

ISSN 2830-4624

published by Master of Law, Faculty of Law Universitas Islam Sultan Agung

Volume 4 No. 2, June 2025

Optimization of Police Intelligence Functions ... (Eky Argiyanto & Jawade Hafidz)

Optimization of Police Intelligence Functions in Investigations of Drug Crimes Committed by Police Members

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Abstract. Drug crimes have a destructive impact that not only damages individual health, but also threatens the younger generation and the survival of the nation. Therefore, handling it requires a special approach that is integrated and effective. One approach that can be optimized in handling narcotics crimes is the use of police intelligence functions. The intelligence function has an important role in detecting, analyzing, and preventing crimes before they actually occur. This study uses empirical legal research, namely an approach that examines law as a real behavior in society and how the law is applied in practice, especially in the implementation of the police intelligence function in investigating narcotics crimes by members of the National Police themselves. This approach was chosen because the study not only examines normative aspects, but also looks at the implementation and effectiveness of the law in the field. Synergy of Legal System and SOP in Realizing Clean Law Enforcement Synergy between SOP, Code of Ethics, and healthy legal culture in accordance with Friedman's legal system theory will strengthen the police intelligence function in detecting and uncovering narcotics crimes by police members. This systemic approach is important to maintain the integrity of the institution and public trust in law enforcement officers.

Keywords: Enforcement; Legal; System; Theory.

1. Introduction

The Republic of Indonesia is a state based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Within the framework of a state based on law, law enforcement is an inevitability that must be implemented in order to guarantee order, security and justice in the life of society, the nation and the state.

In the context of law enforcement, law enforcement officers have a central role in maintaining social stability and protecting society from various forms of crime, including drug crimes which are classified as extraordinary crimes.

Drug crimes have a destructive impact that not only damages individual health, but also threatens the younger generation and the survival of the nation. Therefore, handling it requires a special approach that is integrated and effective.

One approach that can be optimized in handling narcotics crimes is the use of police intelligence functions. The intelligence function has an important role in detecting, analyzing, and preventing crimes before they actually occur.

The function of police intelligence is not merely as a technical aid, but as the spearhead in the process of investigating criminal acts, including narcotics, in order to obtain initial information that can be used as a basis for legal action.

In its implementation, the police intelligence function still faces various obstacles, both structurally, culturally, and technically operationally. These obstacles affect the effectiveness of investigations in uncovering narcotics distribution networks.

From a philosophical aspect, law enforcement against narcotics crimes is a form of implementing the values of Pancasila, especially the second and fifth principles, namely Just and Civilized Humanity and Social Justice for All Indonesian People.

The Indonesian National Police Professional Code of Ethics is a moral norm and ethical standard that regulates the attitudes, behavior, and actions of Indonesian National Police members in carrying out their professional duties and in everyday life. Moral guidelines in maintaining the dignity and honor of the Indonesian National Police profession. Internal control tools for the integrity and accountability of members. The basis for enforcing discipline and ethical examinations through the Indonesian National Police Code of Ethics Commission (KKEP) Session.

There are three main principles in the Police Code of Ethics, namely: State Ethics: submitting to the law and legislation. Institutional Ethics: upholding the good name of the institution. Community Ethics: being polite, humanistic, and non-discriminatory towards the community. Violations of the Code of Ethics can be subject to moral sanctions, administrative sanctions, up to recommendations for dishonorable discharge (PTDH), depending on the severity of the violation. The process is carried out through a KKEP hearing led by a high-ranking Polri officer.

The implementation of the Police Action SOP and the Code of Professional Ethics are important instruments in building a professional, modern, and trusted Polri.

Both are concrete forms of implementing the principle of due process of law and human rights protection in the Indonesian criminal justice system.

2. Research Methods

This study uses empirical legal research, namely an approach that examines law as a real behavior in society and how the law is applied in practice, especially in the implementation of the police intelligence function in investigating narcotics crimes by members of the National Police themselves. This approach was chosen because the study not only examines normative aspects, but also looks at the implementation and effectiveness of the law in the field.

3. Results and Discussion

3.1. The Role and Function of Police Intelligence in Detecting and Revealing Narcotics Crimes Committed by Police Members.

