

## **Law Enforcement Against Trafficking of Narcotics & Prohibited Drugs in Pohuwato District**

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### **Abstract**

*Drug abuse from year to year always increases, the causes of this abuse consist of two factors, namely internal and external factors. With these problems, this study aims to determine the implementation of law enforcement against drug abuse and illegal drugs. The approach method that the author will use in this study is the Juridical Sociological approach method. The Juridical Sociological approach focuses on the implementation of research to obtain empirical legal knowledge by being directly involved with the object. The results of the study show that in the process of law enforcement against narcotics crimes both in the process of investigation, investigation, prosecution, examination in court and the execution process refers to the Criminal Procedure Code (KUHP) while the imposition of sanctions is regulated in Law Number 35 of 2009 concerning Narcotics. BNN, Police, Prosecutors, Judges and other law enforcers including community components have the responsibility to carry out prevention and control of drug abuse. This is a mandate from the laws and regulations, including in this case the Narcotics Law. Prevention of drug abuse must be carried out as soon as possible with anticipatory measures, including primary prevention, secondary prevention, and tertiary prevention.*

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## **1. INTRODUCTION**

Narcotics and illegal drugs are extraordinary crimes that can destroy order or indirectly pose a threat to the continuity of development and the future of the nation and state. In recent years, Indonesia has become one of the countries used as the main market for a network of narcotics trafficking syndicates with international dimensions for commercial purposes. For narcotics distribution networks in Asian countries, Indonesia is considered the most commercially prospective market-state for international syndicates operating in developing countries.

Drugs (an abbreviation for Narcotics, Psychotropics and Other Addictive Substances) are really needed by everyone for treatment so that narcotics production will continue to be carried out to meet this need. In the basis for considering Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, it is stated that narcotics in one side is a medicine or useful ingredient in the field treatment or health services and the development of science and other aspects can also cause dependence which is very detrimental if misused or used without strict and thorough control and supervision.

In Indonesia, narcotics are at an alarming level and can threaten the country's security and sovereignty. Many cases are caused by narcotics cases. Areas that were previously untouched by narcotics trafficking are gradually turning into narcotics distribution centers. Narcotics according to Article 1 paragraph (1) of Law Number 35 of 2009 concerning Narcotics (Narcotics Law), are substances or drugs derived from plants or non-plants, whether synthetic or semi synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause dependence. Currently, narcotics can easily be mixed by yourself, making it difficult to detect users. Drug factory illegal It is also widely found in Indonesia.

Narcotics addicts must be rehabilitated. In this case, what is meant by an addict based on the Supreme Court Circular (SEMA) Number 4 of 2010 concerning the Placement of Abuse, Victims of Abuse and Narcotics Addicts into Medical Rehabilitation and Social Rehabilitation Institutions is a person who uses or abuses narcotics in a state of dependence both physically and psychic, about placement abuser, victims of narcotics abusers and addicts are placed in medical and social rehabilitation institutions. This means placing abuse narcotics as victims of narcotics crimes.

According to Saparinah Sadli as quoted by Barda Nawawi Arief; Crime or criminal acts are a form of deviant behavior that always exists and is inherent in every form of society, no society is devoid of crime. According to him, deviant behavior is a real threat or threat to the social norms that underlie life or social order, can give rise to individual tensions and social tensions, and is a real or potential threat to the maintenance of order. social. It can be said that the privileges given to addicts/users who have become addicted to narcotics in Indonesia have the right to be rehabilitated so that many young people use narcotics for themselves because law enforcement in Indonesia is not strict and does not provide a deterrent effect.

Law enforcement has the goal of ensuring that people obey the law. People's obedience to the law is caused by three things, namely: (1) fear of sin; (2) afraid because the power of the authorities is related to the imperative nature of law; (3) afraid because they are embarrassed to do evil. Law enforcement using non-penal means has targets and objectives for internalization purposes. Legislative provisions governing narcotics issues have been prepared and enforced through the Narcotics Law. However, crimes involving narcotics have not been reduced. In many recent cases, many narcotics dealers and dealers have been caught and received heavy sanctions, but this does not seem to have a deterrent effect on other perpetrators, and there is even a tendency to expand their operational areas.

