctions implementation against narcotics abusers requires that the elements of accusation/suffering and guidance are jointly included in the criminal sanction system. This is the basis for explaining the dual track system that requires equality of criminal sanctions and behaviour for perpetrators of irregularities in the use of narcotics in order to create a deterrent effect as well as the healing process of perpetrators of narcotics abuse is able to run as expected.

The basic idea behind the implementation of Dual Track System for sanctions against narcotics abuse requires an equal treatment of criminal sanctions as well as the behaviour. This applies to narcotics abusers and has a deterrent effect as well as a healing process. Then, when the prevention is implemented to avoid the recurrence of narcotics abuse actions through sanctions and criminal penalties, it will enable them to recover from their dependence on narcotics use.

The prevention of narcotics dangers and institutions in Indonesia is regulated starting in 1971 in Presidential Instruction R1 No. 6 of 1971 for Head of National Intelligence Coordinating Agency (BAKIN) to address the emerging national issues, called eradicating counterfeit money, overcoming narcotics abuse, combating smuggling, preventing juvenile delinquency, preventing subversion, and monitoring foreigners.

Since 2003, the National Narcotics Agency (BNN) has only received the budget from National Revenue and Expenditure Budget (APBN), with the distribution of this budget the National Narcotics Agency (BNN) seeks to advance its performance together with the Provincial National Narcotics Agency (BNNP) and the City/Regency National Narcotics Agency (BNNK). However, due to the absence of an institutional structure that has a firm command and is only coordinating in nature where national similarities are only functional, the national Narcotics Agency (BNN) is seen as not being able to work optimally with the increasing problems of narcotics. Based on this phenomena, the authorities issued Presidential Regulation of Republic of Indonesia Number 83 of 2007 concerning National Narcotics Agency, Provincial National Narcotics Agency (BNNP), and City/Regency National Narcotics Agency (BNNK) which have operational powers.
through power of National Narcotics Agency (BNN) members related to task force, where BNN-BNNP-BNNK are partners at national, provincial and city/district levels, where each institution is responsible to President, Governor, and Mayor/Regent, and each has no correlation structure vertically with BNN.

The Provincial National Narcotics Agency (BNNP) is a vertical agency of National Narcotics Agency (BNN) with the implementation of duties, functions, and authorities of National Narcotics Agency and the province. BNNP has the task of organizing and implementing policies regarding P4GN and Narcotics precursors, then the Provincial National Narcotics Agency (BNNP) cooperates with the Head of the National Police of the Republic of Indonesia to prevent and eradicate the abuse and illicit circulation of Narcotics and Narcotics precursors. BNNP formulates and a national strategy in the prevention as well as Eradication of Abuse and Illicit Traffic in Narcotics, psychotropic, as well as precursors and other addictive substances other than tobacco and alcoholic drugs or P4GN.

As the center of Indonesia's P4GN, BNN is an agency that routinely conducts national epidemiological surveys on the scale of narcotics abuse. Some disorders of using addictive substances and narcotics are complex problems that affect physical, psychological, and social implications. Reflecting on the national data of 2019, P4GN Journal published by National Narcotics Agency (BNN) shows the use of Narcotics in Indonesia. Heroin became a major substance of abuse in the mid-1990s to the early 2000s and declined in mid-2000s as use by the ATS group increased. The most widely used ATS group was methyldioxymethamphetamine (MDMA) and shabu (methamphetamine), with a prevalence of 1.4% for ecstasy and methamphetamine.

According to Law no. 35, 2009 concerning Narcotics, there are two ministries that have the mandate regarding the rehabilitation process as a sanctions for narcotics abusers, Ministry of Health with the authority to control medical rehabilitation and Ministry of Social Affairs that having the authority to manage social rehabilitation. The difference is more for political reasons than the clinical since the various guidelines. Both of them come from the association of world health agencies and other agencies engaged in the implementation of rehabilitation.

The mandate of National Narcotics Agency (BNN) is based on Article 70 letter (d), called the implementation of strengthening the government and community rehabilitation institutions capacity, both in quality and quantity. Another law is Article 70 letter (a) that explains BNN has the task of organizing and conducting the tasks regarding P4GN. This means that the preparation of a sanction related to rehabilitation is also the role of National Narcotics Agency. For this reason, it is necessary to establish an effective rehabilitation system.
The implementation of optimal rehabilitation sanctions for Narcotics abusers and handling process for Narcotics users is to emphasize the massive distribution of services to narcotics abusers who submit reports or voluntarily without facing criminal sanctions, provide medical and social rehabilitation treatment for victims of abuse and narcotics addicts, addicts and victims of narcotics are given rehabilitation treatment in lawsuits, and provide guidelines or programs that instruct addicts and narcotics abusers for not to engage in the same behaviours.

