

## **Prevention Of Narcotics Abuse By The Batang Kuis Police In Deli Serdang Regency**

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### **Abstract**

The circulation and abuse of drugs in society must be prevented and tackled. This prevention effort must be carried out in accordance with the issuance of the Drug Law so that this drug problem does not continue to grow in society as a bad epidemic for the development of the country. The research methods used are normative and empirical juridical research. The nature of the research used in this study is descriptive analysis. Sources of data used in this study are primary and secondary data. The obstacles faced by the Batangkuis Police Drug Unit are 2, namely non-penal policy barriers and penal policy barriers. Based on the results of the study, the conclusion in this study is the legal regulation of narcotics based on Law No. 35 of 2009 on narcotics prioritizes rehabilitation of drug addicts and users, but very high criminal sanctions against narcotics dealers and precursors. The spirit and purpose of the promulgation of the Narcotics Act is to prevent and eradicate illicit trafficking of narcotics in Indonesia. The obstacles faced by the Batang Kuis Police Drug Unit there are two namely non-penal policy barriers and penal policy barriers. Preventive barriers related to raids carried out at night entertainment venues in Batang Kuis, often hampered by the problem of leaking information about entertainment venues to be conducted raids. The penal policy barriers faced by the Batangkuis Police Drug Unit, consists of two barriers, namely internal and external barriers.

**Keywords:** Countermeasures, Criminal Acts, Narcotics

### **1. INTRODUCTION**

Basically, National Development aims to realize a just and prosperous society that is evenly materially and spiritually based on Pancasila and the 1945 Constitution in the container of the Unitary State of the Republic of Indonesia which is independent, sovereign, united and sovereign of the people in an atmosphere of national life that is safe, peaceful, orderly, and

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dynamic in the social environment of the world that is free, fair, friendly, and peaceful. To realize the national development, it is necessary to make sustainable efforts in all fields, including the development of people's welfare, including health, by paying attention to health services, in this case the availability and Prevention of drug abuse and the eradication of illicit trafficking, especially drugs.

Narcotics are substances or drugs derived from plants or non-plants both synthetic and semi-synthetic that can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain, and can cause dependence. Likewise, psychotropics are substances or drugs, both natural and synthetic, that have psychoactive properties through selective influences on the central nervous system that cause characteristic changes in mental activity and behavior. Narcotics and Psychotropics are better known by the name of drugs.

Drug abuse in Indonesia is very worrying. Drugs are goods that are no longer said to be haram goods that are difficult to obtain, but goods that are very easy to obtain because of momentary needs as an opium effect and enjoyment of the user's body. Drug addicts will justify any means to obtain this illicit goods because drugs are indeed a substance that has a strong opiate effect on its users and a tremendous dependency effect. Dependence experienced by drug users is if not realized then the effects experienced are sakaw, which is a state where the person experiences a sense of anxiety or psychological or psychological disorders due to drug addiction.

Lately, drug crimes and illegal drugs have been transnational in nature carried out with a modus operandi and sophisticated technology. Law enforcement officers are expected to be able to prevent and overcome these crimes to improve the morality and quality of human resources in Indonesia, especially for the next generation.

The impact caused by drug use above, of course we can see that drug abuse is a crime and violation that threatens safety, both physically and mentally the user and also to the surrounding community socially. In Indonesia itself, the number of drug abuse has reached an alarming point, because at the time around the 1900s the drug problem was still not popular and by the dealer network was only used as a transit country. Recently Indonesia has been made a destination country or market share and even declared as the largest producer/exporter country in the world.

Thus the circulation and abuse of drugs in the community must be prevented and overcome. This prevention effort must be carried out in accordance with the issuance of the Drug Law so that this drug problem does not continue to grow in society as a bad epidemic for the development of the country. This legal issue concerns the role of law enforcement officers, especially the police, which is very important in the midst of society as a

balancing state servant and protector of life in society. Opinion Lawrence M. Friedman stated that, " all legal products in the form of laws and regulations will definitely have an impact on the performance of law enforcement officers.

