

Legal Analysis of Optimizing Eradication of Narcotics Trafficking Crimes Through Digital Media in the Central Java Regional Police Area

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Abstract. *The crime of drug trafficking through digital media is a cyber crime that has an extraordinary impact and has a wide scope. This thesis research aims to analyze and determine the optimization of the eradication of drug trafficking through digital media in the Central Java Regional Police Area at this time and to analyze and determine the obstacles and solutions in realizing the optimization of the eradication of drug trafficking through digital media in the Central Java Regional Police Area. The research method used in this thesis is non-doctrinal research, namely research that examines legal issues from both juridical and empirical dimensions. The results of the research conducted show that the optimization of the eradication of narcotics trafficking crimes through digital media in the Central Java Regional Police area has not yet been realized, according to an explanation from Senior Commissioner of Police Anwar Nasir as Director of Drug Investigation of the Central Java Regional Police, there are at least 47 suspicious accounts and forum sites in narcotics trafficking cases, but only 5 cases can be investigated with certainty throughout 2024. The main obstacle in the problem of the less than optimal eradication of narcotics trafficking digitally in the Central Java Regional Police area is that the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics does not clearly regulate the digital circulation of narcotics where the modus operandi is cyber crime, then the meaning of acts that deviate from morality in Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE does not refer to the digital circulation of narcotics specifically. Due to the problem of unclear regulations regarding the digital distribution of narcotics, it has an impact on uncertainty regarding the elements of the act for perpetrators of digital drug distribution. This has resulted in aspects of the requirements for sentencing perpetrators of digital drug distribution, considering that the element of cyber crime as a specificity in the crime of digital drug distribution is not yet clear. This also has an impact on the lack of regulation of special sentencing guidelines based on the impact of damage or the consequences of criminal acts for perpetrators of digital drug distribution crimes. The solution that can be done is to specifically regulate the elements of the act as a requirement for sentencing related to the crime of drug distribution as a cyber crime. Formulate a maximum penalty with an aggravation in the form of the death penalty for perpetrators of digital drug distribution considering that the impact of digital drug distribution. The level of damage caused to national*

stability is greater. The government needs to enforce the prohibition of site content and internet content related to drug distribution for those who own internet technology as a place for unlimited social interaction. The suggestion from the results of this thesis study is that the government needs to specifically regulate the elements of the act as a requirement for criminal punishment related to the crime of drug trafficking as a cyber crime. For law enforcers, there needs to be education and provision of knowledge and expertise as well as experience for human resources.

Keywords: Criminal; Digital; Legal; Narcotics.

1. Introduction

The circulation of narcotics in the country is increasingly rampant in Indonesia, not only in Banyumas. The Narcotics Investigation Unit of the Banjarmasin City Police, South Kalimantan Police, uncovered the illicit circulation of 6.7 kilograms of crystal methamphetamine during Operation Antik Intan 2024, in addition to uncovering the crystal methamphetamine circulation case, the Banjarmasin Police also uncovered a case of circulation of ecstasy pills of the ineks type with evidence of 2,011 pills. Then members of the Banjarmasin Police confiscated 10.81 grams of ecstasy powder during Operation Antik 2024.¹The problem of high drug trafficking also occurs in the Central Java Regional Police area. The Central Java Regional Police Narcotics Investigation Directorate recorded a significant increase in the disclosure of drug trafficking in the form of crystal methamphetamine in 2024 compared to the previous year. In 2024, the Central Java Regional Police uncovered 1,633 cases of drug abuse, an increase compared to 2023 which recorded 1,486 cases. Throughout 2024, the Central Java Regional Police thwarted the circulation of 108.1 kilograms of crystal methamphetamine, an increase of around 500 percent compared to 2023 which recorded 17.8 kilograms.

A significant increase also occurred in the thwarting of the circulation of ecstasy in 2024 which reached 38,499 pills, a multiple increase compared to 2023 which was 3,740 pills.²A fairly interesting narcotics case in Semarang City is the narcotics smuggling case carried out by RT and MIA with evidence of 13.92 kg. crystal methand 10,300 ecstasy pills hidden in the interior of a Daihatsu Siga car that occurred on Thursday, January 2, 2025 at Tanjung Emas Port, Semarang City. Based on information obtained by the Subdit 1 team of the Central Java Police Narcotics Directorate, the Central Java Police team immediately conducted an investigation. The police also monitored the journey of the two suspects which began on December 22, 2024, when the perpetrators departed from Surabaya to Pontianak. Upon arrival in Pontianak, the methamphetamine and ecstasy smuggling suspects stayed at a hotel. Then on December 30, 2024, the suspects received a shipment of narcotics in the form of 13 packages of

¹Antara, Banjarmasin Police uncover 6.7 kg of crystal methamphetamine during Operation Antik 2024, accessed via <https://kalsel.antaranews.com/berita/416820/polresta-banjarmasin-ungkap-67-kg-sabu-selama-operasi-antik-2024>, on May 12, 2024.

²Interview with Senior Commissioner of Police Anwar Nasir as Director of Drug Investigation of the Central Java Regional Police on April 2, 2024.

methamphetamine and 49 packages of ecstasy. The two suspects departed from Dwikora Port, Pontianak on December 31, 2024 for Tanjung Emas Port, Semarang. Upon arriving in Semarang on January 2, 2025, the joint team from the Narcotics Directorate and the KP3 Police immediately secured the suspects' car and found evidence of methamphetamine and ecstasy inside.³

In reality, the use of narcotics has negative impacts on users, namely:⁴

1) Physical Health

Drug use can cause serious physical harm. For example, opioid use can lead to decreased respiratory function, overdose, and death.

2) Mental Health

Drugs can have significant negative impacts on mental health. Long-term use can lead to anxiety disorders, depression, psychosis, and other mental disorders.

3) Dependence and Abuse

Most narcotics have strong addictive potential, so users can become dependent and find it difficult to stop using them.

4) Social and Economic Disruption

Drug abuse can damage social relationships and affect a person's productivity and performance at work or school.

5) Risk of Life and Crime

Illegal drug use often involves criminal activity, including the purchase, sale, and distribution of illegal drugs. In addition, drug use can increase the risk of involvement in violence, criminal activity, and conflict with the law.

The death penalty for perpetrators of drug trafficking is needed because the death penalty is the most severe punishment and is a means of punishment in creating a deterrent effect for extraordinary crimes that have a major damaging impact on the life of the nation and state.⁵ This is explained in the General Explanation of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, in the general explanation it is stated that:

In order to create a deterrent effect on perpetrators of abuse and illicit trafficking of Narcotics and Narcotics Precursors, regulations are made regarding the aggravation of criminal sanctions, both in the form of special minimum sentences, imprisonment of 20 (twenty) years, life imprisonment, or the death penalty. The aggravation of the sentence is carried out based on the group, type, size, and quantity of Narcotics.

Because joint officers from the Central Java Province National Narcotics Agency (BNN), Central Java and DIY Customs and Excise and the Post Office uncovered the circulation of narcotics from three countries entering the city of Semarang. The purchase of various narcotics from the drug forum on the internet was purchased using virtual bitcoin money.

