

**Review Article****ANALYSIS OF DEFENDING NARCOTICS CRIMES FOR POLICE MEMBERS AT ROKAN HILIR POLICE**<sup>1</sup>Zainudin Usman, <sup>2</sup>Kusno, <sup>3</sup>Ahmad Ansyari SiregarEmail : <sup>1</sup>[zainudinusman23@gmail.com](mailto:zainudinusman23@gmail.com), <sup>2</sup>[kusno120485@gmail.com](mailto:kusno120485@gmail.com),<sup>3</sup>[ansyarisiregar@gmail.com](mailto:ansyarisiregar@gmail.com)**Article History**

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**Journal homepage:**<https://jurnal.arjunajusticia.com/index.php/ijeck>**Abstract:**

The police as the implementing institution for law enforcement in Indonesia are given the authority to prevent and eradicate criminal acts in the community and have the task of maintaining security and order in the Republic of Indonesia. The aim of this research is to examine and analyze law enforcement by police officers who have committed criminal acts of narcotics abuse. This research is juridical-normative research, using a statutory approach. Discussion Results: First, Law Enforcement for police officers who abuse narcotics is the same as other users, the only difference is the sanctions from the institution where they work. Therefore, police officers who are involved in criminal acts of narcotics abuse will undergo several law enforcement processes, namely: general justice process, disciplinary violations and disciplinary regulations from the POLRI Professional Code of Ethics. Disciplinary regulations will be implemented after a decision from the court which has permanent legal force is then used as evidence as a violation of Propam, this is in accordance with Circular Letter Number: SE/9/V/2021 Concerning Standard Guidelines for Implementing Violations of the POLRI Professional Code of Ethics, that Abuse Narcotics are included in serious violations whose punishment is up to Dishonorable Discharge (PTDH). The results of the decision will be used as evidence in KEPP BP3 (Investigation File, Preliminary, Violations of the Police Professional Code of Ethics) for later trial. The Police Chief will provide recommendations on whether or not the police officer is suitable to be retained. if not, then the person concerned must undergo a Code of Ethics Commission (KKEP) hearing. The recommendation can be made by PTDH, but the person who decides is the Regional Police Chief. Second, the obstacles faced by Rokan Hilir Police Investigators in carrying out law enforcement on narcotics crimes by police officers include: lack of operational costs, lack of police personnel and lack of facilities and infrastructure.

**Keywords: Prevention, Crime, Narcotics, Police Members**

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## INTRODUCTION

The number of cases of narcotics abuse in the country is increasingly worrying. This occurs due to the person's lack of awareness of the profession they are carrying out. As the motto of the National Police is to protect and protect the community. How can an individual who abuses drugs protect and protect society, while this individual cannot protect and protect himself. In connection with drug abuse committed by individual members of the National Police, usually the National Police will immediately evaluate all members of the Bhayangkara Corps as an internal prevention effort for the National Police regarding criminal acts of drug abuse and take firm action if there are mistakes committed by its personnel.

The circulation of narcotics in Indonesia is at an alarming level. Its development is no joke, its spread is not only in big cities in Indonesia, it has even spread throughout remote villages in Indonesia. Narcotics crime is considered dangerous for the survival of a nation and state, this causes many losses and even involves children as the nation's next generation. Narcotics crime is a form of legal violation, so anyone who commits a crime of narcotics abuse will receive punishment. Law enforcement is carried out in accordance with the laws and regulations governing Narcotics, namely Law Number 35 of 2009 concerning Narcotics, the threat of punishment is also regulated by this Law. Law enforcement institutions consist of the police, prosecutor's office and judiciary.

The Police of the Republic of Indonesia is a state instrument that plays a role in maintaining security and public order. In accordance with its duties, the police carry out law enforcement, as well as provide protection, protection and service to the community in order to maintain security and order in the territory of the Republic of Indonesia. This is clearly regulated in article 5 paragraph (1) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia (hereinafter referred to as the Police Law). Law enforcement by the police regarding narcotics abuse is carried out through investigations, investigations at the police level up to the transfer of case files to the court, in accordance with its role as regulated in Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP).

