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NARCOTIC CRIMINAL ACTS COMMITTED BY POLICE PERSONNEL BASED ON LAW NUMBER 35 OF 2009 ABOUT NARCOTICS

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ABSTRACT

The police as executors and law enforcers have the task of maintaining public order and security, upholding the law, and providing protection, protection, and service to the community based on the Republic of Indonesia Law Number 2 of 2002 Article 13. The existence of the police as the spearhead in the initial position of implementing the mandatory justice system carries out the duties and powers of a law enforcer. However, some police officers even take part in abusing their authority by taking part in using and distributing illegal drugs or narcotics. The research aims to examine: (1) the application of the Laws of Police Members Involved in Narcotics Crime Cases; and (2) criminal sanctions against members of the Police Involved in Narcotics Crime Cases. The research method used is normative juridical, namely legal research conducted using library research. The results of the study show that the legal process for police officers who are involved in narcotics criminal cases whose legal process goes through stages by the provisions of the criminal procedural law, both from the police agency, the prosecutor's office up to the trial process in general courts and the trial stages of the professional code of ethics, the process of dishonorable discharge (PTDH) based on Law Number 2 of 2002 concerning the Indonesian National Police and Indonesian National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, and further To find out sanctions criminal offenses received by members of the Police who are involved in cases of criminal acts of Narcotics by Article 29 Paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police in conjunction with Article 52 of the Criminal Code.

KEYWORDS

Crime, Narcotics, Law Enforcement, Police.



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INTRODUCTION

The dangers and impacts of narcotics and illegal drugs in Indonesia are like two sides of a coin. On the one hand, narcotics have a positive impact on the medical world. The abuse and illegal distribution of narcotics is now even spreading to law enforcement officials in Indonesia, such as police officers. If viewed philosophically, in the life of the nation and state, Indonesia has a state goal, which is to protect the entire Indonesian nation and all of Indonesia's bloodshed. This means that the state, in this case, law enforcement officials, must protect all Indonesian people from various actions that can be harmful, both physical and non-physical threats. However, nowadays, there are also law enforcers, namely police officers who are involved in narcotics crime cases. From a sociological point of view, it can be stated that the quality of Indonesia's human resources as one of the national development assets needs to be continuously maintained and improved, including their health status. Then to improve the health status of Indonesia's human resources in the framework of realizing people's welfare it is necessary to make efforts to increase in the field of medicine and health services, among others by seeking the availability of certain types of Narcotics that are urgently needed as drugs in the medical field as well as carrying out prevention and eradication of the dangers of Narcotics abuse and trafficking of illegal narcotics.

The juridical aspect is that the behavior carried out by the Indonesian police as law enforcers for their involvement in Narcotics Crime are clearly against the law and must be processed by law, even the punishment received by these police officers will increase considering that the police are the enforcers of the law. According to Law Number 2 of 2002 in Article 13 it is stated that the police have duties that include maintaining security and public order, upholding the law, and providing protection, protection, and protection to the community, but instead, they are assigned the opposite task, namely instead committing criminal acts of narcotics abuse which should prevent and eradicate criminal acts of narcotics abuse.

Therefore it is necessary to study the legal provisions in upholding justice for police officers who are involved in the crime of narcotics abuse.

The research aims to examine: (1) the application of the laws of police members involved in narcotics crime cases; and (2) criminal sanctions against members of the police involved in narcotics crime cases.

BASIC THEORY FRAMEWORK

1. Overview of Narcotics

1.1. Definition of Narcotics

Narcotics are generally known as goods derived from plants with the function of making users experience changes in their behavior and psychology, such as hallucinations or making users feel stronger. The dangers and impacts of drugs or narcotics and drugs on the life and health of addicts and their families are increasingly troubling. This is where the desire to continue using it arises to get hallucinatory calm. Even though the effects of narcotics are known by many people, it still does not reduce the number of users. " Narcotics, on the one hand, are drugs or materials that are useful in the field of medicine 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 and thorough control and supervision" [1]. Article 1 point 1 of Law Number 35 of 2009 concerning Narcotics states that: Narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce to eliminate pain and can cause dependence, which is divided into categories as attached to this law. These drugs

can be addictive if used excessively. The utilization of these substances is a painkiller and provides peace. Misuse can be subject to legal sanctions. [2]. Abusers are people who use Narcotics without rights or against the law.