³Loc, Cit.

⁴Kemenpanrb, What are the negative impacts of narcotics?, accessed via <https://sipn.menpan.go.id/berita/84867/rumah-tahanan-negara-kelas-iib-tanjung/apa-saja-dampak-negatif-dari-narkoba#:~:text=Kesehatan%20Physik%3A%20Penggunaan%20narkoba%20dapat,yang%20signifikan%20pada%20kesehatan%20mental>, on May 12, 2024.

⁵Muhammad Alief Yunas Pahlevi, Catur Wido Haruni and Said Noor Prasetyo, "Implementation of the Death Penalty Sanctions against Narcotics Crime Offenders in the Perspective of Responsive Law", *Rechtsidee*, Vol. 11, No. 2, 2023, p. 8-9.

Various confiscated evidence was sent from Germany, Poland and the Netherlands. Smuggled into Indonesia into Ahmad Yani International Airport Semarang with a children's toy manifest. The total evidence is; 1,000 ecstasy pills from Germany; 2.8 grams of cocaine and 82.67 grams of ketamine from the Netherlands and 138.74 grams of MDMA and 1,624 sheets of LSD from Poland. The thwarting and disclosure of the illegal circulation of narcotics between countries began with a suspicious package sent from Germany to the recipient of the package in Semarang on Wednesday (21/12/2016) at 16.00 WIB. This information was then coordinated with the Central Java BNNP including the post office. Officers became suspicious after conducting an X-ray. Then a control delivery was carried out on the package. On the package there was a recipient's address at a boarding house in the Tegalsari area of Semarang City. However, when visited, the person in question did not feel like ordering the goods. The post office also sent a notification to that address, but it was rejected again for the same reason.⁶

BNN then in March 2024 uncovered an international drug network that used an encrypted messaging application to coordinate the delivery of 100 kg of crystal methamphetamine from Malaysia to Indonesia. This case shows that drug syndicates have adopted sophisticated technology to avoid detection by authorities. Another concerning phenomenon is the rampant promotion and sale of drugs through social media. In July 2023, police arrested a dealer who marketed a new type of drug through Instagram targeting teenagers.⁷ This case highlights the vulnerability of the younger generation to the dangers of drugs in the digital era. Drug trafficking through e-commerce is also a worrying trend. In October 2023, authorities managed to dismantle a syndicate that smuggled drugs in online shopping packages, with total evidence reaching 50 kg of crystal methamphetamine. This modus operandi shows that drug criminals continue to innovate by exploiting loopholes in the electronic trading system.⁸

2. Research Methods

The data analysis used in this dissertation is qualitative data analysis. Qualitative analysis is data analysis based on calculations or numbers or quantities (amounts), for example using statistical figures. While qualitative analysis is data analysis that does not use numbers but provides descriptions in words of the findings and therefore prioritizes the quality of the data, and not the quantity. Both of these data analyses can be used in empirical legal research. The use of qualitative analysis in legal research is carried out for the following reasons:

- 1) The data collected is in the form of declarative sentences.
- 2) The data collected is generally in the form of information.
- 3) The relationship between variables cannot be measured with numbers.
- 4) The sample is more non-probability or determined purposively.
- 5) Data collection using interview and observation guidelines.

⁶Interview with Senior Commissioner of Police Anwar Nasir as Director of Drug Investigation of the Central Java Regional Police on April 2, 2024.

⁷Muhammad Natsir, Muh. Akbar Fhad Syahril, Ardiyanti Aris, and A. Dzulqarnain, "The Urgency of Reforming the Narcotics Law and the ITE Law in Facing the Threat of Drugs in the Digital Era", *Amsir Litigation Journal*, Volume 11, Number 4, 2024, p. 441.

⁸*Loc, cit.*

6) Researchers do not always use relevant theories.⁹

3. Results and Discussion

3.1. Narcotics Crimes as Serious Crimes in Legal Dimension

3.1.1. Drug Crimes as Serious Crimes in the Context of Damage Impact

Narcotics basically have an incredibly damaging impact, both for the individual user and for the nation and state. Compared to other age groups, the younger generation (15-35 years) has a higher risk of exposure to narcotics. This means that exposure to pollution is higher in the younger generation. Narcotics can have a negative impact on adolescents, such as reducing concentration and learning productivity, reducing the ability to distinguish between good and bad deeds, changing a person's behavior to be unwilling to socialize, increasing the risk of disease, mental disorders, and criminal acts. Good knowledge about narcotics also has a positive impact on the level of prevention of drug use. The use of narcotics can cause dependency syndrome, which causes behavior and cognition that are difficult to control and feelings to increase the dose, which can lead to a fatal overdose. The impact of narcotics on the health of users, most of whom are adolescents, can be concluded as follows:¹⁰

a. Drugs affect the mental and physical health of adolescents. Drug use in adolescents can have negative impacts on physical and mental health. Drugs can cause or result in mental disorders such as depression, anxiety, mood disorders, psychosis, and increase the likelihood of dangerous behavior. In addition, drug use can harm physical health, such as reducing consciousness, damaging the immune system, increasing the risk of AIDS, heart failure, brain disorders, and digestive problems. For adolescents, drug use can also cause mental disorders such as depression, anxiety, and psychosis.

b. The Influence of Drugs in Education. Drug use in students can cause changes in appetite, insomnia, increased heart rate, slurred speech, loss of body coordination and so on. In addition, drug use can also affect academic or professional achievement, difficulty maintaining hygiene, significant weight loss, increased inclusive behavior, and problems at school. Drugs can even interfere with concentration, affect learning ability, and cause high school absenteeism.

1. The risk of committing crimes influenced by drugs. Involvement in crime is an activity related to drugs often broadcasts the law and can be punished. To reduce the possibility of violations of the law related to drug use, it is important to be aware of the dangers and threats associated with corruption. It is also important to get medical help and proper support for the recovery and rehabilitation of someone involved in drug problems. Drug use in adolescents can increase the likelihood of committing criminal acts. Adolescents who use drugs are at higher risk of developing problems such as depression, anxiety, bipolar disorder, and criminal behavior; drug use can also increase the likelihood of being involved in violence, criminal acts, and conflicts with the law. In addition, drug users tend to engage in illegal activities to obtain drugs, such as theft, fraud, and drug trafficking. Therefore, it is important to raise awareness about the dangers of drugs and provide education and support to prevent the negative effects of drugs on the younger generation.

⁹Lexy J. Moleong, 1989, *Qualitative Research Methodology*, Rosda Karya, Bandung, p. 112.

¹⁰Katryn NN. Pakpahan and Debora, "The Influence of Drug Abuse and Prevention among Adolescents in Indonesia", *Qistina*, Vol. 3, No. 2, 2024, p. 1867-1869.

c. Drugs make teenagers dependent and overdose. Teenage health can be affected by several types of drug dependence and overdose such as disorders of the nervous system (neurological) where drug use can experience seizures, hallucinations, impaired consciousness, and damage to the nerves. Dependence (addiction) can cause physical and psychological use of drug dependence.

d. The direct impacts are convulsions, hallucinations, aggressive behavior, chest tightness, hemoptysis, poor breathing, and fatigue are the side effects of drug use. The indirect impacts are that drugs can cause property and money to be drained, ostracized by the community, and removed from social circles.

