

Optimizing Eradication of Narcotics Crimes in the Central Java Regional Police Region

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Abstract. *The development of narcotics law policy is still based on the traditional criminal law system, while on the one hand, the narcotics criminal law policy must face the digitalization era where crimes are no longer in the traditional mode but are more advanced into a mode in the form of cybercrime. This often makes the optimization of narcotics eradication constipated. The type of legal research used is non-doctrinal. Based on the research conducted, it can be seen that the prevention of illegal narcotics trafficking in the Central Java Regional Police area has not been able to be realized, this situation is a result of the absence of regulations on illegal narcotics trafficking through digital in Law Number 35 of 2009 concerning Narcotics. The factors that have made narcotics legal policy incapable of overcoming the problem of digital narcotics distribution are substantive factors in the form of the lack of regulations regarding illegal narcotics distribution through digital means, structural factors in the form of the lack of digital facilities and infrastructure in overcoming the problem of digital narcotics distribution, cultural factors in the form of poverty and socio-cultural order issues that have resulted in many victims of damaged social environments becoming users by making digital media the latest modus operandi.*

Keywords: *Criminal; Distribution; Optimization; Narcotics.*

1. Introduction

The development of narcotics law policy is still based on the traditional criminal law system, while on the one hand, the narcotics criminal law policy must face the digitalization era where crimes are no longer in the traditional mode but are more advanced into a mode in the form of cyber crime. This is clearly contrary to the perspective of progressive law where according to progressive law, law is not only limited to autonomous or repressive law but law is a dynamic institution that is tasked with making people happy, therefore law always dynamically aims to realize true legal justice. So that for that reason the law is not in a vacuum, or in other words the law must be able to adapt to various developments in society. So that the restoration of the social order system of society that has been damaged

due to the circulation of narcotics in cyberspace is also the main goal of the existing criminal justice system. However, in reality, the legal policy of eradicating narcotics is unable to keep up with the progress of information and communication technology today. This situation has resulted in the violation of the mandate of Pancasila, especially the Second and Fifth principles, which have also resulted in the violation of the mandate of the fourth paragraph of the opening of the 1945 Constitution which states that the Indonesian state also has the following tasks:

- 1) Protecting the entire nation and all of Indonesia's territory;
- 2) Advancing the general welfare;
- 3) Enlightening the life of the nation;
- 4) Participate in implementing world order, based on freedom, eternal peace and social justice.

This situation has clearly resulted in the political irrelevance of eradicating narcotics so far.¹

The modus operandi that has involved technological advances has made the optimization of narcotics eradication also encounter many obstacles and is not yet optimal.

The rapid circulation of narcotics can be proven by the narcotics case handled by the Central Java Regional Police. The Central Java Regional Police have again succeeded in uncovering a narcotics distribution case in their area. This time, officers secured 18 packages of crystal methamphetamine weighing 9.33 grams owned by a suspect with the initials P, a resident of Purwodadi, Grobogan Regency. The 44-year-old man was arrested on Monday night (4/11/2024) by the Central Java Regional Police's Drug Investigation Team because he was strongly suspected of acting as a crystal methamphetamine dealer in the Grobogan Regency area. The arrest was made after the team received information from the public about a planned drug transaction in the area. Following up on this information, the team immediately conducted surveillance and managed to identify the suspect according to the characteristics that had been obtained. The suspect was finally arrested while in front of his house in Nglarik, Kalongan Village, Purwodadi District, Grobogan. During a search of the suspect's house, the team found 18 packages of methamphetamine with a gross weight of around 9.33 grams. The methamphetamine packages were stored in a pink wallet and in a pants pocket hanging behind the suspect's bedroom door. From the results of the initial interrogation, the suspect admitted to getting the illicit goods from a friend with the initials "L" who is located in Jakarta. The suspect's modus operandi was to take a 10-gram package of methamphetamine at the Purwodadi Terminal. The suspect had also deposited Rp4.5 million as part of the transaction. The evidence

¹CIA, Narcotics and the Arab Worlds, CIA Directorate of Intelligence, 2012, Accessed via www.CIA.gov on October 12, 2024.