1.2. Legal Basis for Narcotics Abuse

Narcotics crime which in English is called narcotic crime, in Dutch it is called *Verdovende Misdad* is a crime known in Law Number 35 of 2009 concerning Narcotics. Narcotics Crime is a "criminal act committed by a criminal subject who uses substances or drugs prohibited by law which can cause a decrease or change in consciousness, loss of feeling, reduce to eliminate pain and can lead to dependence on both the perpetrator and other people. The elements listed in the narcotics crime include the elements of a criminal act, the existence of a criminal subject, the use of substances, and the consequences.

The philosophical basis for narcotics crime is stated in the legal considerations of Law Number 35 of 2009 concerning Narcotics, namely: (a) to improve the health status of Indonesian human resources in the framework of realizing people's welfare, and (b) to prevent and eradicate the dangers of abuse and illicit trafficking narcotics and narcotic precursors.

According to [3] that the regulation regarding narcotics has been determined by the following law:

- a. Law Number 8 of 1976 concerning Ratification of the Single Convention on Narcotics 1961 and the 1972 Protocol which amended it (State Gazette of the Republic of Indonesia of 1976 Number 36 Supplement to the State Gazette of the Republic of Indonesia Number 3085).
- b. Law Number 7 of 1997 Concerning Ratification of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (State Gazette of the Republic of Indonesia of 1997 Number 17, Supplement State Gazette of the Republic of Indonesia Number 3673).
- c. Law Number 35 of 2009 concerning Narcotics.

Whereas Law Number 35 of 2009 concerning Narcotics came into effect on October 12, 2009, which was ratified by the President of the Republic of Indonesia and has been promulgated in the State Gazette of the Republic of Indonesia Number 143 of 2009. This law was made based on the consideration that narcotics crimes are transnational and are carried out using an increasingly sophisticated *modus operandi* and is supported by technological developments as well as a wide network of organizations and has caused many victims, especially among the younger generation which is very dangerous to the life of society, nation, and state.

1.3. Legal Principles in the Implementation of Eradication of Narcotics Crime

The legal principles in the implementation of the Eradication of Narcotics crime have been determined in Article 3 of Law Number 35 of 2009 concerning Narcotics, and are used as the basis by law enforcers including the principle of justice, the principle of protection, the principle of humanity, the principle of order, the principle of protection.

2. Overview of Criminal Acts

2.1. Definition of Crime

A criminal act is generally understood to be a violation of norms or a disturbance of the rule of law which was intentionally or unintentionally committed by an actor whose punishment is necessary for the maintenance of law and order and the guarantee of the public interest.

2.2. Elements of Criminal Acts

Criminal acts contained in the Criminal Code (KUHP) in general can be described into elements consisting of subjective elements, namely elements that are inherent in the perpetrator or related to the perpetrator, and objective elements, namely elements that have to do with circumstances, that is, in which circumstances the actions or deeds of the doer were carried out.

3. Overview of Criminal Sanctions.

3.1. Definition of Criminal Sanctions.

Criminal sanctions are a form of suffering or suffering given to someone guilty of committing an act prohibited by criminal law. With these sanctions, it is hoped that the offender will be a deterrent and will not repeat his actions and other people will be afraid to commit a crime. Criminal sanctions are sanctions that are intentionally given to someone who violates the law. Punishment is defined as a sanction that causes suffering or misery that is intentionally inflicted on someone.

