

## **NARCOTICS CRIME IN INDONESIA: EXAMINING LAW ENFORCEMENT, POLITICS, AND HUMAN RIGHTS**

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### **ABSTRACT**

This study focuses on an in-depth analysis of the complex relationship between drug crime and politics, law enforcement, and human rights. The study provides in-depth insights into how the country's drug laws are enforced by examining a number of different aspects, including the legal perspective, criminal sanctions, death penalty provisions, and the relationship between the death penalty and human rights. The research also examines the many different elements that influence legal authorities and societal perceptions, such as religious doctrines, cultural backgrounds, philosophies, ideologies, and the legal system. It also examines the use of the criminal justice system and preventive measures to deal with drug abuse, as well as the involvement of international resources in the fight against drug crime. The study also discusses the criminalization policy in the drug law, highlighting the importance of drug-related asset forfeiture. Last but not least, it emphasizes the importance of drug abuse prevention tactics and the notions of substantive and legal certainty in the context of criminal law enforcement.

**KEY WORD:** Narcotics Crime, Law Enforcement, Politics, Human Rights

### **INTRODUCTION**

Drug abuse is a serious problem in Indonesia, and evidence suggests that drug crime is a particularly extra-ordinary crime ([Zulfikar, 2023](#); [Yunus, et al, 2022](#); [Sumanang, et al, 2021](#)). Narcotics are substances or drugs both natural, synthetic, and semi-synthetic that cause a decrease in consciousness, hallucinations, and stimulation, and can make dependence, in general narcotics themselves are divided into several class, such as Class. 1 (heroin, marijuana, cocaine, opium,

amphetamine, methamphetamine, MDMA/extacy, etc.); Class. 2 (morphine, pethidine, metadona, etc.); and Class. III (codeine, ethylmorphine, etc.).

In line with these studies, several researchers have conducted research that is relevant to drug crime in Indonesia. For example, [Sitompul and Sitompul \(2022\)](#) stated that drug eradication requires the involvement of all parties in order to reduce the space available for drug dealers; [Ramadani, et al. \(2022\)](#) discussed the policies in regulating drug crimes in Indonesia, including criminal liability, criminal acts, and criminal sanctions; and [Jainah \(2022\)](#) also discussed the two approaches that can be used in combating drug crimes. According to [Kurniawan \(2020\)](#), the death penalty has recently been widely used against those who commit drug crimes in order to have a deterrent effect.

Consequently, drug crimes are always fascinating to study and discuss because, as researchers have discovered, they don't just affect male groups; they also affect women, kids, teenagers, and the elderly. In order to understand the dynamics of drug crime in Indonesia, it is important to examine the legal system that oversees it. Indonesia has enacted strict counternarcotics laws, such as [Law No. 35 of 2009](#), which defines drug offenses, sanctions, and legal procedures. The aim of these laws is the protection of the public and the prevention of drug-related activities.

Effective drug law enforcement requires the presence of qualified and well-equipped law enforcement agencies. The National Narcotics Agency (BNN) in Indonesia is responsible for the prevention of drug-related crimes. The BNN works with other relevant agencies such as the police, customs, and immigration to identify, investigate, and prosecute drug offenders. The foundation of the BNN is the Narcotics Law No. 35/2009. The BNN was a non-structural institution established by Presidential Decree No. 17 of 2002 prior to [Presidential Decree No. 47 of 2019](#).

Despite their efforts in the fight against drug crime, Indonesia's law enforcement agencies face significant challenges. Due to a lack of personnel, funding, and technology, they are unable to effectively combat drug trafficking networks. Corruption in the law enforcement community severely hampers the effective implementation of counternarcotics efforts.

The political environment has a major influence on policies to combat drug crime. One of the strategies and programs developed by the Indonesian government to combat the drug problem is the National Drug Control Strategy. In order to be effective, these policies must be properly implemented and continuously monitored. Given the transnational nature of drug crime, international cooperation is also essential. Indonesia continues to work with other nations and international organizations to combat drug trafficking. Law enforcement efforts are strengthened and drug cartels dismantled through joint operations, intelligence sharing, and bilateral agreements.

