LAW ENFORCEMENT IN HANDLING NARCOTICS ABUSE CASES BASED ON JUSTICE VALUES

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ABSTRACT

Introduction: The development of narcotics abuse crimes currently tends to increase, both in quality and quantity, so it can be predicted that crimes of distribution and abuse of narcotics in the future will continue to increase along with the development of society.

Objective: This research aims to: Understand, analyze and discover the essence of law enforcement in handling narcotics abuse cases based on the value of justice in the South Sulawesi Regional Police.

Method: The research method uses sociological empirical legal research and normative legal research.

Result: The results of the research show that the essence of law enforcement against perpetrators of narcotics abuse at the South Sulawesi Regional Police has been implemented by the criminal provisions in Articles 59 to Article 111 of Law Number 35 of 2009 concerning Narcotics. Law enforcers, in this case, the police, prosecutors, judges and advocates, really determine whether the law is implemented or not as it should be.

Conclusion: Law enforcement against perpetrators of narcotics abuse at the South Sulawesi Regional Police has been carried out by the criminal provisions in Article 59 to Article 111 of Law Number 35 of 2009 concerning Narcotics.

Keywords: law enforcement, narcotics of justice, narcotics abuse.

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APLICAÇÃO DA LEI NO TRATAMENTO DE CASOS DE ABUSO DE DROGAS COM BASE EM VALORES DA JUSTIÇA

RESUMO

Introdução: O desenvolvimento de crimes de abuso de drogas atualmente tende a aumentar, tanto em qualidade quanto em quantidade, de modo que se pode prever que os crimes de distribuição e abuso de drogas no futuro continuarão a aumentar juntamente com o desenvolvimento da sociedade.

Objetivo: Esta pesquisa visa: Compreender, analisar e descobrir a essência da aplicação da lei no tratamento de casos de abuso de narcóticos com base no valor da justiça na Polícia Regional do Sulawesi do Sul.

Método: O método de pesquisa usa pesquisa legal empirica sociológica e pesquisa legal normativa.

Resultado: Os resultados da pesquisa mostram que a essência da aplicação da lei contra os autores de abuso de entorpecentes na Polícia Regional do Sulawesi do Sul foi implementada pelas disposições criminais nos artigos 59 a 111 da Lei Número 35 de 2009 relativa a Entorpecentes. Os policiais, neste caso, os promotores, juízes e advogados, realmente determinam se a lei é implementada ou não como deveria ser.

Conclusão: A aplicação da lei contra os autores de abuso de estupefacentes na Polícia Regional do Sulawesi do Sul foi realizada pelas disposições penais dos artigos 59.o a 111.o da Lei n.o 35 de 2009 relativa aos estupefacentes.

Palavras-chave: aplicação da lei, entorpecentes da justiça, abuso de entorpecentes.

1 INTRODUCTION

According to Law Number 35 of 2009 concerning Narcotics, Article 1 states that narcotics are substances or drugs derived from plants or non-plants, whether synthetic or semi-synthetic. The impact of consuming narcotics can cause a decrease or change in consciousness, loss of taste, reduction or elimination of pain, and can cause dependence.

Nowadays, the use of narcotics is no longer directed towards the aim of developing science and medicine, but rather towards exploiting momentary pleasure which in the end will harm the user himself. Narcotics abuse is a chronic disease problem that recurs repeatedly and to date, no comprehensive treatment has been found. The spread and abuse of narcotics is a complex problem, which requires comprehensive mitigation efforts involving multidisciplinary, multisectoral cooperation and active community participation carried out continuously, consistently and consistently (Kibtyah, 2017). Even though in medical science, most classes of narcotics are still useful for treatment, if they are misused or used not according to medical indications or treatment...
standards, especially if accompanied by illegal distribution, it will have very detrimental consequences for individuals and society at large.

The development of narcotics abuse crimes currently tends to increase, both in quality and quantity, so it can be predicted that crimes of distribution and abuse of narcotics in the future will continue to increase along with the development of society (Afandi, et,all., 2020). The widespread distribution and abuse of narcotics is not only in big cities but has reached small towns throughout the Republic of Indonesia, from the lower middle socio-economic level to the upper socio-economic level. Most drug abuse occurs between the ages of 15-24 years. It seems that the younger generation is a strategic target for the illicit narcotics trade. Therefore, all levels of society need to be aware of the dangers of narcotics and their impact on the threat to the continuity of development of the younger generation in the future (Hariyanto, 2018).

