



# Legalization of Marijuana in the Medical Sector: A Criminal Law Perspective

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**Abstract:** Marijuana is a plant that is illegal in Indonesia today. This is regulated in law 35 of 2009 concerning narcotics.2009 on narcotics. Although the use of marijuana is still reaping the pros and cons, one of the following organization LGN (Lingkart Ganja Nusantara) is fighting for legalization and expanding to educate the public educate the public. Marijuana, which is viewed negatively by society, in fact provides many benefits for the medical sector where it is used as a drug. Benefits for the medical sector where it is used as an alternative treatment with the doctor's compliance. The conclusion of this study is that the government continues to prohibit the legalization and use of marijuana for medical purposes with the aim of protecting all Indonesian people from new problems that are at risk of arising and to strengthen the government's narrative about marijuana policy for medical purposes requires empirical testing by involving academics to strengthen government policy arguments and clinical trials.

**Keywords:** Legalization of Marijuana, Drug Law Reform, Law Perspective, Narcotics Law, Medical Use of Marijuana Abstract

## Introduction

Marijuana can be said to be a “doorway drug” because a person who consumes marijuana will have a high risk of using harder additives. This is what makes marijuana prohibited in Indonesia. The prohibition is regulated in Law No. 35 of 2009 related to Narcotics (Zulfikri & Jaman, 2022). Actually, cannabis plants can be utilized from the leaves, twigs, and roots of cannabis. Having potential in medical treatment, cannabis plants can be used as medicine (Nurlaelatil Qadrina & M. Chaerul Risal, 2022).

Some previous research related to the benefits of marijuana as a medicine, has led to different opinions regarding the benefits of a criminal sentence and the medical world. Research in literature, the methodology used in the normative legal approach. In this case, the legalization of marijuana for medical treatment must be taken into account by the government. Impact on the world of economics, industry, and others. On the other hand, marijuana is an addictive substance that is prohibited in Indonesia. Marijuana is a type of narcotic (Zulfikri & Jaman, 2022).

Narcotics are chemicals or substances that are used in medicine, health, and scientific progress. However, if the use of marijuana/narcotics is misused, it will cause addiction

which is very detrimental. Strict supervision and control, which is very important in various countries. Marijuana is considered a plant harmful, and has certain characteristics that are unfavorable to the human mind (Putra, n.d., 2014). Negative views on cannabis have been outlined in international policies. The best achievement so far is the destruction of cannabis trees and the distribution of cannabis. Marijuana is a class one narcotic.

Article 6 paragraph (1) concerning the classification of narcotics states that "Narcotics Group I", namely Narcotics which can only be used for the purpose of developing science, not used therapeutically, and has the potential to cause an addiction / dependence. Article 7 also explains narcotics which are only used for the benefit of health, science, and health technology (Prasetyo, 2022). Criminal acts in the abuse of cannabis narcotics in Indonesia are a manifestation of the rule of law, where all actions or carried out must be subject to and not separated from the applicable legal policies and regulated in the laws and regulations if there is a violation, each violator will be subject to criminal sanctions.

Criminal law is part of the overall law that applies to the State, which organizes the basics and rules for determining acts that should not be done, prohibited, accompanied by a threat or sanction in the form of certain punishment for those who violate the prohibition (Criminal act). In Indonesia itself, narcotics class II and III are types that are permitted to be used in the medical world (Abbiyyu, 2016). Criminal penalties for narcotics abusers are mentioned in Article 127 Paragraph (1) of Law No.35/2009 on Narcotics.

Cannabis is used not to be controlled by the black market or circulation by confiscation agencies because any evidence seized must be destroyed immediately as it must be in line with the realization of the implementation of national policies and strategies which require that the destruction of evidence as soon as possible is one of the efforts to eradicate narcotics abuse in Indonesia. Legalization of cannabis as a medicinal plant when it can replace pharmaceutical drugs as a form of treatment because it is very easy to obtain and prepare. De facto no person or organization has ever given permission to conduct cannabis research in Indonesia, it is completely prohibited, even for scientific purposes (Zulfikri & Jaman, 2022). When the discrepancy between the conditions, relationships, as well as the prevailing laws began to emerge to demand

The Law on Narcotics aims to: ensure the availability of Narcotics for the benefit of health services and/or the development of science and technology; prevent, protect, and save the Indonesian nation from narcotics abuse; eradicate illicit trafficking of Narcotics and Narcotics Precursors; and ensure the arrangement of medical and social rehabilitation efforts for Narcotics Abusers and addicts. The rules issued include marijuana into narcotics class 1, meaning that those who violate will be threatened with severe punishment. In accordance with existing laws and regulations, the penalty for using marijuana is 4 years in prison (Adelina Siregar & Widi Hastuti, 2021).

