

ANALYSIS OF LAW ENFORCEMENT AND THE IMPOSITION OF CRIMINAL SANCTIONS ON NARCOTICS OFFENDERS AT THE SALATIGA POLICE DEPARTMENT

Rio Putra Simanjuntak
Wieke Dewi Suryandari
Irfan Rizky Hutomo

ABSTRACT

Crimes involving narcotics are a serious issue requiring firm action. Punishment for offenders serves not only as justice but also as a preventive measure against the broader spread of drugs. The legal process, including arrest, investigation, and trial, proceeds systematically. Narcotics law enforcement in Salatiga faces several challenges, such as limited public legal awareness, stigma against drug users, resource constraints, and insufficient inter-agency coordination. Addressing these issues calls for ongoing efforts, including enhancing public legal awareness, providing training for law enforcement officers, and strengthening collaboration among agencies. With these steps, it is hoped that law enforcement can be more effective and equitable.

Keywords: Law enforcement, criminal offenses, and narcotics abuse.

INTRODUCTION

The Republic of Indonesia is a nation governed by law, as explicitly stated in the explanation of the 1945 Constitution of the Republic of Indonesia. This principle affirms that Indonesia is a state based on law (*rechtsstaat*) rather than merely on power (*machtsstaat*). The Preamble of the 1945 Constitution mandates the nation to protect all its citizens and territories, commit to the general welfare, enlighten the lives of the nation, and contribute to the maintenance of world order grounded in values of independence, lasting peace, and social justice. From this perspective, it is evident that Indonesia's goals include upholding legal order, achieving public welfare, and fostering a just and prosperous society.

Human-made laws aim to create organized, safe, and orderly conditions. Likewise, criminal law, as part of human law, serves a similar purpose, as A. Ross, quoted by Soerjono Soekamto, describes criminal law as an instrument of social control. It encompasses efforts that contribute to the formation and maintenance of social relations. Criminal law emerges as a reaction to acts or events in society perceived as norm violations, intending to preserve public order or serve as social control, guiding society in living harmoniously and preventing harm or disturbances to others. In short, laws are created to regulate human behavior, preventing individuals from acting solely according to their will.

Law is an officially sanctioned set of rules enacted by government institutions. In the current era, law is often codified into statutes, with each nation's laws reflecting the cultural aspirations and societal needs aligned with its national context. Codification, by organizing societal values into specific legal domains, broadens the scope and diversity of laws depending on the location where they are formed. Amid globalization, codification has become essential for comparing legal systems as a specialized branch of legal study.

One notable development in legal studies is the progressive reform of criminal law, encompassing broader and deeper aspects. As law enforcement, the police operate under Law No. 2 of 2002 concerning the Indonesian National Police, fulfilling functions within government aimed at maintaining public order, protecting and serving the public, and ensuring a society free from crime and threats. Police thus serve as crucial instruments in fostering societal peace and upholding human rights.

As part of maintaining public order, members of the Indonesian National Police (Polri) address various criminal acts, requiring them to perform professionally and proactively in detecting and apprehending criminals, restoring societal peace. Importantly, Polri's duty is not only to respond to crimes but also to prevent them.

The public, as the subject of law enforcement, should understand how norms are applied to help reduce or prevent legal violations. This is increasingly essential as crime rates have reached concerning levels in both quantity and quality. From a qualitative perspective, crime is assessed based on the tools and methods criminals use. The same applies to drug-related offenses, where the quality of crime is evaluated by examining the *modus operandi* and technologies used to smuggle or distribute drugs domestically and internationally, while the quantity is assessed based on the expanding types and availability of drugs.

Technological advancements in transportation, information, and communication have driven crime's *modus operandi* to evolve and transcend national borders, heightening transnational crime. One form of this transnational crime is illegal narcotics trafficking, with syndicates efficiently crossing borders using sophisticated networks and technology. Indonesia's strategic position as a global trade crossroads often makes it a transit point.

