

## **Law Enforcement Against Narcotics Abuse at Dit. South Sulawesi Police Narcotics and Staff**

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### **ABSTRACT**

The purpose of this research is to analyze the nature of law enforcement against narcotics abuse in Dit. Resnarkoba Polda South Sulawesi and the ranks. This type of research is descriptive research with a juridical-empirical approach. The results showed that: Law enforcement against narcotics abuse in the Directorate. Resnarkoba Polda South Sulawesi and its staff whose implementation refers to and is by Law Number 35 of 2009 concerning Narcotics and Law of the Republic of Indonesia Number 2 of 2002 concerning the State Police of the Republic of Indonesia.

**KEYWORDS:** Law Enforcement; Abuse; Narcotics

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### **I. Introduction**

Narcotics are often used outside of medical and scientific purposes, which in the end will be a danger to the user, which in the end can also be an influence on the social life of the community, nation and state.<sup>[1]</sup> Combating narcotics abuse is not an easy thing to do, but the state is determined to eradicate it. Narcotics abuse covers all levels of society whether poor, rich, old, young or even children.<sup>[2]</sup>

Narcotics abuse from year to year has increased which ultimately harms the nation's future cadres.<sup>[3]</sup> One of the efforts made by the government to overcome the narcotics problem is through improvements in the regulation in the field of law. This improvement is very necessary because the influence of narcotics is very large on the survival of a nation.

Narcotics crime is a serious crime against humanity, which has a tremendous impact, especially on the young generation of a civilized nation. Narcotics crime is a transnational crime because the spread and illicit trade is carried out across national borders.<sup>[4]</sup> About the state of Indonesia, as a state of law. The state of the law in question is a state that enforces the rule of law to uphold truth and justice. In general, in every country that adheres to the rule of law, there are three basic principles, namely the rule of law (*supremacy of law*), equality before the law (*equality before the law*), and law enforcement in a way that does not conflict with the law (*due process of law*).<sup>[5]</sup>

The Indonesian government has set regulations on narcotics in Law Number 9 of 1967 which was then updated by Law Number 22 of 1997 and the last one was renewed again to Law Number 35 of 2009 concerning Narcotics which aims to provide convenience and success in the field of health services and or the development of science, preventing the abuse of narcotics.<sup>[6]</sup>

Narcotics abuse is an unlawful and unlawful use that is carried out not for treatment, but because it wants to enjoy its effects, in excessive amounts, irregularly, and lasts long enough to cause physical, mental and social health problems.

The crime of narcotics abuse for oneself is regulated in Article 103 to Article 127 of Law Number 35 of 2009 concerning Narcotics. Article 127 reads:

1. Every abuser of (a) Narcotics Category I shall be sentenced to a maximum imprisonment of 4 (four) years; (b) Narcotics Category II for oneself shall be sentenced to a maximum imprisonment of 2 (two) years; and, (c) Narcotics Category III for oneself shall be sentenced to a maximum imprisonment of 1 (one) year.
2. In deciding the case as referred to in paragraph (1), the judge is obliged to pay attention to the provisions as referred to in Article 54, Article 55, and Article 103.
3. If the abuse as referred to in paragraph (1) can be proven or proven as a victim of narcotics abuse, the abuser is obliged to undergo medical rehabilitation and social rehabilitation.

Narcotics abuse cases caught by the police in 2017 in Makassar City which occupies the largest proportion are the younger generation including students/students and unemployed as well as drivers or hard workers and so on. This shows that the role of law enforcement officers in eradicating narcotics has not been effective, so strategic efforts are needed to streamline law enforcement efforts in overcoming narcotics in the Directorate. Resnarkoba Polda South Sulawesi and the ranks.

Law enforcement is expected to be able to act as an antidote to the spread of narcotics trafficking. Law enforcement officials have made various efforts to prevent and eradicate abuse and illicit trafficking of narcotics whose modus operandi is increasingly sophisticated, which is carried out in an organized manner and has a network that extends beyond national borders.