confiscated from the suspect included 18 packages of methamphetamine with a total weight of 4.94 grams (net weight) after being weighed by the Bid Labfor Polda Jateng. In addition, two cellphones and several personal items were also secured for further investigation. Based on the results of the examination in the forensic laboratory, the evidence tested positive for containing Methamphetamine. Suspect P is also known to be a dismissed member of the National Police due to a desertion case and has served a 7-month sentence related to a gambling case in 2010 and a narcotics case in 2016 with a prison sentence of 8 years.²

2. Research Methods

The type of legal research used is non-doctrinal. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in the interactions between them. That the real reality of life does not exist in the empirical world which is also the world of observation, does not appear in the form of objectively patterned and structured behavior (let alone normative) and therefore can be measured to produce quantitative data. The reality of life actually only exists in the realm of meaning which appears in the form of symbols that can only be understood after being interpreted. Such realities cannot be easily "captured" through external observation and measurement. These realities can only be "captured" through experience and internal experiences that produce a complete picture of understanding.³

3. Results and Discussion

3.1. Optimization of Drug Eradication in the Central Java Regional Police Area Currently

The National Narcotics Agency revealed that throughout 2019 until the end of 2020 there were as many as 33,371 narcotics cases with a number of evidence, namely marijuana narcotics totaling 112.2 tons, 5.01 tons of crystal methamphetamine, 1.3 million Ecstasy pills and 1.65 million PCC pills confiscated from a number of places throughout Indonesia. As for the narcotics case suspects who were successfully arrested by the BNN and the Police in 2019, there were 42,649 perpetrators. In addition, in 2019 the BNN managed to map 98 narcotics syndicate networks, as many as 84 narcotics syndicate networks have been successfully uncovered by the BNN. The 84 networks consist of 27 international drug syndicate networks, 38 domestic networks/new networks and 19 drug syndicate networks involving inmates/prisoners who act as network controllers in 14 Correctional Institutions. Of the 98 syndicates, 75 drug syndicate networks use

²Personal interview with AKP Mohammad Luqman Effendi as Director of Narcotics Investigation of Central Java Regional Police, on December 7, 2024.

³Soetandyo Wignjosoebroto, Law, Paradigm, Method, and the Dynamics of the Problem, HUMA, Jakarta, 2002, p.198.

cyberspace to distribute narcotics.⁴In other words, narcotics legal policy has not been able to keep up with the growth of society in the current digital era.

In the current era of globalization, in fact the boundaries between countries are increasingly blurred, although jurisdictionally they remain unchanged. However, criminals do not recognize territorial boundaries or jurisdictional boundaries. They operate from one country to another freely. If the era of globalization has only emerged or developed in recent years, criminals have long used the concept of globalization without being faced with legal guidelines, even what is happening in various countries in the world today, the law with all its limitations is a protector for these criminals. Globalization is a process of placing the world under the same unit without being limited by the lines and geographical position of a country, where through this process the world is finally no longer limited and the country is wide open to be entered by various statements that are channeled via telecommunications, such as the internet, print and electronic media, which finally this development allows interaction between one country and another, also makes interaction between humans possible in a short time.⁵

Such a situation is seen in the case of drug trafficking carried out by AY and ES in Sragen who made offers and distribution of narcotics through the Facebook network in a hidden manner. AY served as a digital social media operator while ES was the courier and the party who communicated with prospective buyers. Based on the investigation by the Sragen Police, evidence was finally found in the form of a computer device as a tool for offering and distributing narcotics as well as 4 grams of crystal methamphetamine. AKP Rini Pangestuti as Head of the Sragen Police Narcotics Unit explained that:⁶

The modus operandi of illegal drug trafficking today has used social media, this requires more advanced law enforcement facilities and infrastructure with a digital basis and greater community involvement.

The legal vacuum in the criminal law policy of drug trafficking is also seen in the decision Number: 133/Pid.Sus/2018/PN Rbi. The perpetrator's actions who also offered narcotics through social media were not a special study by the judge, the perpetrator was only charged with Article 127 Republic of Indonesia Law Number 35 of 2009 concerning Narcotics which reads:⁷

1) Any Abuser:

⁴<https://bnn.go.id/konten/unggahahan/2019/12/DRAFT-LAMPIRAN-PRESS-RELEASE-AKHIR-TAHUN-2019-1-.pdf>. Accessed June 12, 2024.