The spread of narcotics has reached not only urban areas but also rural regions, targeting various demographics, including women and children, given the borderless nature of drug offenses. Strong law enforcement efforts are thus essential. This issue is particularly concerning as drug distribution now permeates all societal levels, affecting the younger generation and growing in sophistication each year.

In a legal context, narcotics distribution in Indonesia is prohibited, though narcotics have significant medicinal and scientific applications for certain diseases. Law No. 35 of 2009 on Narcotics strictly limits narcotics use without official authorization. However, in practice, narcotics are frequently misused for purposes unrelated to medicine or science. Furthermore, narcotics have become a rapidly growing and lucrative business, with significant adverse effects on the physical and mental health of users.

Currently, narcotics are misused in consumption, distribution, and illegal trade by irresponsible parties aiming to profit. The Salatiga Police, one of the law enforcement agencies serving the community in Salatiga, Central Java, handled numerous drug abuse cases in 2023. Although narcotics evidence seized by the Salatiga Police declined by 2% from 2022, the challenge remains.

Despite government efforts to combat drug-related crimes, enforcing laws on narcotics offenses remains challenging. The rapid economic growth in the drug trade, coupled with increasingly sophisticated distribution methods, necessitates adaptable law enforcement approaches.

Legislation supporting the fight against drug-related crimes is crucial. Current regulations, such as Law No. 35 of 2009 on Narcotics, Law No. 5 of 1997 on Psychotropics, Articles 115 and 55 of the Criminal Code, and the National Narcotics Agency Regulation No. 2 of 2011 concerning procedures for handling narcotics offenders, victims, and addicts, reflect the government's proactive commitment to combating narcotics offenses. These laws impose penalties on addicts, abusers, dealers, and producers, including imprisonment, fines, life sentences, and even the death penalty.

In practice, however, narcotics laws have not yet been optimally implemented, with the current criminal penalties for narcotics violations often falling short of deterring offenders. Although regulations are continuously revised and updated to impose harsher penalties, including death sentences under the narcotics law, enforcement remains challenging due to the organized and systematic nature of drug distribution networks. Thus, further research on sentencing narcotics offenders is needed, a task that falls under the police's role in enforcing the law within society.

RESEARCH METHOD

In research methodology, two principal categories are widely recognized: quantitative research and qualitative research. Almanshur Fauzan and Ghony Djunaidi define qualitative research as an approach that aims to produce findings not achievable through statistical procedures or quantitative methods. Quantitative research, as outlined by Sugiyono (2019), is distinguished by its focus on quantification, statistical analysis, and the ability to generalize findings based on the collected data. This approach is rooted in the positivist paradigm, which considers it a scientifically rigorous methodology due to its emphasis on empiricism, objectivity, verifiable measurement, rationality, and a well-structured framework.

DISCUSSION

Criminal Sentencing Process for Narcotics Offenders at Salatiga Police Station

Narcotics-related crime is a serious issue faced by many nations, including Indonesia. With the rise in drug abuse cases in Salatiga, stringent law enforcement is necessary to address this problem effectively. The imposition of criminal sanctions on narcotics offenders serves not only as a preventive measure but also as a form of justice for communities affected by drug distribution.

The criminal sentencing process at the Salatiga Police Station begins with the arrest of the offender. Law enforcement officers, specifically the police, are responsible for conducting investigations in accordance with the law. Once sufficient evidence is gathered, the offender is taken to court for further legal proceedings. During the trial, the judge evaluates the available evidence and witness testimonies to determine the guilt of the accused. The penalties imposed can vary, ranging from imprisonment and fines to rehabilitation programs for drug users.

Several factors influence the sentencing process, including the quality of law enforcement, applicable laws, and public interest. The competency and integrity of law enforcement officers play a crucial role in determining the outcome of the legal process. Additionally, legal provisions, such as Law No. 35 of 2009 on Narcotics, provide a clear framework regarding the types of penalties that may be imposed. Public expectations also significantly impact sentencing, as communities tend to demand strict and fair sanctions to foster a safer environment.

