

Magic Mushroom as a Danger Narcotics: a Case Study in Yogyakarta

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Article	Abstract
<p>Keywords: Magic Mushroom; Narcotics; Yogyakarta Case.</p> <p>Article History Received: Sep 05, 2024; Reviewed: Sep 10, 2024; Accepted: Oct 08, 2024; Published: Oct 11, 2024.</p>	<p>The research aims to train oneself to articulate scientific thoughts in writing so that knowledge, particularly legal knowledge, continues to develop. The research also focuses on the implementation of Law No. 35 of 2009 regarding legal action against the circulation and abuse of narcotics, specifically magic mushrooms, in Yogyakarta City, as well as the obstacles faced by the police's narcotics unit, the Sleman Police Department, the Investigation Division, and the National Narcotics Agency (BNN). This study employs a socio-legal approach and is analyzed using qualitative descriptive techniques. The primary data comes from interviews with the BNN and the police in the Yogyakarta region. Overall, this research emphasizes the importance of enhancing human resources, knowledge, and priorities in law enforcement related to the circulation and abuse of magic mushrooms in Yogyakarta. More effective and comprehensive law enforcement is needed to address this issue thoroughly. The research findings indicate the ambiguity of the legal status of magic mushrooms, the limitations of law enforcement resources, technical challenges in enforcement, a lack of prioritization in action, and the need for broader education and knowledge.</p>



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Introduction

Cultural and ethnic groups of society have habits that have changed technological progress gradually following the times. This due to the lack of application of moral principles in formal and informal education, which in turn leads to moral deterioration, one of which is characterized by the illegal circulation of drugs that leads to drug abuse. Now, illicit narcotics trafficking reaches small cities across Indonesia, not just in big cities. The government has launched Law Number 35 of 2009

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concerning Narcotics (Narcotics Law 2009), henceforth known as the Narcotics Law, as part of its efforts to stop the illegal circulation of drugs and drug precursors. Magic mushroom is one of the most popular drugs in society besides shabu, marijuana, and heroin. A type of fungus that contains psychoactive indole alkaloids and types of drugs that cause hallucinations (Chawazi, 2010).

A magic mushroom (*panaeolus cyanescens*) is also known as cow dung mushroom, necklace mushroom, or sacred mushroom. It grows on farm animal manure and umbrella mushrooms with flattened oval spores and tapered-tipped sporogonium. It is white and turns grey to dark brown (Pramana et al., 2019). Drugs are substances that have specific effects on their users, such as anaesthesia, loss of pain, increased spirits, hallucinations, or the appearance of delusions. Narcotics have a calming, pain-relieving, sleepy, or stimulating effect. Narcotics or substances that cause unconsciousness or anaesthesia are carried out by sucking or injecting the substance continuously into the body (Widiwati, 2019). In addition to "drugs", the Ministry of Health of the Republic of Indonesia has introduced another term, drugs, which stands for Narcotics, Psychotropics, and Addictive Substances. Health and rehabilitation practitioners often use this term. According to Lilik Mulyadi, drug abuse and use that do not follow treatment standards can cause very detrimental consequences for individuals or society, especially the younger generation. It will be more detrimental if coupled with drug abuse and illicit trafficking, which can pose a greater danger to the life and cultural values of the nation which can ultimately weaken national resilience (Mulyadi, 2012).

In the medical world, drugs are very often used to kill patients who are going to be operated on because they contain substances that can change the patient's feelings, thoughts, and level of consciousness. One monistic jurist, J.E. Jonkers, said: "A criminal event is an unlawful act (*wederechttelijk*) that relates to an intentional or wrongful act committed by an accountable person." A criminal act means an act for which the perpetrator can be subject to criminal punishment". An act can be categorized as a criminal act if it contains elements that support and are included in the conditions of a criminal act. These elements include both subjective and objective element (Ilyas, 2012).

Criminal acts are the definition of acts prohibited by law from being committed and criminal threats to those who violate the prohibition (Lamintang, 2022). J.E. Jonkers is a legal expert monitis think that "A criminal event is an unlawful act (*wederrechtelik*) that relates to intentional or wrongful conduct committed by a person for whom accountable" (Jonkers, 1987). "An act that is punishable is the conduct

of a person who is so contrary to the conviction of the law that the act is threatened with punishment, as long as it is committed by a person who is therefore reprehensible," said H.J. Schravendijk, quoted by Schravendijk in Adami Chazawi (Tongat, 2020). According to Simons, quoted by Tongat there are several views on the elements of criminal acts, including human acts, including human acts (both in the sense of positive acts (doing) and harmful acts (not doing), threatened with criminality, against the law, committed by mistake and by people who must contain things such as acts/series of human acts contrary to laws and regulations, and punitive actions must be taken.

