

Legal Standing of Courier Expedition That Sends Narcotics Without Knowledge

Yeffris Arya Dirgantara^{1*}, Bastianto Nugroho¹, Sri Anggraini Kusuma Dewi¹

¹Faculty of Law, Merdeka University Surabaya, Indonesia

*Corresponding Author E-mail: rosaambarwati981@gmail.com

Article History: Received: December 20, 2024; Accepted: February 16, 2025

ABSTRACT

This research aims to determine the legal position regarding expedition couriers who send narcotics without any element of knowledge. This research method uses normative research, with a conceptual approach, namely legal research that looks for principles, doctrines and sources of law in a philosophical sense. juridical. The result of an expedition courier accidentally sending narcotics, without knowing the contents of the package he sent, has the potential to obtain legal protection in certain situations. The relevant principle of criminal law is that a person cannot be convicted without an element of guilt (*mens rea*) or malicious intent.

keywords, Law, Ojek, Online, Courier, Drugs

1. INTRODUCTION

Along with the development of technology, it makes it easier for humans to search for information on various things in the digital era or the current era and advances in telecommunications technology eliminate distance and the world becomes without borders (borderless world). Today's world civilization is characterized by the phenomenon of advances in information technology and globalization which take place in almost all areas of life (Ramli & Arsyad, 2024). Online buying and selling services in information technology are used to develop buying and selling business systems where buying and selling is only done conventionally, according to the definition of conventional buying and selling. Transactions carried out in a conventional way are trading systems where sellers and buyers meet directly. The goods to be sold are near the buyer, in this case conventional buying and selling has been carried out since ancient times and with it the development of buying and selling has experienced developments in the current era of buying and selling which we usually call the e-commerce buying and selling system. The meaning of e-commerce itself has been explained in Article 1 paragraph (2) of the Information and Transaction Law and has been described in Article 1 number 24 of the Trade Law (Siagian, 2023). Transaction pages via e-commerce all the formalities usually used in conventional transactions are reduced.

The development of buying and selling by a person or seller can be found in online buying and selling applications that sell freely, one of which is narcotics which is stated in Article 1 paragraph 1 of Law Number 35 of 2009 concerning Narcotics which states that narcotics are artificial



or artificial substances. comes from plants which have hallucinatory effects, decrease consciousness, and cause addiction (Ramli & Arsyad, 2024). Excessive use of these drugs can lead to addiction. Meanwhile, the benefits of the substances contained in these illegal drugs are as pain relievers and provide calm

However, narcotics are basically needed and have benefits in the fields of health and science, the use of narcotics becomes very dangerous if misuse occurs. On the one hand, narcotics are useful for health and scientific purposes, on the other hand, narcotics are actually misused (Nuryanta & Mahyani, 2022). To prevent the circulation of narcotics which ultimately results in abuse, Law Number 35 of 2009 concerning Narcotics was implemented. This effort was implemented as a response to the rise of narcotics abuse. The government has made various efforts to prevent the distribution of narcotics in the form of education, appeals and warnings about the dangers arising from narcotics abuse. The target of prevention is both perpetrators and victims of narcotics abuse. Most of the narcotics abusers themselves are victims, the perpetrators do not intentionally use narcotics because they are persuaded, deceived, deceived, forced, and/or threatened to use narcotics. (Hamzah, 1994).

Basically, there are three general characteristics of narcotic use, namely depressants, stimulants and hallucinogens. Depressants depress the nervous system so that users of this type of narcotics can become unconscious, and their heart rate even becomes weaker. The second characteristic is a stimulant, which is to provide stimulation to the nervous system, giving rise to excessive fitness and a tendency to always be fresh and fit when using narcotics, for example using methamphetamine (Siagian et al., 2023). The third is hallucinogens, where the nature of this narcotic is that it creates forced fantasies as if they correspond to reality even though it is impossible to happen.