3.2. Types of Criminal Sanctions

Based on the provisions of Article 10 of the Criminal Code (KUHP), the Criminal Code recognizes two types of punishment, namely principal punishment and additional punishment. The principal punishments include capital punishment, imprisonment, confinement, fines, and imprisonment, while additional punishments include revocation of certain rights, deprivation of certain items, and announcement of a judge's decision.

3.3. Purpose of Criminal Law

In principle, the purpose of criminal law is to fulfill a sense of justice. Among legal scholars, it is stated that the purpose of criminal law is as follows [4] :

- a. To frighten people not to commit crimes either by scaring many people (general prevention) or by scaring certain people who have committed crimes so that in the future they will not commit crimes again (special preventive).
- b. To educate or improve people who have indicated that they like to commit crimes so that they become people of good character they benefit society.

4. Theories in Criminal Law

In criminal law, there are several theories, namely:

a. Absolute or absolute theory

According to this theory, every crime must be followed by punishment. Someone is a criminal because he has committed a crime. It does not see any consequences that might arise from imposing a sentence. The word 'Vengeance' (gelding) by many people is put forward as a reason to convict a crime. The pursuit of satisfaction.

b. Relative or relative theory

According to this theory, a crime does not have to be followed by a crime. For this, it is not enough that there is a crime, but it must be questioned the necessity and benefits of a punishment for the community or the criminal himself. There must be a further purpose than just imposing a sentence. This theory is also called the theory of goals (doel theory). This goal must first be directed to efforts so that in the future the crimes that have been committed will not be repeated (prevention).

- c. Combined or modern theory (VereningsTheorien).

Whereas this theory recognizes the existence of elements of vengeance (gelding) in criminal law but also recognizes the elements of prevention and elements of correcting criminals inherent in each crime.

5. Overview of the Police

Maintaining domestic security through efforts to carry out police functions which include maintaining security and public order, law enforcement protection, protection, and service to the community is carried out by the Indonesian National Police as an instrument of the state assisted by the community by upholding human rights. "The rapid progress of society, along with the spread of the phenomena of rule of law, human rights, globalization, democratization, decentralization, transparency, and accountability, has given rise to various new paradigms in viewing the goals, duties, functions, powers, and responsibilities of the Republic of Indonesia National Police. Indonesia, which in turn has also led to the growth of various demands and expectations of the community towards the implementation of the duties of the Indonesian National Police which are increasing and are more oriented to the people they serve[5].

The Police is an agency in the State of Indonesia that is empowered with the task of maintaining security and order in the implementation of law in the State of Indonesia. Law Number 2 of 2002 concerning the Indonesian National Police regulates the functions of the Police in Article 2 and the Purpose of the Police is contained in Article 4. Article 2 states that the Police function is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, shelter, and service to the community. Article 4 states that the National Police of the Republic of Indonesia aims to realize domestic security which includes maintaining public security and order, orderly and upholding the law, providing protection, protection and service to the community, as well as fostering public peace by upholding human rights.

6. Reasons for Members of the Police to Be Involved in Narcotics Crimes

Members of the police as law enforcers must uphold the honor and dignity of the State, Government, and the Indonesian National Police and comply with applicable laws and regulations, both related to official duties and those that apply in general. By committing this crime, it means that the National Police has violated disciplinary regulations and must also be prosecuted.

In Article 29 paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police, it states that members of the Indonesian National Police are subject to the powers of the general court. This shows that members of the Indonesian National Police ("Polri") are civilians and are not subject to military law.

However, because of their profession, Polri members are also subject to Disciplinary Regulations and the Professional Code of Ethics which are regulated in Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police. Meanwhile, the police code of ethics is regulated in Perkapolri Number 14 of 2011 concerning the Professional Code of Ethics for the Indonesian National Police.

