

Criminal Investigation Drug Abuse in West Java Province

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Abstract. *Recently, narcotics and illegal drugs crimes have become transnational in nature, carried out with high modus operandi and sophisticated technology, law enforcement officers are expected to be able to prevent and overcome these crimes in order to improve the morality and quality of human resources in Indonesia, especially for the next generation of the nation. This study aims to determine the Investigation of Narcotics Abuse Crimes in West Java Province. In this study, the approach method used is: a normative legal approach (normative legal research method). library legal research conducted by examining library materials or secondary data alone. The research specification used is Analytical Descriptive, which is an effort to analyze and explain legal problems related to objects with a comprehensive and systematic description of everything related to the Investigation of Narcotics Abuse Crimes in West Java Province. The role of investigators in revealing the process of resolving narcotics crimes is manifested in a series of police actions that begin with information from the public or police officers, then an information report is generated or made which is then issued an investigation warrant. After that, an investigation is carried out and the results of the investigation are compiled, and if it turns out that the information leads to drug abuse, then an arrest can be made and then the investigation process can be continued against the perpetrators of narcotics crimes. The obstacles in the investigation process are related to the facilities and infrastructure in conducting the investigation.*

Keywords: *Criminal; Enforcement; Law; Narcotics.*

1. Introduction

In a state of law, law is the main pillar in moving the joints of social, national, and state life. One of the main characteristics of a state of law lies in its tendency to assess actions taken by society on the basis of legal regulations. This means that a state with the concept of a state of law always regulates every action and

behavior of its people based on applicable laws.

This is done to create, maintain, and defend peace in social life in accordance with what is mandated in Pancasila and the 1945 Constitution, namely that every citizen has the right to feel safe and free from all forms of crime. Criminal law as a tool or means to resolve problems in community life. The existence of criminal law can provide justice and appropriate solutions for the community. Because criminal law is a collection of regulations that regulate actions, both ordering to do or do something, or prohibiting to do or do something that is regulated in the law with criminal sanctions for those who violate it. While the criminal law in force in the Republic of Indonesia can be divided into two types, criminal law known in the Criminal Code (KUHP) and Special Criminal Law regulated outside the Criminal Code.

Criminal law not only provides an understanding of acts prohibited by a legal rule, which prohibition is accompanied by a threat (sanction) in the form of a certain penalty for anyone who violates the prohibition, but also includes matters relating to the imposition of criminal penalties and how the penalty can be implemented. The prohibition is directed at an act, a condition or incident caused by a person's behavior or actions. The threat of criminal penalties or sanctions are directed at the perpetrator who commits a criminal act, usually referred to as "whoever", namely the perpetrator of the criminal act as a legal subject, namely the supporter of rights and obligations in the legal field. So that criminal acts are one of the parts studied in criminal law.

Recently, narcotics and illegal drug crimes have become transnational in nature, carried out with high modus operandi and sophisticated technology. Law enforcement officers are expected to be able to prevent and overcome these crimes in order to improve the morality and quality of human resources in Indonesia, especially for the nation's next generation.

Among the law enforcement officers who also have an important role in drug crime cases are "Investigators", in this case National Police investigators, where investigators are expected to be able to assist in the process of resolving drug crime cases.

The problem of abuse of Narcotics, Psychotropics and other Addictive Substances (NAPZA) or the term popularly known to the public as NARKOBA (Narcotics and Dangerous Materials/Drugs) is a very complex problem, which requires comprehensive efforts to overcome it by involving cooperation from various multi-sectors, and active community participation that is carried out continuously, consequently and consistently. Although in Medicine, most groups of Narcotics, Psychotropics and other Addictive Substances (NAPZA) are still useful for treatment, but if they are misused or used not according to medical indications or treatment standards, especially if accompanied by illegal

distribution, it will have very detrimental consequences for individuals and the wider community, especially the younger generation. The rampant abuse of Narcotics is not only in big cities, but has also reached small cities throughout the Republic of Indonesia, from the lower middle socio-economic level to the upper socio-economic level.

Drug abuse can result in dependency syndrome if its use is not under the supervision and guidance of health workers who have the expertise and authority to do so. This is not only detrimental to abuse, but also has social, economic and national security impacts, so this is a threat to the life of the nation and state.

Drug abuse encourages illicit trafficking, while illicit drug trafficking causes widespread abuse and international dimensions. 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 become dependent so that the 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.

