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## **Law Enforcement Against Police Officers Involved in Drug Abuse Based on Justice Values**

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### **ABSTRACT**

*Drug abuse in Indonesia is a serious problem that not only involves the general public, but also law enforcement officials, including the police. This study aims to find out the punishment in deciding cases of criminal acts of narcotics abuse by members of the Police and what are the obstacles faced in the investigation process against members of the National Police who commit crimes of narcotics abuse. This research includes normative juridical research with descriptive research type. Sources of data in this study using library research, field as well as secondary data and primary data. Data analysis uses qualitative. Based on the results of the discussion, it can be concluded that the process of law enforcement against members of the police who are ensnared in cases of criminal acts of drug abuse is in accordance with the applicable laws and regulations, where in the enforcement process both are carried out at the police level (investigation and investigation stages), at the prosecutor's level (the prosecution stage) up to the judicial level (judge's decision), the whole is the same as if the general public committed the crime of narcotics abuse. The legal process against the police is in accordance with Article 29 Paragraph (1) of Law No. 2/2002 concerning the Indonesian National Police. The process of enforcing the police professional code of ethics for members of the police who are caught in criminal cases of narcotics abuse has not been carried out to the fullest extent possible where the police do not directly take firm action against members who are caught in criminal cases of narcotics abuse, as if the police are still protecting their members and it is considered that after their members have been tried in court general court and found guilty of committing a narcotic crime.*

**Keywords:** *Criminal Cases, Narcotics, Police*

## INTRODUCTION

The reform era in Indonesia, instead of improving the legal system, has shown the inadequacy and weakness of current law enforcement. Many law enforcers who are supposed to be examples of good behavior are actually involved in crimes, such as drug cases that involved police officers.<sup>1</sup>

The amendment of the 1945 Constitution of the Republic of Indonesia elaborates on internal security with its primary mission of maintaining security, order, law compliance, protecting society, educating, and providing services. The police institution holds a significant function due to its duties and authority, which are outlined in several laws, making this role crucial in everyday life.<sup>2</sup>

The Indonesian National Police (POLRI) reports directly to the President and operates throughout Indonesia, led by the Chief of the Indonesian National Police. As law enforcement officers, the police possess substantial authority based on their primary role in enforcing the law.

A criminal act is an act committed by a responsible person that is prohibited, commanded, or permitted under criminal law and is subject to criminal sanctions. The distinction between whether an act is a criminal offense or not depends on whether the act is sanctioned by criminal law. Drug abuse is one of the many types of criminal offenses. Narcotics offenses are classified as special criminal offenses because they are not regulated in the Criminal Code (KUHP), but are regulated in Law No. 35/2009 on Narcotics. This law defines narcotics as substances or drugs derived from plants or non-plants that can cause a decrease or change in consciousness, perceptual changes, reduce to eliminate pain and can cause dependence.<sup>3</sup>

Generally, police officers are trusted and follow strict discipline and ethical rules. However, they may also be tempted to commit minor or major violations, with penalties ranging from warnings to fines.<sup>4</sup> Crime is a social phenomenon that humanity, society, and even nations will always face. Reality has proven that crime can only be prevented and reduced but is challenging to eradicate completely. Modern crimes do not discriminate by age or background, with even children often becoming perpetrators.

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<sup>1</sup> Gede Arya Aditya Darmika, Simon Nahak, and Diah Gayatri Sudibya, "Penegakan Hukum Terhadap Anggota Polri Yang Melakukan Tindak Pidana Narkotika," *Jurnal Analogi Hukum* 1, no. 1 (2019).

<sup>2</sup> Eny Noviyanti, Niru Anita Sinaga, and Sujono Sujono, "Kewenangan Penyelidikan, Penyidikan Dan Penuntutan Perkara Tindak Pidana Korupsi Oleh Komisi Pemberantasan Korupsi (KPK)," *Jurnal Transparansi Hukum* 7, no. 1 (2024).

<sup>3</sup> Rosmawati Rosmawati, "Tinjauan Yuridis Tentang Penyalahgunaan Narkotika Terhadap Anggota Polisi Republik Indonesia Sulawesi Tengah Berdasarkan Undang-Undang Narkotika Nomor 35 Tahun 2009 Tentang Narkotika," *Jurnal Ilmu Hukum Legal Opinion* 5, no. 3 (2015).