To more effectively prevent and eradicate the abuse and distribution of narcotics, regulations on strengthening existing institutions, namely the National Narcotics Agency, are regulated. The legal basis for the formation of the National Narcotics Agency is Presidential Regulation Number 83 of 2007 concerning the National Narcotics Agency, Provincial Narcotics Agency and Regency/City Narcotics Agency. The National Narcotics Agency is a non-structural institution located under and directly responsible to the President, which only has the task and function of coordinating. In the Narcotics Law, the role of the National Narcotics Agency (BNN) is increased to a non-ministerial government institution and its authority to carry out inquiries and investigations is strengthened. BNN is located under the President and is responsible to the President and has representatives in provincial and district/city areas as vertical agencies, namely Provincial BNN and Regency/City BNN.

Based on data obtained from the BNN press release, BNN RI's mapping shows 8,691 areas in Indonesia that are prone to drug abuse and illicit trafficking in the dangerous and alert categories. Through comprehensive and sustainable community empowerment interventions, we have succeeded in reducing drug-prone areas in the danger category from

1,884 areas to 1,852 areas and areas in the alert category from 6,859 areas to 6,839 areas. Throughout 2021, BNN has uncovered 85 drug syndicate networks, both national and international. The most frequently exposed international drug syndicate networks originate from the Golden Triangle and Golden Crescent. From the networks revealed, BNN uncovered 760 drug crime cases and arrested 1,109 suspects. The drug evidence confiscated in 2021 was 3,313 tons of methamphetamine; 115.1 tons of marijuana; 50.5 hectares of marijuana land; and 191,575 ecstasy pills.

In disclosing narcotics crime cases, BNN also uncovered money laundering (TPPU) cases originating from the proceeds of narcotics crimes. Of the 14 TPPU cases that were uncovered and 16 suspects who were arrested, BNN has confiscated TPPU evidence in the form of assets and cash amounting to 108.3 billion rupiah (Rp. 108,373,138,461,-). BNN together with the national research and innovation agency (BRIN) and the central statistics agency (BPS) conducted a national survey on drug abuse in 2021 with the results that the national prevalence rate has increased. In the annual use category, from the previous 1.80% or 3,419,188 in 2019, it is now 1.95% or 3,662,646 in 2021 and in the ever-used category it has increased from 2.40% or 4,534,744 to 2.57% or 4,827,616.

In Pohuwato Regency, as the entrance to Gorontalo Province, there are rampant cases of narcotics and illegal drugs, both by land route and distributed through dealers from outside the area or local dealers. Users are also targeted at various middle- and middle-class groups up to lower middle. The dealers usually come from the Central Sulawesi area, and the dealer's modus operandi is, contacting the user by telephone then the dealer offers to sell. If the user doesn't have the money, then the dealer is willing to give the goods (narcotics) first and the payment will be transferred to the dealer and dealer. giving Narcotics by first wrapping the narcotics in wrappers that have special characteristics, for example cigarette wrappers with a certain brand and then put somewhere that has special signs.

Most of the drug trafficking in Pohuwato Regency comes from outside the region. The dealers and suppliers are in Central Sulawesi, Palu and Luwuk. Drug abusers in Pohuwato Regency come from several groups such as private sector, self-employed, civil servants, police, drivers, farmers, domestic workers, Unemployment, Fisherman, Student. In 2021 there were 14 police reports with a total of 22 suspects. Even the village head in Patilaggio District, Pohuwato Regency with the initials BY was arrested by the Pohuwato Police Narcotics Research Unit in Sipatana Village on Monday 23 January 2023.

The problem of drug crime is very contrary to the legal norms, morality, customs and religion of the Indonesian nation. Referring to these things, efforts must be made to overcome or at least reduce these crimes to a minimum in order to create a sense of security in the community, especially in the Pohuwato Regency area.

## **2. RESEARCH METHOD**

The approach method that the author will use in this research is the Sociological Juridical approach method. The Sociological Juridical Approach focuses on conducting research to obtain empirical legal knowledge by being directly involved with the object. Sociological Juridical Research involves the use of secondary data for initial analysis, followed by primary data collection in the field or community to evaluate the effectiveness of a Regulation and investigate and (correlation) between various phenomena or variables, as a data collection tool consisting of the study of documents or library materials and interview (questionnaire).