Based on data obtained from the National Narcotics Agency (BNN), the number of drug users in Indonesia has increased in the last three years. In 2014, there were 4.1 million drug users. This figure increased to 5 million people in 2015, and reached 5.9 million people in 2016. This data shows that the problem of drug abuse is increasingly serious and needs more attention from all parties (Londa, 2017).

Some countries legalize marijuana such as the Netherlands, this country is listed as one of the countries that has legalized the use and sale of marijuana. However, these activities are limited to a certain amount for personal consumption. The legalization of marijuana in the Netherlands has regulations that control the rate of use, the minimum age of someone who is allowed to use marijuana in the Netherlands is 18 years. In addition, consumers of this marijuana are only allowed to make purchases of a maximum of 5 grams. The policy of tolerating the use of marijuana has been enforced by the Dutch government since the 1970s. There are several reasons why the Netherlands legalized marijuana, namely: The use of drugs is allowed with strict regulations The use of marijuana in the health sector is the main focus in the reason for legalization, The criminalization of marijuana use has a bad impact on the government, There are rules regarding the difference between “hard and soft drugs”. In Indonesia, The problem is how the juridical review of the legalization of marijuana in the perspective of health law and what are the inhibiting factors in monitoring the abuse of marijuana in the wider community, even though there are already regulations prohibiting it. Based on the description above, it can be seen that marijuana has many positive and negative benefits. However, in Indonesia itself, the use of marijuana still clashes with applicable laws and regulations, especially in the medical sector (Lokollo et al., 2020).

Based on the information above, the author argues that there is a social gap between the health benefits of cannabis plants and the Narcotics Law. To get an appropriate response from the government and allow the use of cannabis for medical purposes, studies related to the effects of legalizing cannabis as a medical necessity must be carried out. In this case the author examines how the urgency of legalizing the cannabis plant in medical needs.

The results of the study (Lokollo et al., 2020), entitled “Policy Formulation of Narcotics Law in Legalizing the Use of Cannabis as a Medical Material in Indonesia” The results indicate that although there is significant potential for the application of cannabis in the field of medicine in Indonesia, various legal obstacles and social stigma are still a major challenge. Therefore, serious efforts are needed to revise the prevailing policies in order to effectively and safely utilize the medical potential of cannabis.

The results of research (Adelina Siregar & Widi Hastuti, 2021), entitled “Restorative Justice for Convicted Users of Class 1 Narcotics” This research suggests that the punishment system must shift from a retributive model to a restorative model. The restorative model will be more effective in creating balanced justice and restoring the relationship between victims and perpetrators. The implementation of restorative justice can also reduce pressure on the prison system and increase the effectiveness of rehabilitation for those involved in drug dealing.

The results of the study (Londa, 2017).Titled “Performance of the National Narcotics Agency of North Sulawesi Province in Handling Narcotics Psychotropic and Illicit Drug Users in North Sulawesi Province” This research is a study that uses descriptive qualitative methods focused on the National Narcotics Agency of North Sulawesi Province, by analyzing the performance of the organization.This study aims to find out the problem of narcotics distribution and abuse in North Sulawesi ”

## Methodology

As for this research, the literature review research method or literature study is used, which contains theoretical theories that are relevant to research problems. The problem in this study is to find out the legalization of marijuana in the medical sector from a legal perspective. In this research, an assessment is carried out regarding the concepts and theories used based on the available literature, especially from articles published in various scientific journals (LONTHOR, 2021).

The research method used, namely, the method contains the type or nature of research seen from the type of research, while the type of research used in this research is library research. The data sources in this study use supporting data (secondary), namely data that is arranged and has been made in the form of documents. The data sources here are scientific journals on the internet related to the legalization of marijuana in the medical sector (Syamsul Malik et al., 2022).

Data collection techniques and procedures in this study use qualitative research methods, the documentation method is data collection through written documents. In this study, the data obtained through documents are collected and processed so that they are relevant to the object of research (Syamsul Malik et al., 2022).