The use of narcotics today, is no longer directed towards the goal of developing science and medicine, but rather towards exploiting momentary pleasure which in the end will harm the user himself. The spread and abuse of narcotics is a chronic disease problem that recurs repeatedly and to date, there has been no comprehensive response to it (Wicaksono, et,al., 2022).

Viewed from a juridical aspect, narcotics have a legal existence because the Narcotics Law only prohibits the use of narcotics without permission by law (Nurnaningsih, 2023). In this situation, at the empirical level, the use of narcotics is often misused, not for medicine and science. However, it has become a promising and rapidly growing business event, where this activity has an impact on mental, physical and psychological damage for its users (Putra, 2022).

Law enforcement is the responsibility of the police and the community (Rosidah & Siswanto, 2023). Today's society feels uneasy about the large number of illegal narcotic drugs circulating, so this situation will threaten the safety of the younger generation which directly or indirectly has led to various criminal cases. Narcotics have become a scourge in the reform era and have become the nation's main problem because they destroy common sense, kill human communities and destroy the foundations of society's morality. How terrible is the destruction that has been spread and the many lives that have been claimed by narcotics abuse, which often occurs in big cities, including several districts/cities in South Sulawesi Province?
The circulation of illegal drugs shakes the social balance and damages the morals of the younger generation while also undermining the nation's morals and touching all social stratification down to children, adults and women. Therefore, Law Number 35 of 2009 concerning Narcotics aims to prevent an increasing trend both quantitatively and qualitatively with widespread victims, especially among children, teenagers, women, and the younger generation in general.

Law enforcement officials have made various efforts to prevent and eradicate the abuse and illicit trafficking of narcotics (Setiyawan & Muhtar, 2023). One element of law enforcement which also has an important role in narcotics crime cases is the Indonesian National Police (abbreviated as Polri) is a state instrument which is required to be able to carry out law enforcement duties professionally by breaking up syndicate networks from abroad through collaboration with relevant agencies in eradicate crimes of distribution and abuse of narcotics, where the disclosure of narcotics cases is more specific which requires the Police to be proactive in searching for and finding perpetrators and always oriented towards catching perpetrators of criminal acts of narcotics abuse.

The National Police of the Republic of Indonesia plays an important role in eradicating criminal acts of distribution and abuse of narcotics in the South Sulawesi Province region, where the National Police is expected to be able to assist in the process of resolving narcotics criminal cases. With the enactment of the Narcotics Law, which regulates legal sanctions and things that are permitted by the issuance of this law, the National Police is expected to be able to assist in the process of resolving cases against perpetrators of the distribution and abuse of narcotics (Jainah, 2011).

The National Police as law enforcers have the duty and authority to develop the community to increase community participation, community legal awareness and community compliance with laws and regulations (Article 14 paragraph (1) letter c Law No. 2 of 2002) as well as preventing and tackling the growth of social diseases (Article 15 paragraph (1) letter c Law Number 2 of 2002). Law enforcement against perpetrators of narcotics abuse at the West Sulawesi Regional Police's Narcotics Directorate has been carried out through repressive efforts including inquiries and inquiries as regulated in Law no. 8 of 1981 concerning the Criminal Procedure Code.

The police in eradicating the spread and abuse of narcotics have clear stages and detailed processes, all of which are based on applicable laws and regulations, namely Law Number 35 of 2008 concerning Narcotics (Kristiono & Fatmawati, 2023). The role of the
police is essentially a law enforcement effort. In carrying out its duties, it is bound by provisions including the Narcotics Law which can be used as a benchmark and explanation regarding the eradication of the spread and abuse of narcotics so that uniformity is achieved regarding the activities that must be carried out about the eradication of the spread of narcotics. and narcotics abuse at the South Sulawesi Police Narcotics Directorate. In this way, the role of the South Sulawesi Regional Police's Narcotics Directorate in tackling the spread of narcotics in the South Sulawesi Regional Police's jurisdiction can be made more effective in the future.

The police have a role in playing a more effective role in tackling the illicit trafficking of narcotics and at the same time being at the forefront, including the existence of several provisions that expand the authority and responsibility of the National Police as an investigative agency specifically provided to tackle the illicit trafficking of narcotics through the implementation of the Narcotics Law. Investigators can work together to prevent and eradicate the abuse and illicit trafficking of narcotics.