With the presence of Law Number 35 of 2009 concerning Narcotics, the police are expected to be able to tackle criminal acts of narcotics abuse that occur in Indonesia. Even though law enforcement has been carried out by the police, in reality criminal acts of narcotics abuse in Indonesia still occur frequently. The existence of the police is considered as the spearhead in the initial position of implementing the justice system and is obliged to carry out their duties and authority as law enforcers. In several cases, police officers who abused their authority as law enforcement officers turned out to be involved in the abuse of narcotics and psychotropic substances, both as users and dealers.<sup>1</sup>

Law enforcement in Indonesia, which is expected to get better, is even more demonstrated by its depravity in several cases involving police officers. What's worse is that they are not just users, they are also part of the distribution of these illicit goods. If not addressed, this will threaten the life of the nation and state.<sup>2</sup> Law enforcers should be enforcing the law but

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<sup>1</sup> Warsito Hadi Utomo, 2005, *Hukum Kepolisian Di Indonesia*, Jakarta, Prestasi Pustaka. hlm. 20.

<sup>2</sup> Iqbal Taufik, 2017, *Kendala Dalam Pelaksanaan Pembelian Terselubung (Undercover Buy ) Dalam Mengungkap Tindak Pidana Narkotika Oleh Penyidik Polri*, Jurnal Sasi, Vo.23, No.2, hlm. 118

instead they are caught in the law. One of the questions is whether the legal process for police officers involved in narcotics abuse is the same as that of society in general? What are the law enforcement actions for police officers involved in narcotics abuse in the Rokan Hilir Police jurisdiction and what obstacles are faced by police investigators and investigators and carrying out law enforcement for police officers involved in narcotics abuse?

With this research, it is hoped that we will be able to know and understand the enforcement of the Narcotics Crime Law for Police Members at the Rokan Hilir Police Station as well as the obstacles faced by investigators and police investigators in enforcing the law for police officers involved in Narcotics crimes..

## **RESEARCH METHODS**

In accordance with the title and problems that will be discussed in this research, this research was carried out using a normative juridical research method (normative legal research method). The normative juridical research method is library legal research which is carried out by examining library materials or mere secondary data. This research was carried out in order to obtain materials in the form of: theories, concepts, legal principles and legal regulations related to the subject matter. In this research, the scope of this research will be to carry out research by drawing on legal principles, which is carried out on written and unwritten positive law.<sup>3</sup>

## **RESULTS AND DISCUSSION**

### **1. Law enforcement of narcotics crimes for police officers at Rokan Hilir Police**

Enforcement of the Narcotics Abuse Law carried out by Police officers at the Rokan Hilir Police can be seen in the Disrespectful Dismissal (PTDH) of two Rokan Hilir Police NCO personnel carried out by the Rokan Hilir Police Chief, because they were proven to be involved in narcotics crimes, and the two individuals The former non-commissioned officer is currently serving a prison sentence at the Correctional Institution (Lapas). These police officers have clearly violated Article 112 and Article 114 of Law Number 35 of 2009 concerning Narcotics. This shows that there are actually still police officers involved in narcotics cases. This is inversely proportional to its duties and functions, namely that the police are a law enforcement tool to eradicate criminal acts, especially narcotics abuse. However, in reality, the criminal acts they committed have tarnished the good name of their institution and profession in the eyes of the public. So what about the public's opinion, then who does the public trust in law enforcement, if the law enforcers also commit criminal acts of narcotics abuse? Reviewing the concept of law enforcement, every citizen is obliged to uphold the law. A person who violates the law must be held accountable for his actions before the law.<sup>4</sup> Police officers who are involved in narcotics abuse have clearly violated the police's disciplinary rules and code of ethics, because every member of the police is obliged to uphold the law and maintain the honor, reputation and dignity of the Indonesian National Police.

Article 29 paragraph (1) Law no. 2 of 2002 concerning the State Police of the Republic of Indonesia, states that members of the State Police of the Republic of Indonesia are subject to

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<sup>3</sup>Soerjono Soekanto, Pengantar Penelitian Hukum, (Jakarta: UI Press, 1996), hlm. 63

<sup>4</sup> Dwi Indah Widodo, Penegakan Hukum Terhadap Anggota Kepolisian Yang Menyalahgunakan Narkotika Dan Psikotropika, Jurnal Hukum Magnum Opus Agustus 2018 Volume I, Nomor 1, hlm.4

the authority of the general judiciary. This can be seen from the implementation of general justice to try criminal individuals involved in narcotics crimes. However, there are legal sanctions in place for police officers involved in narcotics and illegal drugs, such as Disciplinary Regulations and the Professional Code of Ethics. The Police Disciplinary Regulations are regulated in Government Regulation no. 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police. Meanwhile, the police professional code of ethics is regulated in National Police Chief Regulation No. 14 of 2011 concerning the Professional Code of Ethics for the National Police of the Republic of Indonesia.

