

Effectiveness of Eradication of Drug Crimes in Class I Prison Institutions Semarang

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Abstract. *The rapidly growing drug crimes are not only a threat to individuals in a society, but narcotics also threaten the future of the nation. According to the National Crime Information Center (Pusiknas) of the Indonesian National Police, since the beginning of 2024, the National Police have prosecuted 33,924 cases of drug crimes 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. Empirical legal research, in English, is called empirical legal research, in Dutch it is called the term empirical juridisch onderzoek, which is one type of legal research that analyzes and studies the workings of law in society. Empirical legal research studies law conceptualized as actual behavior, as an unwritten social phenomenon, experienced by everyone in community life. The effectiveness of eradicating drug trafficking in Class I Semarang Prison is not yet effective, this is indicated by the fact that throughout 2024 there were 21 cases of circulation drugs with evidence weighing 35.7 kilograms.*

Keywords: *Empirical; Juridisch; Onderzoek.*

1. Introduction

Drug crimes are a serious problem whose development cannot be easily contained. The rapidly growing drug crimes are not only a threat to individuals in a society, but narcotics also threaten the future of the nation. According to the National Crime Information Center (Pusiknas) of the Indonesian National Police, since the beginning of 2024, the National Police have prosecuted 33,924 cases of drug crimes 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 relation to 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 dose increases and they hunt for narcotics.¹ The circulation of narcotics in the country is increasingly rampant in Indonesia, not only in Banyumas. The Central Java Regional Police Narcotics Research Directorate successfully uncovered a narcotics smuggling case with evidence of 13.92 kg of crystal methamphetamine and 10,300 ecstasy pills. Two suspects, RT (39) and MIA (31), who were suspected of being narcotics couriers, were successfully secured along with evidence hidden in the interior of a Daihatsu Siga car.² Apart from that, the Central Java Regional Police Narcotics Research Directorate succeeded in uncovering 12 kilograms of crystal methamphetamine. This disclosure began with a traffic accident that occurred on the Pejagan-Pemalang KM 290 Toll Road, Tegal Regency, on Monday (2/17/2025). In the incident, two perpetrators who acted as drug couriers were secured along with evidence.³

In 2024, the Central Java Regional Police thwarted the circulation of 108.1 kg of crystal methamphetamine, an increase of around 500 percent compared to 2023 which was recorded at 17.8 kilograms, according to the Director of Drug Research at the Central Java Regional Police. A significant increase also occurred in the thwarting of ecstasy distribution in 2024, which reached 38,499 pills, up several times compared to 2023 with 3,740 pills. A total of 2,139 suspects were prosecuted from the disclosure of drug cases throughout 2024.⁴

2. Research Methods

The type of research in this thesis is empirical research. Empirical legal research is also called sociological legal research, which is legal research that examines law conceptualized as actual behavior, as an unwritten social phenomenon, experienced by everyone in social relationships. Empirical legal research, in

¹Pusiknas 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 January 3, 2025.

² <https://tribatanews.jateng.polri.go.id/2025/01/15/polda-jateng-berhasil-mengungkap-1392-kg-sabu-dan-10-300-butir-ekstasi-di-semarang/>, accessed on February 2, 2025.

³ <https://www.rri.co.id/kriminalitas/1339705/polda-jateng-ungkap-kasus-peredaran-12-kg-sabu>, accessed on 25 February 2025

⁴ <https://jateng.antaranews.com/berita/573669/polda-jateng-catat-peningkatan-pengungkapan-kasus-peredaran-narkoba#:~:text=In%20the%20year%202024%2C%20Polda%20Jawa,drug%20cases%20throughout%20the%20year%202024>. Accessed on January 15, 2025

English, is called empirical legal research, in Dutch it is called the term empirical juridisch onderzoek, which is one type of legal research that analyzes and studies the workings of law in society. Empirical legal research studies law conceptualized as actual behavior, as an unwritten social phenomenon, experienced by everyone in community life. Therefore, empirical legal research is also called sociological legal research.