Politics can also have an impact on the way drug crime is dealt with. A variety of factors, including political will, public opinion, and the influence of interest groups, can influence drug control priorities and resource allocation. It is a constant struggle to balance law enforcement and public health strategies, as political concerns sometimes tend to prevail.

The Indonesian government imposes the death penalty on drug offenders under Article 114(2) of the [Narcotics Law](#), although Article 10 of the [Criminal Code \(KUHP\)](#) explicitly provides for the death penalty. This punishment is a necessity

in order to have a deterrent effect on drug trafficking. However, there is still a debate about whether the death penalty is in line with global human rights norms, with issues such as due process, arbitrary executions and the right to life.

Indonesia's multifaceted drug crime problem requires thorough analysis, including law enforcement, policy, and human rights. Strengthening law enforcement capacity, addressing policy issues, and upholding human rights principles are essential for effective and lasting solutions. A multidisciplinary approach involving cooperation among law enforcement, policymakers, civil society organizations, and international partners is essential to address this complex issue while upholding the rights of those affected.

Human rights principles must guide the approach to drug-related crime. The right to life must be protected, as stated in Article 9 of [Law No. 39/1999 on Human Rights](#). However, those accused or found guilty of drug-related crimes have the right to a fair trial, access to legal counsel, and protection from cruel or inhuman treatment. In order to ensure that justice is done without violating fundamental rights, it is essential to strike a balance between law enforcement objectives and human rights considerations.

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## METHODOLOGY

Normative legal research is the type of research used in this paper ([Soerjono Soekanto and Sri Mamudji, 2013](#)), which is an approach based on primary legal materials by examining theories, concepts, legal principles, and laws and regulations related to this research. According to [Hanitijo \(1998\)](#), statutory approach, case approach, and comparative approach are the methods used in legal research. In this study, both the statutory approach and the case approach are used. While the case approach is used to study how legal norms or rules are applied in actual legal practice, the statutory approach focuses on the laws and regulations relevant to the legal issues under study ([Marzuki, 2014](#)). Through literature review, data collection techniques are used in this study. Descriptive qualitative is the analytical technique used in this research.

## RESULTS

Indonesia is facing a serious drug crime problem. This requires a thorough examination of all relevant factors. The purpose of this study is to shed light on the complex interactions between policy, law enforcement, and human rights in relation to drug crime in the country. By examining various aspects of the problem, such as the legal perspective, criminal penalties, death penalty regulations, and the relationship between the death penalty and human rights, this study provides a thorough analysis of the application of drug laws in Indonesia.

### **Law Enforcement and Criminal Sanctions:**

A number of parties, including BNN, the police, prosecutors, judges, and other law enforcement organizations, as well as the general public, are involved in the enforcement of narcotics laws in Indonesia. As required by the law, particularly the Narcotics Law, these stakeholders are in charge of combating and preventing drug abuse. Law enforcement activities include both deterrent and punitive actions. Socialization, anti-drug campaigns, and empowerment are examples of

preventive measures, while rehabilitation and operations like Operation Bersinar are examples of repressive ones.

The Narcotics Law establishes criminal penalties for drug offenses and divides them into four groups: single form, alternative form, cumulative form, and combination/mixed form. The Criminal Code also establishes primary penalties (such as the death penalty) and secondary penalties. In particular, [Law No. 35/2009](#) establishes the death penalty for certain drug-related crimes. According to the guidelines set forth in the Criminal Code, the execution of the death penalty involves shooting a person until he or she dies.

### **Human Rights and the Death Penalty:**

From a legal perspective, the use of the death penalty against drug traffickers in Indonesia meets the requirements of relevant legislation, such as Law No. 35 of 2009 on Narcotics ([Hapsari, 2019](#)). However, the imposition of the death penalty raises questions about its compatibility with human rights. In considering this question, it is essential to take into account the definition of "violation of human rights" contained in article 1, paragraph 6, of [Act No. 39 of 1999](#). The decision to impose the death penalty is influenced by factors such as religious teachings, cultural backgrounds, adopted philosophies, ideologies and legal authority, despite the diversity of normative bases and opinions within the community and legal authorities.