The performance of the National Police at the South Sulawesi Regional Police's Narcotics Directorate in efforts to resolve narcotics crime cases is quite good because some of the criminal cases reported in 2023 have been resolved, but there are still several cases that have not been resolved because they are still in the investigation process to check the veracity of the crime reports. received and is still in the process of investigation to look for strong evidence because the differences between users, dealers, couriers and addicts are almost invisible so it is very difficult to make a classification.

The rule of law is a widely discussed topic in almost all countries. In this regard, the importance of law enforcement against perpetrators of narcotics abuse at the South Sulawesi Police Narcotics Directorate in the Narcotics Law has regulated the expansion of wiretapping investigation techniques. (wiretapping), covert purchasing techniques (undercover buying), supervised delivery techniques (controlled delivery), as well as other investigative techniques to track and reveal the spread and abuse of narcotics and narcotic precursors. Wiretapping is an activity or series of investigations or investigative activities by tapping into conversations, messages, information and/or communication networks carried out via telephone and/or other electronic communication devices (Turnip & Wahyuningsih, 2023).

Investigations into the distribution, abuse and distribution of narcotics are carried out based on applicable laws and regulations (Hariyadi & Anindito, 2021). Investigation
is a series of investigative actions in terms and according to methods, also regulated in Law Number 35 of 2009 concerning Narcotics which aims to search for and collect evidence which, with this evidence, can shed light on the criminal act that occurred to find the suspect. Furthermore, in the Regulation of the Chief of the Indonesian National Police Number 12 of 2009 concerning Supervision and Control of the Handling of Criminal Cases within the National Police of the Republic of Indonesia, namely in Article 20 paragraph (1), it is stated that investigative activities are carried out to ensure that the police report received and handled by investigators/investigators is valid. Criminal acts that need to be continued with investigative actions.

Law enforcement against perpetrators of narcotics abuse at the South Sulawesi Regional Police's Narcotics Directorate relies heavily on all levels of the police in making efforts to eradicate the spread and abuse of narcotics. The role of the police in investigations will be to be able to reveal and make clear allegations of narcotics abuse so it must be supported by supporting factors that can facilitate the investigation process carried out by the police.

The law enforcement process carried out by the police in the context of an investigation is to create and/or scenario a condition of a criminal offence or narcotics crime incident. The creation and scenario in question is to reveal the distribution route, in other words, who the dealer is or even who is the producer of the narcotics. This can be done by disguised repurchase (undercover buy). To be able to support law enforcement, a lot of operational costs are needed to uncover the spread and abuse of narcotics. The lack of a budget means that the police's work in eradicating the spread and abuse of narcotics is not optimal or ineffective.

2 METHOD

Research can generally be classified into two types, namely empirical sociological (field) research, namely research carried out with an approach to the legal reality in society. This research is based on the existence of symptoms in the form of a gap between expectations (das solen) and reality (das sein) in the legal field. and normative research, namely research carried out with an approach to legal norms or substance, legal principles, legal theory, legal postulates and legal comparisons. In this research, the author combines the two types of research, namely in this type of research the researcher conducts research by combining the two types of Normative and Empirical research with
a Qualitative approach as mentioned above in a study.\textsuperscript{[10]} This research was carried out in the jurisdiction of South Sulawesi, specifically at the South Sulawesi Regional Police.

3 RESULTS & DISCUSSION

Narcotics crimes are regulated in Chapter XV Articles 111 to Article 148 of Law no. 35 of 2009 which is a special provision, although it is not explicitly stated in the Narcotics Law that the criminal acts regulated therein are crimes, there is no need to doubt that all criminal acts in the Narcotics Law are crimes. Several new materials in Law Number 35 of 2009 concerning Narcotics which show that there are efforts to provide psychological effects to the public so that they do not fall into narcotics crimes, have stipulated heavier, minimum and maximum criminal threats considering the level of danger posed as a result. The abuse and illicit trafficking of narcotics seriously threaten national security resilience.

According to Law Number 35 of 2009 concerning Narcotics, it is stated that narcotics are substances or drugs originating from plants or non-plants, whether synthetic or semi-synthetic (Isnaini, 2017), which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and cause dependency, which is differentiated into groups as attached in this Law. Narcotics in this law consist of:

1. Class I narcotics, namely the natural group, are types of substances/drugs that are taken directly from nature, without any fermentation process, for example: marijuana, cocaine and others. This type of narcotics can only be used for scientific purposes is not used in therapy, and has a very strong potential to cause dependency syndrome.

