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## **Juridical Analysis of Polri's Role in Criminal Acts of Class I Narcotics Abuse for Yourself**

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### **ABSTRAK**

The legal arrangement governing the implementation of the criminal act of class I drug abuse for oneself is Law Number 35 of 2009 concerning Narcotics juncto Law Number 5 of 1997 concerning Psychotropics. The implementation role of the Police against the crime of class I drug abuse oneself is Non-Penal (Preemptive and Preventive) and Penal (Repressive). Factors constraining protection for the Examination of the Role of the National Police against class I narcotics abuse are Facilities and Facilities in Law Enforcement, Society, and Law Enforcement. Therefore, the community must actively eradicate narcotics abuse and not remain silent when they know about a narcotics-related crime.

**Keywords:** Police, Narcotics, Group I

### **INTRODUCTION**

The State of Indonesia is a state of the law; this is stated in the elucidation of the 1945 Constitution of the Republic of Indonesia, which states that the State of Indonesia is based on law and not on sheer power. Law is a rule or regulation that governs society. All behavior and actions of its citizens must be based on law. Therefore, for Indonesia as the rule of law, it is obligatory to carry out the function of law consistently as a means of upholding justice.

Crime is also more developed and organized with the development of an increasingly advanced era. One of the problems that often emerge in people's lives is crime in general, as at this time, we often encounter delinquency in the form of narcotics abuse. In Article 1, paragraph 1 of Law Number 35 of 2009 Concerning Narcotics, it is stated that narcotics are substances or drugs derived from synthetic and semi-synthetic plants, which can cause a decrease or change in consciousness, loss of feeling, and reduction to eliminate pain. , and can cause dependence, which is divided into groups as attached to the law.

The regulation made by the government is Law Number 35 of 2009 concerning Narcotics; this law is a revision of Law Number 22 of 1997 concerning Narcotics. Along with the progress experienced by society in various fields, legal regulations have also increased. The addition of

these legal regulations cannot be prevented because the community hopes that by adding these regulations, life, and safety will improve even though the number of violations against these regulations may increase.

The enactment of Law Number 35 of 2009 concerning Narcotics, the types of Psychotropics Group I and Group II as listed in the Appendix to Law Number 5 of 1997 concerning Psychotropics has been transferred to Narcotics Group I according to Law Number 35 of 2009 concerning Narcotics and the Attachment concerning Narcotics the types of Psychotropics Class I and Group II in Law Number 5 of 1997 concerning Psychotropics are revoked and declared no longer valid. Then what is no less attractive is the discovery of several article formulations that indirectly try to attach victim status to certain narcotic offenders, such as narcotics addicts. Narcotics addicts classified as class 1 narcotics abusers meet the qualifications as perpetrators of narcotic crimes, but in certain circumstances, narcotics addicts will be more positioned toward the victim. This is in Iswanto's opinion, which states that victims are the result of intentional or negligent acts, voluntary will, or forced or deceived natural disasters, and all of them contain the nature of the suffering of the soul, body, property, and morel and the nature of injustice.

The law also stipulates acts related to narcotics and are classified as criminal acts, including criminal acts related to Narcotics Precursors, Crimes related to Narcotics Group I, Crimes related to Narcotics Group II, Crimes related to Narcotics Category III, Narcotics crimes related to production, Narcotics crimes related to export and import, Narcotics crimes related to distribution and circulation, Crimes related to narcotics use and rehabilitation.

Every criminal act will lead to criminal liability for the perpetrator. To conclude that the perpetrator is said to be responsible for his actions, law enforcers must be guided by the Criminal Procedure Code. This formal criminal law regulates the procedure. The purpose of the criminal procedure law in the Guidelines for implementing the Criminal Procedure Code issued by the Minister of Justice is as follows.

The purpose of criminal procedural law is to find and obtain or at least approach material truth, namely the complete truth of a criminal case, by applying the provisions of criminal procedural law honestly and precisely to find out who the perpetrators can be charged with violating the law. , and then ask for an examination and a decision from the court to find out whether it is proven that a crime has been committed and whether the person charged can be blamed. Starting from the description above, the author is interested in conducting research and

deeper discussion regarding "Judicial Analysis Of The Role Of Polri Against The Criminal Acts Of Narcotics Abuse Class I For Yourself.