The impact of narcotics based on the type of narcotics according to the National Narcotics Agency consists of:¹¹

a) Depressant

It is a type of narcotic that inhibits brain function and slows down body activity. Users become sleepy, too calm and slow to respond. Pain and stress are temporarily lost. Examples: Morphine, heroin/putauw, alcohol.

1) Morphine

Morphine has the following effects:

- a) Euphoria or excessive pleasure;
- b) Creates tolerance and dependency;
- c) Causes withdrawal symptoms, namely pain, fever, sweating and shivering; and
- d) Death due to respiratory arrest.

2) Heroin (Putauw)

Heroin (Putauw) has the following effects:

- a) Euphoria or excessive pleasure;
- b) Creates tolerance and dependency;
- c) Causes withdrawal symptoms, namely pain, fever, sweating and shivering;
- d) Death due to alternating respiratory arrest can be caused by Hepatitis B, C and HIV/AIDS viruses;
- e) Impotence;
- f) Causes sakauw (withdrawal due to stopping the supply of heroin/putauw) with symptoms of nausea, fever, pain in the bones and joints, runny eyes and nose, excessive sweating and shivering.

3) Alcohol

The effects of alcohol include:

- a) Alcohol is absorbed by the body and enters the blood vessels;
- b) Loss of consciousness, drunk, staggering, slurred speech, violence, accidents due to drunk driving;
- c) Damages the liver, lymph nodes, peripheral nerves of the brain, heart disorders, cancer and babies born with birth defects from alcoholic mothers.

¹¹National Narcotics Agency, Drugs and Their Problems, Deputy for Prevention of BNN, Jakarta, 2017, p. 9-17.

Master of Law, UNISSULA

b) Stimulant

It is a type of narcotic that stimulates brain function and increases body activity. People become overly excited and alert due to increased body activity. Examples include cocaine, Amphetamine Type Stimulants (ATS), Methamphetamine (Sabu), ecstasy.

1) Cocaine

The effects of cocaine are:

- a) Euphoria (excessive feeling of joy/pleasure);
- b) Reduces the amount of dopamine or receptors in the brain; maximum of physical and mental strength;
- c) Behavior leading to violence;
- d) Weight loss, impotence, hallucinations (seeing or hearing things), paranoia (excessive suspiciousness);
- e) Damage to blood vessels in the brain which can lead to stroke or rupture of blood vessels in the brain;
- f) Still feel active even though your body is very tired;
- g) If the body can no longer bear the burden, it can collapse and die from exhaustion;
- h) *Overdose*, causing liver and lung damage and even death.

2) *Ecstasy (Designed Substance)*

Symptoms of ecstasy are:

- a) Emotional warmth increases;
- b) Intimacy increases;
- c) Decreased appetite;
- d) Sweating a lot;
- e) Uncontrolled body movements;
- f) Blood pressure rises;
- g) Heart rate and pulse increase rapidly;
- h) Hallucinations (tripping) in the form of scary floating feelings, seizures, panic, irritability and committing unreasonable violence.

c) Hallucinogen

It is a type of narcotic that comes from plants or is made through chemical formulation. The hallucinogenic effect can change and cause distortion of perception, thoughts and the environment. Resulting in a sense of terror and sensory chaos such as "hearing" colors or "seeing" sounds, paranoia, increasing the risk of mental disorders. Examples of hallucinogens are marijuana plants and inhalants.

1) Cannabis Plant

The effects of the marijuana plant are:

- a) Decreased memory;
- b) Loss of control and balance;
- c) Marked changes in emotions or feelings;
- d) Restlessness, fear and hallucinations;
- e) Apathy and depression;
- f) Excessive anxiety and panic;

Master of Law, UNISSULA

- g) Poor body balance and coordination.
- h) Inhalants
- i) Shame is reduced;
- j) Sleepy;
- k) Headache;
- l) Nervous;
- m) Visual disturbances;
- n) Unaware of his surroundings;
- o) Death.

The government, society, and families must pay special attention to the problem of narcotics among adolescents. According to the report of the National Narcotics Agency's Research, Data, and Information Center, the prevalence of narcotics contributions increased from 1.80% to 1.95% in 2021. However, drug users decreased to 1.73%, or around 3.3 million people, in the period 2021–2023. This decline shows that more than 300,000 children in this country have managed to avoid the dangers of narcotics. In terms of psychology, internal and external factors often contribute to adolescent narcotics. The internal factors in question are personal, family, and economic factors. While families that tend to be complicated and disharmonious can also cause someone to easily give up and get frustrated, poor financial factors can also cause someone to want to become a drug dealer or courier, while a teenager who is suggested to come from a rich and well-off family but lacks affection from his parents. The external factors in question are factors outside of a person that can influence their actions, for example the problem of narcotics. These external factors can be divided into categories of social and community relationships. The only strong enough encouragement and impact to promote narcotics is from peer groups. The invitation can come from peers, especially adolescents who are not yet mature enough. However, a stable secondary environment and unwavering control can prevent invitations or encouragement to spread narcotics among adolescents. Drug abuse can be triggered by peers, great curiosity, and an inharmonious family environment. Easy access and availability of narcotics can also trigger someone to become a drug addict. Adolescents often smoke or drink alcohol as the beginning of drug use. Ignorance of the bad side effects of narcotics and psychotropics can greatly affect the level of drug abuse.¹²

2. Narcotics Crimes as Serious Crimes in a Legal Context

The legal status of narcotics crimes as very serious crimes can be seen in point e of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, which states that: Narcotics crimes have become transnational in nature, carried out using high-level modus operandi, sophisticated technology, supported by a wide network of organizations, and have caused many victims, especially among the nation's young generation, which is very dangerous for the lives of society, the nation, and the state...

¹²Katryn NN. Pakpahan and Debora, op., cit.

Master of Law, UNISSULA

The position of narcotics crimes as serious crimes is also explained in the explanation of the general section of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics, which states that:

Narcotics crimes are no longer committed individually, but involve many people together, even forming an organized syndicate with a wide network that works neatly and very secretly both at the national and international levels. Based on this, in order to increase efforts to prevent and eradicate narcotics crimes, it is necessary to update Law Number 22 of 1997 concerning Narcotics. This is also to prevent an increasing tendency both quantitatively and qualitatively with widespread victims, especially among children, teenagers, and the younger generation in general.

The position of the crime as a very serious crime suggests that the state must also be serious in prosecuting perpetrators of narcotics crimes. One of them is the existence of the death penalty for perpetrators of narcotics crimes as regulated in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics.