The police force includes everything related to the functions and institutions of the police regulated by law. Article 1 Number 1 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia explains this. Members of the National Police of the Republic of Indonesia are civil servants. The Narcotics, Psychotropics, and Dangerous Drugs Investigation Unit is called the Narcotics Task Force, and has a special particular task of investigating drug abuse. One of the tasks of the Satresnarkoba is to investigate and investigate drug abuse and illicit trafficking of drugs and their precursors. Allowed As Sudarto stated, the law establishes the required and allowed rules, and vice versa. Punishment can discuss an act as unlawful or qualify it by the law (Sudarto, 2009). Moeljatno argued that the response to the development of criminality must be "somewhat disturbed" if the Criminal sanctions that have been set result from wrong choices or are no longer following the development of criminality (Moeljatno, 2002). However, in the Criminal Code, Pranata argues that, in the case of probation, the punishment against the person who commits the probation is the highest penalty that can be given for the crime reduced by one-third.

Several individuals abuse drugs. The abuse of magical fungi still exists in society today and is one of the severe problems that must be researched, addressed, and addressed by the government to be resolved. However, many people do not know that this magic mushroom is a drug because it is not well known in the community. Therefore, the community is not aware enough to participate in eradicating its circulation. Many people still buy it outright, both in person in a café and online, as we see a lot in online media and e-commerce that sells magic mushroom products. At the Police level, the Psychotropic and Dangerous Drug Narcotics Investigation Unit (Satresnarkoba), abbreviated as Satresnarkoba, is responsible for implementing the main task of the drug reserse function. The Chief of Police is responsible for this

organization. Satresnarkoba is responsible for fostering the investigation, investigation, and supervision of the investigation of criminal acts of drug abuse and illicit circulation, as well as coaching and counselling in the context of prevention and rehabilitation of drug abuse victims in Indonesia. Of course, the Narcotics Task Force will not remain silent the circulation of this magical mushroom. article has prohibited this. Drug abuse and illicit trafficking have developed into a problem that threatens various areas of life around the world. Now, even the government, through the National Narcotics Agency, is working with the community to prevent and tackle drugs (Hawi, 2018). The type of fungus is used as food and medicine. This paper is a literature based quantitative research. Over the last 10 years, there have been 7 cases of Inocybe poisoning in Indonesia with a total of 31 victims and 1 of them died (Putra, 2022).

The lack of fluids made some victims need an infusion. Based on this phenomenon, researchers also found that in the city of Yogyakarta, also known as an area famous for the circulation and abuse of magical fungi, the circulation and abuse of magical fungi is quite relatively high. However, this fact has become an open secret, so how the law deals with the circulation and abuse of magical fungi is questionable. Abuse of fungal magic has hallucinogenic effects that can lead to psychological and emotional problems and accidents. Due to its strong effect when used, this mushroom is usually not addictive. Its unexpected toxic potential, hallucinations that appear after use, can vary for each person. Magic mushrooms can affect each person differently, based on: size, weight and health, whether the person is used to taking them, whether other medications are taken at about the same time, the amount taken, the strength of the mushroom (varies depending on the type of mushroom) and the environment (where the medicine is placed).

Method

The type of legal research carried out is the sociological juridical approach method. The research was conducted in Yogyakarta City by choosing BNN (National Narcotics Agency) and the Police of the Satresnarkoba Polres Yogyakarta section. The data source was obtained from interviews with the BNN (and the Law Enforcement (Police) of the Yogyakarta City Region. Secondary data in this study were obtained from official documents, books (journals), research results (reports), diaries and other media related to the research topic. The data was collected through interviews,

documentation, and literature studies. Data analysis uses qualitative descriptive techniques with classification, concluding, and verification stages.

Discussion

1. Obstacles and Solutions Carried out by the Sleman Police Narcotics Task Force in Eradicating the Abuse of Magic Mushroom-Type Narcotics

Some of the challenges and solutions to this problem include: *first*, Lack of public awareness, because the public considers criminal acts to be the duty of the police, especially the drug task force division. However, people still do not consider magical fungi as medicine. As a result, the community is given socialization and training to increase their legal awareness. After the public learned about the adverse effects of drugs, especially the type of magic mushroom, especially in the Sleman area, Mr. HA (who did not want to be named) said that law enforcement in our society is still not thoroughly carried out by law enforcement (Wahid & Rafiqi, 2022).