Police officers involved in narcotics crimes have clearly violated disciplinary regulations and the police professional code of ethics. Article 5 letter a PP 2/2003 jo. Article 6 and Article 7 of Perkapolri 14/2011 states that every member of the National Police is obliged to uphold the law and maintain the honor, reputation and dignity of the Indonesian National Police. Violations of disciplinary rules and the police professional code of ethics will be investigated and if proven to have committed a violation, sanctions will be imposed. However, the imposition of disciplinary sanctions and sanctions for violations of the professional code of ethics in the police does not immediately eliminate criminal charges directed against members of the police, this is stated in Article 12 paragraph 1 PP No. 2 of 2003 jo. Article 28 paragraph 2 of the Republic of Indonesia Police Chief Regulation Number 14 of 2011. Therefore, it is not indiscriminate that police officers involved in crimes involving narcotics and other illegal drugs will still be prosecuted in the General Courts and will undergo disciplinary sanctions and sanctions for violations of the professional code of ethics. from its unity.

The criminal provisions obtained by police officers involved in narcotics cases are as follows: "Every abuser: a. Class I narcotics for oneself is punishable by a maximum imprisonment of 4 (four) years; b. Class II narcotics for oneself shall be punished with a maximum imprisonment of 2 (two) years; and c. Class III narcotics for oneself shall be punished with imprisonment for a maximum of 1 (one) year." This provision applies to everyone, including police officers who are involved in narcotics for themselves. If the criminal decision against the police officer has permanent legal force and has been given, then the threat of dishonorable dismissal (PTDH) will be carried out by the Police of the Republic of Indonesia, this is based on Article 12 paragraph (1) letter a PP No.1 of 2003 concerning Dismissal of Members The State Police of the Republic of Indonesia, which states: "Members of the State Police of the Republic of Indonesia are dishonorably dismissed from the service of the State Police of the Republic of Indonesia if: they are sentenced to prison based on a court decision which has permanent legal force and in the opinion of the authorized official cannot be maintained to remain in the National Police Service of the Republic of Indonesia."

Thus, police officers will receive PTDH after the issuance of a court decision which has permanent legal force, if this has been done according to the consideration of the authorized official and is deemed untenable as a member of the Republic of Indonesia Police Unit. The PTDH referred to was carried out after going through the hearing process of the Commission on the Professional Code of Ethics for the National Police of the Republic of Indonesia.

Several sanctions that can be imposed on POLRI officers who are proven to have committed violations are:

- 1) Subject to sanctions in accordance with Police Regulations for violating Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia.
- 2) Taken to a Professional Code of Ethics trial where the threat of punishment will be imposed in accordance with the decision of the trial itself.
- 3) Dishonorable Dismissal (PTDH).
- 4) Demotion.

The police have been mandated by law with the authority to enforce narcotics abuse laws in collaboration with the National Narcotics Agency. This is in accordance with Article 81 of the Narcotics Law which states that: "gives the National Police the authority to carry out the task of investigating perpetrators of narcotics abuse in predetermined stages." So that the police of the Republic of Indonesia have the authority to enforce the law on the abuse of narcotics and illegal drugs, whether carried out by the general public or police officers.

Abuse of narcotics and illegal drugs by police officers always occurs every year. The rampant behavior of narcotics abuse among police officers can clearly endanger human survival and seriously violate professional ethics in the police of the Republic of Indonesia. Disclosure of Narcotics crimes is carried out through investigations and investigations. Police officers who are involved in narcotics abuse still undergo the same legal process as the general public. However, other actions will be implemented by the institution where members of the National Police work, such as Disciplinary Violations and Disciplinary regulations. After receiving a decision from the court that has permanent legal force, the decision will be used as evidence for Propam to take further action regarding the violations committed. The results of the decision are used as evidence in KEPP BP3 (Inspection File, Preliminary, Violations of the Police Professional Code of Ethics) for later trial. After the sanctions are given to the police officers, the leadership will recommend whether the members are suitable or not to be retained in the police force. If after the decision it is found to be unfit, then the person concerned must undergo a Code of Ethics Commission (KKEP) hearing. However, even though the Police Chief provides PTDH recommendations to the person concerned, the decision is in the hands of the Regional Police Chief. So in essence, police officers involved in narcotics crimes will be given legal sanctions in the form of Dishonorable Dismissal (PTDH). This is a learning effort for other members of the National Police not to carry out similar actions in the future, and provides a deterrent effect for the perpetrators in accordance with the objectives of punishment in the Criminal Law.

