

Overview On The Role Of National Anti-Narcotics Agency And The Constraints Of Law Enforcement Based On Criminal Law Number 35 Of 2009 On Narcotics

Muhamad Romdoni

Abstract: Drug abuse in Indonesia is still a difficult phenomenon to avoid in the social fabric of society. As one of the serious problems facing the Indonesian nation, the issue of drugs cannot be ruled out by all components of the nation. The government together with the community, have the same responsibility to eradicate the existence of drugs that have the potential to threaten the future of the nation's next generation. The number of drug abuses that is still quite high in Indonesia is an excess of imperfect enforcement of drug crime. This study aims to determine the enforcement efforts and obstacles faced by the National Narcotics Agency in acting against drug abuse in Indonesia based on Law Number 35 Year 2009. The method used in this study is juridical-normative. The results of the study showed that efforts to act against drug abuse in Indonesia carried out by the National Narcotics Agency (BNN) so far have been partly going well. Enforcement efforts undertaken ranging from prevention, enforcement to legal sanctions have been carried out through work programs that have a systematic system. But the action taken has several notes that need to be immediately made an improvement in anticipation of the expansion of drug abuse in Indonesia. Constraints faced in cracking down on drug abusers in Indonesia are the lack of community participation, involvement of government officials and the difficulty of revealing drug business networks. For this reason, the Government through the National Narcotics Agency (BNN) needs to intensify public education on the dangers of drugs, increase the intensity of surveillance of government officials and work with several parties to uncover the international drug network in Indonesia.

Index Terms: law enforcement, drug abuse, Indonesia National Narcotics Agency.

1. INTRODUCTION

Drug abuse in Indonesia in recent years can be said to be one of the worst in the world. This condition refers to the report of the National Narcotics Agency (BNN) of the Republic of Indonesia which states that the number of drug criminal cases in the last ten years increased with the prevalence of drug abuse by 8.10% in 2010, higher than the prevalence of drug abuse in the world [1]. Even the National Statistics Agency recorded an increase in narcotics crimes every year, in 2013 there were 19,953 crime crimes, 19,280 crimes in 2014, 36,874 2015 crimes, 2016 39,171 crimes and in 2017 there were 35,142 crimes [2]. The notes indicate that drug trafficking in Indonesia is classified as massive and significant. So that drug abuse in various social classes of Indonesian society is still rife. Drugs are a very serious problem for the Indonesian people as a developing country, because it can cause psychological damage to the next generation. The impact can spread to the country's growth which has the potential to experience a setback in the progress of its human development index. It is not counted how many future generations of the nation must die because of drugs or just lose their future because of drug abuse. For this reason, the handling of drug abuse needs to be taken seriously by the State as the authority responsible for all aspects of life of its people. The complexity of drug abuse in Indonesia is like a tangled thread that is difficult to unravel if it is not supported by the presence of the State in overcoming the problem. Prevention efforts, action to sanctions must be implemented comprehensively in order to reduce the amount of drug abuse. Especially currently the international drug network which also operates in Indonesia is increasingly sharpening its grip

through the existence of new types of narcotics and psychotropic drugs circulating in Indonesia [3]. Diversification of the circulation of new types of drugs can certainly potentially lead to fraud over drug abuse. However, so far, the relevant authorities have made comprehensive efforts in sniffing out the modus operandi in every drug transaction both old and the newest types of drugs. Unfortunately, these efforts have not been matched by a massive reduction in the amount of drug abuse. Therefore, action against drug abuse in Indonesia requires more efforts to eradicate the entire drug network that is increasingly spreading. Enforcement of drug abuse in Indonesia is currently still being improved in accordance with the circumstances that occur in an increasingly complex social order. One of the legal standings used in law enforcement for drug abuse is through the Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics. The regulations in the Law specifically regulate the definition, types, forms of abuse, consequences, to sanctions that can be imposed on drug abusers.

