

# LAW ENFORCEMENT FOR FEMALE SELLERS OF PSYCHOTROPIC DRUGS SUCH AS REKLONA PILLS (ANALYSIS OF DECISION NUMBER 1873/Pid.Sus/2023/PN Medan)



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### Abstract

Psychotropic pills type reklona is containing Klonazepam and listed in Group IV (four) Sequence number 30 Appendix to Law No. 5 of 1997 on Psychotropic. This type of research is normative with a statutory and case approach. The data used is secondary data consisting of primary and secondary law materials. Factors that led to the criminal offence of selling psychotropic pills type reklona by women in the verdict No. 1873/Pid. Sus/2023/PN Medan is due to economic factors, namely for profit. Law enforcement against the criminal offence of selling reklona pills by women in verdict No. 1873/Pid. Sus/2023/PN Medan is not appropriate because the article should be Article 60 paragraph (2) of the Law of the Republic of Indonesia No. 5 of 1997 on Psychotropic Substances because the defendant sells psychotropic substances instead of possessing, storing and or carrying psychotropic substances as regulated in Article 62 of the Law of the Republic of Indonesia No. 5 of 1997 on Psychotropic Substances. Therefore it is suggested that women should not commit the criminal offence of selling psychotropic substances because it is very detrimental to themselves and others. In order for the law enforcement authorities, especially judges apply the right article against the criminal offence of selling psychotropic drugs pik reklona type.

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## 1. INTRODUCTION

Indonesia is a state of law where the rule of law will be upheld so that no offence goes unaccounted for. It is stated in the explanation of the 1945 Constitution that the Republic of Indonesia is a state based on law, not based

on power. This means that Indonesia is a state of law that wants the law to be enforced, respected and obeyed without exception for all citizens.

The purpose of law is related to human welfare and justice. Law regulates interactions between people so that chaos does not occur. One of the most important areas of legal development is criminal law, which aims to prevent or tackle crime.<sup>1</sup> According to the theory or understanding of the rule of law (*rechtstaat*), the state must guarantee the equality of every citizen including the freedom to exercise their human rights. On this basis, the rule of law should not act arbitrarily against its citizens and its power must be limited, as well as citizens are limited in the use of their human rights by law as a means.<sup>2</sup> In a state of law, the position and relationship between citizens and the state is in a state of balance, both have rights protected by law and both are limited by law. Article 1 paragraph (3) of the 1945 Constitution states that Indonesia is a state of law. This provision is the basis for the direction of legal politics in the development of national law to always provide public services, so that until now people rely on the word *all nations* as the principle of the unity of the entire Indonesian nation. In addition, the word *protect* contains the principle of legal protection to all Indonesians without exception, so that the state takes part in efforts to raise human dignity as a form of legal protection.<sup>3</sup>

Advances in science and technology also influence the way of thinking, behaving and acting. Given the rapid development of information technology, the law is expected to be *ius constituendum*, namely as legislation that accommodates developments and anticipates problems, including the negative impact of technological advances.<sup>4</sup> To anticipate the development of society in relation to changes in crime, planning efforts can be made to make Criminal law that accommodates all the dynamics of society is a matter of policy, namely regarding the selection of means in regulating social life. The rule of law is made to anticipate this, but the existing rules apparently do not make the criminal offence decrease but increase.<sup>5</sup> The issue of criminal offences is a social symptom that always attracts the attention of various groups, especially for law enforcers. Criminal acts are inseparable from the ongoing social processes and structures that coordinate the forms of every

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<sup>1</sup> Yahman, *Karakteristik Tindak Pidana Dalam Masyarakat*, Prenadamedia Group: Jakarta, 2015, p. 96.

<sup>2</sup> Amarullah, M, Arif, *Politik Hukum Pidana Dalam Perlindungan Korban Kejahatan*, Banyumedia: Malang, 2007, p. 2.