## Result and Discussion

Legalization is an endorsement (according to statute or law). Legalization comes from the word to legalize/ legalization, which has various meanings depending on the context. But in essence legalization is the process of making something legal / legal / official. The process itself also varies from making positive laws (laws, government regulations, presidential regulations, blood regulations, etc.), ratification, making legal deeds, to judge/court decisions. Indeed, the use of the word legalization is often used in legal terms but it is possible that the term is also used in everyday activities. Medicine is the science and practice of the diagnosis, treatment, and prevention of disease. The word medicine comes from the Latin *medicus*, meaning "doctor", or medicine. Medicine encompasses a wide range of healthcare practices that evolved to maintain and restore health. Contemporary medicine uses biomedical science, biomedical research, genetics and medical technology to diagnose, treat and prevent injuries and diseases, usually through drugs or surgery, but also through diverse therapies, including psychotherapy, external splints and traction, medical devices, biologics and ionizing radiation. Marijuana or marijuana has the Latin name *Cannabis Sativa* is one type of narcotics that is prohibited in Indonesia. Marijuana has hundreds of chemical compounds, chemical compounds in marijuana have major functions in the body including regulating movement, appetite, concentration, sensation in the senses to regulating pain. The largest psychoactive substance in marijuana is THC, this substance will affect areas of the brain that play a role in determining pleasure, thinking, and concentration. THC can also stimulate the release of dopamine. Common effects that occur with the use of marijuana are pleasant euphoria, a sense of relaxation and an increase in appetite. However, recently there has been a discourse if marijuana will be legalized for medicinal or medicinal purposes. In line with the narcotics policy contained in Law No. 35 of 2009 concerning Narcotics, it is revealed that to improve the degree of health of

Indonesia's human resources in order to realize the welfare of the people, it is necessary to make efforts to improve in the field of treatment and health services, among others by seeking the availability of certain types of Narcotics that are urgently needed as medicine and preventing and controlling the spread of narcotics. eradicating the dangers of abuse and illicit trafficking of Narcotics and Narcotic Precursors. The use of marijuana as a treatment method for several health problems has been carried out by several states in America, including Alaska, California, Arizona, Colorado, and Washington DC (Nur Arfiani & Indah Woro Utami, 2022).

Marijuana is included in group 1 for medical alternatives is also prohibited from being used based on the regulation which reads "Narcotics Group I is prohibited from being used for the benefit of health services". It can only be used for the development of science and technology and for diagnostic reagents, as well as laboratory reagents after obtaining Ministerial approval on the recommendation of the Head of the Food and Drug Administration. The legal construction of the legalization of cannabis plants for the use of medical treatment from the perspective of health law in this study can be seen from the increasing needs of the Indonesian people for health services, namely the use of cannabis plants. Therefore, the Narcotics Law needs to be revised and the cannabis plant needs to be moved to narcotics class II so that it can be used for medical treatment (Nur Arfiani & Indah Woro Utami, 2022).

Some of the ingredients in marijuana can be used to treat various diseases. According to the US Food and Drug Administration (FDA) approved if the THC content in marijuana provides medical benefits in certain formulations, some THC-based drugs that have been approved are ronabiol (marinol) and nabilone (cesamet), which can be prescribed in pill form in the treatment of nausea and vomiting in post-chemotherapy patients. These drugs also help stimulate the appetite of patients with AIDS-related wasting syndrome. The FDA has also approved the liquid drug epidiolex as a drug for epilepsy, dravet syndrome and lennox gastaut syndrome This drug has the active substance CBD obtained from cannabis. In general, research on medical marijuana from around the world has covered a wide range of diseases. Medical conditions reviewed in various research journals include chronic pain, cancer, chemotherapy-induced nausea and vomiting, HIV-related anorexia and weight loss, irritable bowel syndrome, epilepsy, muscle spasms, Tourette's syndrome and other conditions. Huntington's disease, dystonia, dementia, glaucoma, anxiety, depression, sleep disorders, post-traumatic disorder (PTSD), and schizophrenia. The use of narcotics as an alternative treatment is still being studied today. The initiation of the legalization of medical marijuana continues to reap the pros and cons. The study of the benefits of marijuana as a treatment is carried out on the grounds that Indonesia is considered a narcotics emergency country where narcotics crime is increasing in prevalence from year to year, so that these conditions will increase the risk of using medical marijuana that has not been considered.