The provisions of the legislation governing the drug problem have been drafted and enacted, however, crimes related to these drugs have not been able to be alleviated. In recent cases many bookmakers and drug dealers have been caught and heavily sanctioned, but other perpetrators of such disregard are even more likely to expand their areas of operation. The effectiveness of this law depends on all levels of public enforcement, in this case all directly related agencies, namely police investigators and other law enforcers. That in the process of law enforcement in this case law enforcement in the eradication of narcotics and Psychotropic abuse, to make light of the alleged crime of the investigation process is a very substance and has a very fundamental importance. This is part of the police, especially police investigators because it is the investigator's function that can reveal law enforcement in Combating Drug Abuse. The important role of investigators in the police will provide a good means of revealing to trace the path of drug trafficking.

Indonesia is also bound by the provisions of the United Nations Convention on Combating Illicit Trafficking of narcotics in 1998, because the state of Indonesia has ratified the convention with Law Number 7 of 1997 on ratification of the United Nations Convention against illegal Traffic in Narcotic Drugs and Psychotropic Substances, 1998. In connection with the above, Indonesia must also make every effort to eradicate narcotics awareness and abuse, through legal policies and legal deterrents. One part of law enforcement officers who also have an important role in the case of narcotics abuse is the "investigator", in this case the police investigator, where the investigator is expected to be able to assist in the settlement process of cases of narcotics abuse violations. With the issuance of Law No. 35 of 2009 on narcotics which regulates legal sanctions, as well as things that are allowed, with the issuance of the law, the investigator is expected to be able to assist in the process of resolving cases against someone or more who have committed narcotics abuse today.

Drug cases in the jurisdiction of the Batang Kuis police have increased every year. In 2016 drug cases that occurred were 93 cases, in 2017 there were 116 cases, in 2019 there were 140 cases, in 2020 there were 179 cases, in 2021 there were 240 cases,. The increasing number of cases is certainly inviting the operation of drug syndicate networks, with the largest percentage of target users is at the age of students and the Batang Kuis community, which is 60 percent, from these data it is certainly very alarming because the threat of loss of quality young people is increasingly evident in the Batang Kuis District.

The important role of the Bhabinkamtibmas Polri in its task of eradicating drug-related crime cases must be well supported even though the number of cases continues to increase. The revelation of cases on the one hand can indeed be an indicator of the increasing work of the police in hunting down drug trafficking syndicates, but on the other hand it can give clues to how weak current government policies are in dealing with these circulations. So, although Indonesia has Law No. 5 of 1997 on psychotropics and Law No. 35 of 2009 on narcotics, the problem of this crime has not been resolved completely. Prevention and countermeasures undertaken by the Batang Kuis police, especially the Drug Investigation Unit, in this case requires further steps in the law enforcement process against perpetrators of drug abuse

## **2. RESEARCH METHOD**

Research methods in this paper is done with the approach normative juridical namely by analyzing the problems through the approach of legal principles and refers to legal norms contained in legislation- invitation. The material used is the primary law, which is binding legal materials, consists of the Constitution of 1945, legislation- invitation in the form of the Criminal Code (KUHP), Book of Criminal Procedure Law (Criminal Procedure Code), Act- Law No. 35 of 2009 on narcotics and related with the problem of Criminal Law Policy on regulation narcotics crime in Indonesia, secondary legal materials in the form of books relating to acts criminal narcotics, articles, research results, reports and as well as tertiary legal materials, namely supporting legal materials that include primary legal materials, secondary legal materials such as general dictionary, legal dictionaries, magazines, scientific journals, and materials outside relevant fields and can be used to complete the document required

## **3. RESULT AND ANALYSIS**

### **3.1. Legal Regulation On The Crime Of Narcotics Abuse**

Law No. 35 of 2009 passed in Jakarta on October 12, 2009 is a revision of Law No. 22 of 1997 on narcotics through the State Gazette of the Republic of Indonesia of 2009 No. 143, and supplement to the State Gazette of the Republic of Indonesia year 2009 No. 5062. The government assesses Law No. 22 of 1997 cannot prevent narcotics crime which is increasing quantitatively and qualitatively as well as the form of organized crime. But substantially, the New Narcotics Law has not undergone significant changes compared to the previous law, except for the emphasis on the provisions of rehabilitation obligations, excessive criminal use and the enormous authority of the National Narcotics Agency.

