The Role Of The Medan Police In Law Enforcement Of Criminal Acts Of Narcotics

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ABSTRACT

Narcotics are needed by humans for treatment so that to meet the needs in the field of medicine and scientific studies, a continuous production of narcotics is needed for these sufferers. On the basis of considering Law Number 35 of 2009 concerning Narcotics, it is stated that narcotics on the one hand are drugs or materials that are useful in the field of treatment or health services and the development of science and on the other hand can also cause dependence which is very detrimental if misused or used without strict control and supervision. The problem in this research is how to tackle and eradicate narcotics crime? What are the efforts of the Medan Police in overcoming and eradicating narcotics crimes? What are the Obstacles in the Countermeasures and Eradication of Narcotics Crimes at the Medan Police? This research is descriptive in nature, which aims to describe exactly what the characteristics of an individual, condition, symptom, or group are, or to determine the spread of a symptom, or to determine whether there is a relationship between a symptom and other symptoms in society. Efforts to overcome and eradicate narcotics crimes within the jurisdiction of the Medan City Police are carried out through non-penal policies and penal policies. Non-penal policies are carried out through preventive and preemptive measures which are implemented through counseling, narcotics safaris, distribution of pamphlets and billboards as well as approaches to traditional and religious leaders as well as community development. This approach was carried out by the Medan City Police Resort in collaboration with BNN and experts through the perspectives of cultural anthropology, sociology, communication, psychology, healthy life education (public health science). The non-penal policy is aimed at children (including school-age youth) and the general public. Penal policies through law enforcement are also applied to police officers who make mistakes in disclosing narcotics cases. Obstacles in overcoming and eradicating narcotics crime in the jurisdiction of the Medan City Police Resort can be viewed from legal factors, law enforcement factors, facilities and facilities in law enforcement, community factors and cultural factors. In general, Law Number 35 of 2009 concerning Narcotics is more comprehensive in regulating the actions that can be taken to uncover narcotics networks. factors of facilities and facilities in law enforcement, community factors and cultural factors. In general, Law Number 35 of 2009 concerning Narcotics is more comprehensive in regulating the actions that can be taken to uncover narcotics networks.

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1. Introduction

The problem of narcotics abuse in Indonesia, especially the city of Medan, is now very concerning. This is due to several things, among others, because Indonesia is located in a position between three continents and considering the development of science and technology, the influence of globalization, very advanced transportation flows and the shift in materialistic values with the dynamics of the target of illicit opinion. Indonesian people and even the world community in general are currently faced with a very worrying situation due to the rampant illegal use of various types of narcotics. This concern has been exacerbated by the widespread illicit trafficking of narcotics, which has spread to all levels of society, including the younger generation.

Narcotics have a physical and mental effect, if used in the right dosage and under the supervision of an anesthesiologist or psychiatrist, they can be used for treatment or research purposes so that they are useful for human physical and mental health. Narcotics include opium and its active components, namely morphine, heroin, codeine, marijuana and cocain, as well as hasish, shabu-shabu, koplo and the like.

The danger of its abuse is not only limited to addicts, but can have further consequences, namely disturbances to the order of people's lives which can have an impact on the catastrophic collapse of a nation, state and world. Countries that cannot tackle the abuse and illicit trafficking of narcotics will be claimed as hotbeds for this crime. This of course has a negative impact on the image of a country. To anticipate this problem, various international activities have been held, including conferences which have been held both under the auspices of the League of Nations and under the auspices of the United Nations. In 1909 the League of Nations in Shanghai, China was held to discuss ways to control the illicit drug trade, The meeting between the members of the United Nations in New York, United States of America on March 30, 1961 resulted in the 1961 Single Convention on Narcotics (Single Convention on Narcotic Drugs, 1961) and was amended with the Amendment to the Single Convention on Narcotics, 1961 (Protocol Amending The Single Convention). on Narcotic Drugs, 1961), and the 1971 Convention on Psychotropic Substances (Convention on Psychotropic Substances, 1971), in Austria on March 25, 1972 and the last one was the United Nations Convention Against Illicit Traffic on Narcotic Drugs and Psychotropic Substances, 1988). Starting from the efforts of international agencies in preventing and eradicating narcotic crimes of an international nature, Indonesia has also sought a set of regulatory instruments to prevent and follow up on narcotics and psychotropic abuse crimes. As proof of the seriousness of the Indonesian government in tackling narcotics abuse, it has been realized by the issuance of Law No. 9 of 1976 concerning Narcotics.