Relationships that should be official are often considered private. When a person violates a traffic sign and is later ticketed by the police, the person instead follows the rules, but invites the officer to reconcile or give them money. It is an event that happens every day that reduces the legal awareness of our society. Perhaps the problem of drug abuse in his environment is not known by ethics. In the beginning, things that are considered normal by society, such as smoking minors, can lead a person down the wrong path (Pramana et.al., 2019). Children often smoke and drink liquor after doing so. Taking the drug is the next step after trying the liquor. This stage will continue to occur in our environment if people do not participate in drug prevention. The community must also participate drug abuse at an early age.

Second, it is for the Narcotics Investigation Unit to arrest drug abuse suspects because of its easily disconnected network. In addition, the influence of the suspectsuspect's family in the crime makes it difficult to make a wet arrest. In addition, the high level of privacy of police members during the development of the criminal case made it difficult for Satresnarkoba to continue the investigation. so that drug dealers are difficult to catch. Often arrests are limited to users and dealers only. This is because users, dealers and traffickers do not know each other and drug abusers have made prior agreements or commitments because users, distributors, and dealers do not know each other and that drug abusers have made prior agreements or commitments. Due to the high level of privacy of drug user networks in Kudus Regency, the Drug Task Force must think twice before arresting suspects because it is feared that there

will be a false arrest that raises doubts about the professionalism of the police. The Satresnarkoba team can overcome challenges such as high privacy with the role and surrounding community (Rahayu, et.al., 2019).

Third, limited human resources can cause the number of narcotics trafficking cases with the type of magic mushroom to increase. It is known that the number of members in the Narcotics Department is less than what should be needed. The availability of these human resources will help carry out tasks properly and correctly and can reduce the level of use of narcotics using magic mushrooms to low or even very low.

2. Investigation Process from the Investigation at the Sleman Police Section of the Narcotics Task Force on the Circulation and Abuse of Magic Mushroom in Yogyakarta

Criminalizing producers, distributors, consumers, and the public is regulated in Narcotics Law 2009, which consists of 150 articles. This law uses criminal methods to supervise and prevent drug abuse. This supported by the ower of BNN, an institution raises public awareness, by conducting, investigations, and prosecutions for narcotics violations. One of the objectives of the criminal provisions in Law Number 35 of 2009 concerning Narcotics is to eliminate the element of intentionality in Narcotics Crimes, ensure the minimal use of the criminal system, criminalize parents and the community, and realize equal punishment for probation and criminal acts. According to Article 114 Paragraph (1) of Narcotics Law 2009:

"Every person who without rights or against the law offers to sell, sell, buy, receive, become an intermediary in the sale and purchase, increase or hand over Class I Narcotics, shall be sentenced to a minimum of 5 (five) years in prison and a maximum of 20 (twenty) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah)."

He above statement shows that there is a law that prohibits narcotics dealers and shows that magic mushroom dealers can also be subject to the same article because the content and effects of magic mushrooms can be considered narcotic type i. shown by data on the arrest of narcotics crimes in 2013 from the National Narcotics Agency and comparative data on arrests of narcotics crimes in 2012-2013 from the East Java Regional Police, which shows that there are no arrests related to the circulation of magic mushrooms. Shis shows that magic bees are still not considered dangerous drugs like group 1 drugs that are often caught and handled. However, the regulation

of the Minister of Health of the Republic of Indonesia Number 42/MENKES/PER/IX/1983 concerning fungi containing psilocybin and psilocin has been known since 1983 (Prasetia, et.al., 2021). Based on the results of the interview with HA (did not want to be named) as the Head of Narcotics of the Sleman Police. "The ineffectiveness of eradication of the circulation of magic mushrooms is due to the number of law enforcement officials related to the eradication of narcotics with following the limited Narcotics Law, namely only BNN and the National Police whose number is not with following the Personnel Composition List (DSP) or can be said to be lacking personnel." This is confirmed by EKN "The number of personnel of the Directorate of Narcotics is only 88 people, which should have been 128 people.

Meanwhile, BNNK Yogyakarta personnel are only 33 people out of 75 people who should have been there." In addition, the eradication of magic mushrooms is not practical because BNN only handles cases of magical abuse. It's It is different when a magic mushroom is made into various foods and sold. Now, the question is whether BNN gets information or reports from the public about the spread of magic mushrooms. However, after investigating, BNN did not find sufficient preliminary evidence. Some law enforcement do not know about the magical mushrooms that people use as an alternative treatment for hallucinations. was proven when the author interviewed with the Sleman Police, where one of the officers did not know about it when asked about this matter. It can happen because itself does not understand the social symptoms of the community. Several articles prohibit the spread of class II and group III narcotics, such as: Article 119 paragraph (1) Narcotics Law 2009:

"Every person who without rights or unlawfully offers to sell, sell, buy, receive, become an intermediary in the sale and purchase, increase or hand over Class II Narcotics, shall be sentenced to a minimum of 4 (four) years in prison and a maximum of 12 (twelve) years and a fine of at least Rp800,000,000.00 (eight hundred million rupiah) and a maximum of Rp8,000,000,000, 00 (eight billion rupiah)."

