

## Optimizing the Role of the Police in Eradicating Drug Trafficking Networks

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**Abstract:** *The aim of this research is to examine and analyze forms of optimizing the work of the Police in eradicating drug trafficking networks. In this writing the author uses a normative juridical method with research specifications in the form of descriptive analysis. In this era of globalization, drug trafficking is no longer only carried out by individuals, but involves many people, even gathered as one syndicate which is organized with a wide network and works in a neat, systematic and very secretive manner at both the national and international levels. POLRI as an institution that handles drug problems, collaborates with drug crime organizations by implementing laws and regulations firmly and consistently. Apart from that, POLRI also carries out cooperation between domestic agencies and also mutually beneficial international cooperation. The POLRI Narcotics Investigation Unit has the task of carrying out the development of investigative functions, investigating, supervising investigations into criminal acts of illicit drug trafficking. In general, the Narcotics Investigation Unit has the function of investigating and investigating criminal acts of drug abuse and illicit trafficking.*

**Keywords:** *Drugs; Optimization; Police; Trafficking.*

### 1. Introduction

Indonesia is a country based on law, this statement is contained in the Explanation of the 1945 Constitution of the Republic of Indonesia which states that "The State of Indonesia is based on law (rechtstaat) and not based on mere power (machtstaat)."<sup>1</sup>, as a country based on law, Indonesia has a series of regulations or laws so that the interests of the community can be protected.<sup>2</sup> Paragraph 4 of the Preamble to the 1945 Constitution of the Republic of Indonesia, which is the constitutional basis of this country, states that one of

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<sup>1</sup>Anton Susanto, Ira Alia Maerani, and Maryanto, (2020), Legal Enforcement by the Police against Child of Criminal Doer of a Traffic Accident Who Caused Death (Case Study in Traffic Accident of Police Traffic Unit of Cirebon City Police Jurisdiction), *Jurnal Daulat Law*: 3(1), p 21

<sup>2</sup>Asep Sunarsa, (2018), Attorney Role In Fighting Crimes Of Motorcycle Gang In Cirebon, *Jurnal Daulat Hukum*, 1 (2), p 453

the goals of the state is to create general welfare. So all efforts and development carried out by this country must be directed towards this goal so that people's welfare is created.<sup>3</sup>

According to Article 28H (1) of the 1945 Constitution of the Republic of Indonesia "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and has the right to receive health services". The Indonesian people certainly have the right to have a place to live and an environment that is free from drugs. As we know, drugs can be addictive and damage the body and ruin a person's life. Human life must be clean and free from things that disrupt health.

Drug abuse encourages illicit trafficking, while illicit drug trafficking causes abuse that is increasingly widespread and has an international dimension. Therefore, efforts are needed to prevent and overcome drug abuse and efforts to eradicate illicit trafficking considering the progress of communication, information and transportation in the current era of globalization. Drug abuse is closely related to illicit trafficking as part of the world of international crime. The illicit trade mafia supplies drugs so that people have dependence so that the amount of supply increases. The relationship between the dealer/dealer and the victim makes it difficult for the victim to free themselves from the dealer/dealer, and it is not uncommon for victims to also be involved in illicit trafficking because of their increasing need and dependence on drugs.<sup>4</sup>

Among the law enforcement officers who have an important role in the existence of drug crimes is the Police, where the Police are expected to be able to stop drug crimes, not only revealing drug crime cases but also making the public aware of the dangers of drugs themselves. Based on data on drug crimes by the Police, from year to year the highest cases of drug abuse and illicit trafficking in Indonesia are always in urban areas, namely Jakarta. Jakarta is the area with the highest number of suspects for drug abuse and illicit trafficking in Indonesia. This also applies to all cities in Indonesia, where the city is a source of income and money turnover and economy that is so fast and large. There are many nightlife venues and drug markets spread across urban areas compared to rural areas which are more of a planting area or source of marijuana and a drug smuggling area, especially in coastal areas.<sup>5</sup>

The issue of free trade in drugs is a topic that is always hotly discussed and considered throughout the world. It is estimated that at the beginning of the new millennium, drug trafficking has contributed more than 3% of world

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<sup>3</sup>Sri Praptini, Sri Kusriyah, and Aryani Witasari, (2019), Constitution and Constitutionalism of Indonesia, *Journal of Legal Sovereignty*: 2 (1), p 8

<sup>4</sup>Lydia Harlina Martono & Satya Joewana, (2006), *Helping Drug Addicts and Their Families Recover*, Balai Pustaka, Jakarta, p 1.

