

Effectiveness of Destruction of Narcotics Evidence in Criminal Cases with Permanent Legal Force (Case Study at the East Kutai District Prosecutor's Office)

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Abstract. *This study aims to analyze the effectiveness of the implementation of destroying narcotics evidence in criminal cases that have reached final judgment in the Kutai Timur District Attorney's Office, the challenges faced and the solutions implemented, as well as the prospects for strengthening regulations and destruction practices in the future. The research method used is a qualitative approach with a case study, supported by in-depth interviews with prosecutors, law enforcement officials, and other relevant parties. The research findings indicate that the destruction of evidence at the East Kutai District Attorney's Office has been procedurally effective and accountable, but still faces legal, technical, budgetary, inter-agency coordination, and public trust challenges. The solutions implemented include accelerating administrative procedures, modernizing facilities, cross-agency coordination, information digitalization, and staff training. For the future, strengthening responsive regulations, modernizing facilities, structured coordination, public transparency, and budget support are seen as capable of enhancing the effectiveness, safety, and legitimacy of destroying narcotic evidence. The findings of this research provide recommendations for law enforcement, policymakers, and the public to actively participate in supporting sustainable and reliable disposal practices.*

Keywords: *Destruction; Evidence; Legal; Narcotics.*

1. Introduction

Indonesia is a state based on law, as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945). This means that every aspect of national and state life must be based on law, not just power alone. The principle in Indonesia not only places law as primary, but must also be understood

in the context of the fundamental values of Pancasila as the origin of all sources of national law.¹

Pancasila, as the foundation of the state, embodies fundamental values that must be reflected in the legal system, particularly criminal law. The second principle, "Just and civilized humanity," and the fifth principle, "Social justice for all Indonesian people," emphasize that criminal law must be enforced by prioritizing human dignity, the rule of law, and social justice.² Therefore, every law enforcement effort, including in the narcotics crime sector, must be aligned with the values of humanity and justice.

One of the behaviors that violates the law in society is related to drug crimes. While essential for medical and healthcare services and scientific development, narcotics can lead to severe dependency if used incorrectly or without control and supervision. Despite this, drug abuse and illicit trafficking persist, perpetrated by both individuals and corporations, despite the strict legal framework in place.

Drug crime is a type of organized crime that is very difficult to uncover, both in terms of quality and quantity, due to its secretive and closed structure and international organization with networks that span the globe. Indonesia has attempted to develop a set of regulatory instruments to prevent and respond to drug abuse-related crimes.³

Drug crime is a serious threat to Indonesia. This crime not only harms personal health but also endangers the younger generation, reduces national productivity, and can even undermine national stability.⁴ It's no exaggeration to consider narcotics an enemy of the nation, given their multidimensional impacts: medical, social, economic, and security. Therefore, a state governed by the rule of law must remain consistent in upholding the rule of law regarding drug crimes.

Data from the National Narcotics Agency (BNN) shows that the prevalence of drug abuse in Indonesia in 2024 will reach 1.95%, or around 3.6 million people.⁵ East Kutai, a region in East Kalimantan, also faces similar problems. In 2025, the East Kutai District Attorney's Office recorded 177 narcotics cases, with evidence including 4,407 grams of methamphetamine and 100 Tramadol pills. This figure is

¹ Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia* (Jakarta: Sinar Grafika, 2011), p. 124.

² Kaelan, *Pancasila Education* (Yogyakarta: Paradigma, 2017), p. 89.

³ Irwan Jasa Tarigan, *Narcotics and Their Prevention* (Sleman: CV Budi Utama, 2017), p. 4.

⁴ Mardjono Reksodiputro, *Criminology and the Criminal Justice System* (Jakarta: UI Press, 2010), p. 62.

⁵ <https://bnn.go.id/konten/unggah/2024/12/23122024-FINAL-PRESS-RELEASE-AKHIR-TAHUN-2024-COMPILE-ALL.pdf>, accessed on August 22, 2025.

quite high for a single district, indicating that drug trafficking in this region is no longer sporadic but has become a systematic network.⁶

Evidence of the seriousness and concern of the Indonesian government in overcoming narcotics abuse has been realized through the birth of Law number 35 of 2009 concerning Narcotics which was passed on October 12, 2009. Law number 35 of 2009 concerning Narcotics has good objectives such as ensuring the availability of Narcotics for the purposes of health services and/or the development of science and technology, preventing, protecting, and saving the Indonesian nation from Narcotics abuse, eradicating the illicit trafficking of Narcotics and Narcotics Precursors, and regulating criminal sanctions in the form of imprisonment, life imprisonment, and medical and social rehabilitation for Narcotics Abusers and Addicts.⁷In the criminal justice system, evidence plays a crucial role as a means of proof. Without valid evidence, it is difficult for law enforcement officials to prosecute drug offenders.⁸However, once a court decision has final legal force (*inkracht van gewijsde*), the status of the evidence must be determined: whether it is returned, confiscated for the state, or destroyed. Specifically in narcotics cases, Law Number 35 of 2009 concerning Narcotics stipulates the obligation to destroy evidence to prevent further misuse.⁹