## **2. Obstacles faced by the Rokan Hilir Police in carrying out law enforcement on narcotics crimes by police officers;**

Investigators according to Article 1 point 1 of the Criminal Procedure Code are "police officials of the Republic of Indonesia or certain civil servant officials who are given special authority by law to carry out investigations." Furthermore, Article 1 point 4 of the Criminal Procedure Code states that "Investigation is a series of investigative actions in terms and according to the methods regulated in this law to search for and collect evidence that will shed light on the criminal act that occurred and in order to find the suspect."

An investigation or inquiry is a series of actions to carry out an investigation based on applicable laws and regulations to search for and discover a criminal incident that occurred and to find the suspect. In principle, criminal law enforcement in the narcotics sector has the same process as criminal law enforcement in general as regulated in the Criminal Procedure Code. Even though narcotics crime is a special offense, it does not rule out the possibility that the Criminal Code (KUHP) can be set aside as in the legal principle which reads: *Lex specialis derogate legi generalis*, however enforcement of narcotics criminal law still refers to the provisions of the Criminal Code and Criminal Procedure Code as law. material and formal crimes.



The obstacles faced by Rokan Hilir Police Investigators in carrying out law enforcement on narcotics crimes by police officers include: lack of operational costs, lack of police personnel and lack of facilities and infrastructure.

- 1) Operational costs greatly determine the level of success in uncovering criminal acts of narcotics abuse committed by police officers. Operational costs play a very effective role in taking action and disclosing police officers who commit criminal acts. There are many failures in investigations and investigations carried out by investigators and investigators to reveal perpetrators of criminal acts due to a lack of operational costs. Without support from operational costs and government attention, investigations will be difficult to carry out. The cost factor is one of the inhibiting factors in the process of law enforcement on narcotics abuse, both at the investigation and investigation levels. With a very minimal budget, investigations and investigations do not run effectively and optimally. Considering that narcotics abuse among police officers is sometimes well structured and organized, disclosure must also be carried out at an adequate cost.
- 2) The lack of police personnel to carry out inquiries and inquiries is not commensurate with the area that must be handled by the Rokan Hilir Police, this is the second inhibiting factor that can make it difficult to reveal perpetrators of criminal acts of narcotics abuse from police officers. So it is necessary to add additional personnel to maximize the disclosure of criminal acts of narcotics abuse at the Rokan Hilir Resort police.
- 3) Lack of facilities and infrastructure is the third factor inhibiting law enforcement for criminal acts of narcotics abuse in the jurisdiction of the Rokan Hilir Police. With adequate facilities and infrastructure, it will support investigators and police investigators to be able to uncover narcotics abuse committed by police officers. Without adequate facilities and infrastructure, uncovering cases of narcotics abuse will be difficult and proceed very slowly. This will affect law enforcement regarding narcotics abuse carried out by police officers.

## CONCLUSION

Law enforcement for police officers who abuse narcotics is the same as other users, the only difference being the sanctions imposed by the institution where they work. Therefore, police officers who are involved in criminal acts of narcotics abuse will undergo several law enforcement processes, namely: general justice process, disciplinary violations and disciplinary regulations from the POLRI Professional Code of Ethics. Disciplinary regulations will be implemented after a decision from the court which has permanent legal force is then used as evidence as a violation of Propam, this is in accordance with Circular Letter Number: SE/9/V/2021 Concerning Standard Guidelines for Implementing Violations of the POLRI Professional Code of Ethics, that Abuse Narcotics are included in serious violations whose punishment is up to Dishonorable Discharge (PTDH). The results of the decision will be used as evidence in KEPP BP3 (Investigation File, Preliminary, Violations of the Police Professional Code of Ethics) for later trial. The leadership provides a recommendation as to whether or not the police officer is worthy of being retained, if not, then the person concerned must undergo a Code of Ethics Commission (KKEP) hearing. The Police Chief can only make PTDH recommendations, but it is the Regional Police Chief who decides. Second, the obstacles faced by Rokan Hilir Police Investigators in enforcing the law on narcotics crimes by police officers

include: lack of operational costs, lack of police personnel and lack of facilities and infrastructure.

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