Here, someone buys narcotics via e-commerce where there are no sanctions for the seller in the buying and selling application, they are selling narcotics with the indication of male strength drugs. Based on Law Number 35 of 2009 concerning Narcotics, it is very clear about the elements which, for those who know or do not know, can be subject to criminal penalties, because the sender of goods or courier who carries out his duties can be subject to punishment, therefore the author wants to research related to legal arrangements for expedition couriers carrying out their work (Sofianti & Zulkarnain, 2024).



2. RESEARCH METHODS

Normative research, with a conceptual approach, namely legal research that looks for principles, doctrines and sources of law in a juridical philosophical sense. This research also examines generally accepted principles or is called philosophical research on norms, rules and legislation, which is used descriptive analytically. Analytical descriptive is a method that functions to describe or provide an image of the object under study through data that has been collected regarding criminal acts of defamation by carrying out analysis and making conclusions.

3. RESULTS AND DISCUSSION

Legal Position Regarding Expedition Couriers Who Send Narcotics Because They Don't Know

Delivery services are a form of service that offers convenience in the process of sending goods from one city to another safely and can be accounted for by the goods delivery service provider. This delivery of goods can include documents, clothing, food, electronic products and others. The means of transportation used by the goods delivery service are land, sea and air routes. The distance from the city to which the consumer wants to send goods determines whether these goods must be sent via land, sea or air transportation. This modern era can make it easier for consumers to access or track where consumer goods are sent. The convenience provided by goods delivery services does not necessarily make everything run as expected, sometimes causing many losses for consumers (Nuryanta & Mahyani, 2022). Legal protection must also be given to goods delivery service couriers who are part of the goods delivery service company. Protection must be given to goods delivery service couriers if the courier receives unfavorable treatment from consumers or the consumer makes mistakes which cause the goods delivery service courier to be responsible for mistakes made by consumers (Ramli & Arsyad, 2024).

The legal basis for this employment relationship is based on article 1312 of the Civil Code, in this article it is explained that the meaning of an agreement is a relationship in which one or more people bind themselves to each other, then as a result and based on the events of this relationship, a legal relationship is born between the two and gives rise to a an agreement in which rights and obligations arise in an agreed agreement, the explanation in Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises article 1 number 13 states the principles of a partnership relationship, namely Cooperation in business relationships, both direct and indirect, with the basic principles namely:

1. Trust each other
2. Strengthen



3. Requires

4. And profitable for parties in Micro, Small, Medium and large businesses

Legal protection must be given to goods delivery service couriers because couriers have the right to carry out their duties and responsibilities. Legal relationships are created as a method or instrument to direct the privileges and commitments or obligations of legal subjects, including rights and obligations when there is abuse of authority.

Couriers have legal protection so they can carry out their duties without being burdened by fear if there are unscrupulous individuals or mistakes made by consumers that cause the courier to have to compensate or be sanctioned. Legal protection can be provided when there are monitoring facilities that operate in accordance with legal norms to avoid errors, whether intentional or unintentional, or also to correct them if errors have occurred.

The sender of goods who wants to send the goods to the consumer or recipient of the goods, who uses a goods delivery service, must be able to guarantee that the goods sent are not damaged or defective when the goods are handed over to the goods delivery service company.

Evidence According to the Commercial Code according to Article 470 Transport law is a law that regulates a reciprocal agreement, in which the carrier binds itself to organize the transportation of goods and/or people to a certain destination, while the other party (sender-recipient; sender or recipient, passenger) is required to pay certain fees for the transportation (Serlika Aprita & Atika Ismail, 2023).

The transportation referred to here is the delivery of goods carried out by a service company for goods sent by consumers to the intended recipient. In general, transportation can be interpreted as a reciprocal agreement between the carrier and the sender, where the carrier binds itself to carry out the transportation of goods and/or other people from one place to a certain destination safely, while the sender binds itself to pay the transportation money.