Narcotics crimes are among the most serious crimes in legal terms, as can also be seen in the view of the Constitutional Court in Constitutional Court Decision Number 2-3/PUU-V/2007 which confirms that "based on the provisions of the Convention, crimes related to narcotics are classified as criminal acts that can be equated with the most serious crimes".¹³

3. Narcotics Crimes as Serious Crimes in the Context of Their Use

In the 4th Cycle of Universal Periodic Review session (Periodic Review), the government through the Minister of Law and Human Rights, Yasonna H. Laoly in 2024, stated that:¹⁴

Drug trafficking remains a growing challenge in my country to protect our future generations. Globally, 284 million people aged 15-64 use drugs with younger people using drugs than previous generations. Drug production and trafficking continue to grow. For perspective, in 2021 almost more than 4.8 million Indonesians became victims of illicit drugs. Terrorism has claimed the lives of many innocent people in Indonesia. In addition, most victims and families of terrorist attacks experience trauma or the impact of these unfortunate tragedies. Putting ourselves in the shoes of the victims leaves us no choice but to continue imposing the death penalty for the most serious crimes in society following our national laws. The government has consistently implemented the necessary safeguards based on international standards. The death penalty is used as a last resort and is carried out for a series of strict and lengthy legal processes. We also continue to facilitate the filing of legal efforts to commute the death penalty to life imprisonment.

Most teenagers who are trapped because of too free association who initially only tried it become addicts. It's sad. Seeing teenagers who should be enjoying their growth period

¹³Vivi Ariyanti, "The Position of Victims of Drug Abuse in Indonesian Criminal Law and Islamic Criminal Law," *Al-Manahij: Journal of Islamic Law Studies*, Vol. 11, No. 2, 2017, p. 247.

¹⁴Institute for Criminal Justice Reform, *State of the Death Penalty Policy Report in Indonesia 2023: Automatic Change of Death Penalty Mandate of the New Criminal Code*, Institute for Criminal Justice Reform, Jakarta, 2024, p. 3.

instead have to feel the cruelty of narcotics which slowly damage the health of their organs. The social impacts of teenagers who use narcotics are:¹⁵

- a. Mental disorders, anti-social and immoral, ostracized by the environment;
- b. Troublesome and a burden to the family;
- c. Education is disrupted, the future is bleak.

Apart from having a negative impact on the health of its users, drug abuse can also have an impact on...economy. The National Narcotics Agency (BNN) estimates that economic losses could reach Rp74.4 trillion and that only comes from drug abuse. This figure will continue to increase if drug users continue to increase every year.¹⁶ The factor that influences economic losses due to narcotics in Indonesia is because of the rampant narcotics distribution market that exists. In my opinion, the government in Indonesia must work more optimally because if left alone, the estimated economic losses in Indonesia could be much greater. In fact, Rp74.4 trillion could be used to build infrastructure in Indonesia so that Indonesia can be more advanced than before. the impact of narcotics decreases people's purchasing power. Narcotics also have a negative effect on productivity and public health, especially the younger generation.¹⁷ The various kinds of losses caused by narcotics are proof that there is a close relationship between the damage to the new generation which can have an impact on the weakening of the integrity of development and the resilience of the state and nation and culminate in the impact of damage to the state.

The various narratives above have shown that narcotics crimes are serious crimes because narcotics crimes can have a major impact on the destruction of the younger generation and the stability of the security and economy of the country and nation. In addition, narcotics crimes are also crimes whose spread can no longer be contained by the government. According to ICJR records, there are 420 people (83%) of Indonesian citizens who are perpetrators of narcotics crimes who have been sentenced to death,¹⁸ while in reality according to the National Police Criminal Information Center, the number of narcotics cases handled by the Police from the beginning of the year to December 22, 2024 was 43,580 cases. All work units reported action against narcotics cases. This shows that narcotics circulation touches all regions in Indonesia.¹⁹ According to the Institute for Criminal Justice Reform, the death penalty has not been proven effective in reducing the level of illicit drug trafficking, this is the main cause of drug crimes being difficult to eradicate because the death penalty system

¹⁵Batu Bara Regency Education Office, "The Dangers Of Drugs For The Nation's Children", <https://disdik.batubarakab.go.id/informasi/detail/berita/bahaya-narkoba-bagi-anak-bangsa>, January 25, 2025.

¹⁶Diponegoro University, "The Impact of Drug Abuse on the State Economy", <https://kkn.undip.ac.id/?p=292108>, January 25, 2025.

¹⁷*Loc. cit.*

¹⁸Institute for Criminal Justice Reform, 2024, Report on the Situation of the Death Penalty Policy in Indonesia 2023: Automatic Change of the Death Penalty Mandate of the New Criminal Code, Institute for Criminal Justice Reform, Jakarta, p. 22.

¹⁹Pusiknas, "Dozens of DPOs in Drug Cases Wanted in 2024", https://pusiknas.polri.go.id/detail_artikel/puluhan_dpo_kasus_narkoba_diburu_di_2024#:~:text=The%20number%20of%20narkoba%20cases%20in%2024%20is%20as%20much%20as%2043,580%20cases, January 21, 2025.

has not been able to create a deterrent effect for perpetrators of drug crimes.²⁰ So that one of the positions of narcotics crimes as very serious crimes is also shown by the existence of the death penalty in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics.

3.2. Optimizing the Eradication of Narcotics Trafficking Crimes Through Digital Media in the Central Java Regional Police Area Currently

The issue of national security in its development cannot be separated from the issue of world political economy, starting with the monopoly of the world economy through imperialism and colonialism and military power over third countries to the monopoly of the world economic system in the era of globalization where technological progress and capital surplus occur which encourage developed countries to perpetuate the capital surplus by expanding the influence of economic intervention to third countries that have abundant natural resources and energy, more than that, currently the state borderless phenomenon has resulted in problems in the form of dependence between countries, both developed and developing countries, which have an impact on the stability of national and local policies, so that when a country's economic stability is disturbed, it will also cause other countries as a single organizational unit to also receive the impact, this leads to the instability of the security of a country and people in a country in various sectors where the economic sector in the form of poverty issues becomes the center of national security disturbances. Poverty and the destruction of the social order have resulted in the consumption of narcotics, especially among teenagers. This occurs as a chain effect of poverty and the destruction of the family's ethical order, as well as the pressures of economic life and low human resources due to the lack of access to adequate education, which are the main factors that cause someone to fall into the trap of narcotics.²¹ The advancement of communication facilities, information, and modes of transportation in the era of globalization has also triggered the rapid circulation of narcotics in this country.

In September 2024, the number of drug crime and trafficking cases handled by the National Police was 18.86 percent of the total number of drug crime and trafficking cases handled in 2024. The number of drug cases handled in September 2024 increased by 1.51 percent from August 2024. The data was obtained from the EMP Pusiknas Bareskrim Polri which was accessed on Monday, September 30, 2024. The number of people reported in connection with drug cases was 4,865 people in September 2024. Sadly, the reported status as students and college students was 13.73 percent of the total number of reported in September 2024. According to the Acting Head of the Banyumas BNN Wiki Sri Erlangga, the group that abuses drugs a lot in the Banyumas area is teenagers, Wiki added that teenagers, starting from students in grade 8 of junior high school, start drug abuse behavior first. Gradually, the dosage increased and he pursued narcotics.²² The circulation of narcotics in the country is increasingly rampant in Indonesia, not only in Banyumas. The Narcotics Investigation Unit of the

²⁰Institute for Criminal Justice Reform, Promoting Non-Criminal Policies for Drug Use: Improving Indonesia's Narcotics Governance, Institute for Criminal Justice Reform, Jakarta, 2021, p. 3.