⁵Makbul Padmanagara, International Crime, Challenges and Solutions, Indonesia, Interpol Magazine, 2007, p. 58

⁶Interview with AKP Mohammad Luqman Effendi Head of the Sragen Police Narcotics Investigation Unit, on June 12, 2024

⁷ST. Aqmal, Manuscript of the Decision on the Case of Drug Distribution in Bima City, Downloaded via <https://bangunan3.mahkamahagung.go.id/direktori/bangunan/5a3c87e5251d39e7d5d7bb8f702e5ed6.html>, on June 12, 2024.

- a) Class I narcotics for personal use are punishable by a maximum prison sentence of 4 (four) years;
 - b) Class II narcotics for oneself are punishable by a maximum imprisonment of 2 (two) years; and
 - c) Class III narcotics for personal use are punishable by a maximum prison sentence of 1 (one) year.
- 2) In deciding a case as referred to in paragraph (1), the judge must pay attention to the provisions as referred to in Article 54, Article 55, and Article 103.
 - 3) In the event that the Abuser as referred to in paragraph (1) can be proven or proven to be a victim of Narcotics abuse, the Abuser is required to undergo medical rehabilitation and social rehabilitation.

Based on the various narratives above, it is clear that the progress of information and communication technology in the current digital era has also had an impact in the form of the development of the modus operandi of narcotics crimes that occur in society. According to the National Police Criminal Information Center, the Indonesian National Police have prosecuted more than 3,000 drug cases during September 2024. The number of people reported for drug cases is greater than the number of cases handled by the police. The Main Secretary of the Indonesian National Narcotics Agency, Inspector General of Police Tantan Sulistyana, said that the evidence destroyed consisted of 15,486 kilograms of crystal methamphetamine and 48,574 ecstasy pills. The illicit goods came from three cases uncovered throughout August 2024. Since the beginning of 2024, the Indonesian National Police have prosecuted 33,924 cases of drug crime and trafficking. In September 2024, the number of drug crimes and trafficking cases handled by the National Police was 18.86 percent of the total number of drug crimes 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 2024.⁸

The Central Java National Narcotics Agency (BNN) revealed the circulation of around 13.4 kg of marijuana during the period from January to June 2024. Head of the Central Java BNN Agus Rohmat in Semarang, Monday, said that during the period 13 cases of drug abuse had been uncovered. In addition to 13.4 kg of marijuana, the BNN also confiscated evidence of 1.5 kg of crystal methamphetamine and 1,300 koplo pills during the disclosure in 2024. According

⁸National Education Center, For Drug Dealers and Distributors, BNN: Don't Play Around with the State, accessed via https://pusiknas.polri.go.id/detail_article/untuk_para_bandar_dan_pengedar_narkoba_bnn:jangan_main-main_dengan_negara, on June 12, 2024.

to him, the total economic value of the drugs secured reached IDR 2.4 billion. The Central Java BNN also destroyed evidence of 1 kg of crystal methamphetamine from the disclosure in Brebes Regency.⁹

