

ABSTRACT

Drug abuse is a universal problem and not only of national importance but also international problems for mankind as a whole. Therefore, drug abuse prevention and eradication of illicit drug trafficking into two significant things to be examined. Theoretically, there are two things in law enforcement. First, how the rule of law. Second, how law enforcement it is run properly and correctly. In the case of drugs there are various rules of law such as Law No. 35 Year 2009 on Narcotics and the UN conventions on drugs and illicit oabatan everything to reduce the number of abuse and illicit drug trafficking, but in reality drug abuse continues to rise. because it is necessary to alternate law (Islamic law) as a solution that is responsive and adaptable to developments in Indonesian society. This is research a research library (*library reseach*) using the approach of normative-juridical telogis. Side-telogisnya normativity lies in the norms of Islamic law (*fiqh jinayah*) which diistinbathkan from revelation both of the Koran and of the Hadith of the Prophet. Because the approach in this study can be classified in the apocalyptic research. While side-juridical nomatifitas lies in the legal norms in force in the Republic of Indonesia. The results of this reseach showed that the drug law and criminal fositif Islam have in common is a substance that can cause a reduction or a change in consciousness, lost my mind (drunk), damage to the body and lead to dependence both drugs are natural, semi-synthetic and synthetic. The basic concept of the drug in the Positive Law in Indonesia starting from drugs and other addictive substances that the law can be divided into narcotic and psychotropic drugs and selanjutkan classified into Class I, II and class III. whereas in Islamic criminal propped on khamr based on the Quran surat al-Maidah verse 90. Islamic penal sanctions provided against abusers and drug dealers are ta'dzir customized with deeds. Positive law in Indonesia has made a clear and unequivocal sanctions against perpetrators penyaahgunaan and drug dealers in the form of imprisonment and a fine tailored to his actions (minimum and maximum). The concept of prevention and control of drug in the form of Islamic Criminal preventive, repressive and educative. While the concept of prevention and control in the positive law in Indonesia through Law No. 35 of 2009 in the form of the preventive, repressive, curative and educational and are already making mandatory provision of rehabilitation for addicts and victims of drug abuse. Islamic criminal lawshould require rehabilitation to addicts and victims of drug abuse and formulate the concept rehabilitasi specifically for victims of drug abuse because Islamic law derived from revelation is believed to be able to answer all the problems of life (*solah li kulli al-zaman wa al-Spot*), including eradicating against abuse drug efficiently.

Keyword: Drug, Islamic Low, Positif Law.