Prior to the issuance of Law No. 9 of 1976, during the Dutch East Indies colonial era, a Law on drugs known as Verdoovende Middelen Ordonnantie Stbl 1927 No. was issued. 278 jo 536) has been amended and added later known as the Drugs Act). The Drug Act (Verdoovende Middelen Ordonnatie S. 27-278 jo 536 of 12 May 1927 came into force January 1, 1928). This drug law was written entirely to show the dangers of drugs at that time (1927). This drug law was further refined by enacting it in an additional sheet dated July 22, 1927 and February 3, 1928. In view of Stbl 1927 No. 278, jo. No. 536 concerning drugs is too long, so it cannot be applied to tackle narcotics abuse crimes today. considering the modus operandi carried out by increasingly sophisticated actors. In response to this, in order to tackle the crime of narcotics abuse, Presidential Instruction Number 6 of 1971 was issued, which regulates efforts to overcome social problems, including those relating to narcotics. However, in its implementation there are weaknesses that lie in the legal basis for regulating narcotics, so that the Presidential Instruction is no longer enforced and at the same time revokes the Verdoovenden Middelen Ordonnantie and lastly, Law No. 35 of 2009 was issued, concerning narcotics. which regulates efforts to overcome social problems, including those relating to
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Narcotics circulation that occurs in Indonesia is very contrary to Indonesia’s national development goals to realize Indonesian people as a whole and Indonesian society as a whole that is just, prosperous, prosperous, orderly and peaceful based on Pancasila and the 1945 Constitution. continuous efforts in the field of treatment and health services, including the availability of narcotics as drugs, in addition to developing knowledge.

The abuse and illicit trafficking of narcotics in Indonesia in the last five years has shown a very sharp increase. In 2002, there were only 2.2 million narcotics users in Indonesia. Four years later, in 2006 drug users had more than doubled, to 4 million users. The development of the level of criminal acts of drug abuse is very worrying. In the past, drug trafficking and addicts only revolved around urban areas, now there is not a single sub-district, or even a village in this Republic that is free from the abuse and illicit trafficking of drugs. Even the pesantren is not free from the target. In the past, drug trafficking and addicts only revolved around teenagers and established families, now their distribution has penetrated all corners of socio-economic strata and community groups from poor families to conglomerates, from rural to urban areas, from young people to the elderly.

The survey results of the National Narcotics Agency (BNN) and the Center for Health Research, University of Indonesia in 2004, drug addicts reached 1.5% of the total population or about 3,256,000 to 4 million people. Of that number, around 800,000 addicts consume narcotics with needles that are used interchangeably, which has a very bad impact, namely the transmission of the HIV/AIDS virus.

2. Method

Research on "The Role of the Medan Police in Law Enforcement of Narcotics Crime" in the Medan City Resort Police Legal Area is a type of legal research research with empirical aspects or a type of non-doctrinal legal research or a type of socio legal research research with a descriptive qualitative research approach. This study uses secondary data as initial data and then continues with primary data or field data. This means that empirical juridical research still relies on a normative premise where the operational definition can be taken from the laws and regulations to then look at the reality on the ground.

This legal research with empirical aspects uses two types of data, namely primary data and secondary data. Primary data is data sourced from field research, namely data obtained directly from the first source in the field, namely both respondents and informants. Secondary data is data that comes from library research, namely data obtained directly from the first source but comes from data that has been documented in the form of legal materials. The nature of this research is descriptive qualitative, so the data collected is naturalistic data consisting of words that are not processed into numbers, because the data is difficult to measure with numbers and is monographic or in the form of cases so that it cannot be arranged into a structure, classification, and data collection using interview guidelines. Legal research with qualitative empirical aspects, data analysis techniques used will be qualitative descriptive analysis techniques. In this analysis model, the overall data collected from both primary and secondary data will be processed and analyzed by systematically compiling the data, classified
into patterns and themes, categorized and classified, linked between one data and another. Interpretation is carried out to understand the meaning of the data in social situations, and then interpretation is carried out from the researcher's perspective after understanding the overall quality of the data. The analysis process is carried out continuously since the data search in the field and continues until the analysis stage.