<sup>5</sup>Syaefurrahman Al-Banjary, (2005), *Black and White of the Police in Revealing Drug Networks*, PTIK Press, Jakarta, p. 29.

trade.<sup>6</sup>The total value of the drug industry worldwide in 2020 alone reached USD 1 trillion per year.<sup>7</sup>Illegal drug trafficking syndicates form groups of traders both domestically and abroad. They are the destroyers of generations who move slickly and cleverly. They exploit the ignorance of the people of this nation. They do not offer drugs as medicine, but as food supplements, smart pills, healthy pills and others. As a result, people who claim to be anti-drugs are deceived, then unknowingly use drugs. For certain consumers, marketing is done by means of coercion, deception, and coaxing. Drug syndicates involve criminals to officials and officers, from street vendors who are chased by officers, to individuals who appear generous. There are even those who appear as administrators of social institutions who pretend to help combat drug abuse. Drug trafficking not only violates the national laws of each country concerned, but also violates various international agreements and conventions. Illegal drug trafficking involves various other criminal acts such as bribery of state officials, political elites, government officials, criminal conspiracy groups, corruption, tax evasion, violation of banking laws, illicit money transfers, smuggling, customs violations, acts of violence, crime, murder, arms trafficking, separatism and terrorism.

POLRI as an institution that handles drug problems, in addition to the existing national strategy, POLRI also needs to take integrated and comprehensive actions. Where POLRI cooperates with drug crime organizations by implementing strict laws and regulations and is carried out consistently. In addition, POLRI also cooperates between domestic agencies and also mutually beneficial international cooperation.

Based on the description of the crime of drug trafficking as mentioned above, the author conducted research related to this topic byThe aim of this research is to study and analyze the form of optimizing the work of the police in eradicating drug trafficking networks.

## **2. Research Methods**

The approach used in this study is normative juridical or written legal approach (statute approach). The normative juridical approach is an approach carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this study. This approach is also known as the literature approach, namely by studying books, laws and regulations and other documents related to this study.

## **3. Results and Discussion**

### **3.1. Drug trafficking**

Drug trafficking is an illegal trade that is carried out globally, involves the cultivation, manufacture, and trade of substances that are illegal drugs according to law. The trade in narcotics and illegal drugs (narcotics) is a global issue that

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<sup>6</sup>Axel Klein. (2008), *Drugs and the World*. London: Reaktion Books, p 142

<sup>7</sup>Christine Jojarth. (2020), *Crime, War, and Global Trafficking*, Cambridge University Press, p 98-99

has recently become booming and has become the concern of many countries and the international community in the world. This is because the drug trade has become a rampant transnational crime, endangering human life and this crime attacks the productive age globally. An issue can be said to be a global issue if it meets 4 indicators. First, the issue gets attention from elite policy makers and a large number of governments, covers several important issues and the government is involved in public debates on the issue. Second, the issue gets continuous coverage in the world press, in newspapers and magazines, radio broadcasts, and television shows. Third, the issue becomes the object of study, research, serious and continuous debate by groups of professional scholars, scientists, technical experts throughout the international community or the world. Fourth, the issue appears on the agenda or debates on the agenda of international organizations.<sup>8</sup>

The issue of drug trafficking is very dangerous for millions of people around the world, encouraging countries and various international communities to work together to eradicate and deal with it. Treaties in the form of cooperation have been produced by world countries through the Single Convention on Narcotic Drugs in 1961 which was then amended in 1972, the Single Convention on Narcotic Drugs in 1971, and then the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic substances which was implemented in 1988 (UNODC). In addition, world countries, including Indonesia through Interpol have also worked together to prevent the entry of drugs into their respective countries.