<sup>3</sup> Hendy, Sumadi, *Kendala Dalam Menanggulangi Tindak Pidana*, *Jurnal Wawasan Hukum*, 33(2), p. 181-190, DOI:<https://core.ac.uk/download/pdf/287307479.pdf>.

<sup>4</sup> Noor, Rahmad, *Kajian Hukum Terhadap Tindak Pidana Narkotika*, *Jurnal Hukum Ekonomi Syariah*, 3 (2), 2019, p. 104-114.

<sup>5</sup> Tony, Yuri, Rahmanto, *Penegakan Hukum Terhadap Tindak Pidana Narkotika*, *Jurnal Penelitian Hukum De Jure*, 19(1), 2019, p. 25-35.

behaviour of citizens. Security and order in society will be maintained if every member of society obeys and follows the existing rules and norms.

One form of influence of the development of science and technology crime is the development of criminal offences of psychotropic abuse whose impact is very damaging to the order of life of the whole society without exception. Psychotropic substances are a form of different materials and their use in health science. At the beginning of the discovery of psychotropic drugs or materials that are useful in the field of medicine, health care and the development of science. But on the other hand without any control, strict supervision of the use of narcotics / psychotropic drugs will bring a bad influence on human life. Psychotropic as materials that mainly have the effect of anaesthesia or can reduce consciousness. Psychotropic problems seem endless in Indonesia.

There is a tendency for the number of psychotropic users to increase every year. Its use has reached all levels of society, not limited to urban communities, but has also penetrated rural communities, people with money, and even poor families. Currently, drug use is also evenly distributed in almost all professions, without exception. Psychotropic drugs are a class of drugs or substances that are managed with strict laws by the government because of the potential for abuse and dependence. Psychotropic substances are substances or drugs, both natural and synthetic not narcotics, which have psychoactive properties through selective influence on the central nervous system that causes typical changes in mental activity and behaviour.

Psychotropic abuse in Indonesia is very high. This is because Indonesia is located in a position between two continents, the development of science and technology, the influence of globalisation, the influence of transportation and due to a shift in values that lead to materialism. This concern is sharpened due to the rampant illicit trafficking of psychotropic substances that have spread in the society. This is very influential on the life of the nation and state in the future. Currently, the illicit circulation and abuse of psychotropic substances with potential targets of the nation's next generation has reached in various corners of the country regions and its abuse is very evenly distributed throughout the social strata of Indonesian society.

Along with the development that occurs in society, the problems that arise in social life are also increasing. The increase in the standard of living of the community supported by the increasingly sophisticated science and technology also adds to the complexity of problems that affect deviant behaviour in society.

Deviant behaviour occurs a lot among the younger generation, especially students /adolescents. One of the deviant behaviour is psychotropic abuse. Psychotropic abuse is not only a national problem but also an international

problem, because psychotropic abuse has a negative impact on the life of society, nation and state, and also the world. Misuse of psychotropic substances occurs evenly in all levels of society from the upper to the lower classes.<sup>6</sup>

The types of psychotropic drugs circulating in the community are increasing in number along with the development of social interaction and technology in society. One of the new types of psychotropic drugs circulating in the community is reklona pills. Countermeasures reklona pills is a threat and danger to society that must be addressed thoroughly and conceptually. Countermeasures are not only the responsibility of the government but also parents, communities and law enforcement officials, especially the police. The government has recently continued to encourage the public through various opportunities to be more concerned about the threats and dangers of using these pills.

The crime of psychotropic abuse is one of the crimes that involves various groups, one of which is the involvement of women. A woman commits a criminal offence of psychotropic abuse due to various factors such as necessity, environment, economics and other factors.<sup>7</sup> (Ridho, 2017). The enforcement has been done by law enforcement officials, even the case has been decided by the Medan district court in Decision Number 1873/Pid. Sus/2023/PN Medan. The purpose of this study is to determine the enforcement of the law against criminal offences for selling psychotropic pills type reklona by women in verdict Number 1873/Pid. Sus/2023/PN Medan.