Criminal acts committed by members of the police in Indonesia generally begin with abuse of position and authority. Therefore, strong control is needed so that the nation's dignity is not destroyed due to moral bankruptcy and economic poverty. Therefore this abuse of office and authority is included in one of the criminal acts that must be processed according to the law in force in Indonesia. "Abuse of office that contains economic aspects includes harming the country's finances/economy and

enriches oneself or others, while those that do not contain economic aspects include abuse of power, abuse of position in politics, distortion of democratic values, moral corruption, and so on. So the abuse of office and authority is related to problems and a wide range of motion[6].

If the oversight of law enforcement institutions is weak, then it can be one of the factors causing the presence of Polri personnel who also abuse criminal acts such as the abuse of narcotics (narcotics) crimes, so that a pessimistic attitude arises regarding the success of the Police in eradicating criminal acts, especially in narcotics crimes, trafficking and misuse of these illicit goods. Thus, it raises assumptions among the public that not least want that police officers who are involved in criminal acts of narcotics abuse can be severely punished, not just given sanctions for violating police discipline or just warning them. However, they are still subject to legal proceedings by applicable law.

RESEARCH METHODS

The research method used is normative juridical, namely library law research, carried out by examining library materials, laws, and regulations. Journals - law journals, and other scientific works related to this research material. The approach used in this writing is the statutory approach,

RESULTS AND DISCUSSION

1. Application of Law Against Members of the Police Involved in Narcotics Crime Cases

Narcotics crimes for members of the Indonesian National Police are sometimes unavoidable in their lives as social beings, even though members of the Indonesian National Police are bound or subject to the regulations of the Police Professional Code of Ethics, they are still found to be members of the National Police committing criminal acts, one of which is the crime of narcotics abuse.

Criminal acts of narcotics abuse committed by unscrupulous members of the police can be processed through Code of Ethics hearings and General Court Sessions. Hearing on the Code of Ethics can also be held after first having proven a criminal offense through the general court process up to a court decision that has permanent legal force. And then the dishonorable dismissal process (PTDH) can be carried out.

The application of punishment is understood as the process of carrying out the will of the law and enforcing norms in society, namely the idea of those who make laws and then formulate and stipulate them in the corridors of law and then implement them in a structured and orderly manner. The application of law can also be understood as the harmonization and fusion of values that are described in strong legal principles with feelings or actions that are part of the elaboration of the values of justice to maintain peace.

The implementation of the legal process against members of the Police who are involved in Narcotics Crime remains based on legal provisions on the norms of civil society. The process of law enforcement for police who commit narcotics crimes, namely: 1. Investigative process, namely members of the police who are suspected of committing a crime of narcotics abuse can be reported through complaints by the public. With this complaint, the authorized officer will follow up with the relevant Police leadership, then submit it to the Police for the Professional and Security Affairs (Propam) of the National Police, which includes a Provo's unit, each of which will conduct an investigation; 2. Entering the investigation process, suspected members of the Police who violate the code of ethics and criminal acts of narcotics abuse can be investigated by investigators from the Professional and Security Division (Propam) of the National Police by the place and or location of the