The term narcotics is no longer a foreign term for the public considering the many news from both print and electronic media that report on drug abuse from year to year growing rapidly even though there are already regulations governing narcotics and narcotic precursors. However, not many people know what narcotics are, what forms narcotics take, and what the signs of drug addiction are. This is understandable because narcotics are goods whose circulation is prohibited in the community.

The definition of narcotics can be found in Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics which reads: "Narcotics are substances or drugs derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce to eliminate pain, and can cause dependency, which are divided into groups as attached to this law."

In general, the daily practice that occurs in Indonesia, the circulation of narcotics is rampant in big cities in Indonesia, one of which is in the province of West Java. Based on pre-research, narcotics circulation was found in West Java Province. Therefore, the author is interested in researching narcotics crimes.

2. Research methods

Research Methods, are basically a function of the problems and objectives of the research. Therefore, discussions in research methods cannot be separated and must always be closely related to the problems and objectives of the research. What is used in this research consists of approach methods, research specifications, sources and types of data, data collection techniques and data analysis techniques.

3. Results and Discussion

3.1 The Role of Investigators in the Process of Investigating Narcotics Crimes in West Java Province

The role of investigators in revealing the process of resolving narcotics crimes is manifested in a series of police actions that begin with information from the public or police officers, then an information report is generated or made which is then issued an investigation warrant. After that, an investigation is carried out and the results of the investigation are compiled, and if it turns out that the information leads to drug abuse, an arrest can be made and then the investigation process can be continued against the perpetrator of the drug crime.

The investigation process begins with the investigation process to find and discover an event suspected of being a criminal act in order to determine whether or not an investigation can be carried out according to the method regulated in the Law. If after going through the investigation stage it can be determined that an event is a crime, then it is continued with the investigation stage. Investigation and investigation actions will be carried out immediately if a crime occurs. The existence of this crime can be known by officers in the following ways: there is a report, complaint, being caught red-handed, or being known directly by officers.

Investigation of narcotics crime cases is a system or method of investigation carried out to search for and collect evidence that with that evidence makes clear about the crime that occurred and in order to find the suspect in accordance with the method regulated in the Criminal Procedure Code. Investigation is the second action of the criminal justice system process after the investigation:

1. Legal Basis for Investigation as in the West Java Police Narcotics Directorate, it operates using the rules that have been set by law as a reference. No exception in terms of the investigation process, the West Java Police Narcotics Directorate is based on:

- a. Article 8 paragraph (3) and Article 10 paragraph (1) of the Criminal Procedure Code.

- b. Law No. 2 of 2002, concerning the Republic of Indonesia Police.
- c. Government Regulation of the Republic of Indonesia No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code.

2. Investigation Stage

Initial Commencement of Investigation the first stage in an investigation is to assist in the investigation plan. This investigation plan is made so that from the beginning the direction of an investigation can be determined, the methods to be used, the personnel to be used, and the time period required in an investigation. Making an investigation plan is a must in the investigation of a case that will be carried out by the investigator.

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The investigation process carried out by officers of the West Java Regional Police's Drug Investigation Directorate regarding narcotics crimes begins with reports from the public or information from investigators in the field. In the process of investigating narcotics cases, it is usually done by infiltrating or infiltrating the network of drug dealer syndicates or drug lords. With this infiltration, members of the Drug Investigation Unit can collect a lot of information, data, or valid evidence for the investigation of a narcotics crime case.

After that, conducting the investigation process, officers continue to the investigation process to clarify a crime and find the suspect, as well as the evidence. In addition, in the process of investigating narcotics crimes according to Article 75 of Law Number 35 of 2009 concerning Narcotics, in the investigation, investigators are authorized to:

- a. Conducting investigations into the truth of reports, as well as information regarding the misuse and illicit trafficking of narcotics and narcotic precursors.
- b. Investigating individuals or corporations suspected of misusing and illicitly distributing narcotics and narcotic precursors.
- c. Calling people to be heard as witnesses.

