

ABSTRACT

Juben MS Sagala /NIM: 21730396, Title: "Reformulation of Criminal Law Policy in Replacement of Fines in Narcotics Crimes", under the guidance of Prof. Dr. Abdullah Sulaiman, SH., MH, as Promoter and Dr. Darwati, SH., MM, as Ko. Promoter.

The application of criminal sanctions of fines that have not been carried out properly and criminal sanctions in lieu of fines that are considered unbalanced (too light) have become a legal problem where convicts prefer criminal penalties in lieu of fines rather than paying criminal fines that are considered quite large. Problem formulation: 1. Why is the application of fines in narcotics crime cases not effective? 2. How does the implementation of punishment in lieu of fines in narcotics crimes fulfill a sense of justice? 3. What is the model for reformulating criminal law policies to replace fines in narcotics crimes?

The research method uses empirical legal research. Research results: 1. The imposition of fines in narcotics crimes does not yet provide usefulness as a legal process. The execution of criminal fines against narcotics convicts does not proceed as it should, so in this case it means that the effectiveness of the application of the criminal fine law is not fulfilled or the objectives of the punishment are not fulfilled, meaning that the law is not effective. The implementation of criminal penalties in lieu of fines in narcotics crimes is very beneficial for narcotics convicts. The implementation of the substitute (subsidiary) fine is the failure to fulfill the objectives of the punishment, there is no principle of balance between the fine and the substitute fine in the form of short imprisonment imposed on narcotics convicts. c. And there is no sense of justice for the law itself. The model of imprisonment as a substitute crime (subsidiary) of fines in Law Number 35 of 2009 concerning Narcotics must be reviewed and there needs to be reformulation of appropriate criminal law policies in the legal regulation, namely nuanced criminal philosophy with the principle of balance, realizing legal effectiveness and realizing law enforcement which contains elements of legal certainty, legal benefits and justice. Suggestions; 1. Substitute punishment for narcotics crimes should be eliminated, 2. Criminal law policies need to be implemented regarding substitute (subsidiary) fines.

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