The causes of this crime are very complex because many factors play a role in the occurrence of crime, where one factor affects the other greatly. The crime of narcotics abuse in South Sulawesi is influenced by several factors, including 1) Individual factors, which include: level of education, legal awareness, and addiction; 2) Environmental factors include: family economic conditions, social environment, and easy access to narcotics.

The police is a subsystem in the criminal justice system that is sufficient to determine the success and work of the entire system in providing services to the community because the police is a subsystem that is directly related to criminals and the community so that the duties and responsibilities of the police can be said to be greater than other subsystems. Law No. 2002 concerning the National Police of the Republic of Indonesia (abbreviated as the Police Act) regulates the rights and obligations of the Police.

Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia regulates in detail the functions, objectives, duties and authorities of the police in terms of maintaining security and public order. As regulated in Article 2 concerning the function of the Indonesian National Police, which reads: the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, shelter, and service to the community.<sup>[7]</sup>

The Indonesian National Police (abbreviated as Polri) as a state instrument is required to be able to carry out law enforcement duties professionally by breaking the syndicated network from abroad through cooperation with relevant agencies in eradicating the crime of spreading and abusing narcotics, where the disclosure of narcotics cases is more specific. which requires the Police to be proactive in searching for and finding perpetrators and always being oriented to the arrest of perpetrators of narcotics abuse. The police have an important role in the distribution and abuse of narcotics in the South Sulawesi Province, where the police are expected to be able to assist in the settlement process of criminal cases of narcotics distribution and abuse.

Furthermore, the number of suspects in narcotics crimes at Dit. The South Sulawesi Police Narcotics and its ranks based on the employment status of the perpetrators can be seen in the following table.

**Table 1.** Data on Narcotics Abuse Cases by Occupation at the Directorate. South Sulawesi Police Narcotics Response and Staff for 2016-2020

No.	Number of Suspects Based on Occupation	of Narcotics Crime					Number of Cases
		2016	2017	2018	2019	2020	
1	Student	27	27	52	49	86	241
2	Students	60	39	65	51	56	271
3	TNI	2	5	3	1	0	11
4	Civil Servants	15	29	45	19	22	130
5	POL	9	15	31	23	14	92
6	Private employees	337	474	551	489	426	2277
7	Entrepreneurs	318	418	553	522	481	2292
8	Labor	168	244	372	337	403	1524
9	FARM	80	163	213	218	175	849

10	Trader	429	571	800	1003	984	3787
Total		1445	1985	2685	2712	2647	11474

Source: Dit. Res Narkoba Polda South Sulawesi and its ranks, 2021

Based on the data in the table above shows the suspect in narcotics crime cases at the Directorate. The South Sulawesi Police Narcotics Research and Staff for the period 2016 to 2020, which occupies the largest proportion are PNG (traders) with 3,787 cases, followed by entrepreneurs with 2,292 cases, private employees (SWT) with 2,277 cases, and workers with 1,524 cases. Meanwhile, the number of criminal cases that occupy the smallest proportion is TNI and POL. The trend from these data indicates that the role of the Police in efforts to tackle the spread of narcotics is still not optimal because cases of narcotics distribution, especially among the younger generation, namely students and college students, tend to increase in 2020. Likewise, narcotics crimes involving traders, private employees, entrepreneurs, and labourers are still classified as large, so it needs maximum effort Dit. Resnarkoba Polda South Sulawesi and its ranks in the eradication of narcotics crime.

The criminal sanctions that are threatened for perpetrators of narcotics crimes in Law no. 35 of 2009 is a prison sentence and a fine. The most important thing in Law no. 35 of 2009 is that there is a special minimum criminal threat, both imprisonment and a fine.<sup>[8]</sup> The law also contains the death penalty. With the minimum and maximum limits on criminal threats contained in the Narcotics Law, judges in passing sentences against narcotics criminals must be guided by these provisions.