<sup>4</sup> Dwi Indah Widodo, "Penegakan Hukum Terhadap Anggota Kepolisian Yang Menyalahgunakan Narkotika Dan Psikotropika," *Jurnal Hukum Magnum Opus* 1, no. 1 (2018).

The Indonesian National Police is responsible for its duties nationally, as stipulated in Law No. 2/2002 on the Police. The role of the police is the front line in the criminal justice system, and on the other hand, they are the protectors, defenders and servants of the community. When enforcing criminal law, the police must be the first to deal directly with offenders. According to Law No. 2/2002, the police are required to maintain human rights and the rule of law in the discharge of their duties. However, personal moral considerations lead many police officers to abuse their authority through unethical acts such as bribery, extortion, involvement in motor vehicle theft (as perpetrators, collectors, or accomplices), and drug abuse.<sup>5</sup>

Several precautionary steps have been taken to minimize or eliminate police involvement in drug problems, including providing training during officer formation education, internal supervision by the Inspectorate and the Profession and Security Division (Propam), and conducting periodic or impromptu urine tests in cooperation with the Provincial National Narcotics Agency (BNNP). Strict action is also taken against officers found to be involved in drug abuse, from general court proceedings to disciplinary hearings under the Police Professional Code of Ethics, with penalties including dismissal from the police service.<sup>6</sup>

The police, as law enforcement officers, have a central role in combating drug-related crimes, especially during the investigation and prosecution stages. According to Article 1 Paragraph 5 of the Criminal Procedure Code (KUHAP), an investigation is defined as a series of actions to seek and find an event suspected of being a criminal offense in order to determine whether or not an investigation can be conducted in the procedure regulated in the applicable law.<sup>7</sup>

The processing of criminal cases, especially narcotics cases, cannot proceed to the investigation stage if sufficient evidence has not been found. In this case, the police must find at least two evidences that are sufficient to process the case further, so that it meets the criteria of sufficient preliminary evidence as stipulated in the Criminal Procedure Code (KUHAP). The KUHAP states that 'Preliminary evidence is considered sufficient if at least two pieces of evidence have been found, and so on.' If the minimum requirement of two pieces of evidence is not met, the case cannot be upgraded to the investigation stage due to the absence of sufficient preliminary evidence. There are five valid evidences in a criminal case,

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<sup>5</sup> Rustam Rustam, "Analisis Yuridis Penerapan Sanksi Dari Instansi Kepolisian Terhadap Anggota Kepolisian Yang Menyalahgunakan Narkotika," *JURNAL DIMENSI* 4, no. 3 (December 1, 2015), <https://www.journal.unrika.ac.id/index.php/jurnal/dms/article/view/1113>.

<sup>6</sup> Ramadhany Nasution, "Kajian Yuridis Bagi Personil Polri Yang Menyalahgunakan Narkotika Dalam Perspektif Undang Undang Nomor 35 Tahun 2009 Tentang Narkotika (Studi Kasus Di Polda Sumatera Utara)," *Al-Hikmah: Jurnal Hukum dan Kemasyarakatan* 3, no. 1 (2022).

<sup>7</sup> Wisnu Jati Dewangga, "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Dengan Pelaku Anggota Kepolisian (Studi Kasus Di Wilayah Hukum Boyolali)," *Jurnal Jurisprudence* 4, no. 2 (2014).

such as witness testimony, expert testimony, letters, clues, and the final one is the testimony of the defendant.<sup>8</sup>

Drug abuse refers to the unauthorized and unlawful use of drugs, not for medical purposes but for the desire to experience their effects. It often involves excessive and irregular use over a long period of time, leading to physical, mental and social health problems. Law enforcers responsible for handling drug abuse cases include police, prosecutors, judges, and correctional officers. The rule of law in a state of law serves as the foundation for the administration of the state, government and society. According to Mochtar Kusuma, law consists of a totality of norms and principles that regulate human interaction in society, which aims to maintain order. It includes institutions and processes to ensure that these norms become a reality in society.