However, Indonesian Vice President Ma'ruf Amin as Chairman of the Advisory Board of the Indonesian Ulema Council (MUI) actually supports MUI to immediately make a fatwa on the discourse of using marijuana for medical purposes. With the discourse on legalizing marijuana as medical, it must still be considered from various aspects thoroughly so that it



does not backfire on the country and society. Until now, Indonesia has enacted Law No. 35 Year 2009 on Narcotics as a legal umbrella to approve the Narcotics problem. To address the problem of drug abuse, Indonesia also established a special organization in the field in 2002 called the National Narcotics Agency (BNN), whose governing law is Law No. 35/2009 on Narcotics. Previously, BNN was a non-structural organization established in accordance with Presidential Decree No. 17 of 2002, which was later revoked by Presidential Decree No. 83 of 2007. To address the current serious drug problem, MPR-RI No. VI/MPR/2002 was passed based on the recommendation of the General Assembly of the People's Consultative Assembly of the Republic of Indonesia (MPR-RI) to the DPR-RI and the President of the Republic of Indonesia to amend Law No. 22 of 1997 on Narcotics (See Law No. 02 of 1997).

Indonesia is currently taking action on medical cannabis in the same way as other countries such as Israel, Canada, Australia, Uruguay, Belgium, Chile, Spain, and other cannabis-producing countries in the past. The 1961 UN Single Convention on Narcotic Drugs, also known as the UN Single Convention on Narcotic Drugs Convention, is an international treaty that prohibits the production and distribution of certain over-the-counter drugs and medicines unless used for specific purposes, such as medical treatment and research. This convention aims to replace the previous convention of Paris of July 13, 1931.

At its conclusion, the UN Narcotics Committee seized cannabis and its remnants from the list of the Fourth Narcotics Convention in 1961. This means that pure cannabis was extracted from a rich and potent narcotic. The UN Commission on Narcotics (CND) took this action by recommending to the WHO that the narcotics control system be changed to better accommodate cannabis and its derivatives. The official website of the World Health Organization or WHO on the website said: "Cannabinoids have been shown in numerous studies to be effective in treating nausea and vomiting that occur in the later stages of diseases such as cancer and AIDS. Tetrahydrocannabinol, also known as dronabinol, has been prescribed in the USA for over ten years. Controlled investigations have shown that cannabinoids have other therapeutic benefits, such as the treatment of glaucoma and asthma, as well as antidepressant, appetite stimulant, anticonvulsant, and antispasmodic properties. Research in this field should continue. For instance, more fundamental studies on the central and peripheral processes of marijuana's effects on gastrointestinal function may make it easier to treat nausea and emesis. To discover more effective medicinal drugs, more studies are required on the fundamental neuropharmacology of THC and other cannabinoids."

It is important to utilize the abundant cannabis in Indonesia so that it is not sold in the market or used as currency by the Confiscation Agency. This is because any existing stocks of merchandise must be destroyed immediately in accordance with the national strategy which recognizes that the destruction of lawful merchandise is the single most effective way to prevent the use of illicit drugs in Indonesia.

Narcotics abuse is one of the problems that is increasing over time with the smuggling and distribution that has been carried out both in Indonesia and abroad. Until now, the regulation of narcotics in Indonesia has established Law No. 35 of 2009 concerning Narcotics

as a legal umbrella to approve narcotics issues. In Law Number 35 of 2009 concerning Narcotics (hereinafter referred to as the Narcotics Law) divides crimes that are related to abuse and crimes related to illicit drug trafficking where there is a government program commonly referred to as the Prevention and Eradication of Abuse and Illicit Trafficking of Narcotics and Narcotics Precursors (P4GN) program. The P4GN program is not only about preventing the dangers of drug abuse but also includes law enforcement activities against drug abusers and rehabilitation activities for victims of drug abuse (Priska Dwi Wahyurini, 2021).

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Almost all Indonesians today are of the opinion that marijuana is a very dangerous plant that can damage humans physically and mentally, can bring people down to a life of sin, disease, and dependence. However, some other people think that this plant can provide a sense of relaxation and happiness. There is even another opinion that considers marijuana as a potent medicine to cure various types of diseases and inhibit the rate of dangerous diseases that can cause death.