In connection with the special minimum punishment in Law Number 35 of 2009 concerning Narcotics as one of the articles, namely Article 112 paragraph 2, it is stated that any person who without rights or against the law plants, maintains, possesses, keeps, controls, or provides Narcotics Category 1 is not The plant as referred to in paragraph 1 weighs more than 5 (five) grams, the perpetrator is sentenced to life imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph 1 plus 1 /3.<sup>[9]</sup> While in Law no. 35 of 2009 on Narcotics does not regulate the guidelines for punishment for special minimum crimes committed by children, while the guidelines for punishment for children are formulated in Article 26, Article 27, Article 28 paragraph (1) of Law no. 3 of 1997 concerning Juvenile Court.

## II. Research Methods

This type of research is descriptive research with a juridical-empirical approach. It is research that examines positive legal rules to get answers to existing problems by relating them to facts or phenomena regarding law enforcement against narcotics abuse in the Directorate. The Narcotics Response of the South Sulawesi Regional Police and their ranks, while the normative, determines what is allowed and what cannot be regulated in the applicable legislation.

This research was conducted at Dit. Resnarkoba Polda South Sulawesi, with the consideration that the Province of South Sulawesi is quite vulnerable to narcotics crimes because it is a target for narcotics marketing, because of its strategic location with a high level of social competitiveness, diverse communities in terms of education level, economic background and social strata that can facilitate distribution and abuse of narcotics. Therefore, it is necessary to study law enforcement against narcotics abuse in the Directorate. Resnarkoba Polda South Sulawesi and

## III. Discussion

The Police as law enforcement officers is authorized to carry out the prevention and eradication of criminal acts or crimes. To tackle criminal acts, the police have duties and authorities, such as fostering the community to increase community participation, legal awareness of the community and the obedience of citizens to laws and regulations (Article 14 point (1) letter c of Law Number 2 of 2002 concerning Indonesian National Police). In addition, the police are also authorized to carry out special examinations as part of police action in the context of prevention (Article 15 paragraph (1) letter f of Law Number 2 of 2002).<sup>[10]</sup>

As law enforcement officers, the police are authorized to tackle the spread of narcotics in the Directorate. Resnarkoba Polda South Sulawesi and the ranks. In this case, the police have the task and authority to foster the community to increase community participation, legal awareness of the community and the obedience of citizens to laws and regulations (Article 14 paragraph (1) letter c of Law No. 2 of 2002) and prevent and tackling the emergence of community diseases (Article 15 paragraph (1) letter c of Law Number 2 of 2002). However, it is precisely the police themselves who are not aware of the law and do not obey the laws and regulations.

The role of the police in eradicating drug abuse in the Directorate. Resnarkoba Polda South Sulawesi and its ranks are carried out through repressive efforts including investigations and investigations that have been

regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code. Narcotics crime that occurred in Dit. The South Sulawesi Regional Police's Narcotics Response and its ranks have increased every year.

The police who carry out the investigation and then the results of the investigation are sufficient, then the investigator submits the results of the investigation to the public prosecutor for further prosecution of the criminal act of drug abuse he is investigating, in which the prosecutor as the public prosecutor is given the authority and task for each case (report) that is delegated. him from the police based on Law Number 16 of 2004 concerning the Prosecutor's Office, then drafted an indictment and then transferred the case files that met the formal and material requirements to the District Court for trial.

The police in eradicating the spread and abuse of narcotics have clear stages and detailed processes, all of which are based on the prevailing laws and regulations, namely Law Number 35 of 2009 concerning Narcotics. The role of the police is essentially an effort to enforce the law. In carrying out their duties, they are bound by a provision including the Narcotics Law which can be used as a benchmark and explanation regarding the eradication of the spread and abuse of narcotics so that uniformity is obtained regarding the activities that must be carried out related to the eradication of the spread and abuse of narcotics.

Furthermore, in Article 74 of Law Number 35 of 2009 concerning Narcotics, it is stated that: (1) Cases of abuse and illicit trafficking of Narcotics and Narcotics Precursors, including cases that take precedence over other cases to be submitted to the court for immediate settlement; and (2) The process of examining criminal cases of Narcotics and Narcotics Precursor criminal acts at the level of appeal, cassation level, review, and execution of the death penalty, as well as the process of granting clemency, the implementation must be accelerated by the laws and regulations.