The police are expected to act as agents of change while carrying out their duties, serving not only as enforcers of the law but also as exemplary leaders. Their roles are refined through various stages to cultivate strong leadership qualities. As future challenges become increasingly complex, there is a growing need for competent leaders who are experienced, decisive, and uphold the highest ethical standards.<sup>9</sup>

However, it is widely recognized that law enforcement officers, particularly the police, often act outside legal procedures and demonstrate unfair behavior when investigating drug abuse cases. Such actions represent deviations that violate prevailing regulations and undermine their roles as law enforcers. This issue is not only attributed to the weak moral standards of certain law enforcement officers but also reflects a lack of professionalism in carrying out their duties.<sup>10</sup> Efforts have been undertaken by police institutions to minimize or eliminate the involvement of officers in drug-related issues, including providing training during the development of both junior and senior officers.

Since the police are the initial law enforcement body handling criminal cases before they are forwarded to the prosecution or judiciary, questions arise about whether they misuse or abuse their authority while performing their duties. As human beings, police officers may commit violations, including disciplinary breaches, ethical code violations, or even criminal acts. Crimes committed by police officers, such as drug abuse, constitute misconduct and violations of the law. To prosecute police officers involved in drug abuse, Law No. 35/2009 on

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<sup>8</sup> Septina Indah Curati and Syaiful Munandar, "Pelaksanaan Penyidikan Terhadap Oknum Anggota POLRI Yang Melakukan Tindak Pidana Penyalahgunaan Narkotika (Studi Kasus Sat Resnarkoba Polres Bukittinggi)," *Sumbang 12 Journal* 1, no. 1 (2022).

<sup>9</sup> Ryanto Ulil Anshar and Joko Setiyono, "Tugas Dan Fungsi Polisi Sebagai Penegak Hukum Dalam Perspektif Pancasila," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (August 28, 2020): 359–372, <https://ejournal2.undip.ac.id/index.php/jphi/article/view/8806>.

<sup>10</sup> Muchlis Abduh, "Oknum Polisi Bawa 2 Kg Sabu Di Pelabuhan Parepare Ditangkap," *Detiksulsel*.

Narcotics is applied, which prescribes penalties and sanctions as stipulated within its provisions.

## RESEARCH METHODOLOGY

The type of research used in this study is normative legal research. Normative legal research focuses on examining the application of legal norms or rules in positive law. This research employs a normative juridical approach, which involves studying library materials or secondary data, including books and legal norms found in legislation, legal principles, legal norms, and legal systematics. It also examines statutory provisions and other legal materials. This conception views law as a normative, autonomous, and closed system that is separate from the realities of social life. The approaches used in this research include:

1. Statutory Approach: This approach examines various legal rules and legislation related to the research problem.
2. Analytical Approach: This involves analyzing legal materials conceptually, examining the meanings of terms used in laws and regulations, and understanding how they are applied in practice and legal decisions.

The nature of this research is prescriptive analytical. Legal science is characterized as being prescriptive and applied. As a prescriptive science, legal studies explore the goals of law, values, justice, the validity of legal rules, legal concepts, and legal norms.<sup>11</sup> This type of research falls into the category of normative legal research, which investigates legal principles, systematics, synchronization, history, and comparative law, as well as sociological or empirical legal studies that assess the effectiveness of law. This research is prescriptive and applied, with approaches including legislation, case studies, historical analysis, comparisons, and conceptual studies.<sup>12</sup>

## RESULT AND DISCUSSION

Law enforcement is an absolute requirement for the creation of a peaceful and prosperous Indonesia. When the law is enforced, certainty, security, tranquility, and harmonious living can be realized. The absence of law enforcement will hinder the achievement of society in fulfilling its basic needs. This indicates a connection between justice, peace, and prosperity; thus, the essence of law enforcement lies in activities that harmonize the relationship of values embodied in established norms, culminating in actions as the final

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<sup>11</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Cet 13. (Jakarta: Kencana, 2017).

<sup>12</sup> Hamzah Rabbani and Dadang Romansyah, "Analisis Dampak UU No. 23 Tahun 2011 Tentang Pengelolaan Zakat Terhadap Eksistensi Dan Keberlangsungan Lembaga Amil Zakat (Studi Kasus Lembaga Amil Zakat PKPU)," *JURNAL EKONOMI DAN PERBANKAN SYARIAH* 2, no. 2 (June 23, 2020): 117–146, <https://journal.sebi.ac.id/index.php/jeps/article/view/150>.

elaboration of these values to create, maintain, and preserve peaceful social interactions. Law enforcement that neglects justice and the values that the law seeks to uphold will alienate the public's sense of justice, which will, in turn, affect the image of the law and its enforcers within society.<sup>13</sup>