According to the Consumer Protection Law (UUPK) in Article 4 it is also stated that a number of people receive legal guarantees and protection, namely:

1. The right to comfort, security and safety in consuming goods and/or services; Haki The right to comfort, security and safety in consuming goods and/or services; This right means that every consumer, whether user of goods or services, gets a guarantee of security and safety physically and spiritually. The right to feel safe is very important and especially for consumers. The position of consumers is still very diverse, so the UUPK underlines regulations that require business actors to guarantee the security and safety of consumers. Furthermore, the role of various parties is needed, this role is very important in monitoring the implementation or enforcement of applicable laws



2. The right to choose goods and/or services and obtain said goods and/or services in accordance with the exchange rate and conditions and guarantees promised; Users or users of goods and services who have high purchasing power or ability, which on average are well-off or upper middle class people, find it very easy to get an item without thinking about the nominal value stated in the value of the item or the services they want to use according to their needs. However, this is different from people with a lower middle class economy who can only use or buy goods according to the nominal capacity that the community has, of course this has a big influence on the quality of the goods that people with a lower middle class economy use or use. Based on purchasing power, the condition of goods/services is guaranteed to be safe as promised
3. The right to correct, clear and honest information regarding the condition and guarantee of goods and/or services; The right to know correct information about a product or service is very important for consumers because conveying wrong understanding can endanger the consumer, therefore service or goods providers must provide information in the product packaging, in the service company's soup so that it can guarantee a sense of security for consumer
4. The right to have opinions and complaints heard regarding the goods and/or services used; The right to be heard by providers of services and goods regarding consumer complaints which could endanger the safety and security of the consumer. Consumers have the right to complain and can convey it directly to the business actor who provides the goods or services. Business actors are obliged to listen to and summarize complaints submitted by consumers, in order to ensure that consumers' rights can be implemented
5. The right to obtain appropriate advocacy, protection and efforts to resolve consumer protection disputes; The legal protection provided to consumers in defending themselves can foster an honest and responsible attitude from the business actor.
6. The right to receive consumer guidance and education; Consumers have the right to receive guidance and knowledge about the quality of goods and services so that the chance of a consumer being cheated or defrauded is smaller. Consumers are required to actively read the labels that are available. It is hoped that the government's role in distributing the necessary materials to consumers will minimize the losses received by these consumers.
7. The right to be treated or served correctly and honestly and not in a discriminatory manner; Services provided by business actors to consumers sometimes look at the social status of the consumer. Of course, this has been anticipated by the UUPK, where consumers are given the right to be treated or receive services correctly and honestly and not discriminated against by business actors.



8. The right to receive compensation, compensation and/or replacement, if the goods and/or services received are not in accordance with the agreement or are not as they should be; At the time the UUPK had been drafted which paid close attention to the basics of creating consumer protection. Such as an honest legal relationship between the seller and the consumer, so that when the consumer suffers losses due to goods or services that are defective/not as appropriate, they will receive adequate compensation, and dispute resolution will be provided to the parties.

Rights regulated in other statutory provisions. (article 4 UUPK) The rights that have been explained are rights that are inherent in anyone who is a consumer, and also as a legal subject. Discusses consumers who are legal subjects, whose interests and safety must be protected juridically, and must also be monitored by all protection processes by the authorities or government (Setiawan, 2015). In this case, all business actors, both sellers and service providers, must have a conscience not to cheat or harm consumers. Because this is very important to pay attention to, if consumers feel they have been harmed, then the seller, producer or service provider must be willing to take responsibility for the losses incurred by the consumer.

Protection of expedition couriers who send narcotics because they don't know

In connection with the large number of requests for paid transportation services, this has been regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ). Regulations regarding paid transportation services using vehicles have been regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ), including regulations for modes of transportation for sending people and/or goods. According to Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) Article 1 number (10) states that, "public motorized vehicles are any vehicles used for transporting people and/or goods for a fee." This article explains that for paid transportation services, the vehicles used are public motorized vehicles. Public motorized vehicles in this case are non-private vehicles or individual vehicles (Pemasela & Gerungan, 2023).

The definition of a motorized vehicle according to Article 1 number 8 of Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ) is any vehicle that is driven by mechanical equipment in the form of an engine other than a vehicle that runs on rails. Vehicle use is regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation (UU LLAJ).