unit. This is done by the provisions in the Criminal Procedure Code. At this stage, by Article 53 Paragraph (1) of the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, the PropamPolri Division in the field of professional accountability (Accreditor) is appointed as an examiner to carry out the preliminary examination phase of alleged violations of the police professional code of ethics before a new meeting of the National Police Code of Ethics Commission (KKEP) can be held. The KKEP trial can be held after obtaining the results or files from the preliminary examination, by Article 36 Paragraph (3) of the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, namely, the results of the inspection are deposited with the KKEP secretariat ; 3. The process at the General Court Stage, namely the accused of a crime which in this case is a Member of the Police, is treated equally and equally with other criminal offenders by the provisions of the Criminal Procedure Code, also based on the principle of equality before the law that is, all people are equal before the law. The defendant was given the freedom to appoint an advocate or their attorney or can choose a legal representative provided by the state.; 4. In disciplinary trials, there are no rules that explicitly and explicitly determine which disciplinary hearing or general court hearing will take place first. What is regulated is that a disciplinary hearing is held no later than 30 (thirty) days after the supervisor who has the right to punish (Ankum) receives the file of the Preliminary Examination List (DPP) for disciplinary violations from the Provos unit or other officials appointed by Ankum; 5. The process at the Judiciary Stage Code of Ethics, namely Republic of Indonesia National Police Regulation Number 7 of 2022 Concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission in Article 111 states that members of the National Police who are suspected of violating the Police professional code of ethics are threatened with PTDH sanctions allowed to submit his resignation from the Police service based on certain considerations before the implementation of the Police code of ethics hearing; 6. Dishonorable Dismissal (PTDH), can be imposed on suspected Polri members who violate the police code of ethics by committing moderate to severe category violations. Administrative sanctions in the form of PTDH are imposed if they violate the regulations of the Professional Code of Ethics Commission (KKEP) and the National Police Code of Ethics Commission. Article 109 of the Republic of Indonesia National Police Regulation Number 7 of 2022 Concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission states that PTDH includes administrative sanctions for members of the National Police who are proven to have violated the Police professional code of ethics. Police officers who have been proven to have clearly and convincingly violated the code of ethics according to Propam, will be enforced by the code of ethics by being dishonorably discharged or removed from the Polri unit. It also gives the removed member the responsibility to maintain secrecy within the INP once he is removed from the unit.

Based on the description above, it is appropriate that the sentencing process has provided sufficient justice for members of the Police involved in the Narcotics Crime case. Because the members of the Police involved have also received appropriate recompense for their actions in the form of dishonorable discharge (PTDH). After the process of dishonorably discharged (PTDH) has been carried out, from that moment on, after going through legal considerations from the authorities, the Police member involved in the Narcotics Crime case is no longer serving as a member of the Indonesian National Police, even after being dismissed, the person concerned is still required to undergo the judicial process at the General Court, and if proven to have committed a crime of Narcotics then a criminal penalty will be given by the applicable criminal provisions because of the actions that have been committed.

Therefore, supervision of Polri members must be tightened to take precautions to prevent personality deviation or violations/crimes from occurring. Routine supervision can be carried out by providing mental guidance, spiritual guidance, directions, or emphasis to form a good personality which should be carried out every day by leaders with the hope that members of the Indonesian National Police will comply with the law.

2. Criminal Sanctions Against Members of the Police Involved in Narcotics Crime Cases

Criminal imposition is the stage of determining and determining punishment, in criminal law, criminal law has a diction that is closely related to the meaning of law, while punishment has more understanding of the process of punishment. Several points indicating the purpose of punishment can give hope that it will be a form of community protection as well as a form of rehabilitation and revitalization of the psychological aspects of the offender. Punishment has three purposes, explained as follows: a. Become a means of self-change; b. Means of providing a sense of deterrence for criminal acts committed; c. As a means to stop all forms of crime with the aim of not expanding and developing and giving birth to new crimes with criminal methods that are growing every day. The legal process for Polri members who commit criminal acts, Article 29 Paragraph (1) of Law Number 2 of 2002 concerning the Indonesian National Police, states that members of the Indonesian National Police are subject to the authority of the general judiciary. This shows that members of the Police are civilians and are not subject to military law. And if they get criminal sanctions, members of the Police who commit criminal acts will be placed on a par with civil society prisons.

Members of the Police include civilians, but the provisions of the Disciplinary Regulations and the Professional Code of Ethics also apply to them. Police Discipline Regulations are regulated in Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police. Meanwhile, the police code of ethics is regulated in the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission.