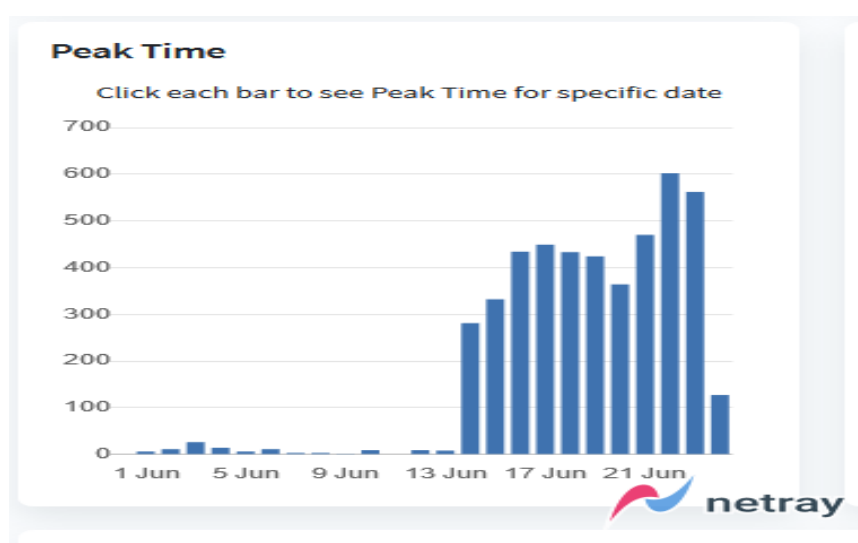
In the context of Indonesian law, Article 8 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, prohibits the use of Class I Narcotics for health purposes. Article 37 of Law Number 35 of 2009 regulates that only Narcotics Group II and Narcotics Group III can be used as medicinal ingredients. Furthermore, Article 53 of Law Number 35 of 2009 regulates the use of Narcotics Group II and Narcotics Group III in limited quantities can be used as medicinal materials. Regulations on the abuse of cannabis narcotics are contained in Law Number 35 of 2009 concerning Narcotics (Putra, M. M., & Wibowo, P. 2022), which is still a prohibition on using cannabis as medicine. This is reinforced by the contents of article 8 (1) regarding the prohibition of the use of class 1 narcotics for medical purposes.

The basic criminal regulation of Class I drug abuse is contained in Articles 111 - 116 of the Law on the Misuse of Class I Narcotics.

Narcotics. In Article 112 of Law Article 35 of 2009 concerning Narcotics, it states that every person who owns, stores, manages or provides Narcotics Group I not plants is punished with imprisonment for a minimum of 4 years and a maximum of 12 years, and a fine of at least 800 million, and a maximum of 8 billion 51. In paragraph 1 which states that if the weight exceeds 5 grams, the perpetrator with life imprisonment or imprisonment for a minimum of 5 years and a maximum of 20 years and the maximum fine as referred to in paragraph (1) plus 1/3 (Cahyadi, I. A. 2018).

Based on the applicable regulations in Indonesia through laws and other legal provisions such as court decisions, the use of narcotics in Indonesia must be in accordance with applicable regulations, such as treatment and the development of science and research. It is clear that in some cases, the use of narcotics as a therapeutic agent has been proven to be practiced by many people, both nationally and internationally. This is due to several factors that influence local people who use Class I drugs (Ganja) as a means of therapy. With the development of time and technology, a lot about cannabis and found that cannabinoid compounds (CBD) and delta-9-tetrahydrocannabinol (THC) have been proven to be beneficial to humans in several cases of diseases such as glaucoma, HIV/AIDS, epilepsy, and several other diseases<sup>53</sup>. Therefore, in order to realize people's right to seek their health, the use of cannabis as medicine must be decriminalized, and in terms of substance abuse, the use of cannabis as medicine should no longer be criminalized (Priska Dwi Wahyurini, 2021).

The issue of legalizing marijuana is still a sensitive topic among the public. At least, there are more than 4,000 tweets from netizens discussing marijuana, with some of them surfacing as a matter of public debate. The issue of the development of marijuana's status as a class 1 narcotic continues to spark debate. Tweets related to marijuana this month received a lot of negative sentiment, which was mostly caused by the news about marijuana use cases among artists and political figures. In terms of gender, male netizens seem more interested in discussing the issue of marijuana than female netizens (Winda Trilatifah, 2019)



**Figure 1.** Graph from Winda Trilatifah, <https://blog.netray.id/legalisasi-ganja-di-indonesia-apa-kabar/>, June 26, 2019



From the graph above, it can be seen that the conversation about marijuana and the development of marijuana legalization in June peaked in the period 15-23 June 2019. The range of netizens' tweets in that period was between 200-600 tweets with the highest total tweets occurring on 22 June 2019 with a total of 600 tweets. In that period, there was a lot of news about the use of marijuana among artists and political figures. In addition, news related to the discovery of a number of marijuana in several regions in Indonesia also occurred in that period (Winda Trilatifah, 2019).