Enforcement of drug criminal cases has a vital urgency to eradicate all activities relating to the circulation of illicit goods so as not to reach the public and damage the next generation of the nation. So that handling to take action on drug abuse must be done seriously, carefully, thoroughly and holistically. The Government through the National Narcotics Agency (BNN) together with the Indonesian National Police must be mobilized to crack down on drug abusers, especially dealers and their dealers, so that the public can be protected from the latent dangers of drugs. The negative influence of drugs often has a link with crime. This is a logical consequence of the stigma inherent in some Indonesian people that drug users are people who have an evil nature [4]. Mustafa said that what can be called a crime as a social phenomenon is not solely constitutes acts that are prohibited by law or actions that constitute biological or psychological disorders but are acts which are detrimental and violate public sentiment. According to Mustafa's opinion, drug abuse does not always contain an

• Muhamad Romdoni is currently pursuing master's degree program in law and criminal justice system in University of Indonesia, Indonesia. Email: muhammadromdonni@gmail.com.

element of crime in it but must be explored in more depth the involvement of the perpetrators of drug abuse actions as to what their role is, so that the treatment that will be given will be in accordance with applicable legal products. Tackling narcotics crime in Indonesia requires a commitment and consistency from all parties concerned in every aspect of enforcement of drug abuse. One government agency that has a great responsibility in the enforcement of drug abuse based on Article 64 paragraph (1) and (2) of the Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics is the National Narcotics Agency (BNN). The agency was formed as a specialized institution that focuses on cracking drug abuse cases that are increasingly prevalent in Indonesia. With vital urgency, the National Narcotics Agency (BNN) is supported by representatives in the Level I and Level II Regional Governments as vertical agencies, namely the Provincial BNN and Regency/City BNN.

2 PROBLEM FORMULATION

Based on the description on the background of the problem that the author has presented before, the writer formulates the problem to provide a limit on the problem in this study. The following is the problem formulation of this research:

1. How are the National Narcotics Agency's efforts in acting against drug abuse in Indonesia based on Law Number 35 Year 2009?
2. What are the obstacles faced by the National Narcotics Agency in acting against drug abuse in Indonesia?

3 RESEARCH METHOD

The research method is a set of mechanisms used to collect, process, verify and present research data. This study uses a type of normative juridical legal research consisting of research on legal systematic which refers to the basic understanding in the legal system which includes community law, legal subjects, rights and obligations, legal events, legal relations and legal objects [5]. This type of research is also often referred to as library research, which is the procedure for collecting data sourced from literature or literature materials, related legislation, writings or legal research [6]. The approach used in this study is a qualitative approach oriented to narrative development and/or textual description of the phenomenon under study. Data sources obtained from this research are sourced from literature studies, namely by observing, studying, reading legal materials and decisions and documents related to this research.

4 DISCUSSION

The policy to overcome the danger and abuse of drugs in Indonesia began at the setting of the Drug Ordinance (*Verdovende Middelen Ordonantie*), Stbl. 1927 No. 278 Jo. No. 536) [7]. After that the Ordinance was replaced by Law No. 9 of 1976, then replaced by Law No. 22 of 1997 and eventually replaced with Law No. 35 of 2009 until now. Furthermore, consistent and sustained enforcement of drug abuse in Indonesia is carried out by the Government of the Republic of Indonesia through the National Narcotics Agency (BNN) and vertical agencies in the Provincial and Regency/City Governments. Efforts by the National Narcotics Agency (BNN RI) have begun since prevention through counseling programs on the dangers of drugs from schools, campuses and the general public in rural and urban areas. Preventive efforts are carried out in order prevent the