²¹ Kenichi Ohmae, The End of Nation State, The 1995 Panglaykim Memorial Lecture, Jakarta, 1995, p. 18.

²²Pusiknas Polri, For Drug Dealers and Distributors, BNN: Don't Play Around with the State, accessed via https://pusiknas.polri.go.id/detail_artikel/untuk_para_bandar_dan_pengedar_narkotika_bnn_don't_mess_around_with_the_country, on October 3, 2024.

Master of Law, UNISSULA

Banjarmasin City Police, South Kalimantan Police, uncovered the illicit circulation of 6.7 kilograms of crystal methamphetamine during Operation Antik Intan 2024, in addition to uncovering the crystal methamphetamine circulation case, the Banjarmasin Police also uncovered a case of circulation of ecstasy pills of the ineks type with evidence of 2,011 pills. Then members of the Banjarmasin Police confiscated 10.81 grams of ecstasy powder during Operation Antik 2024.²³

Head of Public Relations of the National Narcotics Agency (BNN) Senior Commissioner of Police Sumirat DwiyantoinThe news report by VOA said that "Indonesia is one of the largest internet user countries in the world with the number of internet users reaching 40 million people".²⁴This is what is then used by international drug dealer syndicates as a medium to market narcotics online. For Indonesia, Sumirat said this mode is indeed new, but for a number of countries such as India and China, this mode has long been done.²⁵Then in 2020 there was a case of drug trafficking on Instagram with the name of the account owner "kuy ah", where on Instagram various weights of dried marijuana were offered under the name super tobacco. On June 20, 2020, the perpetrator was arrested by the National Narcotics Agency.

In its development, the circulation of narcotics via the internet first appeared after the police arrested a number of people who ordered packages containing narcotics online from Malaysia. This narcotics transaction case was the first case revealed by the police. Sumirat further stated clearly again that:²⁶

Most of the perpetrators of drug distribution via the internet use Facebook as a medium. The dealers use Facebook to make orders, communicate via Facebook, after a while I have this stuff and so on. Or they open a kind of "pharmacy", pharmacies as if they were selling official drugs. However, the goods must be sent through truly intact goods in the sense of via express package, official consignment, via post or courier and so on. So what needs to be understood is that the internet is only a means for ordering.

In its development related to national narcotics law regulations, there are still many weaknesses in the regulations both in the Narcotics Law and in other technical regulations such as SEMA.²⁷and SEJA.²⁸ This can be seen from the use of inconsistent terms with each other to regulations that still tend towards prison sentences, especially for users who are not drug dealers. In practice, the view of Addicts and/or Victims of Drug Abuse as perpetrators of

²³Antara, Banjarmasin Police uncover 6.7 kg of crystal methamphetamine during Operation Antik 2024, accessed via<https://kalsel.antaranews.com/berita/416820/polresta-banjarmasin-ungkap-67-kg-sabu-selama-operasi-antik-2024>, on May 12, 2024.

²⁴Fathiyah Wardah in <https://www.voaindonesia.com/a/indonesia-suspected-of-being-targeted-by-online-narcotics-transactions--143476876/106349.html>, *Indonesia Allegedly Targeted by Online Narcotics Transactions*, Accessed March 12, 2020.

²⁵Loc, cit.

²⁶Loc, cit.

²⁷Circular letter Supreme Court No. 4 of 2010 concerning the Placement of Abuse, Victims of Narcotics Abuse and Addicts into Medical Rehabilitation and Social Rehabilitation Institutions and Supreme Court Circular No. 3 of 2011 concerning the Placement of Narcotics Abuse Victims in Rehabilitation Institutions.

²⁸Circular Letter of the Attorney General Circular Letter of the Attorney General Number 002/A/JA/02/2013 concerning the Placement of Narcotics Addicts in Rehabilitation Institutions.

crimes is still more dominant compared to the health and healing approach to drug addiction. However, in reality, the shift in views from prison sentences to a health approach is often put forward by many groups and has finally become a trend in other countries.

Then secondly, from the law enforcement side, Indonesia still views drug use as a criminal act or legal issue, not as a health issue. Including children of drug addicts and/or victims of drug abuse who have to face legal issues while their health issues are neglected. Although there have been various regulations regarding children in conflict with the law, such as the Child Justice System Law (UU SPA) and the Child Protection Law, substantively the existing regulations have not fully protected the rights of child addicts and/or victims of drug abuse who are in conflict with the law.²⁹

In addition to the various problems above, in its development, Law Number 35 of 2009 concerning Narcotics has not clearly regulated the distribution of narcotics through internet facilities or advances in information and communication technology. Regulations related to narcotics distribution instruments through cyberspace or the internet are only regulated in the explanation of Article 75 letter (i) g-Law Number 35 of 2009 concerning Narcotics which states that:

In this provision, what is meant by "wiretaping" is an activity or series of investigation and/or investigation activities carried out by BNN investigators or Indonesian National Police investigators by using electronic devices in accordance with technological advances for conversations and/or sending messages via telephone or other electronic communication devices. Wiretaping includes electronic monitoring by means of, among others:

- a. installing a transmitter in the target room/chamber to listen to/record all conversations (bugging);
- b. installation of a transmitter on a car/person/item whose Loc can be tracked (bird dog);
- c. internet interception;
- d. cloning pagers, short message service (SMS), and faxes;
- e. CCTV (Close Circuit Television);
- f. suspect Loc tracker (direction finder).

The expansion of the definition of wiretaping is intended to anticipate the development of information technology used by perpetrators of narcotics and narcotics precursor crimes in developing their networks both nationally and internationally because technological developments have the potential to be exploited by criminals which greatly benefit them. To paralyze/eradicate narcotics and narcotics precursor networks/syndicates, their communication/telecommunication systems must be able to be penetrated by investigators, including tracking the existence of the network.

Meanwhile, regarding the regulation related to the handling of narcotics trade and distribution in the community which is also included in the category of cyber crime, it is not regulated firmly and clearly in Law Number 35 of 2009 concerning Narcotics, regarding the

²⁹Correctional Database System of the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia, <http://smslap.ditjenpas.go.id/public/krl/current/monthly/year/2016/month/9>, Accessed February 12, 2020.

use of the internet is only used in terms of regulation related to wiretaping alone. So that efforts to eradicate narcotics crimes use the alternative use of Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Information and Electronic Transactions.

In its development, Law Number 11 of 2008 concerning Information and Electronic Transactions has not yet covered all aspects of cybercrime. For example, Drug Traffickers, Narcotics transactions via the internet are still regulated using Law Number 5 of 1997 concerning Psychotropics and Law Number 22 of 1997 in conjunction with Law Number 35 of 2009 concerning Narcotics, while the law does not regulate firmly and clearly regarding the transaction of illegal drugs if it is carried out using the internet network.

