

Policy on Criminal Law Enforcement Against Illegular Drugs Syndicate Performers What Members of the Police of the Republic of Indonesia Done

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Abstract

Every member of the National Police should ideally be a law enforcement officer who carries out maintaining public security and order, enforcing the law, and providing protection, shelter, and service to the community. In fact, there are members of the National Police who are part of a syndicate of narcotics traffickers. Therefore, the criminal law enforcement policies are implemented against the perpetrators. The problem of this research is how the policy of criminal law enforcement against drug dealer syndicates is carried out by members of the National Police and what are the legal consequences for the perpetrators of illicit drug trafficking syndicates carried out by members of the Indonesian National Police. This study uses a normative juridical approach based on secondary data which was analyzed qualitatively. The results of this study indicate that the policy of law enforcement against the perpetrators of drug trafficking syndicates carried out by members of the National Police through the means of criminal law is the settlement of cases using general criminal procedure law through the general court. The legal instrument used is Law Number 35 of 2009 concerning Narcotics. In addition, law enforcement against perpetrators of drug trafficking syndicates carried out by members of the National Police is also carried out using the enforcement of the Police Code of Ethics through the Police Code of Ethics trial. The legal consequences for perpetrators of illicit drug trafficking syndicates carried out by members of the Indonesian National Police are that the perpetrators will be faced with two legal instruments at once, namely general criminal justice in accordance with the provisions of the criminal procedure law and can be sentenced to criminal penalties in accordance with the article of the Narcotics Law that is violated and enforcement the law through an ethics trial by the internal police, with the most severe sanctions against the perpetrators being subject to ethical sanctions in the form of dishonorable dismissal as members of the police.

Keywords: *Policy, Law Enforcement, Drug Circulation, Police Members.*



A. INTRODUCTION

The National Police of the Republic of Indonesia (Polri) in accordance with the mandate of Article 13 of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia that is tasked with maintaining public security and order, enforcing the law, and providing protection, protection and services to the community. The National Police as a law enforcement institution aims to realize internal security which includes the maintenance of public security and order, order and enforcement of the law, the implementation of protection, protection, and service to the community, as well as the establishment of public peace by upholding human rights.

The National Police is a law enforcement institution that is at the forefront of dealing with criminal acts (Abdussalam, 2009). Thus, every member of the National Police is obliged to carry out their duties professionally in accordance with the applicable laws and regulations (Indarti, 2016). The existence of members of the National Police who become syndicates of narcotics illicit traffickers is certainly a serious concern and law enforcement must be carried out, both by using criminal law instruments and the code of ethics that applies within the Police.

The existence of the law has an important role in maintaining security and public order, so that every perpetrator of a crime can be sentenced according to the mistake he has committed (Achmad, 2017). The enforcement of criminal law against perpetrators of criminal acts is directed at achieving the objectives of criminal law, namely justice, legal certainty and legal benefits (Ramadhani & Arief, 2012). The imposition of a criminal offense against the perpetrator of a crime is intended to create a deterrent effect on the perpetrator and as a lesson to other parties not to commit the crime (Gulo, 2018).

All actions that have legal certainty will be legally accountable, so that these activities must not violate the targets or rules that have been previously set (Julyano & Sulistyawan, 2019). Laws are formed and created in order to maintain and protect humans from becoming victims of crimes committed by other parties in everyday life, in order to achieve order and legal certainty (Hananta, 2018). The imposition of imprisonment, fines, and other additional penalties is intended to create public order and peace (Kania, 2015). Enforcement of criminal law is needed as an effort to reduce the number of crimes or criminal acts that have the potential to disrupt public security and order (Rohman, 2016).

The National Police of the Republic of Indonesia is the spearhead of law enforcement officers in the criminal justice system, on the other hand as a protector, protector and public servant (Rustam, 2015). Police officers are highly expected not to be involved in the use or distribution of drugs (Novianti, 2019).