emergence of new drug abusers arising from among students, students and the community. The community is the frontline in efforts to prevent drug abuse in the surrounding environment. On that basis, the National Narcotics Agency (BNN) of the Republic of Indonesia invites the public in every counselling about drugs to always monitor any suspicious movements in their environment, especially in terms of preventing drug use. According to the Management and Monitoring Analyst Recurrence Obligatory Report Deputy BNN Rehabilitation, Rusdiana HB. The public and the Government must save drug users because drug users are sick people who need to be saved. This has been regulated in Law of the Republic of Indonesia Number 35 Year 2009 concerning Narcotics [8]. The National Narcotics Agency (BNN) also provides an understanding to every community that the stigma that has been inherent in drug users who are considered as criminals must be ignored. This is because drug users are considered as sick people who must be saved. Drug users who can subsequently be referred to as drug addicts in the explanation of the article 103 paragraph (1) letter b of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics explicitly explains that drug users who are not proven guilty in court are not criminal offenders who get privilege to live as a normal society, but to avoid fraud, these provisions are strictly regulated and monitored through intensive compulsory reporting, treatment and care procedures in order to eliminate the effects of addiction on them. Prevention efforts that have been carried out by the National Narcotics Agency (BNN) must be accompanied by efforts to take action against every perpetrator of drug crime ranging from users, dealers and couriers to drug dealers. As it is known based on Article 103 of Law Number 35 Year 2009 concerning Narcotics, drug users who are proven or not proven guilty of committing narcotic crimes are subsequently given orders to carry out rehabilitation and or treatment to improve their physical and psychological condition until they are completely free from addictive substances contained in drugs. Drug dealers and or couriers involved in narcotics crimes when referring to Article 114 paragraph (1) of Law Number 35 Year 2009 concerning Narcotics which states that every person without rights or against the law offers to be sold, sold, bought, received, be an intermediary in buying and selling, exchanging, or submitting Narcotics Group I, shall be sentenced to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a minimum fine of IDR 1,000,000,000, 00 (one billion rupiahs) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah) [9]. Enforcement of both types of narcotics offender is classified as severe for a crime which is generally classified as "ordinary". However, behind the role classified as "ordinary" is stored a very massive threat if the role is carried out well by the perpetrators of narcotics crime because if the illicit goods reach the hands of the user then he will be negatively affected by a decrease in physical and psychological quality that has the potential to destroy his future. Drug dealers and/or couriers with penalties as described in the previous description are considered appropriate to obtain these sanctions. Even though they are not drug users, but their behavior can smooth the bookie steps in drug trafficking activities to reach the users, so that the severe punishment is commensurate with his actions because it is against the law. Enforcement of drug dealers and or couriers is also allegedly able to break the chain of drug distribution even though it is temporary. However, other logical

consequences arising from prosecution of drug traffickers and couriers can open the way to find out about a wider drug network. Making it easier for the relevant authorities to apprehend the network to be tried before a court judge if he goes through a series of stages of investigation until the investigation is proven to have committed an unlawful act. The last action which is also the most difficult to take is to act against drug traffickers whose forms of illegal acts are producing, importing, exporting or distributing drugs. Drug dealers are usually connected to international networks that provide raw materials or carry out other forms of cooperation in a structured manner involving many people between countries. In relation to this matter, there is also the potential for involvement of individual officials and/or officials who are used as a tool to facilitate drug dealers. Enforcement efforts for this condition must be carried out firmly so that the root of the problem regarding drug abuse at the user level can be completely cut off. The challenge to overcome this problem is indeed not easy to implement, but with a tougher effort, action against perpetrators who act as drug traffickers should be overcome properly. So far, the performance of the state apparatus assigned to minimize and sniff out the airports involved with international networks is quite good. Evidenced by the success of revealing international-class drug business networks such as in the Ecstasy Factory in Tangerang, Foreign Citizens in Bali, narcotics networks from China and so on. In addition to the criminal law policy (penal policy) in dealing with drug crimes, it is also expected to have non-social participation, to fight drugs, and to treat intensive checks on all people, to be declared drug-free, physically, with an accurate examination and to provide sanctions heavy to the culprit and also looking for the root problems of drug trafficking seriously and continuously [10]. So, it is expected that these non-penal efforts can help to reduce drug use in the community. All efforts and measures and enforcement procedures carried out through the Government of the Republic of Indonesia by the National Narcotics Agency (BNN), the National Police of the Republic of Indonesia to the Customs and Excise still require active participation from the public who can provide information about all forms of behavior of existing drug abusers. Surrounding. The principle that everything that has a large scale starts from something small can be applied in the role of the community to help eradicate drug abuse activities. For this reason, an understanding of the dangers of drugs must always be implanted in the community, both those living in urban and rural areas. The challenge of acting on drug abuse based on Law Number 35 Year 2009 concerning Narcotics on its journey encountered several obstacles that are still occurring. One of the classic obstacles faced is the lack of community participation to report drug abuse that occurs in the vicinity. This is common if the community has a fear of revealing drug abusers. In this context, the community usually feels concerned that their personal and family safety will be threatened if they reveal the narcotics offender. The role of the community in the prevention, prevention of abuse and eradication of illicit drug trafficking (P4GN) is very necessary, it is contained in Articles 104, 105, 106, 107 and Article 108 of Law No. 35 of 2009. Articles concerning the role of the community show that the government cannot work alone to fight organized crime but instead requires community participation. The strategy that can be implemented in empowering the community is to form a forum in the form of an organization coordinated with BNN