2. Class II narcotics, namely the semi-synthetic group, are types of substances/drugs that are processed in such a way through a fermentation process, for example, morphine, heroin, codeine, crack and others. This type of narcotic is efficacious for treatment and can be used in therapy and/or for scientific purposes and has the strong potential to cause dependency syndrome.

3. Class III narcotics, namely the synthetic group, are drug substances that began to be developed in the 1930s for medical purposes and research is used as a pain reliever (analgesic) and cough suppressants (antitussives) such as amphetamine, dexamphetamine, pethidine, meperidine, methadone, dioxanone, and others. Synthetic substances/drugs are also used by doctors for therapy for drug addicts.
This type of narcotic is efficacious for treatment and is widely used in therapy and/or for scientific purposes and has moderate potential to cause dependency syndrome.

The type of psychotropic that is widely abused are benzodiazepine and amphetamine. This type is what people call Koplo pills which have a sedative effect (sedative) or pressing (psychodepression). The type of koplo pill widely used is nipam (nitrazepam) under the trade namerivotril, sedulin, magadon, rohypnol, and others.

Type amphetamine which are widely available is benzedrine, metamphitamen, methylphenidate, extacy, inex, shabu-shabu, and others. This type has a stimulating effect (stimulant) as well as relieves fatigue so that when in large doses it can cause psychotic symptoms in the form of hallucinations (hallucinations). The types commonly abused are cocaine, codeine, extacy, inex, and shabu-shabu.

Not all psychotropic substances cause dependence, psychotropic substances are often called psychoactive substances (Sholihah, 2015). Certain psychoactive substances cause physical and/or psychological dependence. Substance dependence is a condition where there is tolerance and/or withdrawal symptoms (withdrawal) from a substance.

The criminal provisions contained in Law Number 35 of 2009 concerning Narcotics have been formulated in Chapter XV Criminal Provisions Articles 111 to Article 148. In Law No. For narcotics, there are 4 (four) categorizations of unlawful acts which are prohibited by law and can be threatened with criminal sanctions, namely:

1. The first category, namely acts in the form of possessing, storing, controlling or providing narcotics and narcotics precursors (Articles 111 and 112 for class I narcotics, Article 117 for class II narcotics and Article 122 for class III narcotics and Article 129 letter (a)) ;

2. The second category, namely acts in the form of producing, importing, exporting, or distributing narcotics and narcotic precursors (Article 113 for class I narcotics, Article 118 for class II narcotics, and Article 123 for class III narcotics and Article 129 letter (b)) ;

3. The third category, namely acts in the form of offering for sale, selling, buying, receiving, becoming an intermediary in buying and selling, exchanging, or handing over narcotics and narcotic precursors (Article 114 and Article 116 for class I narcotics, Article 119 and Article 121 for narcotics class II, Article 124 and Article 126 for class III narcotics and Article 129 letter (c));
4. The fourth category, namely acts in the form of bringing, sending, transporting or transiting narcotics and narcotics precursors (Article 115 for class I narcotics, Article 120 for class II narcotics Article 125 for class III narcotics and Article 129 letter (d)).

Law Number 35 of 2009 concerning Narcotics has regulated the types of sanctions given for narcotics crimes as follows:

1. A criminal offence for drug abusers or victims of narcotics abuse, these abusers are required to undergo medical rehabilitation and social rehabilitation.
2. The crime of parents/guardians of narcotics addicts who are not old enough (Article 128) is punished with imprisonment for a maximum of 6 (six) months or a fine of a maximum of IDR 1,000,000.00 (one million rupiah).
3. Criminal acts committed by corporations (Article 130) are punishable by imprisonment and fines with an increase of 3 (three) times. Corporations can be sentenced. Corporations can be sentenced to additional crimes in the form of:
   a. Revocation of business license and/or
   b. Revocation of legal entity status.
4. Criminal offence for people who do not report a narcotics crime (Article 131). Sentenced to a maximum imprisonment of 1 (one) year or a maximum fine of IDR 50,000,000.00 (fifty million rupiah).
5. The criminal offence of attempting and conspiracy to commit narcotics and precursor crimes (Article 132) paragraph (1), is punishable by the same prison sentence by the provisions referred to in these articles. Paragraph (2), punishable by imprisonment and a maximum fine plus 1/3 (one-third).
6. The criminal offence of ordering, giving, persuading, coercing with violence, deception, or enticing children (Article 133) paragraph (1), is punishable by the death penalty or life imprisonment, or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least IDR 2,000,000,000.00 (two billion rupiahs) and a maximum of IDR 20,000,000,000.00 (twenty billion rupiahs). paragraph (2), shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah).
7. A criminal offence for narcotics addicts who do not report themselves (Article 134) paragraph (1) is punishable by imprisonment for a maximum of 6 (six) months or a fine of a maximum of IDR 2,000,000.00 (two million rupiah). Paragraph (2), shall be punished with a maximum imprisonment of 3 (three) months or a maximum fine of IDR 1,000,000.00 (one million rupiah).