The discovery of marijuana in several areas in Indonesia also occurred during this period. Professor Musri Musman, a chemist from Syiah Kuala University, Aceh, has conducted a literature review on cannabis for 25 years. From the various literature he has collected, there is a list of 36 diseases that can be overcome by cannabis. Based on these facts, we can see that the negative view of marijuana so far does not always match the reality on the ground. There has been a shift in the world's

view of marijuana, where this plant is slowly being used as a medical drug, as has been done by several countries such as Austria, Uruguay, Canada, and several states in the United States (Winda Trilatifah, 2019)

Professor Musri Musman also stated that the cannabis plant has the potential to become a medicine to cure patients exposed to the Corona Virus (COVID-19). The oil content of cannabis extracts, known as Cannabidiol (CBD), is said to be able to withstand the spread of the virus in the body. Coronavirus enters the body through the respiratory tract, which can then cause pneumonia or pneumonia. Several studies have tested the use of oil from cannabis extracts (CBD) for treatment of lung diseases. In addition, CBD has also been tested for the treatment of asthma and herpes (Winda Trilatifah, 2019).

An example of a case that illustrates the use of marijuana as a medical drug is the story of Fidelis Arie, who was forced to grow marijuana in his house to extract marijuana that he believed could provide healing for his wife, Yeni, who suffered from Syringomyelia. While consuming marijuana, Yeni experienced positive developments in her health condition. However, before his wife recovered, Fidelis Arie was arrested by the police, and Yeni died. The story of Fidelis Arie and his wife illustrates how the use of cannabis leaves is still a dilemma in the context of medical treatment. This case shows that marijuana can not only be seen from one side, but also as an alternative medicine in Indonesia (Winda Trilatifah, 2019).

People like Inang Winarso have been trying to find loopholes to legalize cannabis for medical purposes. The decision is now in the hands of the government, and now is the right moment to reconsider policies related to marijuana.

Referring to the regulation in Article 6 paragraph (1) of the Narcotics Law, narcotics are classified into three categories, namely: Narcotics Group I: Narcotics that can only be used for the purpose of scientific development and are not used in therapy, and have a very high potential to cause dependence. Narcotics Group II: Narcotics that have medicinal properties, are used as a last resort in therapy, and can be used in scientific development. Class III Narcotics: Narcotics that have medicinal properties and are widely used in therapy and for the purpose of scientific development, with mild potential to cause dependence.

However, given the very high level of dependence and the dangers posed by class I narcotics, then in accordance with the provisions in force until now, class I narcotics are

prohibited for use in health services. Providing safe and quality health services to the community is the responsibility of the state, as stipulated in Article 54 paragraph (1) and paragraph (2) of the Health Law. Therefore, the state is obliged to control the use of narcotics so that they are not abused. On the other hand, the state also has an obligation to guarantee the right to safe and quality health services, as mandated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. However, in society, drugs are often associated with things that are forbidden, haram, and considered abstinent to use. Often, people who consume drugs are considered sinful, criminal, and a burden to society. In other words, the use of narcotics often gives a negative stamp or stigma to its users.

Mudzakir, a criminal law lecturer at the Islamic University of Indonesia (UII) Yogyakarta, acknowledges that there are types of narcotics that are used for health purposes. What is criminalized, according to him, is trivializing it. However, he firmly rejects the idea of legalizing marijuana, arguing that everything that is destructive and additive should be (Winda Trilatifah, 2019).

Until now, Indonesian courts have imposed relatively harsh penalties on individuals involved in the trafficking or distribution of marijuana. This means that anyone who is involved with cannabis and meets the qualifications listed in the Narcotics Law, will almost certainly be punished. However, the legal step that can be taken to legalize the use of cannabis for medical purposes in Indonesia is to revise the Narcotics Law and remove cannabis from type 1 narcotics. This is important given the fact that the validity of the Narcotics Law is no longer relevant to current conditions. Cannabis, which has been proven to have extraordinary benefits in the medical world, is urgently needed as an alternative treatment. In addition, the fact that the United Nations and the World Drug Commission have removed cannabis and cannabis resin from Schedule IV of the Conv. Thus, it is hoped that the government can immediately revise the Narcotics Law, given the thinking in progressive legal theory which states that law should be seen as a process (law as a process), not something final. Law must continue to move and develop following the dynamics of human life and adapt towards a better direction. If we consider the law as a fixed and unchangeable scheme (Winda Trilatifah, 2019).