Regulations regarding law enforcement related to narcotics trafficking syndicates committed by members of the National Police include Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 35 of 2009 concerning Narcotics, Government Regulation Number 1 of 2003 concerning Dismissal of Members National Police and Police Chief Regulation Number 14 of 2011 concerning the Police Professional Code of Ethics (Sari, 2019).

The problems in this study are: (1) How is the policy of criminal law enforcement against drug dealer syndicates carried out by members of the National Police (2) What are the legal consequences for perpetrators of illicit drug trafficking syndicates carried out by members of the Indonesian National Police?

B. METHODS

This study uses a normative juridical approach, using secondary data from various literatures and related laws and regulations. Data analysis was analyzed qualitatively to obtain conclusions in accordance with the main problems proposed.

C. RESULTS AND DISCUSSION

1. Policies for Enforcement of Criminal Law against Drug Trafficking Syndicates Performed by Members of the Police

Law enforcement is an attempt to bring ideas and concepts into reality. Law enforcement is a process to make legal wishes come true (Jainah, 2012). Law enforcement can be carried out maximally using criminal law facilities or penal efforts organized by law enforcement officers such as the police, prosecutors, judiciary (courts) and correctional institutions (Jainah, 2011).

The law enforcement process is carried out to realize the wishes of the law, namely the thoughts of the legislatures that are formulated and stipulated in legal regulations which then become reality (Rahardjo, 1993). Law enforcement can also be understood as a harmonization between the values that have been described in solid legal rules and the elaboration with feelings and actions that are part of the description of the final values in the form of justice in order to maintain peace itself. With this description, the location of law enforcement can be felt in the form of a social approach (Soekanto, 2005).

A criminal act is an act committed by a responsible human being for which the act is prohibited or ordered or permitted by criminal law laws which are sanctioned in the form of criminal sanctions. To distinguish an act as a criminal act or not, a criminal act is whether the act is given criminal sanctions or not (Irawan, 2019).

The policy of law enforcement against perpetrators of drug trafficking syndicates carried out by members of the National Police through the means of criminal law is that the settlement of cases is the same as that of the community in general, namely through the general court (Darmika, Nahak & Sudibya, 2019). Thus, the legal instrument used is Law Number 35 of 2009 concerning Narcotics (Susanto, 2019). The Narcotics Law is a law that specifically regulates everything related to narcotics problems (Agustina, 2015).

Some of the criminal sanctions that can be imposed on members of the National Police who commit criminal acts of illicit narcotics trafficking include Article 112 of Law Number 35 of 2009 concerning Narcotics:

- (1) Any person who without rights or against the law owns, keeps, controls, or provides Narcotics Category I is not a plant, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a minimum fine of IDR. 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR. 8,000,000,000.00 (eight billion rupiah).
- (2) In the event that the act of possessing, storing, controlling, or providing Narcotics Category I is not a plant as referred to in paragraph (1) weighing more than 5 (five) grams, the perpetrator shall be sentenced to life imprisonment or a minimum imprisonment of 5 (five) years and a maximum of 20 (twenty) years and the maximum fine as referred to in paragraph (1) is added by 1/3 (one third).

Furthermore, Article 113 of Law Number 35 of 2009 concerning Narcotics:

- (1) Any person who without rights or against the law produces, imports, exports, or distributes Narcotics Category I, shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a minimum fine of IDR. 1,000,000,000.00 (one billion rupiah) and a maximum of IDR. 10,000,000,000.00 (ten billion rupiah).
- (2) In the case of the act of producing, importing, exporting, or distributing Narcotics Category I as referred to in paragraph (1) in the form of plants weighing more than 1 (one) kilogram or exceeding 5 (five) tree trunks or in the form of non-plants weighing more than 5 (five) gram, the perpetrator is sentenced to death, 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 (one third).