Members of the National Police who commit criminal acts namely narcotics abuse have violated disciplinary rules and codes of ethics as well as positive legal provisions regarding narcotics. Every member of the Police must uphold the law, maintain honor, and maintain the good name and dignity of the Police. That a member of the National Police who is suspected of having committed a crime must be subject to legal proceedings by applicable regulations and also be processed in the trial of the code of ethics/disciplinary commission. It is necessary to note that there are no provisions and rules that explicitly regulate the sequence of carrying out legal proceedings for a Code of Ethics commission hearing first and then general court hearings or vice versa against members of the Police who are involved in criminal cases. What is regulated is only when each trial schedule can be held or carried out as well as arrangements regarding when the police officer can be dishonorably discharged. The provisions or legal basis that strengthens this argument are contained in Article 53 Paragraph (1) of the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, namely the code of ethics commission hearing is held after the preliminary examination process is completed by The accreditor or PropamPolri in the field of professional accountability, in this case, is appointed as an examiner to carry out the preliminary examination stage for alleged violations of the Polri code of ethics. In the process that the process of preliminary examination is carried out at the stage of investigation and investigation.

By the provisions in Article 36 of the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, namely that a code of ethics commission session can be held immediately after the filing process in the preliminary examination stage is completed.

Mentioned in Article 12 Paragraph (1) letter (a) of the Government Regulation of the Republic of Indonesia Number 1 of 2003 concerning Dismissal of Members of the Indonesian National Police, namely: Members of the Indonesian National Police are dishonorably discharged from the service of the Indonesian National Police if: sentenced to imprisonment based on a court decision that has permanent legal force and according to the opinion of the competent authority, it cannot be maintained to remain in the service of the Indonesian National Police.

It can be seen that other provisions say that general court hearings should take precedence because the decision of the panel of judges (court) must first have permanent legal force (crash), then a code of ethics commission hearing will be held and ultimately enter the stage of dishonorable dismissal (PTDH). This relates to the provisions in Article 110 Paragraph (2) of the Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission, namely that the imposition of sanctions on the Police Professional Ethics Code (KEPP) does not eliminate criminal charges and/or civil. And the provisions in Article 12 Paragraph (1) Government Regulation Number 2 of 2003 Disciplinary Regulations for Members of the Indonesian National Police, namely that the imposition of disciplinary sanctions and sanctions for violating the code of ethics does not remove criminal charges against the concerned Police member.

Law Number 35 of 2009 concerning Narcotics regulates punishment for people who are proven guilty of violating Narcotics abuse and this rule must also be imposed on members of the National Police who commit criminal acts of narcotics abuse. This regulation applies not only to the Police but also to other members of the public who are proven to have abused Narcotics. In addition to the criminal sanctions listed in Law Number 35 of 2009, police officers who abuse narcotics are also subject to administrative sanctions, namely those imposed by authorized officials. By the main tasks of the Indonesian National Police as stated in Article 13 Letter (b) of the Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police, namely law enforcement, every member of the National Police must be able to conduct investigations and investigations into all types of criminal acts. Very different from the Police who commit crimes themselves, because the Police should be a role model for the community in enforcing applicable laws and regulations. The law applies to anyone who violates it, including members of the police.

One example of a Narcotics crime case committed by a police officer in Indonesia which is being widely discussed in 2023 is the case of Inspector General (Irjen) of Police Teddy Minahasa. A police officer named Teddy Minahasa was declared to have violated Article 114 Paragraph 2 of Law Number 35 of 2009 concerning Narcotics in conjunction with Article 55 Paragraph 1 of the Criminal Code (KUHP). The Public Prosecutor (JPU) charged Teddy with the death penalty, however, the West Jakarta District Court (PN)'s decision against the defendant Teddy was life imprisonment for his actions in distributing more than five kilograms of methamphetamine.

Based on the description above, that in Article 52 of the Criminal Code regulates a third aggravated sentence for law enforcers who commit criminal acts, the intention of being aggravated is for example the maximum prison sentence is 15 years, so one-third of 15 years is 5 years, so

acceptable imprisonment is a maximum of 20 years in prison. considering the betrayal of their function and authority as law enforcement officers.