3. Results and Discussion

3.1. The Effectiveness of Eradicating the Circulation of Narcotics Crimes in the Class I Semarang Penitentiary Environment Currently

1) Development of Legal Policy Related to the Regulation of Narcotics Distribution

The definition of narcotics based on the provisions of Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics, that what is meant by narcotics is a substance or drug 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.⁵

The narcotics that are famous in Indonesia today come from the word "Narkoties", which has the same meaning as the word narcosis which means to anesthetize. In the past in Indonesia it was known as madat. The General Explanation of Law Number 35 of 2009 concerning Narcotics has a broader scope both in terms of norms, material scope and the threat of increased criminal penalties. The broader scope is based not only on the above factors but also because of the development of needs and the fact that the values and norms in the applicable provisions are no longer adequate as an effective means to prevent and eradicate the abuse and illicit trafficking of narcotics.

Before the era of independence, the regulation of narcotics relied on the Verdovende Middelen Ordonnantie issued through Staatsblad 1929 Number 278 and Number 536. In this era, narcotics still used the term narcotic drugs or verdovende. In this era too, there was an interesting and important policy approach, namely in the context of opium regulation. In fact, the government even formed an official body called Opium-Regie to manage the distribution and sale of opium. In this era too, there was an interesting and important policy approach in the context of opium regulation, namely administering the opium trade. One of the goals of this administrative (governance) approach is economic. Even this administrative (governance) approach for economic purposes continued in the early era of independence. The Indonesian government, which was newly established at that time, had difficulty bearing the burden of the state

⁵Siswanto, Sunarso, Law Enforcement of Psychotropic Drugs in the Study of Legal Sociology, Pt. Raja Grafindo Persada, Jakarta, 2004, p. 111

budget. There were two important factors that contributed to this difficult condition, namely the departure of the colonial rulers which meant that the source of state income was lost immediately, and state income from tax sources could not be expected because the structure was not established. Therefore, the Indonesian government tried hard to find sources of income, one of which was by managing processed opium or tjandoe for personal use. This also included the establishment of a government agency, Djawatan Tjandoe and Garam, whose duties were almost the same as Opium-Regie in the colonial era, namely managing the distribution and sale of opium for the purpose of increasing state income.

After independence, the Indonesian Government issued regulations concerning the production, use, and distribution of dangerous drugs (enacted through the State Gazette 1949 Number 419), the authority to regulate lies with the Minister of Health. The worsening narcotics problem in the 1970s prompted the president to issue Presidential Instruction Number 6 of 1971. This regulation became the basis for the establishment of the Coordinating and Implementation Agency for Presidential Instruction Number 6 of 1971 (BAKOLAK INPRES). This agency is tasked with coordinating the handling of various forms of security threats, one of which is the danger of narcotics. The development of drug crimes into transnational crimes, prompted the Indonesian government to ratify the Single Convention on Narcotic Drugs 1961 along with its amendment protocol (Protocol Amending the Single Convention on Narcotic Drugs) through Law Number 8 of 1976. At the same time on July 27, 1976, the Indonesian government also ratified Law Number 9 of 1976 concerning Narcotics (Narcotics Law 1976).

The purpose of the ratification of the 1976 Narcotics Law can be seen in its general explanation, namely to revise the use of the term narcotics to narcotics. It even explicitly states that the formation of the 1976 Narcotics Law was to encourage a health approach. Another thing mentioned in the general explanation as one of the strong reasons for the formation of the 1976 Narcotics Law, the existing laws and regulations are no longer in accordance with the development of the times because "what is regulated in it is only about the trade and use of narcotics, which in the regulation is known as *verdoovende middelen* or narcotics". Furthermore, the law states that "... while the provision of health services for the healing of addicts is not regulated". Furthermore, the 1976 Narcotics Law emphasizes that narcotics are one of the drugs needed in the world of medicine, as well as in the field of research for educational purposes, scientific development, and its application. Even though there are dangers, the use of narcotics can still be justified for medical purposes and/or scientific purposes. Therefore, the explanatory section then states in the section considering the law that "narcotics are drugs that are needed in the fields of medicine and science".

The 1976 Narcotics Law then regulates several substances that were not in the previous law, such as the provision and use of narcotics for medical and/or scientific purposes, as well as rehabilitation for narcotics users. For the term narcotics user, the 1976 Narcotics Law only regulates the definition of narcotics addict, namely as a person who uses narcotics in a state of dependence, either physically or psychologically due to narcotics abuse (Article 1 number 29 of the 1976 Narcotics Law). Regarding rehabilitation, this law is interesting because it recognizes the concept of rehabilitation which is at one's own expense and the responsibility of the state. Rehabilitation is applied to anyone who uses narcotics for themselves without the right (Article 23 paragraph (7) of the 1976 Narcotics Law). The use of the clause "without rights" in this case means that people with certain prerequisites can have the right to use narcotics, namely for scientific and medical purposes.

