

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

## **The Existence of Night Entertainment Places as a Means of Drug Trafficking in Sintang City**

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**Abstract.** *The existence of night entertainment venues under the guise of hotel permits and family karaoke seems to be increasingly being carried out by business actors, in fact the presence of night entertainment venues in several locations, especially in Sintang City, has become a place for distributing narcotics such as ecstasy and methamphetamine which is quite worrying, according to the Head of the Investment and Services Service One Stop Integrated (DPMPTSP), night entertainment venues that do not have a permit as a night entertainment venue are prohibited from carrying out business activities. The aim of this research is to determine the existence of night entertainment venues which are a means of distributing drugs. The research method was carried out in a sociological juridical manner using an approach through interviews and observation. The research results show that night entertainment venues that do not have an official permit to organize night entertainment tend to lack supervision and are not enforced by closing these business activities.*

**Keywords:** *Nightlife Places; Narcotics Distribution.*

### **1. Introduction**

Drug abuse is closely related to illicit trafficking as part of the world of international crime, illicit trafficking supplies drugs so that people become dependent so that the supply increases, the relationship between dealers and victims makes it difficult for victims to free themselves from the dealer, and it is not uncommon for victims to also be involved in illicit trafficking because of their increasing need and dependence on these drugs. The existence of night entertainment venues is suspected to be one of the effective media for drug distribution, some terms used such as discotheques, nightclubs, karaoke or clubbing (the glittering world) are more familiar to the public, even the connotation leads to negative activities, although not

The Existence of Night Entertainment Places as a Means of Drug Trafficking in Sintang City  
(Rini Safarianingsih)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

all visitors to night entertainment venues engage in negative activities, but the negative perception of night entertainment venue activities is more associated with the availability of alcoholic drinks with loud music and entertainment guides or karaoke guides who are more popularly called LC (lady Club) starting from wanting to please visitors to night entertainment venues, it is not uncommon for these LCs to look fresh and passionate using ecstasy pills which are one of the class 1 narcotics containing amphetamine, it is not uncommon for visitors, most of whom are men, to provide ecstasy pills for consumption by LCs who are hired to accompany them, it is not uncommon for visitors and LCs to enjoy night entertainment after enjoying night entertainment. Further entertainment takes the form of sexual activities in guest rooms or hotels around Sintang City.

In fact, night entertainment venues already have regulations through Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, the risk level of a business is divided into several classes, namely regulated in Article 10 paragraphs (1) and (2):

1. If a business activity has a low risk level, then it only requires a Business Identification Number (NIB) as part of the business permit (Article 12 paragraph (1) of PP 5/2021).
2. Furthermore, for businesses with medium-low and medium-high risk levels, this will require a NIB and Standard Certificate to support business licensing (Article 13 paragraph (1) and Article 14 paragraph (1) of PP 5/2021).
3. Meanwhile, for businesses with a high level of risk, they will require a NIB and a permit from the relevant ministry or agency as part of their business licensing (Article 15 paragraph (1) of PP 5/2021).

However, in Sintang Regency there are no regional regulations specifically regulating night entertainment venue business permits, Sintang Regency Regional Regulation Number 4 of 2008 concerning Business Premises Permits is still general in nature, so that supervision and regulation use Regional Regulation Number 13 of 2017 concerning Public Order and Circular Letter of the Regent of Sintang Number: 360/1138-U / Pol PP-B / 2022 Concerning Operating Hours of Night Entertainment Businesses, Discotheques, Games, Skill, Karaoke and Cafe Businesses. The consequence of not having a night entertainment venue business permit or by misusing the business permit granted, the local government should prohibit the activities of night entertainment venues, because it will have an impact on being misused by visitors and business owners, one of which is the use of narcotics such as ecstasy pills, methamphetamine and liquor with high alcohol content, but in reality the existence of night entertainment