The National Police in carrying out their duties related to eradicating the spread and abuse of narcotics need to pay attention to the principles contained in the Criminal Procedure Code concerning human rights, including:

1. Presumption of innocence
2. Equality before the law
3. The right to provide legal aid/advice (*Legal aid/assistance*) means that every person involved in a narcotics abuse case must be allowed to obtain legal assistance which is solely given to carry out the interests of defending himself, from the time of arrest and or detention. Before the commencement of the examination, the suspect must be informed about what is suspected of him and his right to obtain legal assistance or in this case must be accompanied by legal counsel.
4. Arrest, detention and confiscation are only carried out based on written orders by officials authorized by law and only in cases regulated by law.
5. A person who is arrested, detained, prosecuted or tried without a reason based on the law and/or because of a mistake regarding the person or the law applied must be given compensation and rehabilitation from the stage of investigation and law enforcement officials who intentionally or because of their negligence cause the principle of the law is violated, prosecuted, convicted and/or subject to administrative penalties.

Law enforcement in the *criminal justice system* cannot be separated from the role of the National Police and the National Narcotics Agency (BNN) as *ius operatum*, especially in dealing with narcotics abuse in the form of taking action and eradicating illicit narcotics trafficking for a month until the process of imposing criminal sanctions by judges.

According to a member of the Police Dit. Resnarkoba Polda South Sulawesi and the ranks (interview on December 2, 2021) that:

Settlement of criminal cases of narcotics abuse Dit. The Narcotics Response of the South Sulawesi Regional Police and their ranks is based on Law Number 35 of 2009 concerning Narcotics, where the criminal provisions are severe so that they can provide a deterrent effect for perpetrators not to repeat their actions.

The pattern of handling narcotics abusers was put forward by an investigator from the National Police Dit. Resnarkoba Polda South Sulawesi and the ranks (interview on December 2, 2021) that:

Handling of perpetrators of criminal acts of drug abuse is regulated in Law no. 35 of 2009, and the Health Law, it is stated that the perpetrator of narcotics abuse is someone who has, controlled, stored, carried, transported, handed over, and so on, indicating that the perpetrator of narcotics abuse must be with him.

Based on the description above, it can be said that the settlement of the narcotics crime case of Dit. The South Sulawesi Regional Police Narcotics Response and Staffing, are carried out by applicable laws and regulations, but still, need to be made effective.

This statement is also strengthened by the author's interviews with several inmates at the Dit Penitentiary. Resnarkoba Polda South Sulawesi and the ranks, that: the sentence imposed against him is serious and the perpetrator regrets all his actions. In addition, perpetrators are also trying to undergo rehabilitation, especially for addicted users so that they can be cured and do not damage the health of the perpetrators and can be accepted in society.

The police play a more effective role in tackling the illicit trafficking of narcotics, including the existence of several provisions that expand the authority and responsibility of the National Police as an

investigative agency specifically given to reduce the illicit trafficking of narcotics through the application of the Narcotics Law.

As stated by a member of the Police Dit. Resnarkoba Polda South Sulawesi and staff (interview dated, December 2, 2021) that:

The pattern of handling narcotics abusers must of course be guided by the Narcotics Law and other statutory provisions. These investigative tactics and techniques can be in the form of raids at the time of an offer or when an officer shows money and the perpetrator also shows his narcotics as regulated in the Narcotics Law. After the perpetrators and narcotics evidence have been controlled by officers, then proceed with interrogation and examination of narcotic evidence at the Forensic Laboratory to find out for sure whether the evidence contains narcotics and the types and classifications for the application of the articles regulated in the Narcotics Law.

Furthermore, a Police investigator Dit. Resnarkoba Polda South Sulawesi and the ranks, (interview on December 2, 2021) stated that:

If the results of the Forensic Laboratory examination say that the evidence is positive for containing narcotics along with the types and classifications, then an examination will be carried out by making an official report on the examination of the arresting witness and followed by news the examination of suspects as perpetrators of narcotics abuse with the application of the Narcotics Law. From the results of the examination and other administrative reports that have been fulfilled, then proceed with the filing to be forwarded the submission of the case files to the Public Prosecutor at the first stage to research the case files. If the research shows the case file is complete, the police investigator submits the second stage case file accompanied by the submission of the suspect and evidence.