People are not allowed to store narcotics for any type and class. Parties that are allowed to make storage are limited to the pharmaceutical industry, pharmaceutical wholesalers, pharmacies, hospitals, public health centers, medical centers, doctors and scientific institutions. This is very difficult for drug users who are recovering, where users have to visit certain places. This restriction allows drug users to obtain narcotics illegally.

The patient may possess, store, and / or carry the narcotics used for himself or herself obtained from a physician and provided with valid evidence. Through the Narcotics Act, addicts and victims of narcotics abuse are no longer given freedom and of their own free will to heal. Medical rehabilitation and social rehabilitation become mandatory for addicts.

The Narcotics Act also requires narcotics addicts to report themselves to public health centers, hospitals, and/or medical rehabilitation and social rehabilitation institutions. This obligation is also the responsibility of parents and families. Medical and social rehabilitation in addition can be organized by government agencies or the community which will be regulated in a ministerial regulation. The question is whether the institutions that provide assistance to addicts can be categorized as a place for those who do medical and social rehabilitation, or not.

The Narcotics Act provides a large portion for BNN. One of the authorities of BNN is to prevent and eradicate the abuse and circulation of narcotics and narcotics precursors. In addition, BNN can use the community by monitoring, directing and increasing their capacity to prevent narcotics abuse by empowering community members. In terms of combating narcotics, BNN is authorized to conduct investigations and investigations into abuse, narcotics circulation, and narcotics precursors along with the powers of investigators and investigators such as arrest for 3 x 24 hours and can be extended 3 x 24 hours plus wiretapping.

The granting of great authority to BNN, especially making BNN as an investigator raises questions, whether because the police are considered unable to investigate narcotics crimes properly, then the authority to conduct investigations and investigations is given to BNN, or not. Too large a portion of BNN authority such as in detention and searches that are not owned by police investigators will cause problems institutionally, and a sense of legal equality for suspects examined at BNN and the police.

Although the principle in the Narcotics Act is to rehabilitate drug addicts, this law still uses the word "can" to place drug users, both guilty and innocent, to undergo treatment and/or treatment through rehabilitation. Judges are also given authority to addicts who do not have a problem doing not criminal narcotics to be assigned to undergo treatment and rehabilitation. The provision raises the question: whether the use of the word "can" be an absolute reference for judges to decide or assign drug addicts undergoing rehabilitation process, or not. Whether the application of

the course of treatment and rehabilitation is also applied at the level of Investigation and prosecution, or not.

In addition to providing great authority to law enforcement, especially BNN, the Narcotics Law also requires the public to play an active role in efforts to prevent and eradicate narcotics. People are made like investigators by searching, obtaining, and providing information and getting services in these matters. In this law, the public is not given the right to conduct counseling, assistance and reinforcement of narcotics addicts.

The participation of the community gathered in a container by BNN can be a fear in itself because the community has the legitimacy to prevent and eradicate narcotics without the rights determined by law. The Narcotics Act has a tendency to criminalize people, both producers, distributors, consumers and the public by including criminal provisions as many as 39 articles out of 150 articles stipulated in the law. The Narcotics Act uses a criminal approach to conduct surveillance and Prevention of narcotics abuse. Criminal use is still considered an attempt to scare away the use of narcotics.

This is supported by the granting of a large authority for BNN which is Metafora into an institution that is authorized to conduct awareness to the public, conduct investigations, investigations, and prosecutions in narcotics crimes. Furthermore, assessing the criminal provisions stipulated in the Narcotics Act, as follows: unpleasant feelings such as gloom and trembling appear. long term: mental illness and psychotic disorders. Usually in the form of pills or capsules and its use by placing on the tongue. Short-term affect: "having hallucinations". Long-term effects: "may damage brain cells, convulsions and cardiac and respiratory failure". Should not be traded without a doctor's prescription. The same effect as alcohol suppresses the work of the brain and the activity of other organs. The impact is the risk of death. A kind of volatile solvent and gas in the form of organic compounds commonly needed for households, offices and factories. For example: thinner, glue, spray and gasoline. This type is very dangerous because once inhaled it will directly enter the brain. Short-term effects: "may result in sudden death". Long-term effects: "permanent damage to body systems.