## **RESEARCH METHODS**

Related to the writing of this research, the author uses empirical or sociological legal research methods. This research is based on primary data/basic data, namely data obtained directly from the community as the first source through field research. Primary data is obtained through field research, for example, through observation and interviews by distributing questionnaires. Sociological law research can be realized into research on the effectiveness of the law currently in effect or research on legal identification. Primary legal research cannot be carried out separately from normative legal research. Normative legal research is library research or document study because it is mainly done on secondary data in the library. In normative research, secondary data as a source/information material can be primary legal material, secondary legal material, and tertiary legal material.

## **DATA ANALYSIS**

The data analysis used in this study is descriptive qualitative; the data obtained from the research is presented descriptively and processed qualitatively.

## **RESEARCH RESULTS AND DISCUSSION**

### **1. Implementation of the Role of the Police against the crime of Class I narcotics abuse for oneself.**

Law Number 35 of 2009 concerning Narcotics is a form of law that regulates criminal acts outside the Criminal Code. Arrangements for criminal acts outside the Criminal Code occur because the development of criminal acts is directly proportional to the development of society. Law Number 35 of 2009 concerning Narcotics is a particular provision of the general provisions of the Criminal Code as an embodiment of the principle of *lex specialist derogat lex generalis*. Therefore, for events related to narcotics crime, the provisions of criminal acts in the law must be applied, except for matters that have not been regulated.

Regulation regarding narcotics in Indonesia is regulated by Law Number 35 of 2009 concerning Narcotics. New things in the law were not found in the previous laws and

regulations, which are no longer valid. The first new thing is that with the enactment of Law Number 35 of 2009 concerning Narcotics, the types of Psychotropics Group I and Group II, as listed in the Appendix to Law Number 5 of 1997 concerning Psychotropics, have been transferred to Narcotics Group I.

The attachment regarding the types of Psychotropics Group I and Group II in Law Number 5 of 1997 concerning Psychotropics is revoked and no longer valid. Second, there is a change in perspective in viewing certain narcotic offenders, such as narcotic addicts. Legislators try to attach the status of victims to narcotics addicts without ignoring that the status of perpetrators also attaches to them. Third, several formulations of articles are aimed at strengthening institutions that specifically deal with narcotics, namely the National Narcotics Agency (BNN). The strengthening of this institution is aimed at making more effective efforts to prevent and eradicate the abuse and illicit traffic of narcotics. Finally, there is a rearrangement and stipulation of acts related to narcotics and classified as criminal acts.

The circulation of narcotics in Indonesia, seen from a juridical aspect, is legitimate. This regulation only prohibits the use of narcotics without permission by law. This situation is often misused and not for the benefit of health but more than that, which is used as a business (economic) object. Law enforcement officers have carried out law enforcement against narcotics abuse and received many court decisions.

Law enforcement is expected to act as a deterrent to the spread of narcotics trafficking. The increasingly widespread abuse of narcotics hurts people's lives. Thus, to control and restore the ideal condition of people's lives (orderly, safe, and peaceful), the role of the Police is required. As regulated in Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police emphasizes that the primary duties of the Indonesian National Police are: Maintain public order and security; Uphold the law; and Provide protection, shelter, and service to the community.

Eradication efforts by the National Police, in this case within the Pancur Batu Polsek area, require further steps in the law enforcement process against the perpetrators of class I narcotics abuse. In eradicating narcotics abuse, cooperation from various parties is also needed, including community participation. Community participation here can be in the form of providing information about criminal acts of narcotics abuse to Polri investigators. Besides that, it can also take the form of non-governmental organizations and community organizations that focus on eradicating narcotics as a whole.