The rise of psychotropic drugs or better known as narcotics cannot be underestimated. It is nothing new, and not only Indonesia but all countries in the world have been experiencing it for years. The government established an agency called the National Narcotics Agency, which is tasked with eradicating drug crimes, and is authorized to investigate and prosecute drug crimes as well as sanction criminal offenses and drug abuse in the form of narcotics. Drug abuse and illegal trafficking cause many victims and many other social problems around the world.

Drug abuse can harm individuals and society and is a major danger to human life and the life of the state in the fields of politics, security, economy, and socio-culture. Therefore, drug abuse is not only the responsibility of the Government but also the responsibility of all levels of society. When it comes to Indonesia, the country is no longer just a target for illegal trafficking, not just drug trafficking and trade, Indonesia has become one of the largest drug producers in the world. understand. This is evidenced by several cases, including the arrest of major drug dealers, their networks, syndicates, and raids on large factories that produce drugs in Indonesia. The use of narcotics in the medical field is not unusual or forbidden. In

the medical field, narcotics have advantages and are often used for therapeutic purposes and scientific studies (Asrul & Natsif, 2020).

Cannabis has compounds called terpenes that can treat a number of ailments. The benefit is the ease of doing treatment both conventionally and traditionally. The cannabis plant is a type of plant Psychotropic plants which are included in the medicinal plant group since 2006 with the stipulation of Ministerial Decree 511 of 2006. In 2006, the guidance carried out was to divert marijuana farmers to cultivate other types of productive plants, and destroyed the existing cannabis plants at that time. Because of their fundamentally opposing sources of supply, pharmaceutical businesses and cannabis cultivators can experience tension. As a result, both can develop their cooperation. Cannabis is controlled by drug cartels in the black market, where they trade everything illegally to sell their goods, including cannabis (Asrul & Natsif, 2020).

If the state legalizes cannabis, it will regulate and control economic rewards

so that it can develop its own market. The state can increase revenue from this opportunity to help balance the national economy. Legalizing cannabis may result in more profitable exports of this drug. If a country decides to legalize cannabis, the cannabis trade cycle must be strictly regulated to prevent the state from collecting profits. To safeguard and regulate the sale of cannabis-based drugs, the Food and Drug Administration (BPOM) is essential. The supervision method of BPOM involves monitoring activities at the distribution level, specifically in drug stores, pharmacies, clinics, and other health facilities (Suriangka, 2017)

In the Psychotropic Act has been specifically set criminal provisions as stipulated in CHAPTER XIV Article 59 through Article 72, all of which are criminal offenses. Criminal offenses in the field of psychotropic drugs, among others in the form of acts such as producing and / or circulating illicitly, as well as misuse of psychotropic drugs is an act that harms society and the state. Among the criminal provisions stipulated in the Psychotropic Act there are criminal threats that are limited to the maximum and minimum as referred to in article 59 paragraph (1), namely a minimum imprisonment of 4 years and a maximum of 15 years, as well as a minimum fine of Rp.10 million and a maximum of Rp.750 million. While in article 59 paragraph (2) and (3), the maximum is death penalty and a maximum fine of Rp. 5 billion (Syafi'i, 2009).

The use of narcotics type 1 marijuana is most widely used in Indonesia, because marijuana plants grow in various regions in Indonesia. Some people who have used and felt the benefits of the cannabis plant, such as to unwind by smoking to get calm and feel calmer in relieving fatigue, even teenagers from the lower middle class who cannot have fun. To deal with the drug problem requires the government to issue Law Number 5 of 1997 concerning Psychotropic Substances and Law Number 22 of 1997 concerning Narcotics. Law No. 8 of 1996 Concerning the Ratification of the 1971 Convention on Psychotropic Substances and Law No. 7 of 1997 Concerning the Ratification of the 1988 United Nations Convention Against Illegal Trafficking in Narcotics and Psychotropic Substances. It is important to utilize the abundant cannabis in Indonesia so that it is not sold in markets or used as currency by Confiscation Agencies. This is because any existing trunks of merchandise must be destroyed immediately in accordance with the national strategy which recognizes that the destruction of lawful merchandise is the single most effective way to prevent the use of illicit drugs in Indonesia. Efforts to using marijuana as a treatment can