The impact of criminal sanctions imposed by the Salatiga Police Station is substantial. The penalties are expected to serve as a deterrent for both current and potential offenders, thereby enhancing public safety. In cases involving drug users, appropriate rehabilitation can aid their reintegration into society with improved behavior. Thus, the sentencing process not only imposes punishment but also offers a pathway for the offender's rehabilitation and the protection of society from the harmful effects of narcotics. A comprehensive approach, including collaboration between law enforcement, government, and the community, is essential to establish effective and fair law enforcement.

A. Law Enforcement and Sentencing of Narcotics Offenders at Salatiga Police Station

The enforcement of criminal sanctions against narcotics offenders at the Salatiga Police Station is a complex process that requires synergy among various law enforcement agencies. This process begins with the initial actions undertaken by police officers, where investigators gather evidence and conduct inquiries into narcotics misuse cases. Once sufficient evidence has been collected, the case is then submitted to the prosecutor's office for further proceedings.

In the judicial phase, the narcotics offender is brought to trial, during which the judge presides over hearings to examine witness testimonies, review submitted evidence, and consider the defense of the accused. The judge plays a crucial role in determining the sentence imposed, which may vary based on the type of offense, the quantity of narcotics involved, and other relevant factors such as the offender's criminal history and surrounding circumstances.

The imposed criminal penalties are intended not only to deter the individual offender but also to serve as a broader deterrent for the community. In addition to imprisonment, sentencing may also include rehabilitation for narcotics users, which represents a holistic approach to addressing the issue. Law enforcement in narcotics cases at the Salatiga Police Station is further influenced by various factors, including applicable legal provisions—such as Law No. 35 of 2009 on Narcotics—as well as the quality and professionalism of law enforcement officers.

Thus, law enforcement and sentencing of narcotics offenders at the Salatiga Police Station are not only a strict exercise in legal enforcement but also reflect a commitment to fostering a safer and healthier society. This process requires close collaboration

among various agencies and active community participation to achieve the ultimate goals of reducing narcotics misuse and enhancing legal awareness within society.

B. Barriers and Efforts in Law Enforcement of Criminal Sanctions Against Narcotics Offenders at the Salatiga Police Department

In enforcing criminal sanctions against narcotics offenders at the Salatiga Police Department, several significant barriers are encountered. First, a lack of public legal awareness serves as a primary hindrance to law enforcement efforts. Many community members fail to grasp the gravity of narcotics issues, leading to low participation in reporting drug abuse incidents or engaging in preventive efforts.

Second, the social stigma associated with drug users often creates additional barriers. Drug users, who may require assistance, often feel discouraged from reporting themselves or others due to fear of negative judgment. This reluctance complicates law enforcement as it restricts access to critical information necessary for case resolution. Third, resource limitations also pose a challenge. The Salatiga Police Department may face constraints in terms of trained personnel for narcotics cases and sufficient equipment and facilities to conduct investigations. Additionally, the high workload among law enforcement officers can impact their focus and accuracy in handling narcotics cases.

Fourth, the lengthy and complex legal processes can hinder the imposition of criminal sanctions. Delays in investigations and court proceedings may prevent swift and appropriate sanctions against narcotics offenders. Lastly, limited coordination among law enforcement agencies and related institutions, such as the National Narcotics Agency (BNN), can delay the enforcement process. Without strong cooperation, handling narcotics cases becomes less effective, resulting in overlooked or inadequately addressed cases. By identifying these barriers, it is hoped that the Salatiga Police Department can take appropriate steps to improve the effectiveness of law enforcement in combating narcotics-related crimes.

To address these challenges, several strategies are being undertaken to enforce criminal sanctions against narcotics offenders at the Salatiga Police Department, outlined as follows:

1. Enhancing Public Legal Awareness
 - a. Conduct legal outreach and education on the dangers of drug abuse.
 - b. Increase public participation in reporting drug cases through campaigns and educational programs.
2. Training and Education for Law Enforcement Officers
 - a. Provide training and workshops for police officers on investigation techniques and handling narcotics cases.
 - b. Improve officers' competency to carry out humane and effective law enforcement.
3. Strengthening Collaboration with Related Agencies
 - a. Foster partnerships with the National Narcotics Agency (BNN) and other institutions for coordinated case handling.
 - b. Hold regular forums and meetings to share information and law enforcement strategies.
4. Optimizing the Law Enforcement Process
 - a. Expedite investigations and court processes through improved management systems.
 - b. Utilize information technology to support data collection and case reporting.
5. Community Network Strengthening
 - a. Form community groups concerned with narcotics to support users seeking rehabilitation.
 - b. Encourage public participation in prevention and rehabilitation programs.
6. Implementing Firm and Fair Sanctions
 - a. Impose criminal sanctions in accordance with legal provisions to deter offenders.
 - b. Ensure that every legal violation is handled fairly and transparently.

By implementing these strategies, it is expected that law enforcement efforts against narcotics offenders at the Salatiga Police Department can become more effective and have a positive impact on the community.

CONCLUSION AND SUGGESTION

Conclusion

Drug-related offenses are a critical issue in Indonesia, including in Salatiga, that demand focused attention and firm handling. Imposing criminal sanctions on individuals involved in drug-related crimes not only serves to uphold justice but also acts as a vital preventive measure to mitigate the negative impact of drugs on society. The law enforcement process, which encompasses arrest, investigation, and trial, is conducted systematically by law enforcement officers, with judges playing a pivotal role in determining appropriate sanctions based on available evidence and testimony.

However, law enforcement efforts at the Salatiga Police Department face several challenges, including low public legal awareness, social stigma toward drug users, resource limitations, and ineffective coordination among related institutions. Addressing these challenges requires continuous efforts, such as enhancing public legal awareness, providing training for law enforcement officers, and fostering better cooperation between various agencies. By implementing these measures, it is hoped that law enforcement can be carried out more effectively and fairly, ultimately fostering a safer and healthier society free from the influence of drugs.

Suggestion

Based on the conclusions drawn, the following recommendations aim to improve law enforcement against drug-related offenses at the Salatiga Police Department:

1. It is recommended that the Salatiga Police Department regularly conducts training and workshops for police officers on investigation techniques and drug case handling to improve the quality of law enforcement.
2. The community should be actively involved in prevention and rehabilitation efforts by forming drug-awareness groups, which can support drug users in recovery and enhance community participation.
3. There needs to be a commitment to enforce fair and transparent criminal sanctions in accordance with applicable laws, ensuring that each violation is addressed consistently to create a deterrent effect and maintain public trust in the legal system.