The arrest of perpetrators of drug trafficking was also carried out by the Central Java Regional Police in its jurisdiction. According to Benny Hartawan as Head of Unit 2 Sub-Directorate 2 of the Central Java Regional Police Narcotics Directorate. the Central Java Regional Police have again succeeded in uncovering a case of drug trafficking in their area. This time, officers secured 18 packages of crystal methamphetamine weighing 9.33 grams owned by a suspect with the initials P, a resident of Purwodadi, Grobogan Regency. The 44-year-old man was arrested on Monday night, November 4, 2024 by the Central Java Regional Police's Drug Investigation Directorate team because he was strongly suspected of acting as a crystal methamphetamine drug dealer in the Grobogan Regency area. During a search of the suspect's house, the team found 18 packages of methamphetamine with a gross weight of around 9.33 grams. The packages of methamphetamine were stored in a pink wallet and in a trouser pocket hanging behind the suspect's bedroom door. The modus operandi carried out by the suspect was to take a 10 gram package of crystal methamphetamine at the Purwodadi Terminal. The suspect also deposited Rp. 4.5 million as part of the transaction. The evidence confiscated from the suspect included 18 packages of crystal methamphetamine with a total weight of 4.94 grams (net weight) after being weighed by the Bid Labfor Polda Jateng. In addition, two mobile phones and several personal items were also secured for further investigation. Based on the results of the examination in the forensic laboratory, the evidence was declared positive for containing Methamphetamine.¹⁰ Based on the various explanations above, it can be seen that throughout 2024, the BNN was able to confiscate evidence of narcotics trafficking crimes amounting to 13.4 kg of marijuana, BNN also confiscated evidence of 1.5 kg of crystal methamphetamine and 1,300 koplo pills from 15 cases in Central Java, while the Central Java Police in handling one case on November 4, 2024 in its jurisdiction were able to confiscate evidence of narcotics crimes in the form of 9.33 grams of crystal methamphetamine. Based on the confiscation of evidence by BNN and the Central Java Police, the total amount of narcotics found in the narcotics distribution circle in Central Java was 13.409 grams. The following will be explained in the table below:

Table: Number of Evidence of Narcotics Distribution Crimes in Central Java

Institutions	Number of Evidence Items	Amount of Evidence in Grams
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⁹Interview with Agus Rohmat as Head of the Central Java Province BNN, on October 12, 2024.

¹⁰Personal interview with Benny Hartawan as Head of Unit 2, Sub-Directorate 2, Directorate of Drug Investigation, Central Java Regional Police, on November 6, 2024.

National Narcotics Agency	13.4 Kg	13,400G
Central Java Regional Police	9.33 G	9.33 G
Amount		13,409 G

According to Chambliss and Seidman, the working of the law depends on any action that will be taken by the role holders, implementing institutions or law makers who are always in the scope of the complexity of social, cultural, economic and political forces and so on. All social forces always work in every effort to function the applicable regulations, apply their sanctions, and in all activities of the implementing institutions. Finally, the role played by the institutions and legal institutions is the result of the work of various factors.¹¹

Based on the narrative above, it is clear that eradicating corruption in the current digital era is not easy, the spread and exposure of the impact of narcotics trafficking through digital media information and communication is faster and can no longer be stopped. This is also increasingly complicated, with the fact that there is still a legal vacuum in the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics which has not specifically regulated the crime of digital narcotics trafficking as cyber crime. These various realities show that the state of technological progress and the dynamics of social life of society as a social and personal force greatly influence the enforcement of the law against narcotics trafficking.

3.2. Obstacles and Solutions in the Problem of Eradicating Narcotics in the Central Java Regional Police RegionAt the moment

a. Internal Obstacles Current Issues of Drug Eradication in the Central Java Regional Police Area

1) Substantial Constraints

It has been explained previously that the ineffectiveness of eradicating narcotics in the Central Java Regional Police area is due to the fact that the distribution of narcotics has increasingly developed its modus operandi along with the progress of community life, which is proven by the fact that the distribution of narcotics has not been regulated digitally in Republic of Indonesia Law Number 35 of 2009 concerning Narcotics.¹²

¹¹William J. Chambliss and Robert B. Seidman in Esmi Warassih, Legal Institutions: A Sociological Study, Ibid., p. 10.

¹²Dahlan, "Criminal Imposition on Drug Abusers", Journal of Legal Reform, Volume IV No. 1, 2017, p. 16.

The elements of Article 1 paragraph (6) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics are:

a) Any Activity or Series of Circulation Activities

The definition of an activity or series of distribution activities according to Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics is a process, cycle, activity or series of activities that distribute/transfer something (goods, services, information, etc.). Distribution can also be interpreted as import, export, domestic buying and selling as well as storage and transportation. This activity is carried out by someone who can be held accountable. The subject element (normadressaat) is the element of each person as a legal subject, in the sense of a person personally or referring to a certain legal entity that is able to be held responsible according to law.¹³

Then from the subject it can be said to be responsible because in addition to the subject requirement, there is also a requirement of intent in his actions. In relation to the requirement of intent, which contains wanting and knowing, then in the science of criminal law there are two theories, namely:¹⁴

(1) The theory of will (wilstheorie) was put forward by Von Hippel (die grenze von vorsatz und fahrlässigkeit, 1903). Intention is the will, the will to make an action and the will to cause a result because of that action. In other words, intentional is when the result is the true intention of the action taken.