Narcotics abuse is a complex issue that requires a comprehensive approach involving multidisciplinary and multisectoral collaboration, as well as active community participation, conducted in a sustainable, consistent, and coordinated manner. Narcotics abuse is not only prevalent in major cities but has also spread to small towns throughout Indonesia, affecting various social and economic strata. Data show that the majority of narcotics users are aged between 15 and 24 years, making the youth a strategic target for drug trafficking. Therefore, it is essential for everyone to be aware of the dangers and impacts of narcotics on the youth and community development.<sup>14</sup>

In the medical field, narcotics have a dual-edged nature, providing benefits while also posing risks to the body. When used according to regulations, in appropriate doses, and under medical supervision, narcotics can serve as effective medications to support the healing process. However, the misuse of narcotics, especially without medical supervision and for improper purposes, can lead to various serious problems. Some adverse effects of inappropriate narcotics use include the following:

1. Disorders in the Brain and Body  
Narcotics can affect an individual's ability to live healthily and make sound decisions. The effects of their use can last long even after consumption is stopped.
2. Changes in Brain Nerve Cells  
Long-term, continuous use of narcotics can lead to changes in brain nerve cells. These effects can take a long time to recover fully, even if the user has ceased consumption.
3. Dehydration  
Dehydration resulting from narcotics use can trigger symptoms such as seizures, panic attacks, hallucinations, chest pain, and aggressive behavior. If prolonged, narcotics can lead to muscle damage.
4. Confusion and Memory Loss  
Narcotics such as gamma-hydroxybutyrate and Rohypnol can have sedative effects, causing confusion, memory loss, behavioral changes, impaired body coordination, and decreased awareness.

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<sup>13</sup> Neli Agustina, Saepuddin Zahri, and Khalisah Hayatuddin, "Analisis Yuridis Penegakan Hukum Terhadap Anggota TNI Yang Melakukan Tindak Pidana Narkotika (Studi Kasus Putusan Pengadilan Militer I-04 Palembang Nomor: 01-K/PM I-04/AD/I/2021)," *Doctrinal* 7, no. 2 (2022).

<sup>14</sup> Restu Widiastuti, Subhan Zein, and Sudarto, "Analisis Yuridis Hambatan Penyidikan Tindak Pidana Penyalahgunaan Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," *IBLAM LAW REVIEW* 4, no. 3 (September 17, 2024): 126–136, <https://ejurnal.iblam.ac.id/IRL/index.php/ILR/article/view/501>.

## 5. Hallucinations

The use of marijuana can trigger side effects such as hallucinations, vomiting, increased blood pressure and heart rate, anxiety disorders, and confusion.<sup>15</sup>

The National Police (POLRI), as an organization, has internal regulations aimed at enhancing performance, professionalism, organizational culture, teamwork, dignity, and credibility, as well as ensuring the maintenance of order and the execution of duties in accordance with its objectives, roles, functions, powers, and responsibilities. In law enforcement, the best approach starts with the law enforcement apparatus itself, in this case, the National Police. In the field of law enforcement related to criminal handling, the National Police is utilized by the government as the main investigative agency responsible for addressing all crimes in general with the goal of creating domestic security. This is regulated in the Criminal Procedure Code (KUHAP) Article 16 of Law of the Republic of Indonesia No. 2/2002, which outlines the powers of the National Police, including:

1. The National Police has the right to arrest, detain, search, and seize from anyone suspected of being a perpetrator of legal violations.
2. The National Police has the right to prohibit anyone from attempting to leave or enter the crime scene during an investigation.
3. The National Police has the right to bring individuals suspected as witnesses or defendants to investigators for the purpose of investigation.
4. The National Police can question, check identification, and conduct searches and seizures of documents from individuals involved in theft.<sup>16</sup>

According to Soerjono Soekanto, law enforcement originates from society and aims to achieve peace within the community. Therefore, from a certain perspective, society can influence law enforcement. The issue of drugs (narcotics, psychotropics, and other addictive substances) is a national problem that threatens the achievement of national goals and undermines the future of Indonesia's generations, as abuse of these substances adversely affects social and state life.<sup>17</sup> Narcotics, in principle, are substances or materials that can influence consciousness, thoughts, and behaviors, leading to dependency in users. If this dependency occurs in someone, it is certain that all prospects for a bright future will come to an end. Therefore, it is urged that all beloved children of the nation

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<sup>15</sup> Muhammad Chaidar and Budiarsih, *Mekanisme Rehabilitasi Narkoba Di Berbagai Negara*, ed. Sabila Wahyu Sagita (Surabaya: Untag Surabaya Press, 2022).