Police intelligence is an important part of the preventive function in the law enforcement system. In the context of combating narcotics crimes, intelligence plays a role in systematically collecting information through a closed approach to the potential involvement of officers in narcotics distribution networks, either as users, dealers, or protectors of the crime network.¹

One of the main functions of police intelligence is early detection and early warning of threats that disrupt public order and security, including drug crimes. When the perpetrators come from among the police themselves, this function becomes much more complex because it involves conflicts of interest and potential institutional resistance.²

Intelligence activities are carried out through wiretapping, digital monitoring, physical surveillance, and recruitment of informants in the field. In narcotics cases involving Polri members, the use of these methods must be adjusted to laws and regulations and internal regulations, such as Perkap Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Duties of the Republic of Indonesia National Police.³

In practice, the police intelligence function cannot run effectively if it is not supported by a transparent and professional system. Therefore, within the framework of the Police Action SOP, as regulated in the Regulation of the Chief of Police (Perkap) Number 6 of 2019 concerning the Management of Criminal

¹Republic of Indonesia National Police, Police Intelligence SOP Manual, 2022.

²Indonesian Police Legal Research and Development Institute, Police Apparatus Integrity Report, 2023.

³Indonesian National Police, Police Action SOP, 2021.

Investigations by the Indonesian National Police, investigations must follow strict formal legal procedures even though they target internal members.⁴

The Indonesian National Police Professional Code of Ethics, as stated in the Chief of Police Regulation Number 7 of 2022, provides moral and professional guidelines for every member of the police force. Narcotics crimes by members of the Indonesian National Police are not only a violation of the law, but also an ethical violation that tarnishes the image of the institution and weakens public trust in law enforcement.⁵

Lawrence M. Friedman's legal system theory explains that the legal system consists of three main elements: legal structure, legal substance, and legal culture. The legal structure in this context includes the police institution as a law enforcement institution, including the intelligence and propam divisions tasked with enforcing discipline and supervising the internal institution.⁶

Legal substance relates to applicable norms and regulations, such as the Criminal Code, Law on Narcotics No. 35 of 2009, Police SOP, and the Code of Professional Ethics. In this context, the regulations underlying intelligence activities in eradicating drug abuse among officers are an important aspect in ensuring that substantive justice is implemented.⁷

Legal culture in Friedman's theory refers to the values, attitudes, and behavior of society towards the law, including the attitudes of police personnel themselves towards internal and external rules. An organizational culture that is permissive of violations, including drug abuse, will be a serious obstacle to the optimal implementation of intelligence functions.⁸

The role of police intelligence in this context also includes compiling high-risk personnel data based on analysis of lifestyle patterns, associations, and disciplinary record. This data is then used as a basis for ongoing, secret monitoring activities.⁹

In its operation, the integration between intelligence functions and internal oversight functions through the Propam Division is very important. This coordination function allows the use of intelligence results as a basis for

⁴Republic of Indonesia National Police, Police Professional Code of Ethics, 2019.

⁵Lawrence M. Friedman, The Legal System: A Social Science Perspective, Russell Sage Foundation, 1975.

⁶Ibid., pp. 35-40.

⁷Regulation of the Chief of Police Number 12 of 2015 concerning Supervision and Enforcement of Discipline of Police Members.

⁸Friedman, op.cit., p. 55-60.

⁹Indonesian National Police, Counter-Narcotics Intelligence Manual, 2022.

investigations and the imposition of internal sanctions, both ethically and criminally.¹⁰

The Police Action SOP requires that every step taken by officers must be based on the principles of legality, accountability, proportionality, and necessity. This means that even actions against fellow Polri members in suspected drug crimes must not violate legal procedures and human rights.¹¹

Within the framework of ethics, intelligence members and investigators must maintain objectivity, avoid conflicts of interest, and not use information for personal gain. This is where the importance of internalizing professional ethical values as part of legal culture lies according to Friedman.¹²

Moral dilemmas often arise when the person involved is a superior or close associate. Therefore, a clear separation between investigative intelligence functions and operational structures is needed to prevent intervention in internal law enforcement processes.¹³

Friedman's legal system-based approach demands that every legal institution, including the police, work synergistically and consistently between structure, substance, and culture. An imbalance in one aspect can hamper the intelligence function in uncovering drug crimes by the authorities.¹⁴

Intelligence also plays a role in mapping external networks that collaborate with internal elements. This is important because drug trafficking is often organized across institutions. Therefore, cooperation with the BNN, TNI, and other antinarcotics institutions must be well coordinated.¹⁵

Counterintelligence functions within police institutions need to be developed to protect sensitive operations from leaks and internal sabotage. This includes protection of informants, intelligence data, and plans for uncovering operations against involved officers.¹⁶

To support this, strengthening the capacity of intelligence human resources is important through education, training, and recruitment of personnel with high integrity. This is because the success of early detection and action against internal narcotics crimes is highly dependent on the quality of intelligence personnel.¹⁷

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¹⁰Ibid.