The dictum above shows that the circulation aspect using digital instruments has not been clearly regulated. This has resulted in the illegal circulation of narcotics through social media and the internet not being able to be contained properly. Meanwhile, Law Number 11 of 2008 Jo. Law Number 19 Number 2016 concerning Information and Electronic Transactions does not contain regulations related to the circulation of narcotics electronically or through social media and the internet. This can be a source of increasing digital-based narcotics circulation which is difficult to prosecute.

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 consisted of 27 international narcotics syndicate networks, 38 domestic networks/new networks and 19 narcotics syndicate networks involving inmates/prisoners who acted as network controllers in 14 Correctional Institutions. Of the 98 syndicates, 75 drug syndicate networks use cyberspace to distribute narcotics.⁶In 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.

⁶ <https://bnn.go.id/konten/unggahan/2019/12/DRAFT-LAMPRAN-PRESS-RELEASE-AKHIR-TAHUN-2019-1-.pdf>. Accessed March 12, 2025.

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.⁷

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 and the presence of 4 grams of crystal methamphetamine. Kombes Anwar Nasir as Director of the Central Java Regional Police Narcotics Research Directorate explained that:⁸

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.

2) Narcotics Crimes as Serious Crimes

a. Narcotics 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

⁷ Makbul Padmanagara, *International Crime, Challenges and Solutions*, Indonesia, Interpol Magazine, 2007, p. 58

⁸ Kombes Anwar Nasir, *Interview Regarding the Development of the Modus Operandi of Narcotics Distribution Crimes in the Seragen Police Area*, interview conducted on May 12, 2025.

fatal overdose. The impact of narcotics on the health of users, most of whom are adolescents, can be concluded as follows:⁹

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. 3. 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.

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

⁹Katryn NN. Pakpahan and Debora, "The Influence of Drug Abuse and Prevention among Adolescents in Indonesia", *Qistina*, Vol. 3, No. 2, 2024, pp. 1867-1869.

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:¹⁰

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:

¹⁰National Narcotics Agency, *Drugs and Their Problems*, Deputy for Prevention of BNN, Jakarta, 2017, pp. 9-17.

- 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.

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;
- g) Poor body balance and coordination.

2) Inhalants

- a) Shame is reduced;
- b) Sleepy;
- c) Headache;
- d) Nervous;
- e) Visual disturbances;
- f) Unaware of his surroundings;
- g) 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, narcotics 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. Then according to the BNN in 2024, adolescents involved in drug abuse cases were 134 cases and in 2025 decreased to 35 cases. 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 referred to are factors outside of a person that can influence their actions, for example drug problems. These external factors can be divided into categories of social and community relationships. The only encouragement and impact that is strong enough to promote these drugs is from peer groups. The invitation can come from peers, especially teenagers who are not yet mature enough. However, a stable secondary environment and unwavering control can prevent invitations or encouragement to spread drugs among teenagers. Drug abuse can be triggered by peers, great curiosity, and a disharmonious family environment. Easy access and availability of drugs can also trigger someone to become a drug addict. Teenagers often smoke or drink alcohol as the beginning of drug use. Ignorance about the adverse side effects of narcotics and psychotropic drugs can greatly influence the level of drug abuse.¹¹

b. Narcotics Crimes as Serious Crimes in the Context of the Development of Their Distribution

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

¹¹Katryn NN. Pakpahan and Debora, op., cit.

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.¹² 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.¹³ The circulation of narcotics in the country is increasingly rampant in Indonesia, not only in Banyumas. Directorate of Drug Investigation of the Central Java Regional Police successfully uncovered a narcotics smuggling case with evidence of 13.92 kg of crystal methamphetamine and 10,300 ecstasy pills. Two suspects, RT (39) and MIA (31), who were suspected of being narcotics couriers, were successfully secured along with evidence hidden in the interior of a Daihatsu Sigra car.¹⁴ In addition, on Monday, 2/17/2025, the Central Java Regional Police Narcotics Research Directorate Again uncovering a case of distribution of narcotics in the form of 12 kilograms of crystal methamphetamine.

¹² Kenichi Ohmae, *The End of Nation State*, The 1995 Panglaykim Memorial Lecture, Jakarta, 1995, p. 18.