The Existence of Night Entertainment Places as a Means of Drug Trafficking in Sintang City  
(Rini Safarianingsih)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

venues without official permits is still carrying out its business activities, so that the circulation of narcotics in Sintang City is increasing, this can be seen from the case report of the Sintang Police Narcotics Investigation Directorate in 2022 as many as 23 cases, increasing in 2023 as many as 37 cases, the average user of narcotics such as methamphetamine and ecstasy pills uses it in night entertainment venues while selling it to other visitors or giving it to LC and also selling it to other visitors, this is also proven by the statements of witnesses and defendants at the Sintang District Court trial which stated that the defendant with charges of Article 112 and Article 114 of Law Number 35 of 2009 concerning Narcotics, obtained narcotics of the type of methamphetamine and Pink, green, and orange ecstasy pills were obtained through friends at nightclubs, some of whom claimed to have been involved in selling or acting as intermediaries and received payment for use and a sum of money. Efforts to regulate nightclubs can also be carried out by the police as one of the police functions in the field of maintaining public security and order, law enforcement, protection, patronage, and service to the community as regulated in Article 2 of Law Number 2 of 2002 concerning the Republic of Indonesia Police, however, nightclubs without permits still operate to this day.

Based on the description of the background of this problem, the researcher is interested in conducting research to obtain an overview of how narcotics are distributed in night entertainment venues and efforts to overcome and prevent it from becoming more widespread.

## **2. Research Methods**

The research method used in this study is a sociological juridical one, namely how legal regulations are applied in society, especially regarding nightclubs as a means of drug distribution. The approach used was to conduct observations at nightclubs and interviews with visitors and owners of nightclubs, investigators at the Narcotics Investigation Directorate of the Sintang City Police, and judges at the Sintang District Court. The type of research conducted was descriptive analysis, which is a qualitative and objective description of the problem.

## **3. Results and Discussion**

### **3.1. Night Entertainment Business Permit**

Permission (Vergunning) is an approval from the authorities based on laws or government regulations to deviate from the prohibitions of statutory regulations under certain

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries  
circumstances. Permission can also be interpreted as a dispensation or release/exemption from a prohibition.<sup>1</sup>

Based on Regulation of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency of the Republic of Indonesia Number 4 of 2021 concerning Business Activity Standards in the Implementation of Risk-Based Business Licensing in the Tourism Sector, this regulation has a scope related to nightclubs that provide places and facilities for dancing accompanied by music, light shows, and food and beverage services. The standards set are:

1. Tourism Business is a business that provides goods and/or services to fulfill the needs of tourists and organize tourism;
2. A nightclub business is a night entertainment business that provides a place and facilities for relaxing and/or dancing accompanied by live music and lights, and provides a dance guide;
3. A medium-high risk nightclub business is a tourism business that has a medium-high risk level category based on occupational safety and health criteria, public health including tourists, the environment (K3L) and the probability of potential K3L hazards occurring;
4. Nightclub business standards are formulations of qualifications and/or classifications of nightclub businesses which include aspects of business facilities, organizational structure and business human resources, business services, business product requirements, nightclub business management systems;
5. Nightclub business standard certification is the process of granting certificates to nightclub businesses to support the improvement of product quality, services and management of nightclub businesses through audits of compliance with nightclub business standards;
6. A health certificate for entertainment venues is written evidence issued by the Ministry of Health, district/city health services or the Port Health Office which states that the entertainment venue has met environmental health quality standards and health requirements through environmental health inspections.
7. A night club business standard certificate is written evidence given by the Tourism Business Certification Institute to night club businesses that have met night club business standards;

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<sup>1</sup>Adrian Sutedi, 2015. Licensing Law in the Public Service Sector, Jakarta: Sinar Grafika, pp. 167-165.



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

8. The Tourism Sector Business Certification Institute, hereinafter referred to as the Tourism Sector LSU, is an independent institution that has the authority to carry out certification of business standards in the tourism sector in accordance with the provisions of laws and regulations;

9. Tourism Entrepreneurs are people or groups of people who carry out tourism business activities.

*Sintang Regency Regional Regulation Number 4 of 2008 concerning Business Premises Permits, in Article 2 paragraph (1) With the name Business Place License. (2) Objects are places for carrying out business and services provided in the Region in accordance with applicable laws and regulations; (3) The subject of a permit is every person or legal entity that uses or expands a place to do business, is required to have a permit.*

### **3.2. Law Number 35 of 2009 concerning Narcotics**

Drugs consist of two substances, namely narcotics and psychotropics. And specifically these two substances have different definitions, types (classes), and are regulated by different laws. Narcotics are regulated by Law No. 35 of 2009, while psychotropics are regulated by Law No. 5 of 1997. These two regulations are the steps of the Indonesian government to ratify the 1988 UN Conference on Illicit Narcotics, Psychotropics. Narcotics, as stated in Article 1 of Law No. 22 of 1997, are defined as substances or drugs derived from plants or non-plants, whether artificial or semi-artificial, which can cause a decrease or change in consciousness, reduce to cause pain and can cause dependence.