3. Analysis And Results

3.1 What is the role of the Medan Police in carrying out their duties to deal with drug crime

Progress in the field of science and technology is increasing rapidly. This will directly or indirectly affect the development of the crime rate, both qualitatively and quantitatively. The development of criminality from individual forms to criminality towards organized crime which has sophisticated techniques and tactics. As one of the organized crimes, narcotics and psychotropic crimes cannot be separated from advances in science and technology, especially in the field of pharmacy. From the main plants cannabis, cocaine and opium, pharmaceutical advances can produce or derive substances that have multiple effects.

Drug abuse is a very harmful danger for a country. This is because narcotics crimes by the younger generation will have a negative impact both physically and spiritually on the younger generation, thus providing enormous losses for the Indonesian state and nation. Therefore, every effort that leads to the commission of narcotics crimes must be eliminated. This means that efforts must be increased to overcome each type of narcotics crime as the implementer of law enforcement in Indonesia.

Narcotics abuse is a crime that has its own specificity compared to other crimes in general. The special characteristics of narcotics crimes are as follows:\textsuperscript{51}

a. An organized crime in a syndicate network, rarely is a narcotics case that is not a syndicate, especially heroin.

b. International in scope, not local in nature. Although in Indonesia the cannabis plant can grow, consumers are all over the world so it can be sent abroad.

c. The culprit is the cell system, meaning that there is no direct connection (disconnected) between the consumer and the dealer, so that if the consumer is caught, it will be difficult for the dealer to know, and vice versa.

d. In narcotics crimes the perpetrators are also victims so that the reporting of narcotics crimes is very minimal.

The special characteristics of narcotics crimes make every narcotics case must receive integrated countermeasures. Every narcotics case found in the area of the Resort Police or Regional Police must be immediately reported to the Regional Police To immediately proceed to the Police Headquarters of the Republic of Indonesia, so that every drug case found in an area can be detected early by the National Police Headquarters, and this will facilitate coordination between all police stations in regions in Indonesia.

Efforts to overcome drug crime can be carried out preventively as well as repressively. Efforts to prevent narcotics crime are carried out by the Medan Police in collaboration with Bappenkar through the distribution of brochures, warning boards, and seminars on the dangers of narcotics abuse. Meanwhile, the repressive handling of narcotics crimes is carried out within the framework of the Police's efforts to reveal criminal acts that occurred through investigations and investigations of narcotics crimes. In the investigation of narcotics crimes, the role of handling the problem is the narcotics detective unit, in this case the narcotics unit. This kind of division of tasks is found in every Regional Police in Indonesia.
Judging from the main tasks of the Head of the Narcotics Unit, of the 5 main tasks that must be carried out, in principle, there are 2 things, namely:

a. It is an effort to investigate and investigate drug crimes.
b. Develop appropriate and fast methods as an effort to overcome and eradicate narcotics crimes.
c. Medan Police Steps in uncovering problems against someone who commits a drug crime

To start a criminal investigation, it usually begins with a report or complaint. This report or complaint can be made by the victim or other party. In drug crimes, drug victims will not report, because drug victims are also drug offenders.

To further clarify that the reporting in question does not come from the victim, the victim of a drug crime is the perpetrator of the drug crime itself. This is different from a crime outside of a drug crime. The community also reported the existence of criminal acts but the number was limited. Thus, Polri investigators do not only rely on reports from the public, but also have to take other efforts to find out the existence of a drug crime.

Reports received by investigators are important information to be able to find out the existence of drug crimes. Sources of information from drug cases include various sources, information may also be received from colleagues, usually the information is also obtained from people who have close relationships with operations officers. It could also be a good citizen information provider which if presented as a witness would be very helpful. It would be better if investigators did not forget about people who had been in detention or an investigator should also contact other investigators who had handled the same case in the past, and in this way they could provide information about places of abuse of illegal drugs.