CONCLUSIONS AND RECOMMENDATIONS

1. Conclusion

- a. The process of applying the law to members of the Police must be carried out because members of the Police who are involved in the Narcotics Crime case do not carry out the functions and objectives of their profession properly. Starting from the process of investigation, investigation, general trial, disciplinary hearings, and commission hearings on the Police code of ethics, up to Dishonorable Dismissal (PTDH) is a legal process that must be carried out by the competent authorities by the applicable laws and regulations. Parties who have the authority to carry out law enforcement actions in handling them may not be indiscriminate in the law enforcement process against members of the Police who are involved in the Narcotics Crime case.
- b. Members of the Police as law enforcement officers who are proven guilty of being the perpetrators of the crime of Narcotics, the form of punishment given is by Article 52 of the Criminal Code and is subject to disciplinary sanctions as well as the Police Professional Code of Ethics (KEPP). Every criminal act committed by a person will receive sanctions if a legal provision is not complied with, this can be categorized as a violation. The law is binding so a person must comply with the rules contained in the law.

2. Suggestion

- a. The government should increase supervision and improve anti-narcotics education programs for members of the police so that narcotics cases involving members of the police do not recur. This is part of the elaboration of harmonization values and Pancasila values for justice and the welfare of the community environment. The creation of a sound legal process will create strong national morals for the next golden generations of Indonesian people.
- b. Referring to the principle of equality before the law, which means that all human beings are equal and equal before the law. Even though the perpetrator of a crime is an honorable person, a law enforcer, or even a person who has great power and influence in the community, that person must still be punished. The punishment or punishment determined must also be fair and by the actions that the perpetrator committed. Because the actions that have been committed cannot erase or restore the initial conditions before the crime was committed.

BIBLIOGRAPHY

BOOK

- [1] Law of the Republic of Indonesia No. 35 of 2009 concerning Narcotics Considering
- [2] <https://bnn.go.id/pengertian-narkoba-dan-bahaya-narkoba-bagi-kesehatan/> accessed Saturday 22 July 2023 at 18 WITA.
- [3] Rodliyah and Salim HS. 2019. Special Criminal Law, Elements and Criminal Sanctions, PT RajaGrafindoPersada, Depok.
- [4] Wirjono Prodjodikoro. 2011. Principles of Criminal Law in Indonesia. Refika Aditama, Bandung.
- [5] Explanation of Law Number 2 of 2002 concerning the Indonesian National Police.
- [6] Barda Nawawi. 2005. Anthology of Criminal Law Policies, PT. Citra Aditya Bakti, Bandung.

LEGISLATION

The 1945 Constitution of the Republic of Indonesia.

Law Number 2 of 2002 concerning the Indonesian National Police.

Law Number 35 of 2009 concerning Narcotics.

Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Members of the Indonesian National Police.

Republic of Indonesia National Police Regulation Number 7 of 2022 concerning the Professional Code of Ethics and the Indonesian National Police Code of Ethics Commission.

Government Regulation of the Republic of Indonesia Number 1 of 2003 concerning Dismissal of Members of the Indonesian National Police.

Criminal Code.

The Criminal Procedure Code.

C. OTHER SOURCES

Rosmawati, 2015, "Juridical Review of Narcotics Abuse Against Members of the Police of the Republic of Indonesia in Central Sulawesi Based on Law Number 35 of 2009 Concerning Narcotics," *Opinio Legal Science*. Issue 05, Vol. 03, <https://media.neliti.com/media/publications/>.

<https://kumparan.com/berita-update/alasan-peredaran-narkoba-makin-meluas-dan-cara-penPreventannya-1xL9BkNTyXJ/full/>.

<https://regional.kompas.com/read/2021/10/02/130729778/kronologi-terbongkarnya-11-polisi-berpangkat-bintara-til-perwira-jual/>.

<https://megapolitan.kompas.com/read/2023/01/12/05000061/deretan-perwira-polri-terjerat-narkoba-teddy-minahasa-yang-rank/>.