In terms of understanding the regulation of criminal acts of drug abuse, we need to look at what is regulated in Law no. 35 of 2009 concerning narcotics. In the article, Chapter VX (fifteen) concerning criminal provisions, it is explained in article 111 number (1) that it is stated that "Every person who, without right or against the law, plants, maintains, owns, stores, controls, or supplies Class I narcotics in the form of plants, shall be sentenced to imprisonment for a minimum of four to four years and a



maximum of 12 (twelve) years and a fine of at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah).

Interpreting the sound of this article, we can look at unlawful acts which are represented by the words: planting, maintaining, possessing, storing, controlling or providing class I narcotics. So that a person whose activities are found to be represented by these sentences can be given a prison sentence and accompanied by a criminal penalty. fine. Furthermore, in number (2), article 111 states "In the event of the act of planting, maintaining, possessing, storing, controlling or providing Class I Narcotics in the form of plants as intended in paragraph (1) the weight exceeds 1 (one) kilogram or exceeds 5 (five) tree trunks, the perpetrator shall be sentenced to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third) ”.

Thus, the emphasis of number (2) of article 111 is that the amount planted, maintained, owned, stored, controlled or provided means that additional, heavier penalties will be imposed on the perpetrator. In the next article, namely article 112 number (1), it is written that "In the event of the act of planting, maintaining, possessing, keeping, controlling or providing Class I Narcotics in the form of plants as intended in paragraph (1) the weight exceeds 1 (one) kilogram or exceeds 5 (five) trees, the perpetrator shall be sentenced to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third) ”.

From the quote above we can understand that Law number 35 of 2009 not only regulates narcotics in plant form but also narcotics in non-plant form. Furthermore, in the same article in number (2) it is stated that "In the event of the act of planting, maintaining, possessing, storing, controlling or providing Class I Narcotics in the form of plants as intended in paragraph (1) the weight exceeds 1 (one) kilogram or exceeding 5 (five) trees, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third) ”. Just like the previous article, this article also provides additional penalties if the narcotics are found to weigh more than 5 (five) grams. Next, let's look at Article 113 which regulates narcotics, it is written that "Every person who without rights or against the law produces, imports, exports or distributes Category I Narcotics, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (five) fifteen) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah) ”.



Here we can see that the unlawful intent implied in this article includes activities: producing, importing, exporting, or distributing class I narcotics. Thus, someone who is found carrying out the activities in question can be given criminal sanctions in accordance with what is stated in this article. Furthermore, a similar emphasis is given as in the previous article, namely the amount of possession of drugs that are produced, imported, exported or distributed as stated in number (2) of article 113, namely "In the case of acts of planting, maintaining, possessing, storing, controlling or providing Class Narcotics I'm in. If the plant as intended in paragraph (1) weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years. years and the maximum fine as intended in paragraph (1) plus 1/3 (one third)."

Let's look at the next article, namely article 114 of this Law, namely number (1) which states th "Every person who without rights or against the law produces, imports, exports or distributes Category I Narcotics, shall be punished with a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah)". From the article above we can draw the conclusion that the unlawful intent regulated in this article is: the activity of offering for sale, selling, buying, receiving, being an intermediary in buying and selling, exchanging, or handing over class I narcotics, then the perpetrator can be given criminal sanctions. Furthermore, in number (2) of the same article, it is again emphasized that there is an additional, heavier penalty if the narcotics found exceed one kilogram or five trees as written below "In the case of acts of offering for sale, selling, buying, being an intermediary in selling buy, exchange, hand over or receive Class I Narcotics as intended in paragraph (1) which in plant form weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks or in non-plant form weighs 5 (five) grams, the perpetrator shall be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third)."

Furthermore regulated in article 115 regarding people who carry, send, transport or transit class I narcotics, it is stated that they have committed an act that is against the law as stated in number (1) which reads "Every person who without right or against the law carries, sends, transports or transiting Category I Narcotics, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah)".