In addition to the sources above, the Medan Police in revealing a drug crime also uses former drug addicts. The use of former drug addicts by investigators is the right action. This is because former drug addicts are a living fact that can provide a picture of the behavior of drug offenders. There are several motivations so that people who have been addicted to provide information or information to investigators, namely:

a. Because of the money factor, people who provide information to the police are motivated because it is difficult or because they will get a direct prize.
b. Because it is driven by a sense of security.
c. Because of the awareness of former drug addicts.

In using informants, there are several tactics used by investigators as expressed by R. Soesilo as follows:

a. In selecting and maintaining informants, the discretion of each investigating officer is entirely entrusted, meaning that the unit commander does not intervene so that it is a secret from the respective investigators.
b. Regarding the expenditure of money for payments and gifts to informants, there is no need to be justified with proof of payment.
c. The name of the informant should not be mentioned or notified in the examination and prosecution of cases. If this happens, no one will want to work as an informant. In the world of legal settlement of criminal cases, this opinion does exist, however, sometimes it is also necessary, in the case of an informant providing information with an agreement that he does not want to be named, discussed with the relevant prosecutor. However, tactical cooperation between crime-fighting agencies must exist.
d. Relations and meetings between investigators and informants must be kept confidential, for example, an informant should not be ordered to appear at the police station. If you want to meet choose certain places that are neutral, safe and not flashy.
e. In certain cases, it is also necessary to control the work of an informant with other informants who are not related to each other so that investigators do not get tricked by false and untrue information.

From what was stated by R. Soesilo, the use of informants by investigators must be carried out in the right time and condition, because if the use of informants is not carried out in the right time and conditions it will damage and interfere with the investigator's own efforts. In addition to using the right tactics in the use of informants, in relation to the Police as investigators to protect informants, the role of legislation that stipulates special rights for informants is very important. In Indonesia, protection for whistleblowers from drug crimes is provided in Law No. 9 of 1976 Article 28 which states:

In front of the court, witnesses and other people concerned with cases that are being investigated are prohibited from mentioning the name or address or other things that give the possibility of knowing the identity of the complainant.

The granting of privileges to whistleblowers will be able to provide benefits to maintain a continuous flow of information regarding unlawful activities to law enforcement officers and protect sources of information from threats or retaliation. After the information is known, the Police as investigators plan further efforts. As stated by Suwanto, the efforts used to find out the existence of drug crimes are as follows: “In the case of drugs, the victim is the perpetrator so there is no reporter, therefore with existing efforts with existing techniques we try to find and detect, once we get new information we plan how we catch the perpetrators which we target to dealers or collectors. This is indeed difficult, but there are several investigative techniques ranging from observation (review), surveillance (following), undercover agents (agent infiltration), undercover buys (covert purchases), controlled planning (controlled delivery), and raid planning execution (implementation plans). raids)”.

3.2 What are the obstacles encountered by the Medan Police in resolving the perpetrators of drug crimes?

a. Legal Factor

The consequence of the rule of law that has been chosen by the founders of the state implies that all forms of human activity are regulated by law. The law referred to is not only the normative provisions issued by the authorities, but also includes the legal principles underlying the normative provisions. Legal principles provide nutrition to the statutory system, so that it is not only a legislative building, but a building full of values and has its own philosophy and spirit. As a consequence, if we abandon legal principles, there is chaos in the legal system.

1) Article 3 of Law no. 35 of 2009 concerning Narcotics it is stated that this law is implemented based on justice, protection, humanity, order, protection, security, scientific values; and legal certainty. The Law on Narcotics aims to: guarantee the availability of Narcotics for the benefit of health services and/or the development of science and technology;
2) prevent, protect and save the Indonesian people from abuse Narcotics;
3) eradicate the illicit traffic of Narcotics and Narcotics Precursor; and
4) guarantee the arrangement of medical and social rehabilitation efforts for Narcotics abusers and addicts.