## 2. METHODS

This type of research is normative, namely research aimed at finding and formulating legal arguments through analysis of the subject matter.<sup>8</sup> Normative legal research is also called library legal research is legal research conducted by examining library materials or secondary data only.<sup>9</sup> The approach in this research is legislation and the nature of the research is descriptive analytical, namely research that is explaining and describing the legal review of the seller of psychotropic pills type reklona by women (Analysis of Decision No. 11873/Pid. Sus/2023/PN Medan). Data analysis

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<sup>6</sup> Ahmad, Hariwibowo, Tinjauan Kriminologis Terhadap Penyalahgunaan Psikotropika Dan Penanggulangannya Dikalangan Remaja Di Jambi, *Jurnal Law Reform*, 6(2), 2011, p. 41-54.

<sup>7</sup> Ridho, Agusyani & Mohd Din, Intensitas Penyalahgunaan Narkotika Dikaitkan Dengan Jenis Narkotika Yang Disalahgunakan, *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana Fakultas Hukum Universitas Syaikh Kuala*, 2(2), 2017, p. 146-156.

<sup>8</sup> Zainuddin, Ali, *Metode Penelitian Hukum*, Sinar Grafika: Jakarta, 2009, p. 67.

<sup>9</sup> Peter, Mahmud, Marzuki, *Metode Penelitian Hukum*, Sinar Grafika: Jakarta, 2017, p. 52.

was conducted qualitatively).

### **3. DISCUSSION**

#### **A. Factors Causing the Occurrence of the Crime of Misuse of Psychotropic Pills of the Type Reklona by Women in Decision Number 1873/Pid. Sus/2023/PN Medan**

To find out the factors that led to the criminal offence of misuse of psychotropic substances such as reklona pills by women in Decision Number 1873/Pid. Sus/2023/PN Medan, it can be seen in the sitting of this decision. The Medan District Court, which hears criminal cases by ordinary examination in the first instance, handed down the following decision in the case of the Defendant:

1. Full name: Dina Andriani;
2. Place of Birth: Medan;
3. Age/date of birth: 40 years old /18 March 1983;
4. Gender: Female;
  1. Nationality: Indonesian;
  2. Place of Residence: Jl. Kapten Muslim No. 55 Kel. Dwikora Kec. Medan Helvetia. Medan City;
  3. Agama: Islam;
  4. Occupation: Private Employee;
  5. Education: High School;

The defendant Dina Andriani is detained in the State Detention Centre by:

1. Investigator, from 19 August 2023 until 7 September 2023;
- Public Prosecutor, from 4 September 2023 until 23 September 2023;
2. District Court Judge, from 18 September 2023 to 17 October 2023;
3. District Court Judge, extended by the President of the District Court, from 18 October 2023 to 16 December 2023;

The defendant did not wish to be represented by a legal counsel and would face the case on his own even though his right had been conveyed to him by the Panel of Judges. The chronology of the case is that it commenced on Friday 18 August 2023 at approximately 7.00 p.m. The witness Indra Pramono, the witness Roland M. Silalahi and the witness Tony C. Simorangkir (all members of the East Medan Police Sector) received information from the public that the defendant was selling Psychotropic Pills of the type Reklona on Jalan Kapten Muslim, Medan Helvetia Sub- District, Medan City, precisely beside the Honda showroom.

Conducted an investigation by visiting the place, when the police witness arrived at the place and saw the defendant at the place, then the police witness approached the defendant and bought / ordered 1 (one) board containing 10