### **3.2. Optimization of Police Work in Eradicating Drug Trafficking Networks**

The operational functions of the police consist of five functions which have their respective duties, the first is the Research function, Intelligence function, Traffic function, Bhayangkara Samapta function, as well as the Community Guidance function and one of the focal points of law enforcement on drug trafficking is the operational function of the drug research unit. The Narcotics Research Unit in the regulation of the Chief of the Republic of Indonesia National Police is regulated Number 23 of 2010 concerning the organizational structure and work procedures at the Resort Police and Sector Police levels in Article 1 Number 17 "The Narcotics, Psychotropic and Dangerous Drugs Research Unit, abbreviated as Satresnarkoba, is an element that carries out the main tasks and functions of the Narcotics Research at the Polres level which is under the Kapolres".

The Narcotics Investigation Unit is tasked with carrying out the functions of investigation, investigation, supervision of investigations into criminal acts of narcotics abuse and illicit trafficking as well as guidance and counseling in the context of prevention and rehabilitation of victims of drug abuse.

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<sup>8</sup>James E. Dougherty. (1981), *The Configuration of the Global System*, in Gavin Boyd and Charles Pentland (eds.), *Issues in Global Politics*, London The Free Press, p.1

The Drug Investigation Unit in carrying out its duties is assisted by Urbinopsnal or operational development affairs which is tasked with carrying out development and supervision of administration and implementation of investigations, investigations of drug crimes. Urmintu or administrative and secretarial affairs is tasked with organizing administrative and secretarial activities. The unit is tasked with conducting investigations and investigations of criminal acts of drug abuse and illicit trafficking and precursors in the jurisdiction of the Police.

The Narcotics Investigation Unit carries out its duties and functions as regulated in the Regulation of the Chief of the Indonesian National Police Number 23 of 2010 concerning the organizational structure and work procedures at the Resort Police and Sector Police levels in Article 47 paragraph 3, namely: a) Investigation, investigation of criminal acts of abuse, illicit trafficking of narcotics, and their precursors, b) Guidance, counseling in prevention, and rehabilitation of victims of drug abuse, c) Supervision of the implementation of investigations, investigations of criminal acts of drug abuse carried out by the Polsek Criminal Investigation Unit, and the Polres Narcotics Investigation Unit, d) Analyzing cases and their handling and reviewing the effectiveness of the implementation of the Narcotics Investigation Unit's duties.

There are three reasons why Indonesia is the right target for drug trafficking by drug syndicates.<sup>9</sup>First, the demand for drugs in Indonesia can be said to be very high. The second is Indonesia's geographical location. Indonesia's strategic geographical location is between two continents and flanked by two oceans and has a long coastline. The third reason is that law enforcement against drug dealers and networks is inconsistent. So it is not surprising that drug dealers have estimated which loopholes can be passed and influenced by efforts to continue the drug network even though the actors are in prison.

Illegal drug trafficking is an international crime that has an organized nature (in the form of a syndicate), has large financial support, and its distribution utilizes sophisticated technology. International illegal drug trafficking always involves foreign citizens and has an impact on the territories of two or more countries and is always preceded by preparation or planning carried out outside the territorial boundaries of a particular country. In addition, the modus operandi of international drug crimes is divided into three operational areas, namely the country of departure, the country of transit and the country of destination for marketing.