REFERENCE

Book

- Abidin, Andi Zaenal., 1987, *Asas-asas Hukum Pidana Bagian Pertama*, Bandung, Alumni
- Adrisman, Tri, 2009, *Asas-asas dan Dasar Aturan Hukum Pidana Indonesia*, Bandar Lampung, Universitas Lampung
- Arief, Barda Nawawi, 2005, *Beberapa Aspek Kebijakan dan Pengembangan Hukum Pidana, Cet. Kedua*, Bandung, Citra Aditya Bakti
- Arief, Barda Nawawi., 2008, *Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru*, Semarang, Kencana Prenada Media Group
- Arikunto, Suharsimi, 2012, *Prosedur Penelitian Suatu Pendekatan Praktek*, Jakarta, Rineka Cipta
- Badan Narkotika Nasional, 2009, *Materi Advokasi Pencegahan Narkoba, Handbook Badan Narkotika Nasional*, Jakarta, BNN
- Butar-Butar, Cardio S., 2020, *Scientific Testimony Terhadap Hukuman Mati Bagi Pelaku Tindak Pidana Narkotika (Studi di BNN Provinsi Sumatera Utara dan Kepolisian Daerah Sumatera Utara)*, Tesis, Universitas Muhammadiyah Sumatera Utara
- Dellyana, Shant., 1988, *Konsep Penegakan Hukum*, Yogyakarta, Liberty
- Dermawan, Mohammed Kemal. 1994. *Strategi Pencegahan Kejahatan*, (Bandung: Citra Aditya Bhakti).
- Dirdjosisworo, Soedjono., 1990, *Hukum Narkotika di Indonesia*, Bandung, PT. Citra Aditya Bakti
- Fata, "Efektivitas Peraturan Pelaksanaan Bimbingan Perkawinan Calon Pengantin Perspektif Teori Sistem Hukum Lawrence M. Friedman (Studi Di Kantor Urusan Agama Blimbing Kota Malang)",
- Fauzan, Almanshur., & Ghony Djunaidi, 2012, *Metodologi Penelitian Kualitatif*, Yogyakarta, Ar-Ruzz Media
- Fletcher, George P., 1998, *Basic Concepts Criminal Law*, New York, Oxford University Press
- Friedman, M. Lawrence, 2001. *American Law An Introduction Second Edition*, Penerjemah Wishnu Basuki, (Jakarta: Tetanusa).
- Fuady, Munir, 2013, *Teori-Teori Besar (Grand Theory) Dalam Hukum*, Jakarta, Kencana Prenada Media Group
- Hamzah, Andi., 1991, *Asas-Asas Hukum Pidana*, Jakarta, Rineka Cipta
- Hamzah, Andi., 2010, *Asas-Asas Hukum Pidana*, Jakarta, Rineka Cipta
- Hamzah, Andi., 2008, *Asas-Asas Hukum Pidana*, Jakarta, Rineka Cipta
- Hawari, Dadang, 1995, *Konsep Islam Memerangi Aids dan Naza*, Yogyakarta, Dana Bhakti Wakaf
- Hawari, Dadang, 2009, *Penyalahgunaan dan ketergantungan NAZA (Narkotika, Alkohol, dan zat adiktif)*, Jakarta, FKUI
- Hiariej, Eddy O.S., 2014, *Prinsip-Prinsip Hukum Pidana*, Yogyakarta, Cahaya Atma Pustaka
- HR, Ridwan. 2011, *Hukum Administrasi Negara Edisi Revisi*, Jakarta, PT. Raja Grafindo Persada.
- Chazawi, Adami., 2011, *Pelajaran Hukum Pidana I*, Jakarta, Raja Grafindo Persada
- K, Tri Rama. 2008. *Kamus Lengkap Bahasa Indonesia*, 1st ed. (Karya Agung : Surabaya).
- Kelsen, Hans., 2007, *Teori Hukum Murni, Dasar-Dasar Ilmu Hukum Normati, Cet. II, (Terjemahan)*, Bandung, Nusamedia dan Nusansa
- Kusumawati, Farida & Yudi Hartono, 2010, *Buku Ajar Keperawatan Jiwa*, Jakarta, Salemba Medika.
- Lamintang, P.A.F., & Theo Lamintang, 2017, *Hukum penitensier Indonesia*, Jakarta, Sinar Grafika
- Lamintang, P.A.F., 2013, *Dasar-Dasar Hukum Pidana Indonesia, Cet. V*, Bandung, Citra Aditya Bakti
- Majid, A., 2020, *Bahaya Penyalahgunaan Narkoba*, Semarang, Alprin
- Makaro, Moh. Taufik, 2019, *Tindak Pidana Narkotika*, Jakarta, Ghalia Indonesia,
- Marbun, 2009, *Kamus Hukum Indonesia, Cet. Kedua*, Jakarta, Pustaka Sinar Harapan
- Marpaung, Leden., 2009, *Asas Teori Praktek Hukum Pidana*, Jakarta, Sinar Grafika
- Martono, Lydia Harlina., & Satya Joewana, 2006, *Membantu Pemulihan Pecandu Narkoba dan Keluarganya*, Jakarta, Balai Pustaka
- Masriani, Yulies Tina. 2004, *Pengantar Hukum Indonesia*, Jakarta, Sinar Grafika.
- Mertha, I Ketut. dkk., 2016, *Buku Ajar Hukum Pidana*, Denpasar, Universitas Udayana
- Moeljatno, 1993, *Asas-asas Hukum Pidana, Cet. Kelima*, Jakarta, Rineka Cipta
- Moeljatno, 2005, *Asas-asas Hukum Pidana*, Jakarta, Bina Aksara