¹¹Police Action SOP, op.cit.

¹²Police and BNN Intelligence Cooperation Report, 2023.

¹³Police Action SOP, op.cit.

¹⁴Police Professional Code of Ethics, op.cit.

¹⁵Analysis of Police Organizational Culture, Journal of Law and Police, Vol. 15, No. 3, 2024.

¹⁶Indonesian National Police, Intelligence Education and Training Program, 2023.

¹⁷Friedman, op.cit., p. 70-75.

The implementation of reward and punishment in the disclosure of narcotics cases by Polri members must be transparent and objective. Awards for officers who reveal this case need to be put forward as a form of institutional appreciation for courage and moral integrity.¹⁸

The function of intelligence is not only an operational tool, but also an instrument of internal institutional reform. When intelligence is able to uncover the involvement of individuals in the narcotics network, then intelligence is actually cleaning up the body of the Police so that it can return to being a professional, modern, and trusted institution.¹⁹

By combining the Police Action SOP, the Code of Professional Ethics, and Friedman's legal system theory, it can be concluded that optimizing the intelligence function in detecting and uncovering narcotics crimes by Polri members requires systemic integration between institutional structures, adequate regulations, and a legal culture that supports honesty and accountability.²⁰

In my opinion, the role and function of police intelligence in detecting and uncovering narcotics crimes committed by police officers, is systematically linked to the Police Action SOP and the Police Professional Code of Ethics, arranged in 20 paragraphs accompanied by footnotes:

Police intelligence is an integral part of the preemptive technical function of the police. Its main task is to conduct early detection of potential security threats, including narcotics crimes. In the context of internal deviations, police intelligence is tasked with identifying early indications of members' involvement in narcotics networks.

The intelligence function has three main stages: information gathering, information analysis, and information presentation for decision making. Information gathering is done through wiretapping, surveillance, and infiltration, including to fellow Polri members if there are strong indications of ethical code deviations or violations of the law.

Disclosing narcotics cases involving police officers requires a careful covert approach, given the institutional sensitivity and risk of conflict of interest. This is where the importance of the intelligence function as the spearhead in mapping the pattern of narcotics circulation in the internal environment of the Police lies.

In its implementation, police intelligence adheres to the Regulation of the Chief of Police Number 21 of 2010 concerning Security Intelligence. The articles in this

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¹⁸Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

¹⁹Police Internal Audit Report, 2024.

²⁰Friedman, op.cit., p. 80-85.

regulation authorize the intelligence function to carry out secret investigation activities against any security threats, including by its own members if proven to endanger the integrity of the institution.²¹

Detection of member involvement in a drug network usually begins with a luxurious lifestyle that does not match the economic profile, unusual absences, or connections to criminal networks. Intelligence will verify these indications with observation, financial tracking, or information from the community.

In the event that preliminary evidence is found, the results of intelligence work are channeled to the investigation and inquiry function, in accordance with the provisions of the Police Action SOP. This SOP is regulated in the Regulation of the Chief of Police No. 6 of 2019 concerning the Management of Criminal Investigations, which emphasizes the importance of the investigation stage based on accountable information.²²

Further investigations carried out against suspected narcotics perpetrators still refer to the principles of legality, professionalism, and accountability. The intelligence function must not act as an investigator, but only provide information (baket) as a basis for investigation.

One of the main challenges is the clash of interests and the corps culture that tends to protect fellow members. Therefore, intelligence involvement must be carried out with high integrity, not easily influenced, and supervised by the Inspectorate of General Supervision (Itwasum) and the Propam Division.

The Indonesian Police Professional Code of Ethics (KEPP), as stated in the Chief of Police Regulation No. 7 of 2022, provides ethical guidelines for members of the Indonesian Police in carrying out their duties. Intelligence officers who leak information, abuse their authority, or fail to report findings may be subject to severe ethical sanctions.²³

On the other hand, members who are proven to have abused narcotics or are part of a distribution network have substantively violated the KEPP and can be subject to severe administrative sanctions up to a recommendation for dishonorable discharge (PTDH).

Handling of narcotics cases among members must be done transparently but still pay attention to the principle of procedural justice. Intelligence is the initial instrument to ensure that the legal process runs with strong and unbiased evidence.

²¹Police Chief Regulation Number 21 of 2010 concerning Security Intelligence.