In number (2) it is also emphasized again that in the event that the amount is found to exceed a certain amount, an additional, heavier penalty will be given as we can find in the following quote "In the



event of the act of carrying, sending, transporting or transiting Class I Narcotics as intended in paragraph (1) in the form of plants weighing more than 1 (one) kilogram or more than 5 (five) tree trunks weighing more than 5 (five) grams, the perpetrator shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of long 20 (twenty) years and the maximum fine as referred to in paragraph (1) plus 1/3 (one third)."

The next article, namely article 116, regulates the use of narcotics for other people, so that we can interpret this article as an unlawful activity that provides or uses it for other people as stated in number (1) of article 116, namely "Every person who does not have rights or is against the law using Class I Narcotics against another person or providing Class I Narcotics for use by another person, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine. at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (ten billion rupiah)". Meanwhile, article 116 number (2) regulates that if the violation committed in article 116 number (1) results in another person's death or permanent disability then a heavier punishment will be applied to the perpetrator as quoted as follows "In the case of using narcotics against another person or giving Class I Narcotics for use by another person as intended in paragraph (1) results in another person's death or permanent disability, the perpetrator shall be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (two) years. twenty) years and the maximum fine as intended in paragraph (1) plus 1/3 (one third)." Next, let's look at article 117, this article regulates unlawful acts which include possessing, storing, controlling or providing class II narcotics.

Thus, someone who is found to have unlawful activities as described above can be given criminal sanctions. For more clarity, let's look at the quote from article 117 number (1) which states "Everyone who without right or against the law owns, keeps, controls or supplies Class II Narcotics, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp. 600,000,000.00 (six hundred million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah)". Furthermore, in the same article number (2), once again it is emphasized that the amount of possession of narcotics can increase the amount of punishment as stated in article 117 number (2), namely "In the case of the act of possessing, storing, controlling, providing Class II narcotics as referred to in paragraph (1) the weight exceeds 5 (five) grams, the perpetrator shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third)". Next, let's look at article 118 number (1) which emphasizes that if someone is found producing, importing, exporting or distributing Class II narcotics, then the person concerned can be given criminal sanctions

in accordance with applicable regulations. From the explanation above we can see that what is identified as an unlawful intention is represented by the words producing, importing, exporting or distributing class II narcotics as written below "Any person who without rights or against the law produces, imports, exports, or distributing Class II Narcotics, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah)".

Furthermore, article 118 number (2) emphasizes that if the amount of narcotics found exceeds a certain amount, the perpetrator will receive a heavier sentence. As regulated below, "Any person who without rights or against the law produces, imports, exports or distributes Class II Narcotics, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah)".

In article 119 number (1) it is emphasized that a person who without the right offers for sale, sells, buys, receives, becomes an intermediary in buying and selling, exchanges or delivers class II narcotics can be charged with a crime. From the explanation above it can be interpreted that article 119 identifies an unlawful activity in the words mentioned above in accordance with what is written below "Every person who without right or against the law offers for sale, sells, buys, accepts, becomes an intermediary in buying and selling , exchange, or hand over Class II Narcotics, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah)".

Furthermore, in number (2) article 119 it is stated that "In the case of the act of offering for sale, selling, buying, receiving, becoming an intermediary in buying and selling, exchanging or handing over Class II Narcotics as intended in paragraph (1) the weight exceeds 5 (five) gram, the perpetrator shall be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third) ". So we can see that there is an additional penalty for those found carrying out narcotics trafficking activities, if the amount is more than 5 grams, they can be sentenced to death. Next, let's look at article 120 number (1) which says that "Every person who without right or against the law brings, sends, transports or transits Category II Narcotics, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least

Rp. 600,000,000.00 (six hundred million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah)".