<sup>16</sup> E. Indra Yani and Aji Titin Roswitha Nursanthi, "Penegakan Hukum Tindak Pidana Penyalahgunaan Narkotika Yang Dilakukan Oleh Pihak Berwajib (Kepolisian Maupun Anggota Militer)," *Jurnal Ilmu Hukum (The Juris)* 5, no. 2 (2021).

<sup>17</sup> O. C Kaligis, *Narkoba Dan Peradilan* (Bandung: Kencana, 2022).

should never touch narcotics. Narcotics are substances or drugs derived from plant-based or non-plant-based sources, whether in semi-synthetic or synthetic forms.

For example, marijuana, commonly known as cannabis, coca flowers, cocaine, and opium are classified as narcotics according to Law No. 22/1976, including: (1) Marijuana/Cannabis Sativa (Hallucinogen); (2) Morphine; (3) Heroin; (4) Cocaine.

Psychotropic substances are drugs that are not narcotics but have similar effects to narcotics when abused. These drugs target specific nerves in the central nervous system of the brain. The use of these substances causes characteristic changes in mental activity and behavior. Examples of drugs classified as psychotropics include shabu-shabu (methamphetamine), ecstasy (also known as inx), amphetamines (psychostimulants), Rohypnol, koplo pills, and Mandrax.

Generally, the procedural law used refers to the procedures established by the Criminal Procedure Code (KUHAP), but there are some exceptions as determined by the Narcotics and Psychotropics Law. The criminal offense of narcotics abuse for personal use is regulated under Article 127 of Law No. 35/2009 concerning Narcotics. In addressing narcotics and psychotropic offenses, the police collaborate with various related agencies and institutions, including local government, the Prosecutor's Office, the courts, the National Narcotics Agency (BNN), the National Counter-Terrorism Agency (BNP), the Regional Narcotics Agency (BNK), NGOs, and the National Police (Polri). This cooperation is aimed at law enforcement, outreach, rehabilitation, and the judicial process. Factors leading to members of the police abusing methamphetamine include:

1. **Spirituality:** A police officer's spirituality can be influenced by their ability to resist the temptation to misuse drugs, no matter how difficult the situation may be. Conversely, if officers are driven by a spirit of resistance, they may succumb to the effects of narcotics. In this context, police thoughts—especially when handling drug cases—must be trained and adhered to according to their religious teachings, so they choose to avoid drug use, which is not as easy as it seems. As we all know, the primary duty of the police is to guide, protect, serve, and uphold the law within society governed by police officers.
2. **Economics:** Economic conditions are the root of all crimes. If basic living needs, including those of police officers, are not met, individuals may engage in illegal activities. Police officers may seek additional income through various means, including corruption, protection from drug dealers, and misuse of their duties and rights such as the consumption and distribution of drugs. Such actions are undertaken



purely to make a living and obtain extra income for themselves and their families.<sup>18</sup>

3. **Stress:** Stress is an emotional state and condition of instability that results from various problems, depression, and unfulfilled needs and expectations. This issue is common to everyone but can lead to stress when emotions are unmanageable. Many individuals in the police force can act unethically. There are numerous causes of stress for police officers, potentially stemming from family economic pressures and the heavy workloads they face.
4. **Family Environment:** Factors such as psychological status, work conditions, biological state, and socio-cultural issues can influence this environment. Family reasons are fundamental in shaping a person's character and quality. In a family environment, unity, openness, and trust are essential to ensure there are no conflicts or issues leading to negative family behavior due to a lack of guidance or attention.
5. **Inadequate Law Enforcement Oversight:** One of the contributing factors to corrupt police officers feeling pessimistic about the abuse and spread of methamphetamines is inadequate law enforcement oversight.