Nicotine is found in tobacco plants or Tabacom nicotine which is thought to come from Argentina. The nicotine content in tobacco ranges from 1.4%. In cigarette smoke, nicotine is suspended in tar particles and then absorbed by the lungs into the blood very quickly. Once absorbed, nicotine reaches the brain within 8 seconds of inhalation. Nicotine absorption can cause hand tremors and increase in various hormones and neurohormones dopamine in the plasma, in addition to nicotine can cause nausea and vomiting. Nicotine improves memory, attention and alertness, reduces irritability and aggression, and loses weight. Smoking is associated

with a variety of serious diseases ranging from coronary artery disorders to lung cancer. The fatal dose in humans is 60 mg. There is in tobacco and smoking is the gateway to the entry of drugs.

### **3.1.1. Success Factors And Failures In The Prevention Of Drug Abuse In The Jurisdiction Of The Police Batang Kuis**

In the prevention effort, the actions carried out can be directed at two process targets. The first is directed at efforts to avoid adolescents from a bad environment and directed an environment that is more helpful to the process of adolescent mental development. The second effort is to assist adolescents in developing themselves well and achieving the expected goals (a process of companion to the adolescent, in addition to: the influence of the social environment outside other than home and school). In order to guide and direct the development of adolescents, the areas of concern are:

1. Attitude and behavior The goal of adolescent development in general is to change attitudes and behavior, from a childish way to a more mature way. Childish attitudes such as selfishness (egocentric), always depend on others, want immediate gratification, and are unable to control their actions, must be changed to be able to pay attention to others, stand up for themselves, adjust their desires to the existing reality and control their actions so as not to harm themselves and others. This requires attention and guidance from parents. Parents should be able to pay attention, give the teenager the opportunity to try his abilities. Give credit and avoid criticism and reproaches.
2. Emotional To gain emotional freedom, the teenager tries to strain his emotional relationship with parents: he must be trained and learn to choose and determine his own decisions. This effort is usually accompanied by the practice of rebellion or disobedience. In this case, it is expected that the understanding of parents not to take oppressive actions, but to try to guide them gradually. Try not to create another atmosphere of the environment, which sometimes plunges it. Children become naughty, abuse and even use drugs (abusing drugs).
3. Mental-intellectual In his mental - intellectual development, he expects teenagers to be able to accept his emotions by understanding his strengths and weaknesses. That way he can distinguish between ideals and dreams with real reality. At first, the adolescent's thinking power was influenced by fantasy, in line with the increasing ability to think abstractly. These abstract thoughts often do not correspond to the existing reality and can lead to disappointment and despair. To overcome this, parents need help in fostering self-understanding of

their abilities based on their abilities. Do not burden teenagers with a variety of expectations and dreams that may be difficult to achieve.

4. Social To achieve development goals, adolescents must learn to get along with everyone, whether they are peers or not, or not of the same type or different types. The existence of barriers in this case can cause it to have only one social environment such as a certain group and this can lead to drug abuse. As we know that the characteristic of adolescents is the existence of a close bond with the group. In addition, we as parents and teachers, must be able to cultivate a noble and noble character; a courage to do noble things and help others and be a good example.
5. Formation of self-identity The end of a teenager's development is the formation of his identity. At this time all the previous norms and values are something that comes from outside himself and must be obeyed so as not to get punished, turn into a part of himself and is a *pengangan* or philosophy of life that becomes a controller for him. To obtain these values and norms, identification figures are needed, which according to the adolescent's assessment is sufficient in his life. Parents are indeed an important role in this identification process, because they can help their teens by explaining in more depth about the role of religion in adult life, so that this awareness gives new meaning to the religious beliefs they have acquired. To be able to become an identification figure, the figure must be a pride for teenagers. Figures who are proud of it can be in the form of their own parents or other figures in the community, for those who still exist or who only come from history or story

Factors that inhibit the police in revealing the circulation and abuse of drug offenses in the police Batang quiz is a principal executor who is in the structure of the executor of duties in the Police environment under the police chief, and in the implementation of daily tasks under the control of WakaPolsek. For the police level, the Drug Unit is under the Chief of Police and under the control of the Deputy Chief of Police who is tasked with carrying out investigations and investigations into drug abuse crimes, counseling and guidance in the context of preventing and rehabilitating drug abuse korba. In carrying out its duties, Directorate of drug investigation functions :

1. Investigation and investigation of criminal acts of drug abuse;
2. Analysis of drug cases and their handling and assessment of the effectiveness of the implementation of the duties of the Directorate of drug investigation;
3. Supervision of drug crime investigation in the Police environment;



4. Coaching and counseling in order to prevent and rehabilitate victims of drug abuse;
5. Collection and processing as well as presenting information and documentation of the Directorate of drug investigation activities program.