(2) The theory of imagining (voorstelling-theorie), this theory was put forward by Frank in the "Festschrift Gieszen 1907" by Ueber and Aubuf des schuld-begriffs. According to Frank, based on psychological reasons, it is impossible for a result to be desired by an action, humans cannot possibly desire a result. Frank's formula reads: it is intentional if a result (caused by an action) is imagined as the intention (of the action), and therefore the action in question is carried out in accordance with the previously created image.¹⁵

According to Vos in his *leerbok*, there are three forms of intention, namely Intention as intent, Intention as certainty or necessity, and Intention with awareness of the magnitude of the possibility. The three forms of intention in some literature are known as the three types of intention. The types of intention are as follows:¹⁶

(1) Intention as an intention (opzet als oogmerk) is an intention to achieve a goal. This means that between a person's motivation to do an act, the action, and the consequences are actually realized.

¹³Duwi Handoko, *Principles of Criminal Law and Penitentiary Law in Indonesia*, Hawa and Ahwa, Pekanbaru Baru, 2017, p. 39.

¹⁴Location, cit.

¹⁵Ucuk Agiyanto, "Law Development and Enforcement in Indonesia: Exploration of the Concept of Justice with a Divine Dimension", *Ransendental Law Journal*, (undated), p. 494.

¹⁶Eddy OS Hiariej, *Principles of Criminal Law*, Atmajaya University, Yogyakarta, 2016, pp. 172-182.

(2) Intention as certainty or necessity (opzet bij noodzakelijkheids of zekerheidsbewustzijn), namely intention that causes two consequences. The first consequence is desired by the perpetrator, while the second consequence is not desired but is certain or occurs.

(3) Intention with awareness of the magnitude of the possibility (opzet met waarschijnlijkheidsbewustzijn) is an intention that causes consequences that are not certain to occur but are a possibility.

(4) Conditional intention (dolus eventualis) is basically someone does an act but does not intend the consequences. It can be said that even though someone does not intend the consequences, the act is still carried out, so the person must bear whatever risks arise.

(5) Colored intent (opzetgekleur) is that a person who commits an act must know beforehand that the act he is committing is a criminal act or an act that is prohibited by law.

(6) Colorless intent (opzetkleurloos) is an intentional act, without requiring the perpetrator's knowledge of whether the act he committed is a criminal act or not.

(7) Objectified intent is not a type of intent but rather a way to ensure the existence of intent, namely if it cannot be determined with certainty whether someone has committed a crime or not, then the existence or absence of intent must be concluded from the visible act.

(8) Dolus directus is a term that refers to the intentional nature as a certainty or necessity, requiring not only a high level of knowledge, but also the consequences of the act, even though it is not desired, but awareness of the inevitability of it certainly occurring.

(9) Dolus indirectus is the deliberate act of committing a prohibited act but the resulting consequences are undesirable.

(10) Dolus determinus is based on the assumption that in essence an intention must be based on a certain object, a variant that is no longer used and is more directed towards intention as certainty.

(11) Dolus indeterminus is an intentional act directed at any person.

(12) Dolus alternatives is the intention to do a prohibited act and to desire one consequence or another.

(13) Dolus generalis is an intention directed at one person but more than one action is taken to achieve that goal.

(14) Dolus repentinus or impetus is the intentional act of doing something that occurs suddenly.

(15) Dolus premeditates is an intentional act carried out with prior planning.

(16) Dolus antecedens is defined as an intention that is placed too far before the action is carried out.

(17) Dolus subsequents is a dolus that places intent on an act that has already occurred.