From this article we can see that what is meant by intention to violate the law can be represented by the words carrying, sending, transporting or transiting class II narcotics. Thus, if someone is found carrying out the above activities, that person can be charged with a crime. Article 120 (2) further states that "In the event that the act of carrying, sending, transporting or transiting Category II narcotics as intended in paragraph (1) weighs more than 5 (five) grams, the perpetrator shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and the maximum fine as intended in paragraph (1) plus 1/3 (one third)." Once again, it is emphasized that if the amount of narcotics carried, sent, transported or in transit is more than 5 grams, the perpetrator will be given a heavier sentence.

In article 121 number (1) it is explained that the intention to violate the law as regulated in this article includes using and providing class II narcotics, thus a person who is found using class II narcotics can be given criminal sanctions as stated in the following regulations "Every person without the right or unlawfully using Class II Narcotics against another person or providing Class II Narcotics for use by another person, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine. at least Rp. 800,000,000.00 (eight hundred million rupiah) and a maximum of Rp. 8,000,000,000.00 (eight billion rupiah)".

As previously in article 121 number (2), the amount of narcotics misused as in article 121 number (1) apparently causes another person to die or become permanently disabled, so the perpetrator can be charged with the death penalty as the maximum penalty as written below. "In the event that the use of Narcotics against another person or the provision of Class II Narcotics for use by another person as intended in paragraph (1) results in the death or permanent disability of another person, the perpetrator shall be punished with the death penalty, life imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years and the maximum fine as intended in paragraph (1) plus 1/3 (one third)." Article 122 regulates the use of class III narcotics or narcotics which can be considered as a therapeutic tool in the medical world and also as research material for science.

Number (1) in this article regulates that a person who is found to have unlawful intentions, namely possessing, storing, controlling or providing class III narcotics, then that person can be charged with imprisonment and/or a fine as written below: "Every person who without right or unlawfully owning, storing, controlling or providing Class III Narcotics, shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least Rp.

400,000,000.00 (four hundred million rupiah) and a maximum of Rp. 3,000,000,000.00 (three billion rupiah)".

Furthermore, in number (2) it is explained that if the narcotics owned, stored, controlled or provided exceeds 5 grams, then the person will be given a heavier criminal sanction as written below "In the event of the act of possessing, storing, controlling, providing Class III narcotics as intended in paragraph (1) weighs more than 5 (five) grams, the perpetrator shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third)". Furthermore, in article 123 number (1) it is emphasized that the intention to violate the law is represented by the words producing, importing, exporting, distributing class III narcotics so that someone who is found carrying out the above activities can be given imprisonment and/or a fine as written in the following regulations. "Any person who without rights or against the law produces, imports, exports or distributes Category III narcotics, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) (six hundred million rupiah) and maximum Rp. 5,000,000,000.00 (five billion rupiah)". To strengthen article 123, paragraph (2) emphasizes that a person who is found carrying out activities in paragraph (1) with a narcotics weight exceeding 5 grams will also be given an additional, heavier criminal penalty in accordance with what is regulated in the following regulations "In the case of the act of producing , importing, exporting or distributing Class III Narcotics as intended in paragraph (1) weighing more than 5 (five) grams, the perpetrator shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and "The maximum fine as intended in paragraph (1) is added by 1/3 (one third)."

Article 124 identifies that an unlawful act can be represented by the words offering for sale, selling, buying, receiving, being an intermediary in buying and selling, exchanging or handing over class III narcotics, thus a person who is found carrying out the above activities can be charged with criminal sanctions in accordance with with the following provisions "Any person who without right or against the law offers to sell, sells, buys, receives, becomes an intermediary in buying and selling, exchanges or delivers Class III Narcotics, shall be punished by imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp. 600,000,000.00 (six hundred million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah)". Furthermore, in number (2), it is emphasized that if someone commits a violation in number (1) then the narcotics which are evidence exceed 5 grams, then the perpetrator is threatened with a heavier sentence. For more clarity, let's look at the details as follows: "In the case of the act of offering for sale, selling, buying, receiving, becoming an intermediary in buying and selling, exchanging or handing over Class



III Narcotics as intended in paragraph (1) the weight exceeds 5 (five) grams ", the perpetrator shall be sentenced to imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third)."