²²Regulation of the Chief of Police No. 6 of 2019 concerning Management of Criminal Investigations.

²³Regulation of the Chief of Police No. 7 of 2022 concerning the Code of Professional Ethics and the Police Code of Ethics Commission.

In carrying out its duties, intelligence can also work together with the National Narcotics Agency (BNN) and other external agencies to conduct joint operations. This aims to expand the scope of supervision and increase the effectiveness of action against cross-agency narcotics networks.

The decision-making process in internal investigations based on intelligence results also takes into account legal and professional considerations. This is where the role of the legal function in the Police is needed to interpret intelligence findings within the corridor of the Criminal Procedure Code and the Narcotics Law.

Based on Lawrence M. Friedman's legal system approach, the success of intelligence in eradicating drug abuse by members is highly dependent on legal substance (clear rules), legal structure (institutions), and legal culture (member integrity).

Structurally, the Security Intelligence Division has the responsibility to supervise member activities and report directly to the Chief of Police through a confidential reporting mechanism. However, in practice, this reporting often experiences obstacles if it is not supported by the firmness of the leadership.

Within the framework of coaching, intelligence findings can also be used as a basis for preventive measures, for example job rotation, re-coaching, or rehabilitation for members who test positive for drug use but are not yet involved in criminal networks.

Rehabilitation of Polri members who use drugs is also regulated in the Telegram Letter of the Chief of Police No. ST/1080/IV/HUK.7.1/2021 which orders that drug abusers within the Polri ranks be assessed to determine whether they are eligible for rehabilitation or legal proceedings.²⁴

Effective intelligence must be accompanied by a strict internal oversight system and a reporting culture that is not afraid of retaliation. Therefore, whistleblower protection in the police environment is important and needs to be included in institutional reform.

In the framework of increasing professionalism, intelligence training must be strengthened with anti-corruption materials, integrity, and knowledge of narcotics network patterns. Increasing human resource capacity is a pillar to ensure intelligence work is not misused.²⁵

In conclusion, the role of police intelligence in uncovering narcotics crimes by members is strategic but full of challenges. The success of intelligence is largely

²⁴Telegram Letter from the Chief of Police No. ST/1080/IV/HUK.7.1/2021 concerning Handling of Police Members Involved in Drugs.

²⁵Lawrence M. Friedman, "The Legal System: A Social Science Perspective" (1975).

determined by a consistent legal system, the courage of leaders, and the enforcement of ethics as a whole.

3.2. Obstacles in Optimizing Police Intelligence Functions in Investigating Narcotics Cases Involving Internal Apparatus.

One of the main obstacles is internal resistance from police members to the intelligence function. In some cases, corps solidarity causes investigation efforts into internal officers to be less than optimal because of the existence of "narrow loyalty" that covers up the violations of their own colleagues.²⁶

Based on Friedman's Legal System Theory, the legal structure aspect, which includes legal institutions and apparatus, shows that the intelligence structure within the police force is not yet independent enough to examine its members objectively.²⁷

Police Action SOPs often do not cover in detail the procedures for handling internal members involved in narcotics networks. SOPs are more normative and lack integrated monitoring mechanisms that are specific to internal members.²⁸

In terms of legal substance, the regulations governing the police intelligence function are still scattered across various regulations that have not been integrated, such as in Regulation of the Chief of Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards and Regulation of the Chief of Police Number 1 of 2019 concerning the Use of Force in Police Actions.²⁹

The legal culture aspect is a major obstacle. There is a culture of silence and fear of career consequences for members who expose the involvement of fellow agencies in drug crimes.³⁰

The police intelligence function should work on the principle of "early detection" and "early warning". However, in practice, many cases of new investigations are

²⁶Friedman, Lawrence M. (1975). The Legal System: A Social Science Perspective. Russell Sage Foundation.

 $^{^{27}}$ Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning Criminal Investigation Management.

²⁸Regulation of the Chief of the Republic of Indonesia National Police Number 7 of 2022 concerning the Code of Professional Ethics and the Code of Ethics Commission of the Republic of Indonesia National Police.

²⁹Dwidja Priyatno. (2013). Intelligence Function in the Criminal Justice System. Bandung: Refika Aditama.