Article 119 paragraph (2) Narcotics Law 2009:

"In the event of the act of offering to sell, selling, buying, receiving, becoming an intermediary in the sale and purchase, exchange, or delivery of Class II Narcotics as referred to in the paragraph with a weight exceeding 5 (five) grams, the perpetrator shall be sentenced to death, life imprisonment, or imprisonment for a minimum of 5 (years) and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one-third)."

Article 24 paragraph (1) Narcotics Law 2009:

"Any person who without rights or against the law offers to sell, sell, buy, receive, become an intermediary in the sale and purchase, increase or hand

over Class III Narcotics, shall be sentenced to imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp600,000,000.00 (six hundred million rupiah) and a maximum of Rp5,000,000,000, 00 (five billion rupiah)."

Article 124 paragraph (2) Narcotics Law 2009:

"In the event of the act of offering to sell, sell, buy, receive, become an intermediary in the sale and purchase, exchange, or delivery of Class III Narcotics as referred to in paragraph (1) the weight exceeds 5 (five) grams, the perpetrator shall be sentenced to imprisonment for a minimum of 5 (years) and a maximum of 15 (fifteen) years and a maximum fine as intended in paragraph plus 1/3 (one-third)."

According to Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), police officers are authorized to carry out their duties as investigators and investigators. According to Article 1 point 5 of the Criminal Code, an investigation is a series of actions by investigators to search for and find an event suspected of being a criminal act to determine whether or not an investigation can be carried out according to this law (Saputra, 2021).

The investigation consists of the frontline or most crucial police officer tasked with revealing a criminal act; in the Criminal Code, the rank of the police in charge of conducting investigations (Hamid, 2022). However, according to the tenets mentioned above and the tenets of Presidential Decree No. 27 of 1983, Article 2, the investigator is a police officer with the rank of second lieutenant. Alternatively, if the investigator has the rank of assistant second lieutenant but only has the rank of non-commissioned officer, then the investigator is ranked below the non-commissioned officer. According to the general provisions of Article 1 Paragraph (1) of the Criminal Code, the investigator is an official of the National Police of the Republic of Indonesia or a senior civil servant who is given special authority by law to conduct an investigation. It explained that an investigation is a series of actions of investigators regulated by law to search for and collect evidence to find suspects.

Examples of drug cases in Yogyakarta obtained from information from the Sleman Police are: The Sleman Police Narcotics Investigation Unit has raided five perpetrators, who are carrying out methamphetamine and methamphetamine transactions. *Magic mushroom* in Pandowoharjo Village, Sleman District, Sleman City, with a type of methamphetamine and *magic mushroom*, arrested five suspected narcotics dealers who were busy carrying out methamphetamine transactions and *magic mushrooms*. Five perpetrators, namely the initials M.R., K, AS, MI and Z.A., are still busy transacting methamphetamine and magic mushrooms. Officers secured evidence in the form of 12 packages containing 8.15 grams of methamphetamine-type

narcotics, methamphetamine suction devices or bongs, 5 gas matches, 1 package of magic mushroom packaging, 1 pack of cepuk (bottle cap) and one empty pack of Cigarettes from the Gudang Garam Surya. He added that the mode is to deliver someone's package. The perpetrator's evidence was secured at the Police Headquarters for legal proceedings. The perpetrators will be charged with Article 112 paragraph (1) in conjunction with Article 132 paragraph (1) of Narcotics Law 2009 with a maximum penalty of 10 years in prison.

Stages of the narcotics case investigation process carried out by the (Sleman Resort Police Yogyakarta:

1. The investigation process means that the perpetrator is arrested for possessing, storing, and controlling shabu-shabu and consuming it. Officers also found several pieces of evidence that allegedly belonged to the perpetrator, so that investigators could continue the investigation;
2. After being caught, the perpetrator was detained for investigation purposes. After the arrest of the perpetrator, the police searched for the location where he was arrested. They found some evidence, including twelve packages containing 8.15 grams of methamphetamine-type narcotics, methamphetamine suction devices or bongs, five gas matches, one package of magic mushroom, one piece of cepuk, and one pack of cigarettes that were not in the Surya Salt Warehouse;
3. The examination process consists of additional examinations of suspects arrested for narcotics crimes, examinations of suspects about the possession of goods suspected of narcotics, and examinations of witnesses who were at the scene of the incident when the suspects were arrested; and
4. After completing the investigation, action, and examination, the case file can be sent to the Prosecutor's Office for further processing.