The information above shows that the application of the *ius operatum* in disclosing and taking action against criminal acts of narcotics abuse by the police is based on the specifics of regulating narcotics abuse in the Narcotics Law. This distinctive character requires the police to play a more effective role in tackling the illicit trafficking of narcotics, including the existence of several provisions that expand the authority and responsibility of the police in eradicating the spread and abuse of narcotics.

The expansion of the Police's authority is intended to arm the Police in uncovering narcotics abuse. The authority given to the police is to carry out investigative techniques, supervised submissions, covert purchasing techniques, open and examine any consignment suspected of having a connection with narcotics cases and the authority to conduct wiretapping on telephone conversations or other communication tools related to narcotics abuse.

Furthermore, the handling of criminal cases of narcotics abuse, including cases that take precedence and other cases to be submitted to the Court for examination and settlement as soon as possible. In connection with the implementation of police duties, which include: arrests in a position of being caught red-handed, confiscating narcotic evidence, interrogation of suspect BAPs, examination of evidence at the Forensic Laboratory, BAP of witnesses and suspects, resumes, case files, submission of phase I cases, and submission of cases stage II.

#### **IV. Conclusion**

Law enforcement against narcotics abuse in Dit. The South Sulawesi Police's Narcotics Response and Staffing are less effective, so it needs to be made more effective, especially about the implementation of the police's authority in examining and confiscating evidence of narcotics abuse, the authority to arrest and detain people suspected of spreading and abusing narcotics, the authority to intercept conversations by telephone or other means. other telecommunications-related to the distribution and abuse of narcotics, and the authority to conduct supervised delivery investigations and covert purchasing techniques related to narcotics abuse.

#### **Bibliography**

- [1]. Silalahi, DH (2018). Combating the Crime of Narcotics Abuse at the Narcotics Unit at the Tebing Tinggi Police. *Scientific Journal of Law Enforcement*, 5(2), 60-67.
- [2]. Herindrasti, VLS (2018). Drug-free ASEAN 2025: Indonesia's challenges in overcoming drug abuse. *Journal of International Relations*, 7(1), 19-33.
- [3]. Ardika, IGD, Sujana, IN, & Widyantara, IMM (2020). Law Enforcement Against the Abuse of Narcotics Crime. *Journal of Construction Law*, 1(2), 286-290.
- [4]. Samosir, A. (2020). Law Enforcement of Narcotics Crime in terms of Criminology Perspective. *Logic: Kuningan University Research Journal*, 11(02), 87-94.
- [5]. Aswandi, B., & Roisah, K. (2019). The rule of law and Pancasila democracy about human rights (HAM). *Indonesian Journal of Legal Development*, 1(1), 128-145.
- [6]. Lokollo, L., Salamor, YB, & Ubwarin, E. (2020). Policy on the Formulation of the Narcotics Law in Legalizing the Use of Cannabis as a Medicine in Indonesia. *Belo's Journal*, 5(2), 1-20.

- [7]. Suparman, R. (2020). Implementation of the Discretion of State Civil Apparatus in the Context of Law Enforcement. *Justitia Pulpit Law Journal*, 6(1), 1-28.
- [8]. Iswahyuni, A. (2018). Position of Minimum Criminal Threat in Law Number 35 of 2009 concerning Narcotics After the issuance of Circular Letter of the Supreme Court Number 3 of 2015. *Journal of Panorama Hukum*, 3(1), 19-32.
- [9]. Romulus, SA The Imposition of Criminal Sanctions Below the Special Minimum Limit in Law Number 35 the Year 2009 concerning Narcotics. *Nestor's Journal of Masters in Law*, 3(3), 209687.
- [10]. Rahman, K. (2020). The Problem of Regulating the Forced Arrest of Perpetrators of Narcotics Crimes. *Journal of Law Ius Quia Iustum*, 27(3), 481-500.

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