¹³ Pusiknas 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 April 3, 2025.

¹⁴ <https://tribatanews.jateng.polri.go.id/2025/01/15/polda-jateng-berhasil-mengungkap-1392-kg-sabu-dan-10-300-butir-ekstasi-di-semarang/>, accessed on March 20, 2025

This disclosure began with a traffic accident that occurred on the Pejagan-Pemalang Toll Road KM 290, Tegal Regency.¹⁵

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".¹⁶This 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.¹⁷Then 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:¹⁸

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.¹⁹and SEJA.²⁰ 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

¹⁵ <https://www.rri.co.id/kriminalitas/1339705/polda-jateng-ungkap-kasus-peredaran-12-kg-sabu>, accessed on March 30, 2025

¹⁶Fathiyah 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, 2025.

¹⁷ Location, cit.

¹⁸Location, cit.

¹⁹Circular letterSupreme 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.

²⁰Circular 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.

Addicts and/or Victims of Drug Abuse as perpetrators of 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 SPPA) 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.²¹

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 "wiretapping" 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. Wiretapping 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 location can be tracked (bird dog);
- c. internet interception;
- d. cloning pagers, short message service (SMS), and faxes;
- e. CCTV (Close Circuit Television);
- f. suspect location tracker (direction finder).

²¹Correctional 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 April 12, 2025.

The expansion of the definition of wiretapping 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 use of the internet is only used in terms of regulation related to wiretapping 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 thatThe 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 institutions regarding a problem of unlawful acts or crimes.²²

c. 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. 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 Narcotic 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".²³

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

²²Sri 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.

²³Vivi 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.

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:²⁴

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 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:²⁵

- 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.²⁶ 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

²⁴Institute 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.

²⁵Batu 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.

²⁶Diponegoro University, "The Impact of Drug Abuse on the State Economy", <https://kkn.undip.ac.id/?p=292108>, January 25, 2025.

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.²⁷The 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 the most 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,²⁸while 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.²⁹According 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 has not been able to create a deterrent effect for perpetrators of drug crimes.³⁰So 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) The Effectiveness of Eradicating the Circulation of Narcotics Crimes in the Class I Semarang Penitentiary Environment Currently

Based on intelligence analysis, there will be a trend of taking shortcuts to meet economic needs as drug dealers or couriers. National Narcotics Agency of the Province (National Narcotics AgencyP) Jakarta predicts that drug trafficking in 2025 will continue to increase. Head of BNNP Jakarta Brigadier General Nurhadi said the cause was due to the weakening economic factors of the community

²⁷*Location, cit.*

²⁸Institute 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.

²⁹ Pusiknas, "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.

³⁰Institute 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.

which affected the way they earn income. Nurhadi said that throughout 2024 there were 21 cases of drug trafficking drugs with evidence weighing 35.7 kilograms. The details are 2,790.8 grams (2.7 kg) of crystal methamphetamine, 32,706.59 grams (32.7 kg) of marijuana, and 263 ecstasy pills. According to him, this figure has exceeded the previous BNPP target of nine cases. Nurhadi said that of the 21 suspects, two are still on the wanted list (DPO). In uncovering drug cases, BNPP Jakarta admitted that it is more focused on hunting down dealers and distributors. This aims to break the illegal drug trafficking network that enters the Jakarta area. One of the most widely used modes by dealers and distributors is to send it via an expedition service and disguise it as a regular package.³¹

According to Kompol Hankie as Head of the Semarang Police Narcotics Unit, there were 18 grams of crystal methamphetamine, four one-milligram alprazolam tablets and 10 two-milligram trihexyphenidyl tablets as evidence of narcotics crimes that were to be smuggled into the Semarang Class I Prison that could be thwarted. In addition, there were 12 inmates of the Semarang Class I Prison who were proven to have bought, stored, and used, 2 of whom also distributed them in the Semarang Prison, so that these 11 inmates have been transferred to the Nusa Kambangan area because their actions had been carried out for 5 months from April to August 2024. Until January 2025, the Semarang Police coordinated with the Semarang Class I Prison to examine the involvement of members of the Semarang Class I Prison guards.³² In addition, on February 12, 2025, prison officers managed to thwart an attempt to smuggle crystal methamphetamine and ecstasy by prison visitors. At that time, we received information from the police that a narcotics transaction would occur at the Class I Semarang Prison during the visit. In this incident, our officers managed to secure a perpetrator with evidence weighing 29.17 grams of crystal methamphetamine and 3.4 grams of ecstasy hidden in the anus to deceive officers. The illicit goods were ordered by a prisoner who was serving a sentence at the Class I Semarang Prison.³³

Based on the existing cases, it is clear that the eradication of criminal acts of drug distribution and smuggling in the Semarang Class I Prison environment has not been effective and has not been carried out optimally.