According to the provisions of Law Number 35 of 2009 concerning Narcotics, Article 1 number 1, what is meant by "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 feeling, reduce or eliminate pain, and can cause dependence, which are divided into groups..."

The types and groups of narcotics include the following:<sup>2</sup>

1. Class I narcotics are the most dangerous, highly addictive, and are used for research and scientific purposes. Examples of Class I narcotics include marijuana, heroin, cocaine, morphine, and opium.

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<sup>2</sup>Sylviana, 2001. Narcotics Anthology: A Multidimensional Review, Sandi Kota, Jakarta, p. 21

The Existence of Night Entertainment Places as a Means of Drug Trafficking in Sintang City  
(Rini Safarianingsih)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

2. Class II narcotics are narcotics that have strong addictive power, but are useful for treatment and research, examples of class II narcotics include: pethidine, benzetidine, and betamethadol.

3. Class III narcotics are narcotics that have a mild addictive power, but are useful for treatment and research, examples of class III narcotics include: codeine and its derivatives.

Grouping of Types of Drugs, based on the effects caused:<sup>3</sup>

1. Hallucinogens

Users of this type of drug experience strong hallucinations, such as seeing things or objects that aren't actually there. Examples of drugs that produce this effect are cocaine and LSD.

2. Stimulant

This type of drug has the effect of speeding up the heart and brain, increasing their energy levels. Users of this type of drug experience increased energy levels. Another effect is a temporary feeling of euphoria and happiness, such as with ecstasy and crystal methamphetamine.

3. Depressant

This type of drug works by depressing the central nervous system and reducing the body's functional activity. Users of this type of drug will experience a calming effect, leading to sleepiness or fainting. An example of a depressant is putaw.

4. Addictive

This type of drug causes users to become passive, as the substances in this type of drug can sever brain neurons. They often become addicted. Users often crave more of this drug. Examples include marijuana, heroin, and putaw.

### 3.3. Supervision of Night Entertainment Venues

One of the principles of a state governed by law is the rule of law, or governance based on statutory regulations. In other words, every legal action of the government, whether in carrying out regulatory or service functions, must be based on the authority granted by applicable laws and regulations.<sup>4</sup> Government authority derives from legislation, meaning that the source of government authority is legislation. Theoretically, authority derived from legislation occurs in three ways: attribution, delegation, and mandate.

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<sup>3</sup>Ibid

<sup>4</sup>Adrian Sutedi. Op.Cit. p. 179

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Attribution is the granting of governmental authority by lawmakers to governmental organs. Delegation is the transfer of governmental authority from one governmental organ to another. A mandate occurs when a governmental organ allows another organ to exercise its authority on its behalf.<sup>5</sup>

The word "supervision" in Indonesian comes from the word "awas" (watch), so supervision is simply the activity of supervising, meaning observing something closely. Supervision is the process of observing the implementation of all organizational activities to ensure that all work is carried out according to the predetermined plan. The manager's activities ensure that all work carried out is in accordance with the predetermined plan.<sup>6</sup>

Several types of supervision, namely:<sup>7</sup>

1. Direct supervision and indirect supervision;

a. Direct supervision is supervision carried out personally by the leader or supervisor by observing, researching, examining, checking the work place himself and receiving reports directly from the implementation, this is done by inspection.

b. Indirect supervision is carried out by studying reports received from implementation, both verbal and written, studying public opinion and so on.

2. Preventive Supervision and Repressive Supervision;

a. Preventive supervision is carried out through pre-audits before work begins, for example by supervising preparations, work plans, budget plans, plans for the use of manpower and other resources.

b. Repressive supervision is carried out through post-audits, by examining implementation on the spot (inspections), requesting implementation reports and so on.

3. Internal Supervision and External Supervision;

a. Internal supervision is supervision carried out by officials within the organization itself.

b. External supervision is supervision carried out by officials outside the organization itself.