So it is clear that Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 has a weakness in the form of not specifically regulating matters concerning cyber crime. In the General Provisions Chapter, there is no clear description of crimes using computers. Computer crimes known in cyberspace are not clearly described. Including in this case the crime of drug abuse.

So it is clear that technological advances have resulted in the birth of new means in the occurrence of criminal acts including narcotics crimes which are currently often referred to as cyber crime. Therefore, the politics of narcotics criminal law should have changed its basic paradigm. So it is also clear that the problem of criminal acts that occur today must also be viewed from the perspective of justice in terms of the criminal justice system in this country. In addition, the lack of technical clarity in eradicating the circulation of narcotics through cyberspace also results in unclear coordination between related institutions. Sri Endah Wahyuningsih stated that there needs to be good coordination between existing law enforcement agencies regarding a problem of unlawful acts or crimes.³⁰

It is known together that the circulation of narcotics through digital media is increasingly rampant. The case that occurred in the Central Java Regional Police area that occurred was one of the cases of buying and selling narcotics on the internet through a forum called *drug's*. Joint officers from the Central Java National Narcotics Agency (BNN), Central Java and DIY Customs and Excise and the Post Office uncovered the circulation of narcotics from three countries entering the city of Semarang. The purchase of various narcotics from the drug forum on the internet was purchased using virtual bitcoin money. Various confiscated evidence was sent from Germany, Poland and the Netherlands. Smuggled into Indonesia through Ahmad Yani International Airport Semarang with a children's toy manifest. The total evidence is; 1,000 ecstasy pills from Germany; 2.8 grams of cocaine and 82.67 grams of ketamine from the Netherlands and 138.74 grams of MDMA and 1,624 sheets of LSD from Poland. The thwarting and disclosure of the illegal circulation of narcotics between countries began with a suspicious package sent from Germany to the recipient of the package in Semarang on Wednesday (21/12/2016) at 16.00 WIB. This information was then coordinated with the Central Java BNNP including the post office. Officers became suspicious after

³⁰Sri Endah Wahyuningsih and Agus Sunaryo, "The Role of Prosecutor Office in the Eradication of Corruption Criminal Acts in Indonesia", Journal of Legal Reform, Volume IV No. 2 May - August 2017, p. 248.

conducting an X-ray. Then a control delivery was carried out on the package. On the package there was a recipient's address at a boarding house in the Tegalsari area of Semarang City. However, when visited, the person in question did not feel like ordering the goods. The post office also sent a notification to that address, but it was rejected again for the same reason.³¹

BNN then in March 2024 uncovered an international drug network that used an encrypted messaging application to coordinate the delivery of 100 kg of crystal methamphetamine from Malaysia to Indonesia. This case shows that drug syndicates have adopted sophisticated technology to avoid detection by authorities. Another concerning phenomenon is the rampant promotion and sale of drugs through social media. In July 2023, police arrested a dealer who marketed a new type of drug through Instagram targeting teenagers.³²

This case highlights the vulnerability of the younger generation to the dangers of drugs in the digital era. Drug trafficking through e-commerce is also a worrying trend. In October 2023, authorities managed to dismantle a syndicate that smuggled drugs in online shopping packages, with total evidence reaching 50 kg of crystal methamphetamine. This modus operandi shows that drug criminals continue to innovate by exploiting loopholes in the electronic trading system.³³

Drug trafficking through e-commerce is also a worrying trend. In October 2023, authorities managed to dismantle a syndicate that smuggled drugs in online shopping packages, with total evidence reaching 50 kg of crystal methamphetamine. This modus operandi shows that drug criminals continue to innovate by exploiting loopholes in the electronic trading system. The challenges in law enforcement are increasingly complex with the emergence of cryptocurrency as a means of drug transactions. In December 2023, authorities uncovered a drug network that used Bitcoin for payments, involving transactions worth billions of rupiah. This case illustrates that drug crimes have adapted to developments in financial technology.³⁴ According to the explanation of Senior Commissioner of Police Anwar Nasir as Director of Drug Investigation of the Central Java Police, there are at least 47 suspicious accounts and forum sites in the case of drug trafficking, these sites include drug's, x52pakauw, gorilasleep, and sakaumeaning. These three forum sites initially only provided information about types of narcotics, the benefits and dangers of narcotics, and countries that produce good quality narcotics. In its development, permanent members to join this forum must enter their email and identity and country of origin. After having digital data from permanent members, the forum administrators then contact forum members personally via email. In this communication, it turns out that forum members are also given an offer to be able to buy narcotics through closed and private digital communication. After payment is made via electronic money which is usually through a cryptocurrency system so that the flow of funds

³¹Interview with Senior Commissioner of Police Anwar Nasir as Director of Drug Investigation of the Central Java Regional Police on April 2, 2024.

³²Muhammad Natsir, Muh. Akbar Fhad Syahril, Ardiyanti Aris, and A. Dzulqarnain, "The Urgency of Reforming the Narcotics Law and the ITE Law in Facing the Threat of Drugs in the Digital Era", *Amsir Litigation Journal*, Volume 11, Number 4, 2024, p. 441.

³³*Loc. cit.*

³⁴*Ibid*, p. 442.

for narcotics crimes is difficult to track. Senior Commissioner of Police Anwar Nasir as the Director of Drug Investigation of the Central Java Regional Police also explained that throughout 2024 only 5 cases could be investigated with certainty, while there are still many cases of drug trafficking through digital media that are still being investigated. This is because the place where the crime occurs is in cyberspace or the digital world, where perpetrators of drug trafficking can hide behind the vastness of the internet system by using anonymity so that the perpetrator's identity is difficult to find, besides that the perpetrators who use digital media are mostly not Indonesian citizens, but are in other parts of the country.³⁵ This has resulted in the optimization of the eradication of narcotics trafficking crimes through digital media in the Central Java Regional Police Region currently not being able to be realized. Based on the views of the Chief Commissioner of Police Anwar Nasir as the Director of the Central Java Regional Police Narcotics Investigation above, it is clear that narcotics trafficking crimes through digital media as cyber crimes have difficulties in handling, this can be seen from the territorial Loc where the crime was committed which cannot be determined because narcotics trafficking crimes through digital media are in cyberspace or computerized or digital systems where it can be understood together in cyberspace there are no territorial boundaries of the country. Then with the absence of territorial boundaries of the place of the crime, automatically the perpetrators cannot be determined the validity of the law that will be imposed because their citizenship status follows the territory of a country that is unclear. The next difficulty is regarding the identity information of the perpetrators which is difficult to find because cyber criminals often hide behind complex digital systems and do not necessarily follow dynamic information and communication systems. Viewed from a dogmatic-normative perspective, the main problem or material/substance of criminal law (material) lies in the problem regarding:³⁶

1. What actions should be punished, related to the formulation of narcotics trafficking actions has been regulated in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics. Article 35 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics states that:

The distribution of narcotics includes every activity or series of activities for the distribution or delivery of narcotics, whether in the context of trade, non-trade or transfer, for the benefit of health services and the development of science and technology.