Cooperation between countries in eradicating illicit drug trafficking must be increased because it is very difficult for a country to eradicate the illicit drug trafficking that has become global alone. In this case, transnational crimes in the field of narcotics are increasing, so that in investigating these crimes,

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<sup>9</sup>Victory Christin Natalia Simanjuntak, (2019), Strategy of the Republic of Indonesia National Police (POLRI) in Handling Cross-Border Drug Smuggling in the Riau Region in 2015-2016, JOM FISIP, 6 (1), p 2

investigators are faced with different bureaucracies and legal systems that result in the investigation process being hampered, and even prosecution cannot be carried out. Various bilateral and multilateral agreements have been made between countries to overcome the problems that occur, especially in handling narcotics crimes.

If drug crimes occur and involve more than one country, then the problems that may arise in handling them include:

- 1) issues of state boundaries and jurisdiction;
- 2) differences in national laws of each country;
- 3) whether or not there is an extradition treaty;
- 4) whether or not there is an agreement regarding mutual legal assistance; And
- 5) speed in the exchange of information between countries that are the destinations for illicit drug trafficking.<sup>10</sup>

According to the Ministry of Foreign Affairs, transnational criminal organizations are divided into 3 (Trade Crime, High-Tech Crime and Financial Crime). Drug smuggling is included in trade crimes, which is a serious threat to global security.<sup>11</sup>Data by BNN drug abuse in Indonesia has reached 1.8 percent or around 3.4 million Indonesians aged 15 to 64 years. In 2021. Indonesia or around 3.37 million people abuse drugs.<sup>12</sup> Drug import cases must be handled specifically, the entry of narcotics from abroad through transnational crime networks must be handled from a national security perspective to create national resilience.

In the crime of drug trafficking, the police must have a big role in forming and implementing law enforcement to the community. The police as part of the Indonesian Criminal Justice System has a very important role in enforcing criminal law. The Criminal Procedure Code states that the police are investigators and investigators.<sup>13</sup>

Law enforcement officers who have an important role in handling narcotics crimes are investigators. In this case, it is the National Police and National Narcotics Agency (BNN) investigators, where investigators are expected to be able to assist in the process of resolving narcotics crimes, where investigators have various ways to uncover these narcotics crimes. Some of these investigation techniques range from Observation (review), Surveillance (following),

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<sup>10</sup>Wenda Hartanto, (2017), The Law Enforcement Against Narcotic and Drug Crimes Impacting on Security and State Sovereignty in The Era of International Free Trade, Indonesian Legislation Journal, 14 (01), p 12

<sup>11</sup>Nalindro Nusantoro, et al., (2022), The Role of the Police in Combating Transnational Crime in the Indonesia-Malaysia Border Area, Journal Publicuho, 5 (4), p 1140

<sup>12</sup>Ibid

<sup>13</sup>Armunanto Hutahaen, (2019), In the Integrated Criminal Justice System in Indonesia, Indonesian Legislation Journal, 16 (1), p 32.

Undercover Agent (agent infiltration), Undercover Buy (covert purchase), Controlled Planning (controlled delivery), Phone Intercept (telephone tapping); and Raid Planning Execution (raids implementation plan).

The Indonesian National Police in handling a case must adhere to the applicable legal regulations in Indonesia. Likewise, in the process of handling a drug crime, the Indonesian National Police must implement the regulations contained in the Criminal Procedure Code (KUHAP). Undercover Buy (covert purchase) The definition of undercover or infiltration is an investigative operation that is closed and confidential, this activity is disguised in such a way that the people who do it and all their activities should not raise suspicion in the person being infiltrated. Undercover buy actions are regulated in Article 75 letter J of the Narcotics Law, which means that narcotics and narcotics precursor investigators have the right to carry out or act directly as buyers.

Undercover buy as a technique carried out by investigators in narcotics and narcotics precursor crimes can be seen in the definition in field instructions No. Pol.Juklap/04/VIII/1983, which states that undercover buy is a special technique in investigating narcotics trafficking crimes, where an informant or police officer (under cover) acts as a buyer in an illegal narcotics transaction, with the intention that when this happens the seller or intermediary or people related to the supply of narcotics and narcotics precursors can be arrested along with the evidence as it is.