## **3. RESEARCH RESULTS AND DISCUSSION**

## **1. Implementation of law enforcement against narcotics and illegal drug abuse in Pohuwato Regency.**

Based on existing regulations regarding law enforcement or crime. In handling crime, two approaches are needed, namely through penal action or law enforcement and through non-penal methods, which means legal resolution does not involve criminal law. When using investigation and investigation methods for narcotics crimes, there are human rights aspects that must be taken into account, so that the morality of law enforcement needs to be regulated by a monitoring system. Supervision is carried out from within the organization as well as from outside by the community. It requires an understanding that laws that are effective in one country may not necessarily be easily implemented in another country, because of differences in society's values and moral systems.

Narcotics addicts need to be rehabilitated. In this context, addicts are defined in accordance with the Supreme Court Circular (SEMA) Number 4 of 2010 concerning the Placement of Abuse, Abuse Victims, and Narcotics Addicts in Medical and Social Rehabilitation Institutions, which refers to individuals who use or abuse narcotics with dependence, both physical as well as psychological. Placement abusers, victims of abuse and narcotics addicts are carried out in medical and social rehabilitation institutions. This shows that abused narcotics are treated as victims of narcotics crimes.

Law enforcement aims to ensure that individuals comply with existing regulations. People's obedience to the law is influenced by three factors, namely: (1) fear of making a mistake; (2) the fear that arises from the power of the ruler is related to the coercive nature of the law; (3) shame for bad behavior. Law enforcement using non-penal methods has goals and objectives for internalization purposes. Rules governing narcotics issues have been made and set through the Narcotics Law. However, narcotics-related crimes are still difficult to overcome. In many recent cases, a number of narcotics dealers and traffickers have been arrested and received heavy sentences, but this does not seem to have a deterrent effect on other perpetrators, and there is even a tendency to expand their operational areas.

To increase effectiveness in preventing and handling narcotics abuse and distribution, existing institutions are being strengthened, namely the National Narcotics Agency. The legal basis for the formation of the National Narcotics Agency is Presidential Regulation Number 83 of 2007 which regulates the National Narcotics Agency, Provincial Narcotics Agency and Regency/City Narcotics Agency. The National Narcotics Agency is a non-structural institution that is under and directly responsible to the President, with the main task of coordinating. In the Narcotics Law, the position of the National Narcotics Agency (BNN) was upgraded to a non-ministerial government institution and was given the power to carry out inquiries and investigations. BNN is under the President, is responsible to the President, and has representatives at the provincial and district/city levels as vertical agencies, namely Provincial BNN and Regency/City BNN.

Law No. 22 of 1997 maintains a minimum penalty which, upon closer examination, turns out to be higher than in previous laws. Sanctions for narcotics crimes are very severe and clear, where the sanctions are cumulative, including prison sentences, life imprisonment, up to the death penalty, plus fines in accordance with the provisions in articles 111 to 148 of Law Number 35 of 2009 concerning Narcotics. In Law Number 35 of 2009 concerning Narcotics, investigators are regulated in article 73, while National Narcotics Agency (BNN) investigators and their authority are regulated in article 75. Meanwhile, in Law Number 5 of 1997, investigators are regulated from

articles 55 to with article 58, and the investigator's authority is explained in article 56 paragraph (2).

Regulations regarding Narcotics were originally stipulated in Law no. 9 of 1976 concerning Narcotics. Because the law was considered to have weaknesses and deficiencies among legal practitioners, the law was replaced by Law no. 5 of 1997 concerning Psychotropic Substances and Law no. 22 of 1997 concerning Narcotics. These two new laws offer broader coverage in terms of norms, materials and enhanced criminal sanctions. Apart from that, Law no. 22 of 1997 concerning Narcotics stipulates penalties in the form of fines, imprisonment, life imprisonment and the death penalty. Meanwhile, Law Number 22 of 1997 also regulates social medical treatment and rehabilitation. However, in society, narcotics crimes are increasing both in terms of quality and quantity, with many victims being children, teenagers and the younger generation in general. Furthermore, in law enforcement against narcotics crimes, both in investigations, investigations, prosecutions, court hearings and execution processes, the reference is to the Criminal Procedure Code (KUHP), while for sanctions it is regulated in Law no. 35 of 2009 concerning Narcotics.