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<sup>5</sup>WF Prins & Kosim Adisoeputra. 2009. Controller of Public Administrative Law Science. Pradnya Paramita, Jakarta, p. 102.

<sup>6</sup>Victor Situmorang and Jusuf Juhir, 1993. Legal Aspects of Inherent Supervision within the Government Apparatus Environment, PT. Rineka Cipta, Jakarta, p. 17

<sup>7</sup>Ibid. pp. 27-29

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The aim of supervision is to ensure that power is used for the purposes for which it was ordered and receives support and approval from the people, to protect human rights that have been guaranteed by law from acts of abuse of power, the aim of supervision is:

1. To find out whether everything is going according to the established plan.
2. To find out whether everything has been carried out in accordance with the instructions and principles that have been established.
3. To find out what the weaknesses, difficulties and failures are, so that changes can be made to improve and prevent the repetition of wrong activities.
4. To find out whether everything is running efficiently and whether further improvements can be made to achieve greater efficiency.

Supervision is not solely focused on one aspect, but also on examining each permit related to nightclubs to determine whether it aligns with previously issued permits or whether any irregularities have occurred. Therefore, strict oversight is necessary to ensure compliance between issued permits and actual events. One agency with a crucial role in overseeing the implementation of nightclub permits is the Public Order Agency (Satpol PP). The National Narcotics Agency (BNN) and the Indonesian National Police (Polri) are responsible for overseeing drug distribution.

Repressive supervision carried out by the Civil Service Police Unit which in this case is not carried out routinely, supervision of night entertainment venues or inspections of implementation on the spot (inspections), requesting implementation reports and so on. While the researcher's interview with the Head of the Sintang Regency DPMTSP Service, Ir. Erwin Simanjuntak, M.Si. said that in supervising night entertainment venues or cafes, there are several parties who carry out supervision not only from the civil service police but from the BNN and the National Police, indeed found several violations committed in the form of night entertainment venues that do not have night entertainment business permits, such as cafes on Jalan Hutan Wisata, cafes on Jalan MT Haryono and a karaoke place in a hotel, in some of these places we found soju and palm wine liquor as well as two green ecstasy pills from visitors to the entertainment venue, operating hours exceed the permitted limits, supervision like this is only carried out when approaching the fasting month and other big days, because to carry out routine supervision is still hampered by a lack of coordination and personnel for the field.

The Existence of Night Entertainment Places as a Means of Drug Trafficking in Sintang City  
(Rini Safarianingsih)



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The focus of supervision carried out is limited to violations due to not having a business permit and violating operating hours, so the actions taken are in the form of warnings and reprimands, while those found consuming alcoholic beverages above 5 percent and ecstasy pills are handled by the BNN, if there are indications of drug trafficking, we will hand them over to the Sintang Police for further processing.

#### **4. Conclusion**

Based on the description of the problems and discussions, it can be understood why the existence of night entertainment venues remains operational and tends to become a means for drug distribution, because there are no regional regulations that specifically regulate the implementation of night entertainment businesses, lack of coordination between related parties in carrying out supervision, lack of participation from business owners, limited number of personnel. Suggestion: From the author's research conclusions, the following suggestions can be made: 1. The Sintang Regency Regional Government and DPRD will immediately draft regional regulations specifically regarding night entertainment venues, provide sufficient personnel and coordinate intensively with related agencies. 2. Implementation of supervision is being increased even though there are no specific regional regulations regarding night entertainment venues, however the function, purpose and objective of supervision is to maintain security, order and prevent the spread of drug abuse.

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Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

**Regulation:**

Circular Letter of the Regent of Sintang Number: 360/1138-U /Pol PP-B/2022 Concerning Operating Hours for Night Entertainment Businesses, Discotheques, Games, Skill, Karaoke and Cafe Businesses.

Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing

Law Number 35 of 2009 concerning Narcotics

Regulation of the Minister of Tourism and Creative Economy / Head of the Tourism and Creative Economy Agency of the Republic of Indonesia Number 4 of 2021 concerning Business Activity Standards in the Implementation of Risk-Based Business Licensing in the Tourism Sector

Sintang Regency Regional Regulation Number 4 of 2008 concerning Business Premises Permits

The Existence of Night Entertainment Places as a Means of Drug Trafficking in Sintang City  
(Rini Safarianingsih)