8. Criminal offence for pharmaceutical industry administrators who do not carry out their obligations (Article 135). Sentenced to a minimum imprisonment of 1 (one) year and a maximum of 7 (seven) years and a fine of at least IDR 40,000,000.00 (forty million rupiah) and a maximum of IDR 400,000,000.00 (four hundred million rupiah).

9. Crimes involving the proceeds of narcotics crimes and/or narcotics precursors (Article 137) letter (a), are punishable by imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah). Letter (b), shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 10 (ten) years and a fine of at least IDR 500,000,000.00 (five hundred million rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah).

10. A criminal offence against a person who obstructs or complicates the investigation, prosecution and examination of a case (Article 138), is punishable by a maximum imprisonment of 7 (seven) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

11. The criminal offence for the Master or Flight Captain who does not implement the provisions of Article 27 and Article 28 (Article 139), is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

12. Criminal offences for PPNS, Police Investigators, and BNN Investigators who do not implement the provisions regarding evidence (Article 140), are punished with imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000,00 (one hundred million rupiahs) and a maximum of IDR 1,000,000,000.00 (one billion rupiahs).
13. The criminal offence for the Head of the District Prosecutor's Office who does not implement the provisions of Article 91 Paragraph (1) (Article 141) is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

14. The criminal offence for Laboratory Officers who falsify test results (Article 142) is punishable by a maximum imprisonment of 7 (seven) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

15. The criminal offence for witnesses who provide false information (Article 143) is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 60,000,000.00 (sixty million rupiah) and a maximum of IDR 600,000,000.00 (six hundred million rupiah).

16. A criminal offence for anyone who repeats a criminal act (Article 144) is punished with a maximum penalty of up to 1/3 (one-third).

17. Criminal acts committed by Hospital Leaders, Leaders of Scientific Institutions, Leaders of the Pharmaceutical Industry, and Leaders of Pharmaceutical Traders (Article 147), are punishable by imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

Article 136 Law no. 35 of 2009 provides sanctions in the form of narcotics and narcotics precursors as well as the proceeds obtained from narcotics crimes, whether movable or immovable or tangible or intangible assets and goods or equipment used for narcotics crimes are confiscated to the state. Furthermore, Article 146 also provides sanctions for foreign nationals who have committed narcotics crimes or are undergoing narcotics crimes, namely expulsion from the territory of the Republic of Indonesia and prohibited from re-entering the territory of the Republic of Indonesia. Meanwhile, in Article 148, if the fine stipulated in this law is not paid by the perpetrator of a narcotics crime, the perpetrator is sentenced to imprisonment for a maximum of two years as a substitute for the unpaid fine.

Law Number 35 of 2009 concerning Narcotics also emphasizes that judges in making their decisions are obliged to pay attention to matters that are taken into consideration. This is explained in Article 127 paragraph (2) that "In deciding cases as
intended in paragraph (1), judges are obliged to pay attention to the provisions as intended in Article 54, Article 55 and Article 103”.

Article 54 confirms that:
Narcotics addicts and victims of narcotics abuse are required to undergo medical rehabilitation and social rehabilitation.

Article 55 confirms that:
1) Parents or guardians of Narcotics Addicts who are not old enough are required to report to public health centres, hospitals, and/or medical rehabilitation and social rehabilitation institutions appointed by the Government to receive treatment and/or care through medical rehabilitation and social rehabilitation.
2) Narcotic addicts who are old enough must report themselves or be reported by their families to public health centres, hospitals, and/or medical rehabilitation and social rehabilitation institutions appointed by the Government to receive treatment and/or care through medical rehabilitation and social rehabilitation.
3) Provisions regarding the implementation of mandatory reporting as intended in paragraph (1) and paragraph (2) are regulated by Government Regulation.