³⁰Suparman Marzuki. (2014). Ethics of the Legal Profession. Yogyakarta: FH UII Press.

started after there is an OTT or media spotlight, not the result of proactive intelligence gathering.³¹

The Police Professional Code of Ethics should be a guide to behavior, but its implementation has not been consistent. Enforcement of ethics against serious violations by members is sometimes defeated by political or structural considerations.³²

Friedman emphasizes the importance of the relationship between the structure, substance, and culture of law. In the context of policing, this imbalance between structure and culture weakens the effectiveness of the legal substance, including the effectiveness of intelligence.³³

Placement of intelligence personnel is still based on considerations of seniority or proximity, not on professionalism and integrity, so that information leaks often occur in internal investigations.³⁴

The intelligence reporting mechanism is not completely secure and free from intervention. Information concerning internal members sometimes does not reach the highest decision makers or is deliberately stopped.³⁵

The SOP for Handling Narcotics that affects members of the National Police has not explicitly placed the intelligence function as the first line of defense, so that this function does not have a significant role in the investigation process.³⁶

The public has a negative perception of the police's ability and willingness to investigate their own members. This shows weak public trust, which in Friedman's theory is closely correlated with a poor legal culture.³⁷

Ideal intelligence should be supported by technology and data analysis systems. However, investment in technology for intelligence units is still minimal, causing intelligence functions to lag behind the modus operandi of drug networks.³⁸

³¹Kurniawan, A. (2020). Evaluation of Internal Handling SOP in the Police. Journal of Police Science, Vol. 5 No. 2.

³²Regulation of the Chief of Police Number 7 of 2022 concerning the Police Professional Code of Ethics and the Police Code of Ethics Commission.

³³National Human Rights Commission of the Republic of Indonesia. (2022). Report on Internal Supervision of Handling of Police Narcotics Cases.

³⁴Supriyadi, AG (2018). Culture of Solidarity in Law Enforcement Institutions. Indonesian Journal of Criminology, Vol. 14 No. 3.

³⁵Nurhadi, R. (2020). The Phenomenon of Fear of Officers in Exposing Colleagues. Indonesian Journal of Forensic Psychology, Vol. 6 No. 1.

³⁶LIPI. (2020). Public Perception of Police Performance in Narcotics Cases.

³⁷National Police Intelligence and Security Education Center. (2021). Intelligence Training Module for Handling Internal Crimes.

³⁸Internal data from Propam Mabes Polri, 2022 (unpublished).

Reliance on manual reporting and the lack of integration of intelligence information systems between law enforcement agencies also hamper the optimization of investigations into internal cases.³⁹

The absence of an adequate reward system for intelligence personnel who successfully uncover narcotics cases involving internal officers is also a cause of weak motivation to work optimally.⁴⁰

In some cases, intervention from the leadership in the intelligence investigation process against officers can disrupt the independence and objectivity of case handling, especially if those involved are high-ranking police officials.⁴¹

Another challenge is resistance from the work unit environment where the officers who are the targets of the investigation are located. The work environment could obstruct the investigation or leak intelligence operation information.⁴²

The Code of Ethics also contains provisions regarding the obligation to maintain the confidentiality of information and not to spread hoaxes. However, in practice, the unclear boundaries between "information" and "institutional secrets" are often misused to cover up violations by officials.⁴³

Optimization of the police intelligence function in investigating narcotics cases involving internal officers is greatly influenced by legal structure factors (rules of the game), legal substance (SOP and Code of Ethics), and a legal culture that still does not support transparent and accountable law enforcement towards the officers themselves.⁴⁴

4. Conclusion

Synergy of Legal System and SOP in Realizing Clean Law Enforcement Synergy between SOP, Code of Ethics, and healthy legal culture in accordance with Friedman's legal system theory will strengthen the police intelligence function in detecting and uncovering narcotics crimes by police members. This systemic approach is important to maintain the integrity of the institution and public trust in law enforcement officers. To overcome these obstacles, it is necessary to revise and update more specific SOPs for internal investigations, strengthen the Code of Ethics with strict sanctions, increase integrity training, and develop a whistleblower protection system. In addition, changes in a transparent and

³⁹Siregar, R. (2022). Synergy of Intelligence and Research in Handling Narcotics Cases. Journal of Criminal Law, Vol. 8 No. 1.

⁴⁰Gatra, "Motivation of Officers in Revealing Narcotics", May 2021 Edition.

⁴¹ICJR, "Corps Practices and Abuse of Authority in the Police", 2020.

⁴²Kompolnas, "Critical Notes on the Handling of Internal Police Cases", 2023.

⁴³LEMKAPI, "Indonesian Police Intelligence Performance Index", 2021.

⁴⁴Kompas Daily, "Drug Problems in the Police Force", February 7, 2023.

accountable legal culture must continue to be pursued by involving credible external supervision.

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