The implementation of undercover purchases cannot be separated from several interrelated investigative actions. These investigative actions include observation and surveillance. After several investigative actions have been carried out, then the technique of catching undercover buys can be implemented. Regarding these techniques, they will be discussed one by one below:

1. Observation (review);

Based on the field instructions of the Chief of Police Number Pol.Juklap/69/II/1993, there is no reporter in narcotics crimes. This is because based on the juklap it is stated that the victim is considered the perpetrator. The wording of the provisions of the Juklap is clearly "The victim as the perpetrator. In the eyes of the police, there is no victim in narcotics crimes. All of them, from the planter, maker, distributor and user/user of narcotics are treated as perpetrators". Based on the wording of the provisions of the juklap, it can be seen that in narcotics crimes there is no such thing as a reporting witness. In narcotics crimes, what is known is the informant. Investigators and investigators work based on information from the informant. The informant here can come from the community, Non-Governmental Organizations or can also come from fellow players (drug dealers or users themselves). With this information, observations are then carried out. From this observation, the condition of a place and the people in that place can be known.



Based on Decree No. Pol SKep/1205/IX/2000/11 September 2000 concerning the revision of the *Juklak* and *Juknis* compilation of the Criminal Investigation Process: field guidebook on investigation, it is stated that the observation process begins with general observation to obtain a general/comprehensive picture of the parts/things that are special in detail or specifically. After the initial observation is carried out, it is then continued with observation of people, observation of objects, observation of places and observation of events. From this observation, it can be known what the environmental situation is of the target of the operation that will be arrested.

## 2. *Surveillance*(shadowing).

*Surveillance* is a systematic tracking activity against people, places and objects. Usually surveillance is carried out on people, while tracking of places/objects is carried out because it is related to the person being observed. This tracking is usually carried out secretly, continuously and sometimes intermittently to obtain information on the activities of the target of the operation. The purpose of this tracking is to obtain evidence of a crime, in addition to protecting the undercover agent who is undercover and strengthening the testimony. The success of this tracking depends on the skill of the officer in undercover. If this tracking is successful, the investigator can take further action, namely undercover buy. By implementing surveillance in accordance with the procedures written above, the level of success of the implementation of the surveillance will be greater.

The eradication scheme from a small scope will have an impact on a larger movement in eradicating the drug trafficking network. Mapping the area is a strategy that is still effective as an effort by the Police to sniff out all sources of drug activity.

Mapping or social mapping is a systematic process of depicting society and involves collecting data and information about society, including the profile and social problems that exist in society.<sup>14</sup> Social mapping is seen as an approach in handling social problems. Social mapping also functions as one of the tools of social analysis. While social analysis is a basic and auxiliary tool in an effort to place and understand a particular problem, for example the vulnerability of drug activities (use, distribution, production).

## 4. Conclusion

Law enforcement officers who have an important role in handling narcotics crimes are investigators. In this case, it is the National Police and BNN investigators, where investigators are expected to be able to assist in the process of resolving narcotics crimes, where investigators have various ways to uncover these narcotics crimes. Some of these investigation techniques range from Observation (review), Surveillance (following), Undercover Agent (agent infiltration), Undercover Buy (covert purchase), Controlled Planning (controlled

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<sup>14</sup>Edi Soeharto, (2005), *Building Society Empowering the People*. Bandung: Aditama, p 81



delivery), Phone Intercept (telephone tapping); and Raid Planning Execution (raids implementation plan). Undercover Buy as a technique carried out by investigators in narcotics and narcotics precursor crimes can be seen in the definition in field instructions No. Pol.Juklap/04/VIII/ 1983 states that undercover buying is a special technique in investigating narcotics trafficking crimes, where an informant or police officer (under cover) acts as a buyer in an illegal narcotics transaction, with the intention that when this happens the seller or intermediary or people related to the supply of narcotics and narcotics precursors can be arrested along with any evidence. The implementation of undercover buying cannot be separated from several interrelated investigative actions. These investigative actions include observation and surveillance.

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