Similarly, Article 114 of Law Number 35 of 2009 concerning Narcotics:

- (1) Any person who without rights or against the law offers for sale, sells, buys, receives, becomes an intermediary in buying and selling, exchanging, or delivering Narcotics Category I, shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 5 (five) years imprisonment. 20 (twenty) years and a minimum fine of IDR. 1,000,000,000.00 (one billion rupiah) and a maximum of IDR. 10,000,000,000.00 (ten billion rupiah).
- (2) In the event of an act of offering for sale, selling, buying, being an intermediary in buying and selling, exchanging, delivering, or receiving Narcotics Category I as referred to in paragraph (1) which in the form of plants weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks or in the form of non-plants weighing 5 (five) grams, the perpetrator is sentenced to death, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1). in paragraph (1) plus 1/3 (one third).

The process of law enforcement against members of the police who are entangled in criminal cases of narcotics abuse is in accordance with applicable laws and regulations, where in the process that everyone is equal before the law, even in law enforcement where the suspect is a member of the police, the punishment can be heavier. This is because the suspect is a law enforcement officer who is supposed to carry out office orders to fight narcotics, but the suspect is involved in a criminal case of narcotics abuse.

Criminal law is a system of norms that determine which actions (things to do or not do something where there is a necessity to do something) (Nurhafifah dan Rahmiati, 2015). Criminal law looks at the circumstances in which the law can be imposed, as well as the penalties that can be imposed for these actions (Nugroho, 2017).

The process of law enforcement of the Police who commit narcotics crimes begins with the investigation stage, namely members of the Police who are suspected

of committing criminal acts of Narcotics abuse can be reported with and from public complaints. With this complaint, it will be followed up to the relevant police leadership and then submitted to the respective Provos unit to conduct an investigation. With the evidence that is considered strong, the Provos unit submits the investigation to the Paminal Unit to continue the investigation in this investigation, not only the Paminal unit but the Criminal Investigation unit also participate in the investigation process. After the Paminal unit considers the evidence to be strong, it will be handed back to the Provos unit to proceed with the investigation of violations of the police code of ethics. On the other hand, the Criminal Investigation Unit also continues the investigation process according to the Criminal Procedure Code. After completing the investigation, an investigation is carried out, namely suspected members of the Police who violate the code of ethics and criminal acts of illicit narcotics trafficking can be investigated according to the place and location of the unit. This is done in accordance with the applicable Criminal Procedure Code rules.

At the stage of the general trial, the defendant was not convicted of illicit narcotics trafficking as well as this member of the police was treated the same and equal to other criminal acts in accordance with the rules in the Criminal Procedure Code. This is in accordance with the principle that all are equal in the eyes of the law. The defendant is also free to appoint an advocate or legal representative or wants to be provided with a legal representative from the state.

Law enforcement policies against drug traffickers syndicates carried out by members of the National Police are also implemented by using the enforcement of the Police Code of Ethics, whose law enforcement is carried out through the National Police code of ethics trial. If the member of the Police is proven to have violated the code of ethics, then the code of ethics will be enforced by dishonorable discharge or dismissal from the Police unit. It also gives responsibility to the dismissed member to maintain secrecy within the Polri unit after he or she is dismissed from the unit.

The Code of Ethics for the police profession has been regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, which was followed up by Regulation of the Head of the State Police of the Republic of Indonesia Number 14 of 2011 concerning the Code of Ethics of the State Police of the Republic of Indonesia. member of the Indonesian National Police. To enforce the Police Code of Professional Ethics, every level of the National Police (Polsek, Polres, Polwil, Polda and Headquarters), must be able to impose sanctions on Police Members who commit violations through the Professional Code of Ethics Session (KEP) and Disciplinary Sessions. It is hoped that the enforcement of ethics to Polri members must be carried out by every Head of the Polri Organizational Unit as a superior with the right to punish (Ankum) at all levels so that the slightest violation must be followed up with corrective actions or sanctions. If this is always maintained, then violations of the law committed by members of the National Police can be minimized. The implementation of violations of the professional code of ethics of the State Police of the Republic of Indonesia can be carried out procedurally based on the provisions of the National

Police Chief Regulation Number 14 of 2011 concerning the Police Professional Code of Ethics (Basyarudin, 2021).