Article 36 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics states that:

- (1) Narcotics in the form of finished drugs may only be distributed after obtaining a distribution permit from the Minister.
- (2) Further provisions regarding the requirements and procedures for permits for the distribution of narcotics in the form of finished drugs as referred to in paragraph (1) are regulated by Ministerial Regulation.

³⁵Interview with Senior Commissioner of Police Anwar Nasir as Director of Drug Investigation of the Central Java Regional Police on April 2, 2024.

³⁶Barda Nawawi Arief, *Several Aspects of Criminal Law Policy and Development*, PT. Citra Aditya Bakti, 2nd Edition, Bandung, 2005, p. 75-76.

Master of Law, UNISSULA

- (3) To obtain a distribution permit from the Minister, narcotics in the form of finished drugs as referred to in paragraph (1) must be registered with the Food and Drug Supervisory Agency.
- (4) Further provisions regarding the requirements and procedures for registering narcotics in the form of finished drugs as referred to in paragraph (3) are regulated by the Regulation of the Head of the Food and Drug Supervisory Agency.

Article 37 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics states that:

Class II and Class III narcotics in the form of raw materials, both natural and synthetic, used for drug production are regulated by Ministerial Regulation.

Article 38 of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics states that "Every narcotics distribution activity must be accompanied by valid documents". Although it regulates the distribution of narcotics, the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics does not clearly regulate the distribution of narcotics digitally where the *modus operandi* is a cyber crime. Regarding the distribution of narcotics through digital media, it is regulated in Article 27 paragraph (1) and Law No. 19 of 2016 concerning ITE. Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE states that:

Any person who intentionally and without authority distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain content that violates morality.

Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE prohibits the dissemination of information that is negative or detrimental to others, including information about narcotics that can encourage their use. Although it regulates the prohibition on the dissemination of electronic or digital information that violates morality that can be linked to the circulation of narcotics in digital media which is an act that violates morality, the meaning of acts that deviate from morality in Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE does not refer to the digital circulation of narcotics specifically, acts that violate morality can also include acts that violate everyday moral norms, for example harassment of the rules of decency in dressing or related to the crime of prostitution in public.

2. What conditions should be met to blame/hold accountable someone who commits the act, the existence of unclear issues regarding the regulation of narcotics distribution in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE, has an impact on uncertainty regarding the elements of the act for perpetrators of digital narcotics distribution. This results in aspects of criminal requirements for perpetrators of digital narcotics distribution, considering the existence of cyber crime elements as a specialty in the crime of digital narcotics distribution is not yet clear.

3. What (criminal) sanctions should be imposed on that person, the element of cyber crime as a specificity in the crime of digital narcotics trafficking which is not yet clear in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE also has implications for the lack of regulation of special criminal guidelines based on the impact of damage or consequences of criminal acts for perpetrators of digital narcotics

trafficking crimes, considering that digital narcotics trafficking through cyberspace has a wider reach and can be accessed anywhere, even in the private space of the victim, but the perpetrator is difficult to find, so that traditional narcotics trafficking certainly does not have as big an impact as narcotics trafficking involving digital technology.

3.3. Obstacles and Solutions in Realizing the Optimization of Eradication of Narcotics Trafficking Crimes Through Digital Media in the Central Java Regional Police Region

1. Constraint In Realizing the Optimization of Eradication of Narcotics Trafficking Crimes Through Digital Media in the Central Java Regional Police Region

Based on the results of the interview with Brigadier General Pol. Agus Rohmat, SIK, it was discovered that the obstacles in realizing the optimization of eradication of narcotics trafficking crimes through digital media in the Central Java Regional Police area including:³⁷

a. Regulatory and Legal Constraints:

1) The ambiguity of the ITE Law:

The articles in the Electronic Information and Transactions Law (UU ITE) are often considered "rubber articles" and unclear, making law enforcement difficult.

2) Legal Void:

Legal gaps and regulatory differences between countries complicate international cooperation in tackling cross-border cybercrime.

3) Inappropriate Regulations:

Cyber laws and regulations in Indonesia are still inadequate and have not been clearly outlined in technical regulations, thus hampering law enforcement.

It has been explained previously that Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics does not clearly regulate the digital distribution of narcotics where the modus operandi is cyber crime, then the meaning of acts that deviate from morality in Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE does not refer to the digital distribution of narcotics specifically, acts that violate morality can also include acts that violate daily moral norms, for example harassment of decency in dressing or related to the crime of prostitution in public. As a result of the problem of unclear regulations regarding the distribution of narcotics in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE, it has an impact on uncertainty regarding the elements of the act for perpetrators of digital distribution of narcotics. This results in aspects of the requirements for criminal punishment for perpetrators of digital distribution of narcotics, considering that the element of cyber crime as a specificity in the crime of digital distribution of narcotics is not yet clear. In addition to the problem of the absence of clear elements for the crime of drug trafficking as a cyber crime, the element of cyber crime as a specificity in the crime of digital drug trafficking which is not yet clear in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE also has implications for the lack of regulation of special sentencing guidelines based on the impact of damage or consequences of criminal acts for perpetrators of digital drug trafficking crimes, considering that digital drug trafficking through cyberspace has a wider reach and can be

³⁷Interview with Brigadier General Pol. Agus Rohmat, SIK as Head of the Central Java Province National Narcotics Agency (BNNP) on May 1, 2025.

Master of Law, UNISSULA

accessed anywhere, even in the private space of the victim, but the perpetrator is difficult to find, so that traditional drug trafficking certainly does not have as big an impact as drug trafficking involving digital technology.

b. Challenges in Collecting Digital Evidence:

1) Limited human resources and expertise:

Limited human resources (HR) with digital forensics expertise, as well as lack of training to handle digital evidence, is an obstacle.

2) Complexity of Digital Evidence:

Digital evidence is often complex and difficult to analyze, especially in cases involving encryption or hidden online activities.

3) Limitations of International Cooperation:

International cooperation in collecting digital evidence from other countries is often hampered by differences in laws and regulations.

c. Obstacles to Difficulty in Law Enforcement:

1) Anonymity of the Perpetrator:

Cybercriminals often operate anonymously and use technology to hide their identity, making it difficult to track.

2) Technological development:

Continuously evolving technology makes cybercrime increasingly sophisticated and difficult to track and detect.

3) Cross-Border Environment:

The cross-border nature of cybercrime makes law enforcement more complicated, as it requires effective cooperation between countries.

d. Lack of Public Education Constraints:

Lack of public education about cybercrime and how to prevent it is also a factor that worsens the situation.

e. Privacy Issues Constraints:

Handling cybercrime cases often confronts privacy issues, especially regarding the collection and use of personal data.