At the Sleman Resort Police, the investigation of the perpetrators of narcotics abuse is carried out with following the provisions of the Criminal Code. The suspect must be proven to have committed a violation, namely possessing, storing, possessing, or providing Class 1 Narcotics other than plants or any Class I Narcotics abuser for himself, with following the formulation of Article 112 Primary and Article 127 Subsidiary of the Law (Fathonah, 2023). However, there are several provisions for the addition of evidence other than those contained in the Criminal Procedure Code and in Article 86 paragraph (2) of Narcotics Law 2009, regarding evidence as referred to in the form of information that is spoken, sent, received or stored electronically with an

optical device or something similar to it, and recorded data or information that can be seen, read, and /or heard, which can be issued with or without the aid of a means whether contained on paper, any physical object other than paper or electronically recorded, including but not limited to: writing, sound, and /or images; maps, designs, photographs or the like; or letters, signs, numbers, symbols, codes, or perforations that have meanings that can be understood by people who tocan read or understand them. With Article 99 of Narcotics Law 2009, if the Narcotics Investigation Unit obtains sufficient information to protect the whistleblower if there is sufficient preliminary evidence from public information sources, the investigator can use the mandate of Article 103 of the Criminal Procedure Code, namely if the report or complaint submitted in writing must be signed by the complainant or complainant, after the incident to obtain clarification (Ahmadi, et.al, 2023). The Sleman Resort Police Unit uses methods or techniques to find information about narcotics crimes to achieve their its vision and mission.

3. Efforts Acknowledged by the Sleman Police Satresnarkoba Section in Overcoming Obstacles in the Investigation and Investigation Process of the Circulation and Abuse of Magic Mushroom

Polres Sleman investigators from the Narcotics Task Force Section handled the network to rally former narcotics offenders to help arrest the narcotics network. In handling the network, the former perpetrators helped the police uncover the narcotics network. Maximizing existing human resources can help the police better pursue and arrest perpetrators of narcotics crimes. Merazia can minimize the circulation of narcotics. Raids are also carried out according to needs, not arbitrarily. Polres Sleman Section of Satresnarkoko can also conduct raid under community reports. If there is a suspicion, the National Police immediately acts for the convenience of the community. Inveestigators monitor former narcotics offenders after they pass their sentences. It shows where he will go after getting out of prison, what he does, and what job he does. Polres Sleman of the Narcotics Task Force will find out if his former prisoners will make the same mistake by using and distributing drugs again. The Sleman Police Unit of the Narcotics Task Force often conducts socialization in this place to reduce narcotics cases in the city of Sleman. It is highly expected

that the public will report if there are colleagues involved in drug trafficking or use. If they do, the wearer will be treated.

Conclusion

Unclear Legal Status of Magic Mushroom: Although magic mushrooms have been known since 1983 through the Regulation of the Minister of Health of the Republic of Indonesia Number: 42/MENKES/PER/IX/1983 concerning mushrooms containing Psilocybin and Psilocin, until now, there has been no serious action against its circulation as a narcotics crime. Due to the view that magic mushrooms have not been considered a dangerous narcotic compared to other types of class I narcotics by related institutions such as the BNN and the National Police. **Limited Resources of Law Enforcement Officials:** The number of personnel at the Directorate of Narcotics of the Sleman Police and BNNK Yogyakarta is insufficient to eradicate the circulation of magic mushrooms effectively. This shortage of personnel impacts the lack of supervision and law enforcement on the circulation of magic mushrooms in the Yogyakarta area. **Technical Problems with Enforcement:** It is difficult for law enforcement to control and destroy magical mushrooms because they grow naturally without being cultivated. As a result, rather than eradicating the source, BNN's efforts are more concentrated on its abuse. **Lack of Priority in Enforcement:** Magic mushroom cases have not been prioritized by BNN, primarily if they are only related to abuse. Cases related to production and distribution on a larger scale or in the form of traded food products are more concerned. **Need for Counseling and Wider Knowledge:** Some law enforcers do not understand the effects of magic mushrooms and dangerous alternatives to society. Shows that the public and law enforcement need more legal knowledge and counselling to prevent the abuse of these drugs.

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