[11]. Things like new types of drugs can be socialized to the residents in the formed container so that they understand the drugs more and more, remembering that more and more types of drugs are circulating in the community. Other obstacles that occur in the effort to act against drug abuse are the involvement of law enforcement officials who are involved in the drug business network, ranging from prison officers, police officers, Indonesian National Armed Forces, Indonesian Attorney Officers and even civil servants to local legislative members. Until the center. The parties that should be expected to be role models for the community become drug abusers making hopes of suppressing narcotics crime such as the road in place. However, these obstacles cannot be used as material arguments for law enforcement officials weakening his fighting spirit in combating drug crime. Another obstacle that remains an obstacle in eradicating drug abuse in Indonesia is uncovering the main drug networks that are indicated to cooperate with international networks. Because drug crimes are included in organized crime, we can see that from the courier who gets the illicit goods from the dealer and the dealer gets the goods from the international syndicate. There is a pattern from upstream to downstream or from the big city to the users for themselves. So, the law enforcement strategy that must be carried out by the National Narcotics Agency is to focus on the "war on drugs" with organized crime or on drug syndicates which are suppliers of distribution the street [12]. This difficulty does indeed have a high level of complexity, but if the Government of the Republic of Indonesia through state equipment is concerned to overcome this, it is not impossible that the international drug network that has taken over in Indonesia could be eradicated at its root. Various consequences might arise along with this, but the State must not be inferior to a group of people whose actions are not in tune with the noble values of the Indonesian Nation as one of the sovereign nations in the world.

5 RECOMMENDATION

Based on the study in this study, it can be concluded that efforts to take action against drug abuse in Indonesia based on Law Number 35 of 2009 concerning Narcotics conducted by the National Narcotics Agency (BNN) so far have been going well so far. Enforcement efforts undertaken ranging from prevention, enforcement to legal sanctions have been carried out through work programs that have a systematic system. But the action taken has several notes that need to be immediately made an improvement in anticipation of the expansion of drug abuse in Indonesia. Some obstacles faced by the Government of the Republic of Indonesia through the National Narcotics Agency in cracking down on drug offenders, one of which is the lack of active community participation in helping to uncover drug crimes in the surrounding environment, due to fear arising from the possibility of personal and family safety threats from the community concerned. In addition, problems involving government officials in drug abuse also remain a phenomenon that has emerged in efforts to eradicate drug abuse in Indonesia. Finally, a difficult obstacle for the Government of the Republic of Indonesia through the National Narcotics Agency is to uncover an international drug network that has the potential to work with domestic drug networks. Recommendations that can be made by the National Narcotics Agency in efforts to enforce drug abuse in Indonesia is to intensify public education about the dangers of drugs as part of efforts to prevent the spread of drug crime. The next

recommendation is that the National Narcotics Agency should also increase the intensity of supervision of drug trafficking among internal government officials so that there will be no more involvement by police officers, Indonesian National Army personnel and civil servants to government officials both in the regions and in the Central Government. The next recommendation is to collaborate with the International Police and drug handling agencies from other countries to coordinate with each other about international drug network information.

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