The second factor is the cost factor which is an inhibiting factor in the enforcement process of narcotics abuse at the level of Investigation and investigation. The lack of budget makes it not maximal or ineffective in terms of exposing drug abuse. Currently, the budget spent in the framework of investigations and investigations in revealing and enforcing the law in the eradication of narcotics abuse is not sufficient so that in completing law enforcement is still constrained and unsatisfactory.

### **3.1.2. Batang Kuis Police Countermeasures In Preventing Drug Abuse Crimes In Batang Kuis Jurisdictions**

With regard to the Prevention of abuse and illicit trafficking of narcotics in the area of the Batangkuis police by looking at the constraints addressed by investigators ditresnarkoba Batangkuis police, the policy that should be done in the Prevention of abuse and illicit trafficking of narcotics, namely:

1. Maximize existing human resources so as to make the police officers can work optimally in the pursuit or arrest of perpetrators of narcotics.
2. Optimizing equipment and infrastructure to support the implementation of the duties of police investigators so that the Prevention of abuse and illicit trafficking of narcotics can run effectively and efficiently.
3. Allocate adequate budget support that can support the operational activities of the Batangkuis police Ditresnarkoba in revealing cases of narcotics crime.
4. Fix regulations or sops related to the use of information technology so that investigators can take action effectively and efficiently.
5. Strengthen cooperation with telecommunications service providers/providers to support efforts Ditrenarkoba in utilizing information technology to uncover drug crime cases.

With the large number of personnel, it can make the number of cases of high narcotics circulation low. In addition, it is necessary to build vocational education institutions specifically that can provide learning for investigators about the use of Information Technology for the disclosure of criminal acts and carry out socialization periodically and continuously to each investigator both carried out through question and answer/discussion, discussion and briefing in order to improve knowledge and understanding of the duties, authorities and understand:

1. Law No. 2 of 2002 concerning the National Police, in particular Article 14 paragraph (1) letter g, which states that the National Police is in charge of conducting investigations and investigations into all criminal acts in accordance with the Criminal Procedure Law and other laws and regulations;
2. Law No. 8 of 1981 on Criminal Procedure Code, especially Article 7 Paragraph (1) letter
3. Where investigators are authorized to carry out other actions according to the law that are responsible and Article 84 regarding valid evidence, so that investigators have an understanding of documents that have legal force and can be used as digital evidence (digital evidence) in the process of criminal cases, including; c. Law No. 36 of 1999 on Telecommunications, in particular Article 42 paragraph (2) point b, which states for the purposes of the criminal justice process, telecommunications service providers can record information sent and or received by telecommunications service providers and can provide the necessary information at the request of “investigators for certain crimes with applicable laws”;
4. Law No. 11 of 2008 concerning information and Electronic Transactions (ITE) Article 31 paragraph (3) which states that law enforcement at the request of the police, prosecutor's office and/or other law enforcement institutions stipulated by law, and Article 5 Paragraph (1), (2), and (3) which, among others, states: 1. Paragraph (1). Electronic information and/or Electronic Documents and / or printouts are valid legal evidence. 2. Paragraph (2). Electronic information and/or Electronic Document and / or its printed result as referred to in Paragraph (1) is an extension of valid evidence in accordance with the procedural law applicable in Indonesia. 3. Electronic information and / or Electronic Documents are valid when using electronic systems in accordance with the provisions set forth in the law. 4. Provide guidance on the bureaucracy implemented by the provider/telecommunications service provider, including procedures and provisions as well as the completeness of the request letter for conversation records and providing answers from the provider.

As described in the previous chapter, the procurement of equipment or facilities and infrastructure provided by the state to the police can be considered too minimal and limited. Therefore, the need for procurement and the addition of facilities and infrastructure in order to get support from both internal and external police. Adapaun facilities and infrastructure in question include :

1. Procurement of Information Technology in the form of mobile phones / cellphones equipped with Netmonitor and celltrack software so that

tracking of drug crime suspects can run more effectively and efficiently.