The promulgation of Law no. 35 of 2009 on Narcotics replacing Law No. 22 of 1997 on Narcotics shows that there are efforts towards legal development. In the context of legal development towards a better condition, at least two things can be formulated. First, how domestic factors, both the government and the community, play a role in the development of regulations. This is of course very much influenced by the ideology of legal politics or for the
ease of legal development politics. Second, how the future legal conditions can respond to global and regional developments that affect the state's paradigm in carrying out development and legal reform. In this context, the rule is termed legal substance. The main function of this sub system is to coordinate and control all deviations to comply with the rules of the game. Parson then puts the law as the main element in system integration. This is also supported by Steeman who confirmed that what formally forms a society is the general acceptance of the normative rules of the game. This normative pattern must be seen as the most core element of an integrated structure. In Bredemeier's framework, law is functioned to resolve conflicts that arise in society. This normative pattern must be seen as the most core element of an integrated structure. In Bredemeier's framework, law is functioned to resolve conflicts that arise in society.

b. Law Enforcement Factor

The rule of law, which is only constructed as a legal building, needs to be made more complete and intact, in terms of having a political structure as well. Law is only a dead text if there is no institution that enforces it. Therefore, a law enforcer was formed who was tasked with implementing the law. In practice, the law can be enforced by the state apparatus to create a peaceful, orderly and just society. Regarding human behavior, the law requires humans to perform actions that are born, so that humans are bound to the legal norms that apply in state society. Regarding law enforcement, Zainuddin Ali is of the opinion: Law enforcers or people in charge of implementing the law cover a very broad scope. Because, it concerns officers at the upper, middle and lower strata. This means that in carrying out the task of implementing the law, officers should have a guideline, one of which is certain written regulations that cover the scope of their duties.

State institutions were formed precisely with the intention of further encouraging the growth and development of the civilization of the Indonesian nation, in accordance with the ideals and image of a civil society that is advanced, independent, physically and mentally prosperous, democratic and just. Law enforcement by law enforcers is intended to create an ideal society. The ideal society according to Bentham is a society that tries to increase happiness and minimize unhappiness or a society that tries to give as much happiness as possible possible to people on generally, so that unhappiness as little as possible is felt by the people in general.

Investigations, prosecutions and examinations in courts of abuse and illicit trafficking of Narcotics and Narcotics Precursors are carried out based on statutory regulations, unless otherwise stipulated in Law Number 35 of 2009. Cases of abuse and illicit trafficking of Narcotics and Narcotics Precursors, including cases involving take precedence over other cases to be submitted to court for an immediate settlement. The process of examining Narcotics criminal cases and Narcotics Precursor criminal acts at the level of appeal, cassation level, review, and execution of the death penalty, as well as the process of granting clemency, the implementation must be accelerated in accordance with statutory regulations.

Investigations into narcotics crimes within the jurisdiction of the Medan City Resort Police are basically carried out by members of the National Police assigned to the Narcotics Investigation Unit led by a Unit Head, abbreviated as Kasat and assisted by Unit Heads abbreviated as Kanit and Unit Officers abbreviated as Panit and field implementers. the rank of Brigadier group. In operations, the Narcotics Detective is divided into two fields, namely in the operational field (Field Investigators) and internal investigators as investigators who carry out investigative duties (case filing).

The exercise of the arrest authority as referred to in letter g is carried out no later than 3 x 24 (three times twenty four) hours as of the time the arrest warrant is received by the investigator. The arrest can be extended for a maximum of 3 x 24 (three times twenty four) hours. The
wiretapping as referred to in letter i is carried out after there is sufficient initial evidence and is
carried out no later than 3 (three) months from the time the wiretapping letter is received by
the investigator. Wiretapping is only carried out with the written permission of the head of the
court. Wiretapping can be extended 1 (one) time for the same period.

Investigators are responsible for the storage and security of confiscated goods under their
control. For the purposes of investigation, prosecution and examination in court, investigators
from the Indonesian National Police, BNN investigators, and civil servant investigators set
aside a small portion of the confiscated goods of Narcotics and Narcotics Precursors to be used
as samples for testing in certain laboratories and carried out within a maximum period of 3 x 24
(three times twenty four) hours since the confiscation was carried out. The head of the local
state prosecutor's office after receiving notification of the confiscation of Narcotics goods and
Narcotics Precursors from the investigators of the Indonesian National Police or BNN
investigators, The process of investigation, prosecution and examination in court does not
delay or hinder the delivery of confiscated goods according to the time limit. If based on a court
decision that has obtained permanent legal force, it is proven that the confiscated goods that
have been destroyed, obtained or legally owned, the owner of the goods concerned shall be
compensated by the Government. The amount of compensation is determined by the court. For
the purposes of investigation or examination in court, the suspect or defendant is obligated to
provide information on all assets and assets of his wife, husband, children, and any person or
corporation that he knows or is suspected of having a connection with the criminal act of
Narcotics and Narcotics Precursor committed by the suspect. or defendant. The judge has the
authority to ask the defendant to prove that all assets and assets of his wife, husband, children,
and any person or corporation are not the proceeds of the crime of Narcotics and Narcotics
Precursors committed by the defendant. In court hearings, witnesses and other persons
concerned with criminal cases of Narcotics and Narcotics Precursors that are currently under
examination are prohibited from mentioning the name and address of the complainant or
anything that gives the possibility of knowing the identity of the complainant.