Regarding the imposition of criminal sanctions on members of the police who commit narcotics offenses, it has been deemed appropriate, and it can be stated that police officers who have misused narcotics can be held accountable under narcotics laws. As explained in his book, Moeljanto states that the police encompass everything related to the functions and institutions of law enforcement according to legal regulations. The term "policing" in this law encompasses two meanings: the functions of the police, as mentioned in Article 2 of Law No. 2/2002, which outlines the police's role as a government function in maintaining public security and order, law enforcement, protection, guidance, and service to the community. Meanwhile, the police institution is a government body established as an institution and given the authority to carry out its functions based on regulations. Therefore, it can be understood that discussing policing means discussing both the functions and the institution of the police.

The definition of policing is influenced by the policing concept it embodies, which is outlined in its duties and powers. The term "policing" in Article 1, paragraph 1, includes both the function of the police and the institution of the police. The definition of police function is contained in Article of Law No. 2/2002, which states: "The function of the police is one of the functions of state government in the field of maintaining public security and order, law enforcement, protection, guidance, and service to the community." An

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<sup>18</sup> Theresia Simatupang et al., "Tinjauan Yuridis Terhadap Tindak Pidana Penyalahgunaan Narkotika Jenis Sabu Oleh Anggota Polri Di Kec. Kabanjahe (Studi Kasus No 199/Pid.Sus/2017 PN.KBJ)," *Mizan: Jurnal Ilmu Hukum* 10, no. 2 (December 14, 2021): 157, <https://ejournal.uniska-kediri.ac.id/index.php/Mizan/article/view/1711>.

investigator is any official of the police of the Republic of Indonesia. Article 4 of the Criminal Procedure Code generally stipulates that every official of the Republic of Indonesia is an investigator.

Therefore, the police, particularly the narcotics investigation unit, play a central role in enforcing narcotics abuse. This role exists due to the community's basic needs for security and order; without a certain level of security, society cannot develop its life effectively. Thus, the community places great hope in the police, and the performance of the police receives significant attention. This interaction between community expectations and police performance produces a certain image of the police.

All police personnel, without exception, are involved in investigative duties, which are fundamentally one area of responsibility among many specified in Law No. 8/1981 concerning Criminal Procedure Law. This is closely related to other tasks, forming a comprehensive effort by law enforcement officers to ensure that perpetrators of criminal offenses are held accountable for their actions under criminal law before a judge. All of these aspects are closely related to the legislative intent to provide protection for human dignity and rights and to ensure order and legal certainty in upholding the Republic of Indonesia as a state of law in accordance with Pancasila and the 1945 Constitution, ensuring accountability in cases where there are elements of wrongdoing. Wrongdoing is one of the elements of a criminal offense, which can be classified into negligence and intent.<sup>19</sup> If the police apparatus is proven to have committed a narcotics offense, according to the prosecutor, the individual must be punished.

Based on Article 12, Paragraph (1), letter (a), it states that members of the National Police of the Republic of Indonesia shall be dismissed dishonorably from the National Police if they are sentenced to imprisonment based on a court decision that has permanent legal force and, according to the consideration of the authorized official, cannot be retained in the National Police service. There are six techniques for uncovering drug-related crimes, namely:

1. Observation: This involves reviewing or observing a place, situation, or individual to identify both normal and abnormal occurrences, with the results documented in a report. From the observations made, the condition of a location and the people present can be determined. Everything seen and noted by the observer will be recorded, allowing for the establishment of subsequent actions.
2. Surveillance: This refers to the secret, continuous, and sometimes intermittent monitoring of individuals, vehicles, locations, or objects to gather information about activities and identify individuals involved.

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<sup>19</sup> Tisa Windayani and Nugroho Adipradana, "Proporsionalitas Pasal 79 Huruf C UU No.29/2004 Tentang Praktek Kedokteran Dan Pasal 360 KUHP Dikaitkan Dengan Unsur Kesalahan Terdakwa," *Jurnal Panorama Hukum* 4, no. 2 (December 30, 2019): 146–159, <http://ejournal.unikama.ac.id/index.php/jph/article/view/3860>.

Surveillance should be conducted in a mobile manner, employing surveillance techniques. The information obtained from surveillance is used to identify sources, couriers, and recipients of narcotics. Surveillance operations are carried out continuously and discreetly to avoid raising suspicion among drug users.