2. Additional availability of Information Technology in the form of Analyst Notebook.
3. Added Direction Finder.
4. Motorized Kendaraan both two-wheeled and four or more.
5. Handy Cam
6. Camera and eavesdropping tool
7. CDR analyst Notebook h. Cellebrite Mobile Forensics

Budget resources are a crucial factor in the success and failure of the implementation of organizational programs. Any programs and activities that are planned to be implemented by an organization, if not supported by financing factors/budget resources, then these programs and activities will experience difficulties. Based on this, the budget support allocated for the investigation, investigation and development of Narcotics Criminal Cases can meet the ideal needs for one budget year, with the following indicators:

1. Increase the existing budget in the coming year DIPA (TAB + 1) with the process of increasing the budget of DIPA at an unlimited level (on budget) which can be done by planning as outlined in the work plan Ditresnarkoba Batangkuis police.
2. There needs to be tactical funds according to the needs of operational units with unlimited amounts (on budget) with strict and flexible supervision of budget usage and clear accountability.
3. The existence of a specially allocated budget related to the maintenance and maintenance of information technology infrastructure owned to support the effectiveness and efficiency of the implementation of the disclosure of drug crime cases.

As for there so that activities run smoothly sepereti things expressed by the chief of police, the steps to strengthen cooperation are:

1. Kasubdit carry out communication and coordination with telecommunications service providers/providers in order to simplify the bureaucracy of mobile CDR requests that have been carried out on working days/hours where getting answers for 2 days, this can be an obstacle in the investigation process, it is expected that the bureaucracy only takes a maximum of 1 working day.
2. Kasubdit carry out communication to peyedia telecommunications services / providers to provide direct guidance in the field to investigators about the ways and techniques of communication and the ability to lobby and negotiate with others, especially with employees of telecommunications service providers.
3. Kasubdit collaborates with telecommunications service providers/providers to jointly determine the contact person, both from investigators and from telecommunications provider employees who

have the ability to cooperate by creating intensive relationships for the purposes of investigating drug crime cases.

#### **4. CONCLUSION**

Legal regulation of narcotics crime based on Law No. 35 of 2009 on narcotics prioritizes rehabilitation of drug addicts and users, but very high criminal sanctions against narcotics dealers and precursors. The spirit and purpose of the promulgation of the Narcotics Act is to prevent and eradicate illicit trafficking of narcotics in Indonesia. The role of the police in law enforcement of narcotics crimes in the community, including: efforts to overcome Non-Penal Policy that is pre-emptive efforts (counseling) and preventive (prevention). Pre-emptive efforts made are the ranks of the Batangkuis police have put forward an android-based application called "Our Police" which can be used to report narcotics crimes that occur in their respective neighborhoods. Polisi Kita is an Android-based integrated service application owned by the North Sumatra Regional Police which is integrated with all 27 police ranks. In addition, also carried out "dialogical patrols" by the Batangkuis Police Drug Unit with the help of the Batangkuis police Sabhara unit. While preventive efforts undertaken is to conduct raids in places of nightlife in Batang Kuis. Penal policy countermeasures are more focused on repressive measures (direct action). Repressive (direct action) carried out by the police is to provide a deterrent effect for perpetrators of narcotics crimes. The obstacles faced by the Batang Kuis Police Drug Unit there are 2 (two) namely non-penal policy barriers and penal policy barriers. The non-penal policy barriers are divided into 2 (two), namely: (1) Pre-Emptive barriers related to the use of the "Our Police" application, namely the number of reports/information received is false information (invalid). This is because in registering on the application only use e-mail that can be freely created by anyone and anywhere. Preemptive barriers related to "dialogical Patrol" is not supported by 4-wheeled or 2-wheeled vehicles which in fact Batangkuis Police Drug Unit officers still use private vehicles. Plus operational costs such as transportation and consumption costs that must be borne by each officer. (2) preventive barriers related to raids conducted at night entertainment venues in Batang Kuis, often hampered by the problem of leaking information about entertainment venues to be conducted raids.

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