Article 103 states that:
1) The judge who examines the case of a narcotics addict can:
   a) Decide to order the person concerned to undergo treatment and/or treatment, if the Narcotics addict is proven guilty of committing a Narcotics crime or
   b) Determine to order the person concerned to undergo treatment and/or treatment, if the Narcotics addict is not proven guilty of committing a Narcotics crime.
2) The period of undergoing treatment and/or care for Narcotics addicts as referred to in paragraph (1) letter a is counted as the period of serving a sentence.

After the issuance of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics, on April 7 2010 the Supreme Court again issued Circular Letter Number 04 of 2010 concerning the Placement of Abuse, Victims of Narcotics Abuse and Addicts into Medical Rehabilitation and Social Rehabilitation Institutions as stated in paragraph 2, "That the application of punishment as intended in Article 103 letters a and b of the Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics can only be imposed on the following classification of criminal acts:

   a. When the defendant was arrested by National Police investigators and BNN investigators he was caught red-handed;
When caught red-handed according to point a above, evidence of 1 (one) day's use was found with the following details:

1) Methamphetamine group (shabu): 1 gram
2) MDMA (ecstasy) group 2.4 grams = 8 items
3) Heroin group: 1.8 grams
4) Cocaine Group: 1.8 grams
5) Marijuana Group: 5 grams
6) Daun Koka: 5 grams
7) Mescaline: 5 grams
8) Psilocybin group: 3 grams
9) Kelompok LSD (d-lysergic acid diethylamide): 2 gram
10) PCP group (phencyclidine) 3 grams
11) Fentanyl group 1 gram
12) Methadone group: 0.5 grams
13) Morphine group 1.8 grams
14) Pethidine group 0.96 grams
15) Codeine Group: 72 grams
16) Bufrenorphine 32 mg group.

Law Number 8 of 1981 concerning the Criminal Procedural Code gives the main role to the National Police of the Republic of Indonesia to carry out the task of investigating and investigating criminal acts (in general) without limitation of authority as long as it is within the scope of public law, so basically the authority to carry out inquiries and investigations into all criminal acts. At the discussion level at the Working Committee and Drafting Team level, there was a lot of debate so the discussion experienced a delay (pending) which was based on the main substance of Article 14 paragraph (1) letter g of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia, namely regarding the term all or no criminal.

The role of the police is very large in eradicating the spread and abuse of narcotics, this is because the National Police has the function of Bhabinkamtibmas which is the spearhead of communication between the National Police and the community so that Bhabinkamtibmas guides the community to create a favourable environment for order and law enforcement efforts, protection efforts and community services in the village/ward.
In connection with the efforts made by the Police to prevent the spread and abuse of narcotics in the South Sulawesi Regional Police and the ranks, law enforcement and therapy and rehabilitation laboratories related to the spread and abuse of narcotics can be explained as follows:

3.1 PREVENTION FIELD

The field of prevention is oriented towards increasing public understanding and awareness of the problem of narcotics as well as efforts to prevent programs that have been carried out and realized in various outreach activities, developing community potential as well as education and training. These three programs are implemented in the form of several major activities, including:

a. Implementation of advocacy activities in the field of preventing narcotics abuse;
b. Implementation of meetings and outreach forums between government agencies and NGOs.
c. Training and upgrading of narcotics instructors for elementary, middle and high school teachers, community leaders, religious leaders as well as mosque youth, church youth, Hindu youth and Buddhist youth.
d. Meet with experts in preparing training/upgrading and counselling modules.
e. Preparation of narcotics instructor training modules.
f. National level writing competition which is participated in by pupils and students throughout Indonesia.
g. Making interactive CDs on the dangers of narcotics abuse and placing public service advertisements in mass media.