(ten) grains of Psychotropic Pills Reklona to the defendant for Rp. 550,000, - (five hundred and fifty thousand rupiah), after the money was received by the defendant, but when the defendant was about to give / hand over 1 (one) board containing 10 (ten) items of Psychotropic Pills of the type Reklona, the police witness arrested the defendant and found / confiscated 1 (one) board containing 10 (ten) items of Psychotropic Pills of the type Reklona and money amounting to Rp. 550. 000,- (five hundred and fifty thousand rupiah), then the defendant admitted that 1 (one) board containing 10 (ten) grains of Psychotropic Pills of the type Reklona belonged to him which was previously obtained from Fitri (DPO) for Rp. 400,000,- (four hundred thousand rupiah), then the witness took the defendant and the evidence to the Police Office, and based on the results of the Laboratory examination DS60EH /VIII / 2023/ Regional Laboratory, the defendant was arrested. Deli Serdang- Medan dated 22 August 2023 which was examined, made, and signed by Ir. Wahyu Widodo that the evidence received in the form of 1 (one) strip packaging labeled Reklona 2 Clonazepam containing 10 (ten) white tablets in the form of a circle with the words 'ml', the evidence is suspected of containing Psychotropic substances belonging to the suspect Dina Adriana is Positive for Klonazepam and is registered in Group IV (four) Number 30 of the Appendix to Indonesian Law No. 5 of 1997 concerning Psychotropic substances.

From the chronology of the events of this case in Decision Number 1873/Pid. Sus/2023/PN Medan, it is not clearly stated the factors that caused the defendant Dina Adriana to commit the crime of selling psychotropic substances such as reclona pills. In the opinion of the author, the factor is economic. This is because the defendant Dina Adriana as the defendant admitted that 1 (one) board containing 10 (ten) items of Psychotropic Pills of the type Reklona was hers which was previously obtained from Fitri (DPO) for Rp. 400,000, - (four hundred thousand rupiah). Then the defendant sold it again to witness Indra Pramono, witness Roland M. Silalahi and witness Tony C. Simorangkir (all members of the East Medan Police Sector) for Rp. 550,000 (five hundred and fifty thousand rupiah). Therefore, the defendant received a profit of Rp. 150,000 (one hundred and fifty thousand rupiah). In the criminological perspective, there are factors that cause crime, namely:<sup>10</sup>

a. Biological theory

This theory sees the causes of crime in the physical characteristics of criminals. According to Lombroso, special physical characteristics are often found among criminals, according to him the calibre of criminals must have receding chins, an abundance of wrinteles, and prominent hearing.<sup>11</sup>

b. Psychological theory

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<sup>10</sup> Marlina, *Hukum Penitensir*, Bandung: PT. Refika Aditama, 2011,p. 31.

<sup>11</sup> *Ibid*

This theory argues that crime through the study of mental processes in this case psychiatric disease, destruction of the centre of fear / nervousness, neurasthenia inadequate (inadequate) all mental faculties. These are the things that cause a person to become a criminal, Sigmund Freud's character.

c. Sociological theory

According to this theory, criminals are a product of society with the centre and point of attention being the relationship between people and the fact that deviance is continuous because it is desired and accepted as a group impulse and most deviant behaviour is part of culture. This theory rejects that the idea of crime can be understood and analysed where criminals are individuals.

d. Economic theory

According to this theory, the causes of crime are based on the idea of the concept of rational man and other factors related to the idea of economic choice. That is, according to economists, because individuals have a need to satisfy their endeavours and when faced with a choice, individuals use a rational choice and among the alternatives will satisfy their needs, in this case a social condition, but they are not interested in explaining what causes or forms that choice.

Thus, the factor that led to the criminal offence of misuse of psychotropic pills by women in Decision Number 1873/Pid. Sus/2023/PN Medan was due to economic factors, namely for profit.

## **B. Law Enforcement Against Criminal Offences for Selling Psychotropic Pills of Reklona by Women in Decision Number 1873/Pid. Sus/2023/PN Medan**

Law enforcement against the criminal offence for selling psychotropic pills type reklona by women in Decision Number 1873/Pid. Sus/2023/PN Medan can be seen from the part of adjudicating this decision, namely paying attention to, Article 62 of the Law of the Republic of Indonesia No. 5 of 1997 concerning Psychotropic on Criminal Procedure Law and other laws and regulations related to the decision, namely:

1. Declare that the Defendant Dina Andriani is legally and convincingly proven guilty of committing the crime of 'without the right to possess, store and or carry Psychotropic Substances' as charged in the Single Indictment of the Public Prosecutor;
2. Sentencing the Defendant to 3 (three) years imprisonment and a fine in the amount of Rp. 100,000,000.- (One hundred million rupiah) provided that if the fine is not paid then it shall be substituted with 3 (three) months imprisonment;

3. Determining that the period of arrest and detention that has been served by the Defendant shall be fully deducted from the punishment imposed;
4. Stipulate that the Defendant shall remain in custody;
5. Determine the evidence in the form of:
  - 1 (one) board containing 10 (ten) grains of psychotropic reclona pills with a gross weight of 3.07 (three point zero seven) grams is confiscated for destruction;
  - cash amounting to Rp. 550,000 (five hundred fifty thousand rupiah) is confiscated to the State;
  - 1 (one) Honda PCX motorbike with police number BK 340AJV, returned to the rightful owner;
6. Charged the case fee to the Defendant in the amount of Rp. 5,000.00 (five thousand rupiah);

Law enforcement against criminal offences for sellers of reclona pills by women in Decision Number 1873/Pid. Sus/2023/PN Medan where according to the judge is based on Article 62 of Law of the Republic of Indonesia No. 5 of 1997 Concerning Psychotropic Substances according to the author is not appropriate because in the sitting of this decision it is explained that the defendant Dina Adriana is actually a seller not as the owner, store, control and carry reclona pills psychotropic substances. So the right article set by the judge is Article 60 paragraph (2) of the Law of the Republic of Indonesia No. 5 of 1997 on Psychotropic Substances, namely ‘Whoever distributes psychotropic substances other than those specified in Article 12 paragraph (2) shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah)’.

The actions referred to in the provisions of Article 12 paragraph are: Distribution of psychotropic drugs as referred to in paragraph (1) can only be done by:

- a. Drug manufacturers to pharmaceutical wholesalers, pharmacies, Government pharmaceutical preparation storage facilities, hospitals, and research institutions and/or educational institutions.
- b. Pharmaceutical wholesalers to other pharmaceutical wholesalers, pharmacies, Government pharmaceutical preparation storage facilities, hospitals, and research institutions and/or educational institutions.
- c. Government pharmaceutical storage facilities to Government hospitals, community health centres and Government medical centres.

In this decision the actions of the defendant Dina Adriana fulfil the elements of Article 60 paragraph 2 although the penalty is the same as Article 62 of Law of the Republic of Indonesia No. 5 of 1997 Concerning Psychotropic Substances.

#### **4. CONCLUSION**

Factors that led to the criminal offence of selling psychotropic reclona pills by women in verdict No. 1873/Pid. Sus/2023/PN Medan is due to economic factors, namely for profit. Law enforcement against the criminal offence of selling reclona pills by women in verdict No. 1873/Pid. Sus/2023/PN Medan is not appropriate because the Article should be Article 60 paragraph (2) of Law of the Republic of Indonesia No. 5 of 1997 on Psychotropic Substances because the defendant sells psychotropic substances instead of possessing, storing and or carrying psychotropic substances as regulated in Article 62 of Law of the Republic of Indonesia No. 5 of 1997 on Psychotropic Substances. For this reason, it is recommended that women do not commit the crime of selling psychotropic substances because it is very detrimental to themselves and others and that law enforcement officials, especially judges, apply the right article to the crime of selling psychotropic substances of pik reklona type.

#### **5. LIMITATION**

In order for this research to be directed, it is necessary to make a limitation, namely the discussion in this study is a predetermined problem, namely the factors that cause women to sell reclona pills in Decision Number 1873/Pid. Sus/2023/PN Medan and its law enforcement whether it is in accordance with the legislation or not. This research can be used as expected to provide insight, especially in understanding the factors that cause women to sell reclona pills in Decision Number 1873/Pid. Sus/2023/PN Medan and can be used as a guideline for law enforcement officials in enforcing the law against the criminal act of selling reclona pills by women.

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