Based on the theory Robert B. Seidman and William J. Chambliss, legal regulatory constraints are constraints on the law making institution aspect or the aspect of making regulations, while constraints on the legal regulatory aspect ...obstacles in collecting digital evidence as well as obstacles to difficulties in law enforcement are aspects of law enforcement, and obstacles in the form of The lack of public education and privacy issues are aspects of the role holders. From all aspects of these obstacles, social and personal forces are influenced, social forces are the advancement of digital technology that has changed the social order of society without territorial boundaries so that social interactions cannot be stopped across individuals and countries which can have implications for the risk of easy access for drug dealers to carry out their illicit goals. While personal strength is related to the strength of each person in

protecting themselves from the influence and impact of digital progress as a means of drug trafficking, most of which are victims who can be easily influenced. The factors that influence each person to use and become addicted to drugs are difficult social and economic conditions. Individuals who live in environments that are plagued by poverty, unemployment, and lack of access to education often seek escape from their reality through the use of drugs. In addition, the loss of the role of parents in educating and guiding children who are teenagers so that they are easily influenced in negative relationships is also a major factor in every teenager falling into drug trafficking.³⁸

3.4. Solutions to Overcome Obstacles in Efforts to Optimize Eradication of Narcotics Trafficking Crimes Through Digital Media in the Central Java Regional Police Region

Based on the various narratives above, it can be understood that the obstacles in overcoming obstacles in efforts to optimize the eradication of narcotics trafficking crimes through digital media in the Central Java Regional Police area include:

a. Legal constraints

Legal constraints in the form of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics do not clearly regulate the digital distribution of narcotics where the modus operandi is cyber crime, then the meaning of acts that deviate from morality in Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE does not refer to the digital distribution of narcotics specifically, acts that violate morality can also include acts that violate daily moral norms, for example harassment of decency in dressing or related to the crime of prono action in public. As a result of the problem of unclear regulations regarding the distribution of narcotics in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE, it has an impact on uncertainty regarding the elements of the act for perpetrators of digital drug distribution. This results in aspects of criminal requirements for perpetrators of digital drug distribution, considering that the element of cyber crime as a specificity in the crime of digital drug distribution is not yet clear. In addition to the problem of the absence of clear elements for the crime of drug trafficking as a cyber crime, the element of cyber crime as a specificity in the crime of digital drug trafficking which is not yet clear in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE also has implications for the lack of regulation of special sentencing guidelines based on the impact of damage or consequences of criminal acts for perpetrators of digital drug trafficking crimes, considering that digital drug trafficking through cyberspace has a wider reach and can be accessed anywhere, even in the private space of the victim, but the perpetrator is difficult to find, so that traditional drug trafficking certainly does not have as big an impact as drug trafficking involving digital technology.

b. Law enforcement obstacles

Obstacles to law enforcement include:

- 1) Limited human resources (HR) with digital forensics expertise, as well as lack of training to handle digital evidence
- 2) Digital evidence is often complex and difficult to analyze, especially in cases involving encryption or hidden online activities.

³⁸Interview with Brigadier General Pol. Agus Rohmat, SIK as Head of the Central Java Province National Narcotics Agency (BNNP) on May 1, 2025.

- 3) International cooperation in collecting digital evidence from other countries is often hampered by differences in laws and regulations.
- 4) Cybercriminals often operate anonymously and use technology to hide their identity, making it difficult to track.
- 5) Continuously evolving technology makes cybercrime increasingly sophisticated and difficult to track and detect.
- 6) The cross-border nature of cybercrime makes law enforcement more complicated, as it requires effective cooperation between countries.

c. Legal culture constraints

Legal culture constraints include:

- 1) Lack of public education about cybercrime and how to prevent it is also a factor that worsens the situation.
- 2) Handling cybercrime cases often confronts privacy issues, especially regarding the collection and use of personal data.

Based on the various constraints above and based on the theory of criminal law policy which states that when viewed from a dogmatic-normative perspective, the main problem or material/substance of criminal law (material) lies in the problem regarding:³⁹

- a. What actions should be punished;
- b. What conditions should be met to blame/account for someone who commits the act; And
- c. What (criminal) sanctions should be imposed on that person?
- d. Solutions that can be implemented to deal with the digital circulation of narcotics in the Central Java Regional Police area are:
 - a. Specifically regulates the elements of the act as a condition for criminal punishment related to the crime of drug trafficking as a cyber crime.
 - b. Formulate a maximum penalty with an aggravating effect in the form of the death penalty for perpetrators of digital drug trafficking considering the impact of digital drug trafficking. The level of damage caused to national stability is greater, this is to create a deterrent effect for perpetrators of drug trafficking with digital media in the Central Java Regional Police area.
 - c. The government needs to emphasize the prohibition of website content and internet content related to the distribution of narcotics for those who own internet technology as a place for unlimited social interaction.
 - d. There is a need for education and provision of knowledge, skills and experience for law enforcement human resources in terms of supervision and legal action against perpetrators of digital drug trafficking.
 - e. There is a need to develop better and more up-to-date law enforcement facilities and infrastructure following the technological innovations of digital drug traffickers.

³⁹Barda Nawawi Arief, Several Aspects of Criminal Law Policy and Development, PT. Citra Aditya Bakti, 2nd Edition, Bandung, 2005, p. 75-76.

4. Conclusion

The main obstacle in the issue of the less than optimal eradication of digital drug trafficking in the Central Java Regional Police area is that the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics does not clearly regulate the digital drug trafficking where the modus operandi is cyber crime, then the meaning of acts that deviate from morality in Article 27 paragraph (1) of Law No. 19 of 2016 concerning ITE does not refer to the digital drug trafficking specifically, acts that violate morality can also include acts that violate daily moral norms, for example harassment of the rules of decency in dressing or related to the crime of prostitution in public. As a result of the problem of unclear regulations regarding the distribution of narcotics in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE, it has an impact on uncertainty regarding the elements of the act for perpetrators of digital drug trafficking. This results in the aspect of criminal requirements for perpetrators of digital drug trafficking, considering that the element of cyber crime as a specificity in the crime of digital drug trafficking is not yet clear. In addition to the problem of the absence of clear elements for the crime of drug trafficking as a cyber crime, the element of cyber crime as a specificity in the crime of digital drug trafficking which is not yet clear in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics and Law No. 19 of 2016 concerning ITE also has implications for the lack of regulation of special criminal guidelines based on the impact of damage or consequences of criminal acts for perpetrators of digital drug trafficking crimes, considering that digital drug trafficking through cyberspace has a wider reach and can be accessed anywhere, even in the private space of the victim, but the perpetrator is difficult to find, so that traditional drug trafficking certainly does not have as big an impact as drug trafficking involving digital technology. The solution that can be done is to specifically regulate the elements of the act as a requirement for punishment related to the crime of drug trafficking as a cyber crime. Formulate a maximum penalty with an aggravation in the form of the death penalty for perpetrators of digital drug trafficking considering the impact of digital drug trafficking The level of damage caused to national stability is greater. The government needs to emphasize the prohibition of site content and internet content related to drug trafficking for those who own internet technology as a place for unlimited social interaction. There needs to be education and provision of knowledge, expertise and experience for law enforcement human resources in terms of supervision and legal action for perpetrators of digital drug trafficking. There is a need to develop better and more up-to-date law enforcement facilities and infrastructure following the technological innovations of digital drug traffickers.

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