3.2 LAW ENFORCEMENT FIELD

The expected reforms and optimization of law enforcement within the National Police are as follows:

a. The realization of consistent transparency in the law enforcement process through an investigation management system, including:
   1) Increased quality and quantity in publishing; SP2HP so that there are no more complaints from the public in handling criminal cases;
   2) Optimal supervision of the investigation process both internally and externally to prevent deviations in authority by investigators;
3) Increasing the recruitment standards for National Police investigators which are based more on the competencies required to become investigators;
4) increased professionalism of National Police investigators who can respond to the challenges of developing criminal modus operandi;
5) Availability of crime information data collection that is integrated, fast, accurate and can cover all incidents within the national scope through the National Crime Information Center (PIKNAS); And
6) Availability of main tools and special tools to support criminal investigation and investigation activities.

b. The realization of synchronization and clarity in the substance of legal regulations related to the investigation process which can support the effectiveness and efficiency of law enforcement, namely:
1) Increased synergy between National Police Investigators and PPNS in coordination regarding law enforcement by applicable legislation (KUHAP);
2) Ease of procedures for summoning Regional Heads/Deputy Regional Heads suspected of being related to criminal acts, thus speeding up the investigation process;
3) Availability of adequate budget to support the implementation of investigations and investigations into criminal acts of corruption
4) The availability of clear rules for carrying out wiretapping activities as part of the process of investigating and investigating criminal acts of corruption as regulated in the explanation of Article 26 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes.

c. Increased compliance by investigators with the Police Professional Code of Ethics that has been established, so that there are no irregularities in the law enforcement process to increase public trust in the Police and create a sense of justice.

d. The realization of a legal culture within the National Police in the context of law enforcement that is oriented towards a sense of justice for the community, not just legal certainty, which is marked by a reduction in public complaints about the performance of the National Police.
The realization of improving the performance of the National Police in the context of law enforcement in a professional, proportional, procedural and accountable manner to build and increase public trust through human resource development, by implementing:

1) *Merit system* or a work performance system in consistently developing the careers of personnel assigned to law enforcement;

2) *Assessment* for investigators/assistant investigators to carry out technical due diligence and superior investigators using the Assessment Center method to place them in managerial positions;

3) Guarantee in the form of work insurance for investigators and assistant investigators which is adjusted to the risks of carrying out their duties;

4) Fulfillment of facilities and infrastructure, especially complete monitoring facilities (CCTV and recording) in the examination room to ensure transparency and accountability;

5) Preparing an elaboration of statutory provisions that have not been accommodated to support the smooth implementation of law enforcement duties;

6) *Reward and punishment* consistently towards investigators and assistant investigators to motivate them to improve performance;

7) Quality and competency-based education to produce professional, moral and modern law enforcement officers.

3.3 THERAPY AND REHABILITATION LABORATORY FIELD

The laboratory, therapy and rehabilitation sectors are an effort to realize therapeutic narcotics testing laboratory services and comprehensive rehabilitation for victims of narcotics abuse. The efforts that have been made include:

a. Establishment of a task force tasked with collecting data, monitoring and evaluating therapy and rehabilitation service activities for narcotics abuse by therapy and rehabilitation service standards.

b. Providing inpatient facilities for integrated medical therapy and social rehabilitation services for victims of narcotics abuse.

c. Providing outpatient facilities for medical therapy services and community-based social rehabilitation in the form of assisted housing for victims of narcotics abuse.
d. Implementation of a narcotics testing program by a rapid therapy and rehabilitation laboratory as a national reference and confirmation for the pro-justice interests of law enforcers.

Preparation of a guidebook for the implementation of integrated therapy and rehabilitation and a guidebook for the implementation of community-based therapy and rehabilitation. National development provides direction regarding therapy and rehabilitation of victims of narcotics abuse, as follows:

a. Increasing therapy, rehabilitation and social protection services for narcotics abusers/victims;
b. Preparation of standardization of therapy and rehabilitation services for narcotics abusers/victims;
c. Development/improvement of facilities and infrastructure for services in the field of therapy and rehabilitation for narcotics victims;
d. Increasing the utilization of community participation in the context of therapy and rehabilitation services for narcotics victims.

In terms of treatment, Article 53 of Law Number 35 of 2009 concerning Narcotics, clearly states that for medical purposes and based on medical indications, doctors can administer class II or class III narcotics in limited quantities and certain preparations to patients by statutory regulations. In Article 55 of Law No. 35 of 2009, Article 55 paragraph (1) also states the obligations of parents/guardians for drug addicts who are not old enough to report to the public health centre, medical rehabilitation and so on to receive treatment and/or care through medical rehabilitation. and social rehabilitation.