- d. Ordering people suspected of abusing and illicitly distributing narcotics and narcotic precursors to stop, and checking the suspect's identification.
- e. Examine, search and confiscate evidence of criminal acts in the misuse and illicit trafficking of narcotics and narcotic precursors.
- f. Checking letters and/or other documents regarding the misuse and illicit trafficking of narcotics and narcotic precursors.
- g. Arrest and detain people suspected of abusing and illicitly distributing narcotics and narcotic precursors.
- h. Conducting interdiction against the illicit circulation of narcotics and narcotic precursors throughout the national jurisdiction.
- i. Conduct wiretapping related to the abuse and illicit trafficking of narcotics and narcotic precursors after there is sufficient initial evidence.
- j. Conduct undercover purchasing and supervised delivery investigation techniques.
- a. Destroy Narcotics and Narcotics Precursors.
- l. Perform urine tests, blood tests, hair tests, deoxyribonucleic acid (DNA) tests, and/or tests of other body parts.
- m. Taking fingerprints and photographing the suspect.
- n. Moving people, goods, animals and plants.
- o. Opening and inspecting every item sent via post and other means of transportation that is suspected of being related to the misuse and illicit trafficking of narcotics and narcotic precursors.
- p. Carrying out sealing of Narcotics and Narcotics Precursors.
- q. Conducting laboratory tests on samples and evidence of narcotics and narcotic precursors.
- r. Requesting assistance and expertise as needed in connection with the task of investigating the misuse and illicit trafficking of narcotics and narcotic precursors.
- s. Stop the investigation if there is insufficient evidence of alleged abuse and illicit trafficking of narcotics and narcotic precursors.
- t. Arrest

Arrest is an action by investigators in the form of temporary restraint of the freedom of a suspect or defendant if there is sufficient evidence for the purposes

of investigation or prosecution and/or trial in the case and according to the method regulated in this law. The legal basis for arrest is Article 1 Number 20 of Law Number 8 of 1981 concerning Criminal Procedure Law. After investigators receive a report or complaint about the occurrence of a narcotics crime, then as a continuation of the action taken by someone, if the investigator has strong suspicions accompanied by sufficient initial evidence, the investigator can arrest the suspect.

Arrests cannot be carried out arbitrarily, because it violates human rights. To arrest someone, the investigator must issue an arrest warrant accompanied by the reasons for the arrest. The suspect can refuse the officer concerned. The suspect's arrest warrant can refuse the officer concerned. A new arrest warrant is issued if there is a strong suspicion that a crime has occurred accompanied by sufficient preliminary evidence.

u. Search

The search was conducted after a Search Warrant was issued and signed by an authorized official. With a Search Warrant.

v. Confiscation:

Tools or items found during a search are secured or confiscated. The purpose of the confiscation is to provide certainty that the suspect has committed the crime. When an investigator is going to confiscate evidence, the investigator must first show proof of identity, a letter of assignment, and so on to the owner of the goods.

w. Examination of Suspects and Witnesses

Examination of suspects and witnesses is the most important part or stage in the investigation process. From the suspect and witnesses will be obtained information that will be able to reveal everything about the crime that occurred. In connection with that before the examination begins, the investigator needs to prepare everything needed whether the person examining the suspect or witness has been appointed, where the suspect or witness will be examined and whether the suspect or witness to be examined has been summoned according to applicable provisions.

The preparations referred to include:

- 1) Appointment of examining investigator
- 2) Preparation of ingredients
- 3) Preparation of the examination site
- 4) Preparation of inspection facilities

If the preparation for conducting the examination has been prepared, then the examination can be started immediately. The ability of the examining investigator is very important so that the examination carried out can achieve the desired target. In order to conduct an examination of the suspect, the investigator must fulfill the provisions stipulated in Article 51, Article 53, Article 114, Article 115, and

Article 133 of the Criminal Procedure Code.

In the witness is very decisive evidence in the trial process. Because the witness is someone who can provide information about a crime that has occurred, where he heard, saw and experienced the event himself.

Witnesses are examined separately, but may be brought together with each other and they are obliged to give true information.

x. Detention

Detention is intended for the benefit of investigation and for the benefit of the judge's examination in court. Article 20 of the Criminal Procedure Code gives authority to investigators, public prosecutors or judges to carry out detention or further detention where each time the detention is carried out, a detention warrant must be used. In this case, the investigators detained the suspect Deden Darusman alias Deden based on the Detention Warrant Number: Sp. Han / 07 / I / 2017 / Res Narkoba, dated January 7, 2017, the suspect has been detained, a copy of the detention warrant was sent to the suspect's family and a detention report was made.

y. Completion of Investigation

Investigation Report is a series of investigations conducted by investigators in investigating a crime. After the investigator considers that the investigation of a crime is sufficient, then the investigator, by virtue of his oath of office, will also attach all the reports made in connection with the actions required in the investigation series.

Once all the necessary minutes are complete, the investigator submits the files to the public prosecutor, which is the submission in the first stage, namely only the case files.

Investigation of Narcotics Crimes at the West Java Regional Police Narcotics Directorate:

Conducting investigations into the truth of reports, Summoning people to be heard as witnesses, Examining, searching, and confiscating evidence, Conducting urine tests, blood tests, hair tests, deoxyribonucleic acid (DNA) tests, and/or tests on other body parts, Taking fingerprints and photographing suspects.