basically be seen from the resulting benefits. In Jeremy Bentham's theory of expediency, it is explained that the purpose of law must provide benefit or happiness to as many people as possible.<sup>60</sup> In this case, the urgency of marijuana to meet medical needs, the demand for legalization of marijuana cannot be separated from Indonesia's health conditions. Every preparation of legal products or legislation should pay attention to legal objectives that can provide as much happiness as possible for the community. This view provides a limitation that the law that succeeds in guaranteeing a lot of legal certainty in society is a useful law, therefore the law serves as a guarantee of legal justice and the law remains useful. Legal certainty in or from law, namely law because of the law, where this is achieved, if the law does not have conflicting provisions (laws based on a logical and practical system (Priska Dwi Wahyurini, 2021).

In the Narcotics Law, marijuana is grouped as Class I Narcotics such as cocaine and opium plants, because it is in Class I, marijuana is a narcotic that is not permitted to be used for the benefit of health services. The only explanation in the Narcotics Act for using Class I Narcotics legally is the use for the development of science and technology in limited quantities, accompanied by very strict provisions and treatment (Nurlaelatil Qadrina & M. Chaerul Risal, 2022).

For criminal offenses, the Narcotics Act is regulated in articles 78 to 100 which are special provisions. All criminal provisions are 23 articles, while the criminal provisions in the Psychotropic Act amounted to 24 articles, all criminal acts in the Narcotics Act is a crime. The reason is that if narcotics is only for treatment and scientific purposes, then if there is an act outside these interests, it is already a crime because the magnitude of the consequences arising from the unauthorized use of narcotics is very dangerous for human life.

The Narcotics Law also recognizes minimum criminal punishment, but this minimum criminal punishment is intended to aggravate the punishment only, not to be imposed on the main action. The minimum punishment can only be imposed if the criminal offense is preceded by a criminal conspiracy. Article 82 paragraph (2) letter a, which is a minimum of 4 years imprisonment and a maximum of death penalty and a fine of at least Rp.200 million and a maximum of Rp.2 billion. a maximum of Rp.2 billion. If it is carried out in an organized manner as stipulated in Article 82 paragraph (3) letter a, namely a minimum of 5 years imprisonment and a maximum death penalty and a fine of at least Rp.500 million and a maximum of Rp.5 billion and if it is carried out by a corporation as in Article 82 paragraph (4) letters a, b and c, the maximum fine is Rp.7 billion; Rp.4 billion and Rp.3 billion (Saputra et al., 2020).

Drug laws were enacted, in principle, to eradicate the illegal trade and abuse of drugs. However, its function has turned extremely oppressive. Law enforcement agencies focus on a punitive approach (Fauziyah, 2022). The law is a blind sword. Law enforcement under drug laws actually increases the crime rate related to drug abuse. The legislative process in a democratic country requires input from various parties, sourced from the aspirations of the people including its various interests in life, and is taken into account to enact laws that are the aspirations of the people.

Because it goes against society's rules and stereotypes about cannabis. As a result, Indonesia has not legalized the cannabis plant for medical purposes. Although many countries legalize the cannabis plant limiting its use and possession to medical and

recreational purposes. Indonesia itself must tighten supervision of drugs, especially the cannabis plant. The government needs to make changes to drug laws and regulations related to the legalization of cannabis in Indonesia. One of them is to move or reduce the category of cannabis plants to allow them for medical use, and to ensure legal certainty, restrictions are also applied to their use.

## Conclusion

Marijuana does have potential dangers if consumed in excess, as it can lead to severe intoxication. This has led to the pros and cons of legalizing marijuana in Indonesia, although use in the medical sector has been demonstrated.

However, it should be noted that marijuana has many benefits, especially in the medical world. Various studies conducted by experts show that cannabis can be used to treat various medical conditions. If these benefits of marijuana continue to be hindered and remain illegal in Indonesia, it is very frightening, considering that many people suffer from serious illnesses such as cancer, lung disorders, and diabetes. sufferers of serious illnesses such as cancer, lung disorders, and mental disorders who could benefit from the use of cannabis as part of treatment therapy.

Although the use of cannabis in some religious teachings is considered forbidden, for medical purposes, the use of cannabis can be considered as an alternative treatment.

It is hoped that the government will legalize marijuana for medical purposes so that it can help people in need and not forget to follow the regulations and policies on the use of marijuana so that the legalization of marijuana use by the government for medical purposes is not abused. Summarize the primary results of the research in a concise conclusions section without duplicating information from previous sections.

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