Furthermore, article 125 number (1) indicates unlawful actions by including the words carrying, sending, transporting or transiting class III narcotics, thus a person who is found carrying out the above activities can be charged with imprisonment and/or a fine as regulated below " Every person who without right or against the law carries, sends, transports or transits Category III Narcotics, shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least Rp. 400,000,000.00 (four hundred million rupiah) and a maximum of Rp. 3,000,000,000.00 (three billion rupiah)". Likewise, number (2) in this article regulates the amount of narcotics found.

If the narcotics exceed 5 grams, the perpetrator will be subject to heavier criminal sanctions as regulated below: "In the event that the act of carrying, sending, transporting or transiting Category III narcotics as intended in paragraph (1) weighs more than 5 (five) grams, the perpetrator shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third)." It is further regulated that if a person carries out unlawful activities which are represented by the words using class III narcotics against another person or providing class III narcotics for use by another person then that person will be subject to criminal sanctions as implied in article 126 number (1) as follows "Any person who without right or against the law uses Class III Narcotics against another person or provides Class III Narcotics for use by another person, shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least Rp. 600,000,000.00 (six hundred million rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah)".

In line with this, article 126 number (2) emphasizes that if a violation committed by someone in number (1) results in another person's death or permanent disability, then once again a heavier punishment will be given to the perpetrator in accordance with what is written in the following regulations "In terms of the use of Narcotics to another person or giving Class III Narcotics for use by another person as intended in paragraph (1) results in another person's death or permanent disability, the perpetrator shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and fine maximum as intended in paragraph (1) plus 1/3 (one third)".

Any abuse of narcotics used for oneself is regulated in article 127 number (1) parts a, b and c. As regulated in this article, it is stated that a person who is found using class I narcotics for himself will be punished with a maximum prison sentence of four years. Meanwhile, someone who is found using



class II narcotics for himself will be punished with a maximum prison sentence of two years. And someone who is found using class III drugs for himself will be sentenced to prison for a maximum of one year. Meanwhile, article 129 regulates several quite crucial things, namely provisions regarding narcotics precursors. Legal protection for expedition couriers who send narcotics because they don't know

The government is trying to implement an omnibus law on job creation. However, it is not balanced with regulatory substance that is able to avoid the conflicts that have occurred so far. The Job Creation Law still has many weaknesses, including changes to leave, giving severance pay and so on. These changes increasingly narrow the space for workers to fight for their rights (Matompo & Izziyana, 2020). The government and several other economic observers consider that current labor regulations or protections are too "rigid" and are one of the factors hindering investment and business activity in Indonesia.

Therefore, the labor system in Indonesia needs to be made flexible. This is because many regulations aimed at protecting workers' rights in the 2003 Employment Law were replaced or even abolished. Instead of creating decent jobs (decent work) for workers, it is believed that the Job Creation Law will actually make the conditions of workers much more vulnerable and full of uncertainty. This is because many regulations aimed at protecting workers' rights in the 2003 Employment Law have been replaced or even abolished.

Instead of creating decent jobs (decent work) for workers, it is believed that the Job Creation Law will actually make the conditions of workers much more vulnerable and full of uncertainty. Changes to the Employment System in Law Number 11 of 2020 concerning Job Creation from Law Number 13 of 2003 concerning Employment (Nathan, 2000): First Wages, Article 88 is amended; article 89 deleted; addition of articles 88B, 88C, 88D Regency/city and sectoral minimum wages removed. The minimum wage is determined from the provincial minimum wage set by the governor. The addition of articles 88E and 90B provides for minimum wages for micro and small businesses and labor-intensive industries to be regulated separately.