Next, receive the title of the case and carry out a task order to examine the suspect and evidence. Carry out coercive measures by arrest, search, and confiscation. If it meets the Elements according to Law No. 35 of 2009, the suspect is detained. For the completeness of the Investigation BAP, conduct Suspect Examination, Examination of Evidence, and Forensic Lab. If the investigation is complete, the JPU Phase I (Special Case Files) will be carried out at the Prosecutor's Office and P21 will be carried out. Furthermore, the JPU Phase II (Sending Suspects and Evidence) to the Court and then in the Trial Process in the Court.

From various indications, it shows that drug crimes are extraordinary crimes. The meaning is as a crime that has a big and multidimensional impact on social, cultural, economic, and political, and the negative impact caused by this crime is so terrible. For that, extraordinary punishment seems relevant to accompany this extraordinary crime model. Therefore, investigators from the West Java Regional Police Narcotics Investigation Unit always choose the highest punishment article for suspects so that the perpetrators are deterred by the high punishment, especially since drug crime cases have increased from time to time.

3.2 Obstacles in the Process of Investigating Narcotics Crimes in West Java Province

Basically, there are almost no obstacles or significant obstacles in the process of investigating narcotics crimes at the West Java Regional Police Narcotics Directorate because there are very few cases that are SP3. However, sometimes there are minor obstacles experienced in the investigation process, including:

1. Limited Facilities and Infrastructure.

Drug crimes are transnational crimes that often use increasingly sophisticated modus operandi. The dealers and distributors often take advantage of sophisticated technology in carrying out their actions.

The limitations of facilities and infrastructure, especially regarding technology and information owned by the Police, in this case the West Java Regional Police's Narcotics Directorate in order to support investigation and inquiry activities in uncovering narcotics crimes, often become obstacles in the investigation and inquiry process.

In overcoming these obstacles, the West Java Regional Police's Narcotics Directorate is working together with the West Java Regional Police's Technology and Information Directorate and the Central Java Province's National Narcotics Agency (BNN) to uncover a narcotics crime case that uses a sophisticated modus operandi.

2. The budget from the center is not yet sufficient.

Drug crimes have recently increased, but the budget is very inadequate, even though drug cases have increased over time. However, the lack of budget should not be used as an excuse to reduce the intensity of eradication, investigation, and prosecution of drug cases.

The West Java Regional Police Narcotics Directorate overcame budget constraints by collaborating with other agencies (Integrated Justice System).

As a state institution, the Indonesian National Police also has a financial system or budget system that has been regulated normatively. Due to various financial or budget problems, such as limited budget in the Indonesian National Police or many unexpected budgets, members of the Indonesian National Police must seek alternative financing for police operations.

3. Lack of Legal Awareness and Courage from the Community to Report

Often the victim's family is reluctant or unwilling to report their own family members who are addicted to using drugs to the police because they are afraid that their family members will be detained or sentenced. In fact, if the victim's family reports it, they will not be detained or sentenced but will be rehabilitated so that the addiction does not get worse and can gradually recover.

The lack of participation and courage of the community in reporting a case of narcotics crime to the Police is also a factor that hinders the Police in eradicating drug abuse. The community is afraid that if they report it, their safety will be threatened because they are afraid of terror that may be carried out by the suspect, friends, or family of the suspect who was reported. The community should not be afraid of this. The Police will guarantee the safety of the reporter and the reporter's identity will be kept confidential.

To overcome this, the Police have opened access for the public who wish to report cases of drug abuse via email, telephone, or SMS, and the reporter's identity will be kept confidential and the reporter will even be given a reward for their actions.

4. Conclusion

The role of investigators in revealing the process of resolving narcotics crimes is manifested in a series of police actions that begin with information from the public or police officers, then an information report is generated or made which is then issued an investigation warrant. After that, an investigation is carried out and the results of the investigation are compiled, and if it turns out that the information leads to drug abuse, an arrest can be made and then the investigation process can be continued against the perpetrator of the drug crime. Obstacles experienced by investigators in carrying out the process of investigating narcotics crimes include: Limited Facilities and Infrastructure, The

budget from the center is not yet sufficient, Lack of legal awareness and courage from the community to report. The way to overcome these obstacles is by collaborating with other agencies (integrated justice system) to accelerate the investigation process of a narcotics crime case and open access for the public who want to report narcotics abuse cases via telephone, SMS, or email, and the identity of the reporter will be kept confidential.

5. References

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