The process of enforcing the police professional code of ethics against members of the police who are ensnared in criminal cases of narcotics abuse in reality has not been carried out properly where the police do not immediately take firm action against members who are ensnared in criminal cases of drug abuse, as if the police are still protecting their members and are considered after the members have been tried in general court and was found guilty of committing a narcotic crime (Widodo, 2018).

2. Legal Consequences Against Perpetrators of Illicit Drug Trafficking Syndicates Performed by Police Members in Indonesia

The legal consequences for perpetrators of illicit drug trafficking syndicates carried out by members of the Indonesian National Police are that the perpetrators will be faced with two legal instruments at once, namely general criminal justice in accordance with the provisions of the criminal procedure law and can be sentenced to criminal penalties in accordance with the Articles of the Narcotics Law that is violated and enforcement the law through an ethics trial by the internal police, with the most severe sanctions against the perpetrators being subject to ethical sanctions in the form of dishonorable dismissal as members of the police.

Basically, the various efforts that have been made by the Police institution in order to minimize or even eliminate the involvement of Police members in drug problems, both in the form of providing briefings delivered at the time of the implementation of education for the formation of NCOs and Officers, internal monitoring actions both by the field of supervision (Inspectorate). as well as in the field of Propam (Profession and internal security), both with periodic methods and sudden inspections (sidak) accompanied by urine tests to all members of the National Police and PNS Police from the lowest class or rank (Nintel) to High Officers (General) conducted cooperate with the Provincial National Narcotics Agency (BNNP), as well as efforts to take firm action for members who are proven to be involved in drug abuse through the general judicial process and are aggravated by submitting them to the trial of the Police Professional Code of Ethics whose punishment is up to dismissal or dismissal. ian with disrespect from the police service (Nasution, 2022).

The existence of the Police in a country needs clear legitimacy. There are two reasons for that. First, every state institution needs to be given the power to carry out its duties. This is important for the police because in carrying out their duties they are mandated to use organized physical force (Rahardi, 2012). In a democratic country all state institutions must have accountability in carrying out their duties. This means that the mandate obtained by the police to use physical force must be accompanied by accountability and if there is a failure to provide accountability must also be accompanied by punishment (Sadjijono, 2007).

The implementation of the law is the duty of the state to protect all its people, one of which can be carried out through the Police as stated in Article 2 of Law no. 2 of 2002 regarding the Police. The community wants Police Members in carrying out

their duties and obligations not to be militaristic which means they do not use their power with weapons to fight against the community, but the community wants Police Members to play a role as law enforcers who have the duty to serve, protect, and protect the community and act on the basis of the law (Arif, 2021).

Law enforcement officers are expected to be able to prevent and overcome these crimes in order to improve the morality and quality of human resources in Indonesia, especially for the next generation of the nation. The problem of narcotics abuse is a very complex problem, which requires comprehensive efforts to overcome it by involving multidisciplinary, multisectoral cooperation, and active community participation which is carried out continuously, consistently and consistently (Lawalata, Titahelu & Latupeirissa, 2022).

D. CONCLUSION

Based on the discussion, it can be concluded that the policy of law enforcement against the perpetrators of drug trafficking syndicates carried out by members of the National Police through criminal law means is the settlement of cases using general criminal procedure law through the general court. The legal instrument used is Law Number 35 of 2009 concerning Narcotics. In addition, law enforcement against perpetrators of drug trafficking syndicates carried out by members of the National Police is also carried out using the enforcement of the Police Code of Ethics through the Police Code of Ethics trial. The legal consequences for perpetrators of illicit drug trafficking syndicates carried out by members of the Indonesian National Police are that the perpetrators will be faced with two legal instruments at once, namely general criminal justice in accordance with the provisions of the criminal procedure law and can be sentenced to criminal penalties in accordance with the article of the Narcotics Law that is violated and enforcement the law through an ethics trial by the internal police, with the most severe sanctions against the perpetrators being subject to ethical sanctions in the form of dishonorable dismissal as members of the police.

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