Impact on workers. Minimum wages could be lower than before as determined by district/city and sectoral minimum wages. Minimum wages in micro and small businesses and labor-intensive industries could be lower than the applicable minimum wage provisions. For both work contracts and outsourcing, Article 59 removes the previous provisions which limit contract workers or certain time work agreements (PKWT) to work outside the main activity or production process directly and temporarily (maximum duration of 3 years). Contract workers can be employed in all types of work and without time limits. Articles 64, 65 deleted; Article 66 is amended by the previous provisions



which limit work contracting and outsourced work to work outside the main activities or production processes directly removed. All types of work, including basic activities, can use outsourcing workers. Work impacts Expanding contract work and loss of security and certainty of permanent work. All types of work can use contract workers (PKWT) and contract work can be more than 3 years long. Expanding outsourcing of work and loss of security and certainty of permanent employment. All types of work can use outsourcing workers, including work that is directly related to the production process. Third, the right to leave, Article 93 is amended by workers who take leave due to illness, menstruation on the first and second day, marriage, wife giving birth or miscarriage, carrying out religious worship, or because a family member dies is no longer entitled to wages during paid leave.

Legal protection is the protection of honor and dignity, as well as recognition of human rights possessed by legal subjects based on legal provisions that can protect one thing from another. Employment relations are relationships between parties related to interests, namely between workers (laborers) and employers (employers), as well as labor organizations (trade unions) and also employers' organizations. Workers are considered a class group that can be exploited by employers as slaves without respecting human rights (HAM), so that government intervention becomes something that is really needed, in relation to industrial relations, the government plays a role in protecting workers/laborers, among other things. in the form of drafting various laws and government regulations as well as ministerial decisions, the government also plays a role as a facilitator in resolving worker/labor disputes with employers/employers to find solutions to problems between the two parties so as to obtain the rights as regulated in the law. invite.

4. CONCLUSION

In criminal law, the position of an expedition courier who sends narcotics without knowing the contents of the shipment can be seen from the element of error (*mens rea*). If a courier really does not know that the package contains narcotics and can prove that he has no evil intentions (*dolus*), then legally he can be freed from criminal responsibility. However, there is a principle of *culpa* or negligence in law, which states that a person can still be punished if he is deemed negligent or not careful in carrying out his duties. In this context, the court can assess whether the courier has acted according to proper procedures in checking or examining the package he sent. In the justice system, the court will evaluate the evidence and context thoroughly before deciding whether the courier can be punished or exonerated from responsibility. If the courier is proven not to have been negligent, then he may be released, but if it is found that there was an element of negligence, he can still be punished even though he had no malicious intent.



REFERENCE

- Nuryanta, G. A. R. P., & Mahyani, A. (2022). Legal Standing Expedition Courier Sends Narcotics Goods Because He Doesn't Know. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 2(3), 675–702.
- Pemasela, Y. Y., & Gerungan, A. (2023). The Legal Position of Goods Delivery Service Couriers towards Consumers According to Law no. 8 of 1999 concerning Consumer Protection. *Privacy Law*, 12(1).
- Ramli, R., & Arsyad, N. (2024). Legal Protection for Online Motorbike Taxis in Intermediating Narcotics Buying and Selling Transactions. *Journal of Lex Theory (JLT)*, 5(2), 430–446.
- Serlika Aprita, S. H., & Atika Ismail, S. H. (2023). *Commercial Law*. Prenada Media.
- Setiawan, Y. (2015). Legal protection for shippers in maritime transportation agreements. *Ganec Swara Journal*, 9(1), 48.
- Siagian, F. S. (2023). Criminal Responsibility of Marijuana Growers Based on the Law on Narcotics. *Scientific Studies of Law and Statehood*, 2(2), 65–78.
- Siagian, F. S., Putra, N., & Imam, M. K. (2023). Juridical Study of Criminal Acts of Marijuana Planters Based on the Indonesian Narcotics Law. *Neoclassical Legal Review: Journal of Law and Contemporary Issues*, 2(2), 1–10.
- Sofianti, A. I., & Zulkarnain, Z. (2024). Legal Protection for People with Violent Arrests Based on the Criminal Procedure Law System. *Legal Standing: Journal of Legal Studies*, 8(3b), 754–764.