3.2. Obstacles Affecting the Effectiveness of Eradicating the Distribution of Narcotics Crimes in the Class I Semarang Penitentiary Environment Currently

³¹Tempo, "BNPP Jakarta Predicts Drug Distribution Will Increase in 2025 Due to Weakening Community Economy", <https://www.tempo.co/hukum/bnnp-jakarta-prediksi-peredaran-narkotika-pada-2025-meningkat-karena-ekonomi-masyarakat-melemah-1188014>, May 12, 2025.

³²Interview with Kompol Hankie as Head of the Semarang Police Narcotics Unit on January 15, 2025.

³³Interview with Mr. Mardi, Head of Class I Semarang Prison, on February 21, 2025

The obstacles that affect the effectiveness of eradicating drug trafficking in the Semarang Penitentiary environment are:³⁴

- 1) There is over capacity among prison inmates (prisoners).
- 2) Lack of officers, for example: in prisons there are not enough inmates.
- 3) Facilities and infrastructure are minimal and almost non-existent. For example: there are no narcotics detection devices.
- 4) The number of officers is still lacking when compared to the number of prisoners, which is not comparable because the number of officers at the Semarang Class I Penitentiary.
- 5) Lack of Supervision of Performance (HR), Disturbance from criminal networks: criminal networks involved in drug trafficking in correctional institutions infiltrating institutions with the intention of continuing operations within them.

In addition to the obstacles above, the existence of triggering factors for drug trafficking in the prison environment is also an obstacle in eradicating drug trafficking in Class I Prison Semarang.

The following are factors that cause drug trafficking in correctional institutions, namely internal factors that can occur from inmates, correctional institution officers, and visitors.³⁵

- a. Factors from inmates who are allowed to leave such as permission from parents to die, permission as a marriage guardian, permission to distribute inheritance, even though permission has been given and the requirements have been met by the correctional institution and escorted by the police when entering the correctional institution, there could be negligence from officers who do not immediately check so that narcotics can be smuggled into the correctional institution.
- b. Officers or employees, such as cleaners who come in and out to throw away trash, one of the modes that can occur is like online food orders that already contain narcotics packages, so that before entering the correctional institution and the food is not always checked. Based on the case that occurred, the regional office formed a special team to examine officers who were involved in the circulation of narcotics in the correctional institution because of the limited SOP, it was difficult to prove the involvement of officers because narcotics could pass through the walls and be thrown into the correctional institution.

³⁴Location, cit.

³⁵Location, cit.

- c. Visitors or guests, who have many ways to distribute narcotics.³⁶

3.3. Solutions to the Ineffectiveness of Eradicating the Distribution of Narcotics Crimes in the Class I Semarang Penitentiary Environment

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:³⁷

- 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?

The solutions that can be implemented to deal with the circulation of narcotics in Class I Semarang Prison are:

- a. There is a need for education and provision of knowledge, skills and experience for human resources of prison personnel related to supervision and legal action against perpetrators of drug trafficking in prisons.
- b. There is a need to develop better and more up-to-date law enforcement facilities and infrastructure following the technological innovations of drug traffickers at Class I Semarang Prison

4. Conclusion

The effectiveness of eradicating drug trafficking in Class I Semarang Prison is not yet effective, this is indicated by the fact that throughout 2024 there were 21 cases of circulation of drugs with evidence weighing 35.7 kilograms. The details are 2,790.8 grams (2.7 kg) of crystal methamphetamine, 32,706.59 grams (32.7 kg) of marijuana, and 263 ecstasy pills and on February 15, 2025, Prison Officers successfully thwarted Drug Smuggling with evidence of 29.17 grams of crystal methamphetamine and 3.4 grams of ecstasy pills.

³⁶Location, cit.

³⁷Barda Nawawi Arief, Several Aspects of Criminal Law Policy and Development, PT. Citra Aditya Bakti, 2nd Edition, Bandung, 2005, pp. 75-76.

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