BNN, Police, Prosecutor's Office, Judges and other law enforcers, including community components, have the responsibility to handle and prevent narcotics abuse. This is a mandate from statutory regulations, including in this case the Narcotics Law. Prevention of narcotics abuse must be carried out as soon as possible with anticipatory actions, including primary prevention, prevention seconds, and tertiary prevention, as follows:

1. Primary Prevention is prevention aimed at individuals, groups or the wider community who have not been exposed to cases of drug abuse. Prevention is provided by providing information and education including alternative activities so that they avoid drug abuse and strengthen their ability to refuse.
2. Secondary Prevention is prevention aimed at individuals, groups or the wider community who are vulnerable to or more likely to experience cases of drug abuse. This prevention is carried out through education, counseling and training so that they stop, then carry out positive activities and ensure that they prioritize their health.
3. Tertiary prevention is prevention aimed at those who are already users or who have suffered from dependence. Prevention can be done through medical services, rehabilitation, and ensuring that they do not relapse.

## **2. What factors influence the implementation of law enforcement against narcotics and illegal drug abuse?**

The following factors influence the effectiveness of dealing with criminal acts of narcotics and illegal drug abuse, as follows.

### **a. Legal Rules**

The legal rule factor is one of the indicators that influence the effectiveness of law enforcement related to criminal acts of narcotics and illegal drug abuse. In this context, the police, especially investigators, have clear steps and an orderly process in enforcing the law against perpetrators of narcotics and illegal drug abuse, which is based on applicable regulations. This has been explained in the Criminal Procedure Code (KUHP) as well as Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia which regulates the duties, functions and authority of investigators.

Legal rules are one of the elements that influence application of the law in cases of narcotics and illegal drug abuse handled by the Police. However, there is an

opinion that legal rules have little impact on law enforcement regarding criminal acts of narcotics and illegal drug abuse faced by the Police. Legal rules do not have a significant influence on law enforcement for criminal acts of narcotics and illegal drug abuse handled by the Police.

#### b. Community Legal Awareness

Society is a group of individuals who work together to obtain common interests and have an order of life, norms and customs that are adhered to in their environment.

The police appeal to the public to participate in helping the police to eradicate criminal acts of narcotics and illegal drug abuse in Pohuwato Regency by providing education and immediately responding to report to the authorities if they see any concerning symptoms.

Assertiveness and supervision of law enforcers and the role of the community in legal awareness are very necessary to support the implementation of good law enforcement. In this way, the author will express the respondents' opinions regarding the influence of society on law enforcement for criminal acts of narcotics abuse.

## 4. CONCLUSION

In the process of law enforcement against narcotics crimes, whether in the process of inquiry, investigation, prosecution, examination before a court hearing and the execution process refers to the Criminal Procedure Code (KUHP) while the imposition of sanctions is regulated in Law Number 35 of 2009 concerning Narcotics. BNN, Police, Prosecutor's Office, Judges and other law enforcers, including community components, have the responsibility to handle and prevent narcotics abuse. This is a mandate from statutory regulations, including in this case the Narcotics Law. Prevention of narcotics abuse must be done as soon as possible anticipatory actions, including primary prevention, secondary prevention and prevention tertiary.

## 5. BIBLIOGRAPHY

- Adami Chazawi, 2010, *Pelajaran Hukum Pidana*, PT.Raja Grafindo Persada, Jakarta.
- Andi Hamzah. 2005. *Hukum Acara Pidana Indonesia*, Sinar Grafika, Jakarta
- Alifia, U. 2008. *Apa itu Narkotika dan Napza*, PT Bengawan Ilmu, Semarang.
- Barda Nawawi Arief, 1998, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*, PT. Citra Aditya Bakti, Bandung.
- Darman Flavianus, 2006, *Mengenal Jenis dan Efek Buruk Narkoba*, Visimedia, Jakarta.
- Mukti Faja dan Yulianto Achmad, 2010, *Dualisme Penelitian Empiris & Normatif*, Pustaka Pelajar, Jakarta.
- Moh. Taufik Makaro, Suhasril, Moh. Zakky, 2005, *Tindak Pidana Narkotika*, Ghalia Indonesia, Jakarta
- Soerjono Soekanto, 2008, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, PT. Raja Grafindo Persada, Jakarta.