(18) Dolus malus is defined as an act done intentionally.

b) Unlawfully

An act that is declared legal is an act that is in accordance with applicable law, according to R. Soeroso a legal act is any act carried out by a legal subject (either a human or a legal entity) the consequences of which are regulated by law, because the consequences can be considered as the will of the person carrying out the law.¹⁷The types of actions included in the category of legal actions are:¹⁸

(1) Unilateral legal act, unilateral legal act is a legal act carried out by only one party and gives rise to rights and obligations by one party as well. For example, making a will as regulated by Article 875 of the Civil Code.

(2) Bilateral legal acts, bilateral legal acts are legal acts carried out by two parties and give rise to rights and obligations for both parties (reciprocal). For example, a sales agreement regulated in Article 1457 of the Civil Code.

Meanwhile, an act that is an illegal act according to R. Soeroso is an act that is done but the consequences are not desired. As for acts that are not included in legal acts are acts that are prohibited by law or onrechtmatige daad. Acts that are prohibited by law or unlawful acts that are commonly called onrechtmatige daad are acts that cause harm to others and require the guilty perpetrator to compensate for the losses incurred.¹⁹

Then the definition of unlawful acts is also known in criminal law. According to Lamintang in Indonesian, the word *wederrechtelijk* means illegally which can include the meaning of contrary to objective law or legislation and contrary to the rights of others or subjective law.²⁰

c) Narcotics Crimes and Narcotics Precursors

Narcotics crimes are criminal acts of narcotics abuse without rights or against the law other than those specified in the law. According to Article 1 paragraph (2) of the Republic of Indonesia Law Number 35 of 2009 concerning Narcotics:

Narcotics Precursors are substances or starting materials or chemicals that can be used in the manufacture of Narcotics which are differentiated in the table as attached to this Law.

¹⁷Andri Winjaya Laksana, "Review of Criminal Law on Narcotics Abusers with Rehabilitation System", *Journal of Legal Reform*, Volume II No. 1, 2015, pp. 75-76.

¹⁸R. Soeroso, *Introduction to Legal Science*, Sinar Grafika, 2009, pp. 291-294.

¹⁹Location, cit.

²⁰Teguh Prasetyo and Abdul Hakim Barkatullah, *Legal Politics, Criminal Studies on Criminalization and Decriminalization Policies*, Pustaka Pelajar, Yogyakarta, 2005, p. 32.

In this element, the object that is used as the source of a crime is narcotics that are traded or distributed illegally, so that this element differentiates narcotics crimes from crimes involving the trade in other prohibited objects.

Based on the elements above, it can be seen that the *modus operandi* of illegal distribution or delivery of narcotics has not become an element in the formulation of crimes related to narcotics trafficking. This is further exacerbated by the lack of regulation of digital narcotics trafficking in Law No. 19 of 2016 in conjunction with Law No. 11 of 2008 concerning ITE.

2) Legal Structure Constraints

In general, the expertise of Polri personnel is still very low, especially in the field of investigation and prosecution of drug cases. Furthermore, the moral attitudes and behavior of some Polri officers who are still deviant, tend to seek personal gain, by commercializing drug cases and some even become their backers, and so on. Then the limited facilities and infrastructure owned by Polri are obstacles in pursuing and arresting drug dealer groups. The lack of budget for uncovering drug cases. We know that to carry out investigations and prosecutions of drug crimes, especially to arrest a dealer, requires a very long or long time.²¹

3) Legal Culture Constraints

The economic crisis that has not fully recovered has caused high unemployment and poverty rates, making it easier for people to be influenced to abuse drugs. This is human nature that always wants shortcuts to gain large profits in a short period of time to overcome economic problems. Rapid social changes such as modernization and globalization require people to always adapt to a social environment that is all new and global. This makes people stressed, resulting in disorders such as insomnia (difficulty sleeping), physical and mental fatigue due to high levels of competition, and so on. Such conditions cause people's demand to use drugs to increase.²²

4. Conclusion

Handling of illegal narcotics trafficking crimes in the Regional Police area Central Java has not been able to realize this, this situation is a result of the absence of regulations on the illegal distribution of narcotics through digital in Law Number 35 of 2009 concerning Narcotics.

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