3. **Undercover Agent:** Undercover operations in drug-related crimes are essential because drug offenses are often organized crimes. The term "undercover" refers to a secretive investigation where all infiltration activities are concealed (Dutch: vermond) to avoid raising suspicion from the target or the object being infiltrated.
4. **Undercover Buy:** This method involves investigators engaging in drug offenses by acting as buyers in a covert operation. According to Field Instruction No. Pol. Juklap/04/VIII/1983, an undercover buy is a special technique in drug crime investigation where an informant or police officer (undercover), or another official assisting the police (undercover), acts as a buyer in a clandestine drug transaction, aiming to capture the seller, intermediary, or individuals involved in drug trafficking along with any evidence.
5. **Controlled Delivery:** As explained in Field Instruction No. Pol. Juklap/03/VIII/1993, controlled delivery refers to a special technique in drug investigation that occurs during the investigative phase. It involves the temporary suspension/arrest/detention/seizure of evidence, where a suspect willing to cooperate with the police or an informant (undercover agent) is allowed to deliver narcotics to the recipient. The goal is to apprehend those involved in drug crimes during the delivery along with the evidence. After conducting undercover buys and controlled deliveries, the next crucial action is determining the right time to arrest the suspects. The timing of the arrest in police terminology is called Raid Planning Execution.
6. **Raid Planning Execution:** This is a crucial effort for the success of operations. The right moment for a raid occurs when the drugs are about to be delivered to an undercover agent and are still in the seller's possession. This leads to what is known as "catching someone in the act." However, if the drugs are in the possession of an undercover agent, there is a significant chance that in court, the suspect may deny ownership of the evidence presented. According to Article 1, paragraph 19 of the Penal Code (KUHP), "Caught in the act" means: "The arrest of a person while committing a crime or immediately after the crime is committed, or shortly thereafter, is pointed out by the public as the perpetrator, or if shortly thereafter, an item is found on them that is strongly suspected to have been used to commit the crime, indicating

that they are the perpetrator or an accomplice in committing the crime."<sup>20</sup>

The obstacles faced in the investigation process against police members who abuse narcotics include:

1. Investigators encounter difficulties when interrogating suspects because sometimes the suspects were previously senior investigators in combating drug crimes. Therefore, investigators must strive as much as possible to ensure that the investigation is conducted according to existing regulations, so there is no reluctance or sympathy towards the suspects. This also dispels the issue circulating in society that when a police officer commits a crime, they will receive special privileges. In fact, police officers who commit drug offenses are still processed according to the law, and their penalties are heavier than those for the general public because, in addition to criminal penalties, they will also face disciplinary action from the police itself. This punishment is imposed because they, who should uphold the law, instead commit violations against the law itself. Therefore, investigators will do their utmost in carrying out investigations and maximize the results obtained during the investigation process to ensure that there are no factors that could lighten the suspect's case. This way, the public can understand that there is no leniency for anyone who commits drug crimes, and the process is the same for every citizen of Indonesia.
2. The investigators and assistant investigators placed in the Narcotics Investigation Unit have never undergone training or specialization in investigating crimes, especially drug crimes.
3. There is still a lack of understanding of fundamental duties (integrity) in investigating drug crime cases. Due to insufficient understanding of investigations, investigators and assistant investigators do not consider the risks arising from mistakes in the investigation process.

Based on the research results, it can be observed that police members who misuse narcotics receive disciplinary sanctions, which include special placements, demotion from their positions, temporary suspension of salary, and termination from police membership. Termination is specifically carried out after a police professional ethics trial recommends dismissal, which is then submitted to the superior authority, in this case, the Chief of the Regional Police (KapolDasu). According to Article 21 Paragraph 1 of Government Regulation No. 14/2011 on the Code of Ethics for the Indonesian National Police, it states: 1) Police members

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<sup>20</sup> Tesa, "Pelaksanaan Tindak Pidana Narkotika Dengan Teknik Undercover Buy (Pembelian Terselubung) Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika," *Jurnal Hukum Respublica* 21, no. 1 (May 28, 2021), <https://journal.unilak.ac.id/index.php/Respublica/article/view/7221>.

declared as violators as referred to in Article 20 Paragraph (2) are subject to disciplinary sanctions for violations of the Code of Ethics, which include: a. the violator's behavior is deemed disgraceful; b. the obligation of the violator to apologize verbally before the KKEP session and/or in writing to the police leadership and the affected parties; c. the obligation of the violator to participate in mental and spiritual development training, and professional knowledge for at least 1 (one) week and at most 1 (one) month; d. reassignment to a different position that is demotion for at least 1 (one) year; e. reassignment to a different function that is demotion for at least 1 (one) year; f. reassignment to a different area that is demotion for at least 1 (one) year; and/or g. dismissal as a police member (District).

