

Abstrak

Undang-Undang Nomor 35 Tahun 2009 menyatakan bahwa ganja termasuk ke dalam narkotika golongan I, artinya ganja dinilai tidak memiliki khasiat medis dan hanya boleh dipergunakan secara terbatas guna kepentingan pengembangan ilmu pengetahuan dan teknologi. Hal ini menimbulkan perdebatan publik karena aturan pelarangan peredaran ganja di Indonesia berbenturan dengan sejarah kultur masyarakat Indonesia di Aceh dan perkembangan dunia farmakologi. Regulasi yang dihasilkan legislatif nampak belum menemui formulasi tepat untuk memecahkan duduk perkara akan status 'haram' tanaman ganja. Wilayah abu-abu status ganja berada di antara pelarangannya oleh undang-undang dan nihilnya hasil penelitian oleh otoritas terkait pemerintah Republik Indonesia akan hakikat dan/atau khasiat tanaman ganja baik secara medis, sosial, bahkan moral. Fokus studi dalam penelitian ini adalah penelaahan historis menggunakan kajian pustaka hukum primer dengan metode yuridis normatif. Penelitian ini berusaha memaparkan alur sejarah regulasi pelarangan peredaran ganja di Indonesia dari hulu ke hilir, dan berusaha menguak keterkaitannya dengan aspek-aspek lainnya. Penegakan hukum narkotika yang mengatur pelarangan peredaran ganja belum efektif, sebab para penegak hukum cenderung mendahulukan pendekatan kriminal sehingga jamak ditemukan kriminalisasi akibat ambiguitas penegakan hukum. Masyarakat pun belum memahami secara komprehensif terkait regulasi pelarangan ganja itu sendiri.

Kata Kunci: Telaah Historis, Pelarangan Peredaran, Ganja

Abstract

Based on Indonesian law on drugs policy, it states that marijuana is included in class I narcotics, meaning that marijuana is considered to have no medical properties and may only be used on a limited basis in the interests of developing science and technology. This has led to public debate because the rules for banning marijuana in Indonesia clash with the history of Indonesian society in Aceh and the development of the world of pharmacology. Regulations produced by the legislature did not appear to have met the right formulation to solve the case situation for the 'illegitimate' status of cannabis plants. The gray area of cannabis status is between the prohibition of the law and the absence of research results by the authorities related to the government of the Republic of Indonesia regarding the nature and / or efficacy of cannabis plants both medically, socially and even morally. The focus of the study in this study is historical review using primary legal literature studies with normative juridical methods. This study seeks to explain the historical flow of regulation prohibiting the distribution of marijuana in Indonesia from upstream to downstream, and seeks to uncover its relevance to other aspects. The law enforcement of narcotics that regulates the prohibition of marijuana circulation has not been effective, because law enforcers tend to prioritize criminal approaches so that criminalization is commonly found due to the ambiguity of law enforcement. The community has not comprehensively understood the regulation of prohibiting marijuana itself.

Keywords: Historical Review, Prohibition of Circulation, Marijuana