Problems with the Narcotics Law no. 35 of 2009 is the impact of bias between abusers and the victims of narcotics abusers. Because of the ambiguity of its meaning and status, other arrangements are biased and confused. In reality, it has a direct impact on narcotics users.

Article 4 of Law no. 35/2009 concerning narcotics states that one of the objectives of the legislation is the use of Narcotics and Narcotics addicts. Meanwhile, Article 54 of Law no. 35/2009 concerning narcotics states that addicts and victims of narcotics abuse are need medical and social rehabilitation. By using the interpretation of Article 54 of Law no. 35/2009 concerning Narcotics, Narcotics addicts are the subject to medical and social rehabilitation measures as regulated in Article 4 of Law Number 35/2009 concerning on Narcotics.

Articles 4 and 54 of Law no. 35/2009 concerning Narcotics which imposes action sanctions in medical treatment for Narcotics addicts. Whether they made fault or not at the time of doing Narcotics crime and/or treatment is decided by the judge. The term used depends on the drug. In same argument, there are different terms in providing medical and social rehabilitation, such as abusers, narcotics addicts, and victims of narcotics abusers. Beside that, there are restrictions on criminal sanctions (jail) for narcotics abuse. This definition is in terms of punishment. An example is Article 127 of Law no. 35/2009 concerning Narcotics, the term abuser is also used as a victim of Narcotics abuser. Paragraph (2) of article states that in making decisions, judges must pay attention to the provisions of Articles 54, 55, and 103 of Law Number 35/2009 concerning Narcotics, where the abuser must be rehabilitated.

With the Narcotics Law no. 35/2009, there are four definitions of Narcotics users, such as the addicts, abusers, victims of abuse, and narcotics patients. Narcotics addicts are people who consume narcotics and are physically and psychologically dependent. An abuser is someone who uses narcotics outside their rights or violates the law. Based on the Article 53 of Law no. 35/2009 concerning Narcotics, patients have the right to possess, store, and/or owned Narcotics in limited quantities and types which are permitted by doctors to be taken properly and used for treatment.
The Law No. 35/2009 concerning Narcotics and Law no. 36/2009 concerning health which regulates the treatment of narcotics and addictive substance abusers. At administrative level, there are two regulations, called Presidential Instruction No. 12 of 2011 concerning the prevention, eradication, abuse, and illicit trafficking of Narcotics (P4GN) and Government Regulation no. 25 of 2011 concerning the implementation of mandatory reporting for narcotics addicts. The top two levels of law are in place and government support for tackling narcotics abuse is highly strong.

The involvement of local governments in dealing with narcotics addicts can be referred to Permendagri No. 21 of 2013 concerning Prevention Facilities, Narcotics Abusers is a form of synergistic effect in dealing with Narcotics problems. The regulation sets the role of Governors/Regents/Mayors, funding, coaching, and reporting in the implementation of P4GN facilities and emphasizes the responsibility of local governments to address Narcotics problems. The facilities referred to the form of drafting regional regulations, increasing community participation, partnerships or cooperation with community organizations, universities, private sector, individuals, volunteers, and/or legal entities and bringing forums for religious harmony, early awareness of regional communities, and regional intelligence to prevent abuse of Narcotics, as well as formulating programs and activities to prevent abuse of Narcotics (Article 4).

On the other hand, the means of preventing narcotics abuse include seminars, workshops, performances, cultural arts performances, outbound activities such as jamborees, camps, trails, criminal competitions, walks, and song writing competitions, as well as community empowerment, scientific research and socialization, dissemination, support technical and assistance (Article 5). BNNP is able to explore further opportunities to strengthen the efforts in preventing drug abuse by utilizing local government resources.

The essence of double sanctions (Double Track System) for narcotics abuse is one solution to reduce the number of Narcotics users. It is viewed from two different perspectives, and the imposition of double sanctions is an effort to enforce the law. The criminal sanctions provide a deterrent effect for narcotics users, while action sanctions in the form of rehabilitation are used to treat and foster narcotics abusers so that they can recover from dependence so they don't use narcotics anymore.