Journal

- Agustiningsih, Heni., & Sri Endah Wahyuningsih, 2018, Decision of Linked with Narcotics Convicted in Act No. 35 of 2009 in the District of Sumber Court, *Jurnal Daulat Hukum Volume 1 Nomor (3)*, hlm. 597-604
- AR, Suhariyono., 2009, Penentuan Sanksi Pidana Dalam Suatu Undang-Undang, *Jurnal Legislasi Indonesia Volume 6 Nomor (4)*, hlm. 615-666
- Awalia, S. D., Saharani, N. W., Chasanah, A. N., Rahayuningtyas, T. E., & Widyatmoko, W. (2021). Upaya Penanggulangan Narkoba di Kalangan Milenial Menuju Generasi Emas yang Unggul. *GEMILANG: Jurnal Manajemen dan Akuntansi, Volume 1 Nomor (4)*, hlm. 1-14.

- Fattah, Damanhuri., 2013, Teori Keadilan Menurut John Rawls, *Jurnal Teropong Aspirasi Politik Islam, Volume 9 Nomor (2)*, hlm. 30-45
- Hafriada, 2016, Kebijakan Hukum Pidana Terhadap Pengguna Narkotika sebagai Korban Bukan Pelaku Tindak Pidana: Studi Lapangan Daerah Jambi, *Jurnal PJIH Volume 3 Nomor 1*, hlm. 173-191
- Indahsari, Armita Eko., & Margaretha Hanita, 2022, Perdagangan Narkotika sebagai Problematika Kejahatan Transnasional Terorganisir (Tinjauan Perspektif Hubungan Internasional), *Syntax Literate : Jurnal Ilmiah Indonesia, Volume 7 No. (10)*.
- Ismansyah, 2007, Penegakan Hukum Pidana Dalam Kasus-kasus yang Dihadapi oleh Masyarakat Marjinal, *Suara Rakyat No. 4*
- Kenedi, John., 2014, Penegakan Hukum di Indonesia, *Jurnal El-Afkar, Vol. 03, No. 01*
- Luthfi, M. "Tinjauan Sosiologi Hukum Terhadap Undang Undang Nomor 16 Tahun 2019 Tentang Perubahan Undang Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Journal of Law (J-Law) 1*, no. 1 (2022): 60–72, <http://journal.staipati.ac.id/index.php/jlaw/article/view/26>.
- Muabezi, Zahermann Armandz., 2017, Negara Berdasarkan Hukum (Rechtsstaat) Bukan Kekuasaan (Machtsstaat), *Jurnal Hukum dan Peradilan, Volume 6 Nomor 3*, hlm. 421-446
- Pujijono, 2012, Rekonstruksi Sistem Peradilan Pidana Indonesia Dalam Perspektif Kemandirian Kekuasaan Kehakiman, *MMH Jilid 41 No. (1)*, hlm. 118-127
- Sanyoto, 2008, Penegakan Hukum di Indonesia, *Jurnal Dinamika Hukum, Volume 8 No. (3)*, hlm. 199-204
- Simangunsong, J., 2015, Penyalahgunaan Narkotika Di Kalangan Remaja (Studi kasus pada Badan Narkotika Nasional Kota Tanjungpinang). *Program Studi Ilmu Sosiologi Fakultas Ilmu Sosial Dan Politik Universitas Maritim Raja Ali Haji Tanjungpinang. (E-journal) <http://hukum.Studentjournal.ub.ac.id>*

Law

Kitab Undang-Undang Hukum Pidana

Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan

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Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika

Rio Putra Simanjuntak

Universitas Darul Ulum Islamic Centre Sudirman Guppi (UNDARIS)

Email: rioputrasimanjuntak@gmail.com

Wieke Dewi Suryandari

Universitas Darul Ulum Islamic Centre Sudirman Guppi (UNDARIS)

Email: wieke@undaris.ac.id

Irfan Rizky Hutomo

Universitas Darul Ulum Islamic Centre Sudirman Guppi (UNDARIS)

Email: irfanky94@gmail.com