Criminal sanctions against police members who misuse narcotics are governed by the Narcotics Law. The penal provisions in this law do not only apply to the public but also to police members proven to have misused narcotics. The criminal provisions regarding narcotics (the types of offenses committed and the threats of criminal sanctions for the perpetrators) are regulated in the Narcotics Law. These provisions include Articles 111, 127, 129, and 137. In addition to the criminal sanctions outlined in the Narcotics Law, police members who misuse narcotics also receive administrative sanctions imposed by the relevant authorities.<sup>21</sup>

Criminal sanctions for the abuse and illicit trafficking of narcotics under Law No. 35/2009 on Narcotics are heavier than those in the previous law, namely Law No. 22/1997 on Narcotics. The changes are evident in the regulations concerning plants, which now stipulate 1 kg/5 plants rather than allowing plants exceeding 5 grams. Additionally, the death penalty is now applicable to those who produce, export, import, distribute, and use narcotics on others. The death penalty is imposed not only for Class I Narcotics but also for Class II Narcotics. This provision is expected to create a significant deterrent effect for perpetrators of narcotics offenses and precursor chemicals. This law has binding force in the enforcement of laws against narcotics abusers. In handling the imposition of criminal sanctions on police members who misuse narcotics, Law No. 35/2009 on Narcotics applies. This provision is not only applicable to police officers but also to other members of society proven to have misused narcotics. The criminal provisions regarding narcotics (the types of offenses committed and the threats of criminal sanctions for perpetrators) regulated in Law No. 35/2009 are listed in several articles, including Articles 111, 127, 129, and 137.<sup>22</sup>

Furthermore, Article 1 of Law No. 2 of 2002 on the Indonesian National Police states: "Police is all matters relating to the functions and institutions of the

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<sup>21</sup> Muliadi Anwar, "Penerapan Sanksi Hukum Pemecatan Terhadap Anggota Kepolisian Republik Indonesia (POLRI) Yang Terbukti Melakukan Tindak Pidana Narkotika," *Jurnal Ilmiah Metadata* 3, no. 1 (2021).

<sup>22</sup> Tri Novianti, "Analisis Yuridis Penerapan Sanksi Dari Instansi Kepolisian Terhadap Anggota Kepolisian Yang Menyalahgunakan Narkotika," *Journal Petita* 1, no. 2 (2019).

police in accordance with the prevailing laws." Since the establishment of the second amendment to the 1945 Constitution of the Republic of Indonesia, Chapter XII on National Defense and Security, the Decree of the People's Consultative Assembly of the Republic of Indonesia (MPR RI) No. VI/MPR/2000, and the Decree of the People's Consultative Assembly of the Republic of Indonesia (MPR RI) No. VII/MPR/2000, there has been a constitutional change that clarifies the formulation of the duties, functions, and roles of the Indonesian National Police, as well as the separation of the institutional roles of the Indonesian National Armed Forces and the Indonesian National Police in accordance with their respective roles and functions.

## **CONCLUSION**

The resolution of narcotics cases involving police members follows the same legal process as that for the general public, through the general court system. This process includes investigation and inquiry, the resolution and submission of case files to the public prosecutor, trial examinations, and the execution of verdicts by law enforcement officials—namely, the police, prosecutors, and judges. All actions against police members who commit narcotics offenses are carried out in accordance with the law.

Challenges in handling police members who misuse narcotics include insufficient personnel, inadequate funding, and frequent threats faced by officers during the process. The researchers recommend that the police enhance monitoring of their members and foster stronger adherence to legal and ethical standards to prevent narcotics abuse. Measures such as regular urine testing should be implemented, with mandatory health screenings for all police members. If narcotics involvement is detected, strict oversight of the legal process and the imposition of criminal sanctions are essential. These sanctions must be enforced rigorously to create a deterrent effect, including for police members. Furthermore, it is imperative that police and related agencies intensify monitoring of routes suspected to be pathways for narcotics trafficking. Enhancing facilities and infrastructure is also necessary to effectively address cases involving police members misusing narcotics.

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