In principle, the sanctions that are based on Law Number 35 of 2009 concerning Narcotics adhere to Double Track System system, which includes criminal sanctions and action sanctions and the rehabilitation is one form of action sanctions. Article 103 confirms that when the judge is able to decide, it will determine that treatment will be considered as a period of serving a sentence. This is in line with one of the objectives of enactment of Law Number 35/2009 concerning Narcotics, to ensure the regulation of medical and social rehabilitation efforts for Narcotics addicts.
The judges are known to sentence criminals to prison. As a result, Narcotics addicts suffer in Correctional Institutions (prison) are not able to develop optimally without the possibility of rehabilitation. Currently, the number of prisoners in Indonesia has reached 23,779 narcotics addicts who have served sentences in Correctional Institutions (prison).

Based on this condition, the problem of Narcotics is still not resolved. This is the equivalent of transferring a criminal to a prison or getting caught in traffic of drugs without trying to cure him. In essence, narcotics addicts are addictive with a high relapse rate and are unable to heal by themselves. There needs in helping their healing and it requires a new paradigm in dealing with Narcotics addicts.

Therefore, this issue can be the government consideration in charge that the applicable law in Indonesia does not only prioritize imprisonment but also focuses on humanitarian aspect, which accommodates the convict’s physical and psychological conditions, for example the need for treatment or rehabilitation. This is a reference for overcoming problems in criminal world as a serious step to provide access to a balanced and fair settlement space.

The application of Double Track System sanction is a form of crime by prioritizing the prevention of crime recurrence as a step to create justice and humanity. The important aspect in the implementation of Double Track System sanctions is equality. Therefore, the successful implementation of Double Track System sanctions concept is determined by the equality between criminal sanctions and action sanctions (Barton, 2017). Basically, the principle of applying Double Track System sanctions as a form of implementation is a complementary foundation to resolve cases through equalizing double sanctions as a decision-making solution for finalizing cases.

It is necessary to have an effective system implementation solution for the enforcement of Double Track System sanctions. The efforts to resolve criminal acts by applying Double Track System sanctions are a process in dealing criminal cases by providing fair equality of criminal sanctions for actions that can provide solutions to the need for a sense of justice.

The double track system sanction theory approach in Indonesian criminal system, especially for narcotics abusers, is an approach that focuses more on the conditions for creating justice and balance for perpetrators who are also victims. The procedural and criminal justice mechanisms that focus on criminal sanctions are changed to equalize the provision of criminal sanctions and action sanctions for the settlement of criminal cases that are more fair and balanced for the parties, both perpetrators who are also victims and the community. The implementation of the Double Track System sanction itself has the meaning of balanced justice. The balance includes equalizing the imposition of sanctions between criminal sanctions and action sanctions against suspects, defendants, convicts of narcotics abuse cases, which in the case of narcotics abuse the suspect can also be a victim meaning he is a suspect who violates the Narcotics Law but on the other hand he can also be a
victim. Victims due to physical or psychological influences arising from the effects of using or abusing narcotics on themselves, so that other actions are needed in the form of treatment or rehabilitation to cure suspected narcotics abusers so that they are not dependent on narcotics or repeat their actions.

CONCLUSION

The importance of Double Track System criminal sanctions for Narcotics abuse is to equate the imposition of criminal sanctions and actions against Narcotics abuse, even though Narcotics addicts, Narcotics abusers, and Narcotics abuse victims that violate criminal law. The concept of Double Track System is by doing rehabilitation for recovery (treatment) and making them aware that their actions are dangerous for themselves and their future. The criminal law reform in general has implications as an effort to organize and reform criminal law that is in line with socio-political, socio-philosophical, and socio-cultural values of Indonesian society. The efforts to overcome the abuse of Narcotics through Double Track System sanction have the characteristics of exploring the benefits of law in preventing the occurrence of criminal acts, especially acts of Narcotics abusers. Then, the main target is the utilization of criminal sanctions types in balanced or comparable action sanctions so the efforts to tackle Narcotics abuse is run effectively. The factors that cause the act of narcotics abuse due to the physical condition and social conditions of the abuser can directly or indirectly lead to the recurrence of narcotics abuse, it is necessary to stipulate criminal sanctions and proportional action sanctions in accordance with the condition of the abuser itself.

In essence, it is necessary to make concrete efforts to realize legislation containing provisions for criminal sanctions and action sanctions so that they become systematic, proportional and consistent legislation so as not to cause confusion or overlap between the forms of sanctions from the types of criminal sanctions and other forms of sanctions. Additional criminal sanctions should be integrated into action sanctions considering that additional forms of criminal sanctions are more open and oriented to basic ideas of action sanctions. In accordance with the meaning of Double Track System concept, every criminal law should contain clear criminal sanctions and action sanctions so that judges can freely choose which sanctions are the most appropriate and proportional for each punishment, especially the punishment for narcotics abuse.
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