The role and function of the National Police in preventing narcotics is not only focused on law enforcement but also on preventing narcotics abuse. Prevention of narcotics abuse is all efforts aimed at reducing the demand and illicit need for narcotics. The concept of law enforcement by the National Police, of course, cannot be separated from the realization of security and public order. As stated in Law no. 2 of 2002 concerning the National Police, Kamtibmas is defined as a dynamic condition of society as one of the prerequisites for the implementation of the national development process to achieve national goals which are characterized by ensuring order and upholding the law and maintaining peace, which contains the ability to foster and develop the potential and strength of society in preventing, prevent and overcome all forms of law violations and other forms of disturbance that can disturb the community. Thus, it is very clear that law
enforcement is one part of this task. This explanation also reiterates what the police's actual duties are, namely preventive duties or preventing violations and crimes or also maintaining order (order maintenance) and repressive tasks, namely carrying out law enforcement (law enforcement).

In terms of law enforcement, the National Police cannot be separated from investigating narcotics cases, where drug cases are typical cases and are only based on information and reports from the public which are followed up by the National Police. In handling narcotics cases, apart from being guided by the Criminal Procedure Code and the Narcotics Law, a discretionary function is also very necessary. However, in practice, many Polri members do not understand the meaning of discretion correctly, so discretion often becomes an excuse for the inability of Polri members to make decisions quickly and accurately. Discretion is the authority given by law to act in special situations by the judgment and conscience of the agency or officer itself.

The statutory regulations that are used as guidelines by every member of the National Police are Law No. 2 of 2002 concerning the State Police of the Republic of Indonesia, especially in Article 13 concerning the Main Duties of the State Police of the Republic of Indonesia, namely: maintaining security and public order, enforcing the law, providing protection, guidance and service to the community.

The heavy responsibility of the National Police in enforcing the law is because, on the one hand, the National Police must uphold the principle of legality as an actualization of the paradigm for enforcing the supremacy of law by mandated in applicable laws and regulations. However, preventive measures against narcotics abuse must also continue to be implemented through preventive patterns to achieve security and public order.

The role of the police is very large in eradicating the spread and abuse of narcotics, this is because the National Police has the function of Bhabinkamtibmas which is the spearhead of communication between the National Police and the community so that Bhabinkamtibmas guides the community to create a favourable environment for order and law enforcement efforts, protection efforts and community services in the village/ward. These roles include:

a. As a motivator

Bhabinkamtibmas can raise public awareness of legal awareness and environmental safety so that they do not become victims or perpetrators of drug abuse.
crimes. Apart from that, Bhabinkamtibmas is expected to be able to encourage, direct and increase community participation in the area of its duties to play a role in preventing the emergence of disturbances to Kamtibmas including narcotics abuse.

b. As a cadre trainer

Bhabinkamtibmas can build partnerships with communities that play an active role in supporting the implementation of the tasks carried out by Bhabinkamtibmas. Able to invite the participation of religious leaders, traditional leaders and community leaders in tackling the emergence of cases of narcotics abuse in their area.

c. As a facilitator

Facilitate cadres and community leaders and act as mediators in resolving drug abuse problems that arise in their assigned areas.

Based on the description above, the essence of law enforcement against perpetrators of narcotics abuse at the South Sulawesi Police Narcotics Directorate has been implemented by Law Number 35 of 2009 concerning Narcotics as a conducive condition which is very helpful criminal policy, both regarding statutory regulations and the implementation of the functional articulation of official bodies contained in criminal justice system (judges, prosecutors and police). The criminal provisions used in Articles 59 to Article 111 of Law Number 35 of 2009, there must be countermeasures using penal means to overcome obstacles experienced by officers in the Dit. West Sulawesi Regional Police Narcotics Research Unit and its Staff. The elements of law enforcement are divided into 3 (three) parts, namely: Legislative regulations, namely a collection of regulations that are binding and coercive and accompanied by sanctions for violators; Law enforcers, in this case, the police, prosecutors, judges and advocates, really determine whether or not the law is implemented as it should be; And the community itself, where the level of awareness and/or knowledge of the law greatly determines the achievement of law enforcement.

4 CONCLUSION

The essence of law enforcement against perpetrators of narcotics abuse at the South Sulawesi Regional Police has been carried out by the criminal provisions in Article 59 to Article 111 of Law Number 35 of 2009 concerning Narcotics. Law enforcers, in this case the police, prosecutors, judges and advocates, really determine whether or not the
law is implemented as it should be; and society itself, where the level of awareness and/or knowledge of the law greatly determines the achievement of law enforcement.
REFERENCES