### **International instruments and criminalization policies:**

In Indonesia, the fight against drug crimes goes beyond domestic law. International conventions and other global instruments are essential in the fight against drug crime. The country has ratified [the 1988 United Nations Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#), as well as [the 1961 Single Convention on Narcotic Drugs and its 1972 Protocol](#). In order to achieve retributive justice and the just deserts model, the criminal justice system is used to enforce the criminalization of drugs in [Law No. 35/2009](#). However, it is crucial to understand that the criminalization policy goes beyond drug abuse and distribution and should take into account the confiscation of wealth derived from illegal drug-related activities. Although [Law No. 15/2002 on Money Laundering](#) addresses this issue, it is important to note the restrictions on the quantity or value of assets subject to money laundering laws.

### **Principles of prevention and law enforcement:**

Drug abuse must be prevented through proactive measures such as primary, secondary, and tertiary prevention ([Apandi, 2012](#)). Primary prevention uses information dissemination, education, and alternative activities to target individuals, groups, or communities that have not yet been exposed to drug abuse. Secondary prevention uses education, counseling, and training to encourage cessation and constructive activities in individuals, groups, or communities that are susceptible to or indicative of drug abuse. Tertiary prevention provides medical care, rehabilitation, and relapse prevention for those who already abuse or are dependent on drugs.

## **DISCUSSION**

In the light of the research findings, there is a critical need for the strengthening

of human rights safeguards in the context of drug crime. It is necessary to carefully review and reassess the use of the death penalty for drug-related crimes in light of human rights concerns. The effectiveness of the death penalty as a deterrent should be thoroughly assessed by policymakers and legal authorities, taking into account any potential human rights implications. Furthermore, in the fight against drug crime, it is essential to adopt a comprehensive approach. This requires a mix of deterrent and repressive measures. Continued use of preventive measures, including socialization campaigns and educational initiatives, can successfully raise awareness and reduce drug abuse. To disrupt the drug supply chain, high-level drug traffickers should be arrested and drug trafficking networks should be dismantled.

It is crucial to align domestic legislation, such as the Narcotics Law, with international drug control and human rights treaties. This alignment will effectively combat drug crime in the nation while ensuring consistency and compatibility with international standards. Indonesia can support the global effort to combat drug crime while upholding human rights principles by adopting a strategy that incorporates both international obligations and domestic priorities. It is essential that law enforcement, policy makers, the judiciary and civil society work together effectively. A participatory approach is fostered and more effective policies and programs are developed by involving all relevant stakeholders in the decision-making process. Together, these parties can develop thorough plans to combat drug crime that take into account a variety of viewpoints and areas of expertise.

It is also important to emphasize support and rehabilitation. While tough penalties are necessary to deter drug-related crime, support and rehabilitation ([Supreme Court Circular Letter \(SEMA\) No. 7/2009 on Placing Drug Users in Therapy and Rehabilitation Centers](#)) for those who are addicted should be given equal consideration. Increasing access to quality treatment facilities and implementing evidence-based treatment programs can make a big difference in reducing drug abuse rates and helping people recover. Finally, ongoing research and evaluation are essential to keep pace with the evolving nature of drug-related crime. Ongoing research can evaluate the success of policies and programs, assess emerging trends, and identify areas for improvement. In this regard, interdisciplinary collaborations are essential, as they allow for a thorough understanding of drug-related crime from a variety of perspectives, such as legal, sociological and human rights. Policymakers, judicial authorities, and stakeholders can work towards a more comprehensive, balanced, and rights-based strategy to combat drug crime in Indonesia by considering these recommendations and implementing them in a coordinated manner. Such a strategy will uphold fundamental human rights principles in the country while helping to reduce drug abuse..

## CONCLUSION

A thorough, balanced, and rights-based strategy is necessary for effectively combating drug crime in Indonesia. Policymakers and legal authorities can work toward a more just and equitable society by enhancing human rights protections, harmonizing laws with international conventions, fostering collaboration, giving rehabilitation priority, and conducting ongoing research. With these coordinated efforts, Indonesia can combat drug crime while upholding the principles of



human rights and advancing the welfare of its citizens.

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