From the various descriptions above, according to the author, an in-depth study of narcotics is needed, especially narcotics for class I for oneself, so the Police's efforts to

eradicate narcotics abuse in the jurisdiction of the Batam City Police Resort and the obstacles faced by the Police in eradicating narcotics abuse. In eradicating narcotics abuse, the police are making efforts.

**1. Factors that constrain or hinder the role of the National Police in the crime of class I narcotics abuse for oneself.**

Talking about problems related to obstacles in law enforcement against perpetrators of class I narcotics abuse themselves cannot be separated from the weaknesses that exist within the Police institution itself, both related to organizational structure and personnel. Within the Bareleng City Police unit organization of Batam City, there is a unit known as the Guidance and Counseling Unit, which functions to provide guidance and counseling to the community, especially students and students or the younger generation in general, which is a potential market for class I psychotropic substances/narcotics. This. Funding and personnel limitations often appear to be a classic reason this Guidance and Counseling unit is not very intensive in carrying out a massive campaign to prevent the younger generation from becoming users of these psychotropic substances.

Weaknesses in the media campaign to prevent young people from getting involved with psychotropic substances have resulted in the widespread use of these substances among young people of Pematangsiantar. It can be said that every day several people in places that are used to consuming these substances are involved in methamphetamine parties. Another obstacle faced by officers from the Narcotics Unit of the Bareleng Police in Batam City in enforcing the law against the use of these psychotropic substances is related to the mentality of task officers in the field, as it is known that class I psychotropic substances are substances which, when used, will have a hallucinatory effect on its users.

To get this effect, addicts are willing to pay very high fees for this dangerous substance. The high selling value of these psychotropic substances makes officials "tempted" by the high value. Of the approximately 31 police officers who work at the Bareleng Police Narcotics Unit in Batam City, not all have received vocational education on Psychotropic Class I as they should. Vocational education is essential to support the smooth running of the duties of the police apparatus in the field in handling the perpetrators of this psychotropic crime. Until now, a sound remuneration system for police officers has not been implemented, hoping that officers can work optimally.

It has been proven that up to now, it is not uncommon in many places for police officers to become agents or to be involved in the use of psychotropic substances. The aspect of

mental development for personnel also plays a role in creating a solid police apparatus in carrying out law enforcement duties against psychotropic substances, including police officers in the ranks of the Bareleng Police in Batam City. Based on the description of the previous explanation, there are several obstacles/obstacles for the Police in Examining the Role of the Police against the crime of class I narcotics abuse oneself, namely internal and external constraints. Internal constraints can be divided into 3, namely as follows: Facilities and Facilities in Law Enforcement.

Drug abuse syndicates also use rapid technological developments through communication facilities such as mobile phones. Before carrying out their transactions, Narcotics dealers and buyers communicate using mobile phones to determine the time and place of the transaction. Unfortunately, the illicit circulation of narcotics that uses sophisticated technology is not supported by sophisticated facilities and infrastructure to dismantle the activities of these perpetrators. One of these facilities and infrastructure is a public telephone detector or tapping device.

Community participation and control in several areas are still meager due to a sense of indifference to their environment, even though it is clear that acts of narcotics abuse are directly visible. This is because there is an assumption that the police will give up and will not provide security protection for the reporter. In addition, there is fear that the witness will be made a threat by the narcotics syndicate in the future. Law enforcer

The low quality of several members of the Police who serve at the Pancur Batu Polsekta to carry out particular operations on narcotics abusers is one of the obstacles in eradicating narcotics abuse. The operation is a urine test on people suspected of using narcotics during a narcotics raid.

## CONCLUSION

1. Legal Regulations The role of the Police in dealing with the crime of class I drug abuse is Law Number 35 of 2009 concerning Narcotics and Law Number 5 of 1997 concerning Psychotropics.
2. Implementation of Examination of the Role of the National Police for the crime of Class I narcotics abuse for oneself is Non-Penal (Preemptive and Preventive) and Penal (Repressive)

3. Factors that become obstacles/obstacles and their solutions Examine the Role of the National Police against the crime of class I narcotics abuse for oneself is Facilities and Facilities in Law Enforcement, Society and Law Enforcement.

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