Before the trial is opened, the judge reminds witnesses and other people concerned with the
criminal case of Narcotics and Narcotics Precursors not to commit prohibited acts. Witnesses,
reporters, investigators, public prosecutors, and judges who examine criminal cases of
Narcotics and Narcotics Precursors and their families must be given protection by the state
from threats that endanger themselves, their lives, and/or their property, both before, during
and after the case examination process.

Narcotics, Narcotics Precursors, and tools or goods used in Narcotics and Narcotics Precursor
crimes or relating to Narcotics and Narcotics Precursors and their results are declared
confiscated for the state. In the event that the seized equipment or goods belong to a third party
with good intentions, the owner may file an objection to the confiscation to the court concerned
within 14 (fourteen) days after the announcement of the decision of the first instance court. All
assets or property resulting from criminal acts of Narcotics and Precursors. Narcotics and
money laundering crimes from criminal acts of Narcotics and Narcotics Precursors based on
court decisions that have obtained permanent legal force are confiscated for the state and used
for the benefit of:

1) implementation of prevention and eradication of abuse of illicit trafficking of Narcotics and
Narcotics Precursors; and
2) medical and social rehabilitation efforts.

Under these conditions, the use of narcotics in Indonesia (other than for therapy and scientific
development) will actually damage the public health status. This shows that there are
differences in the value system of each country. The value system adopted by the community
becomes a benchmark for the truth and goodness of the ideals and goals to be achieved in life.
The value system serves as a frame of reference for managing personal life and managing
human-human relationships and the natural surroundings. The value system that forms the basis of public awareness to comply with the created legal norms. The problem faced by nations outside Europe is that the values that exist in the laws they use, namely modern law, are not exactly the same as those in society. Their substantive behavior is permeated and guided by different value systems. Foreign cultures that are not in accordance with the Indonesian personality should be countered with the nation's morals. In the moral factors collected, among others, religion, customs, power, economy and trade, ways of thinking and the atmosphere created in court.

4. Conclusion

Efforts to overcome and eradicate narcotics crimes within the jurisdiction of the Medan City Police are carried out through non-penal policies and penal policies. Non-penal policies are carried out through preventive and preemptive measures which are implemented through counseling, narcotics safaris, distribution of pamphlets and billboards as well as approaches to traditional and religious leaders as well as community development. This approach was carried out by the Medan City Police Resort in collaboration with BNN and experts through the perspectives of cultural anthropology, sociology, communication, psychology, healthy life education (public health science). The non-penal policy is aimed at children (including school-age youth) and the general public.

Penal policies through law enforcement are also applied to police officers who make mistakes in disclosing narcotics cases. The penal policy carried out by the Narcotics Detective of the Medan City Police has collaborated with Interpol, BNN, Customs, DEA (Drug Enforcement Administration) and related agencies (prosecutors and judges). Obstacles in overcoming and eradicating narcotics crime in the jurisdiction of the Medan City Police Resort can be viewed from legal factors, law enforcement factors, facilities and facilities in law enforcement, community factors and cultural factors. In general, Law Number 35 of 2009 concerning Narcotics is more comprehensive in regulating the actions that can be taken to uncover narcotics networks. The obstacles actually come from the lack of quality factors (not mastering the technique and use of tools in uncovering cases, difficulties in communicating when dealing with foreign nationals) and the quantity of resources of law enforcement officers (police), frequent changes of members in the narcotics detective.

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