Destroying narcotics evidence is not merely a technical step, but also part of implementing the Pancasila values of justice. By destroying narcotics that are no longer useful, the state ensures legal certainty and also protects the public by preventing the re-circulation of such evidence. Conversely, destroying evidence also demonstrates the responsibility of law enforcement officers to the public, which requires transparency and accountability.¹⁰

The Attorney General's Office of the Republic of Indonesia is a state institution that exercises state power, particularly in the area of prosecution. As an institution empowered to enforce law and justice, the Attorney General's Office is led by the Attorney General, who is appointed by and reports to the President.¹¹

As one of the law enforcement agencies in Indonesia's criminal justice system, the Prosecutor's Office holds a central position as the enforcer of court decisions. This

⁶ "Kutim District Attorney's Office Destroys Narcotics Evidence and Sharp Weapons from 244 Cases with Permanent Legal Force," Kaltim Post, <https://kaltimpost.jawapos.com/kutai-timur/2386216932/kejari-kutim-musnahkan-barang-bukti-narkotika-hingga-sajam-dari-244-perkara-berkuat-hukum-tetap>, accessed on August 22, 2025.

⁷ Ratna Artha Windaari Ida Bagus Angga Prawiradana, Ni Putu Rai Yulianti, "The Role of the Police in Law Enforcement Against Narcotics Crimes in Buleleng Regency," *E-Journal of the Yustisia Community*, Ganesha University of Education, Department of Law 1, no. 3 (2018): 196–205.

⁸ Yahya Harahap, *Discussion of Problems and Application of the Criminal Procedure Code* (Jakarta: Sinar Grafika, 2019), p. 487.

⁹ Law Number 35 of 2009 concerning narcotics, Article 91.

¹⁰ Andi Hamzah, *Principles of Criminal Law* (Jakarta: Rineka Cipta, 2021).

¹¹ https://id.wikipedia.org/wiki/Kejaksaan_Republik_Indonesia, accessed on August 22, 2025.

is affirmed in Article 270 of the Criminal Procedure Code, which states that "The Prosecutor shall enforce court decisions that have permanent legal force." Therefore, every court decision, including orders regarding the status of evidence, must be executed by the Prosecutor.¹²

Furthermore, Article 46 paragraph (2) of the Criminal Procedure Code stipulates that evidence confiscated for destruction must be destroyed by the Prosecutor after the court decision has permanent legal force. This regulation emphasizes the Prosecutor's exclusive authority to eliminate evidence that is dangerous or prohibited.¹³

In the context of narcotics crimes, this authority is further emphasized in Article 91 paragraph (2) of Law Number 35 of 2009 concerning Narcotics, which states that "Narcotics and Narcotics Precursors that are confiscated for destruction must be carried out by the Prosecutor within a maximum of 7 (seven) days after receiving a decision from the district court." This norm shows that the Prosecutor's Office not only has the authority, but is also obliged to immediately carry out the destruction of narcotics evidence so that there is no room for misuse.

Furthermore, Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia strengthens the position of the Attorney General as an executor. Article 30 paragraph (1) letter b emphasizes that in the criminal field, the Attorney General's Office has the duty and authority to implement court decisions that have obtained permanent legal force. This includes the execution of corporal punishment, fines, confiscation of property, and destruction of evidence.

To clarify the technical implementation, the Attorney General's Office issued several internal regulations, for example, Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2022 concerning Amendments to Regulation of the Attorney General Number PER-036/A/JA/09/2011 concerning Standard Operating Procedures for Handling General Criminal Cases, which regulates the procedures for destroying evidence, including narcotics, to be carried out in an accountable, transparent, and documented manner.

The role of the prosecutor's office is crucial in the criminal justice system, particularly in the management of evidence and confiscated items. Evidence refers to anything used to prove a crime in a legal proceeding, while confiscated items are items taken by the state after obtaining permanent legal force. In practice, the

¹²Criminal Procedure Code, Article 270.

¹³Ibid, Article 46 paragraph (2).

management of evidence and confiscated items often encounters various obstacles and risks.¹⁴

Thus, it can be asserted that the authority to destroy evidence rests entirely with the Prosecutor's Office. This position is strategic because, in addition to ensuring legal certainty regarding court decisions, it also serves as a form of public protection from the potential misuse of evidence, particularly in narcotics cases, which have widespread impacts on national health and security.

However, in practice, the issue of effectiveness often arises in the prosecutor's implementation of evidence destruction. Effectiveness in this context is not only measured by whether the destruction is carried out, but also by whether the implementation meets the principles of legal certainty, expediency, and justice.¹⁵ First, legal certainty means that the destruction of evidence must be carried out in accordance with applicable laws and regulations, such as the Criminal Procedure Code, the Narcotics Law, and the Prosecutor's Office Law. Legal certainty is necessary to prevent abuse of authority or procedural inconsistencies.

Second, the benefit of destroying narcotics evidence lies in its function of eliminating the potential for abuse. If narcotics evidence that has been legally binding is not immediately destroyed, there is a risk of leakage, which could exacerbate illicit drug trafficking. Therefore, destruction is not merely a formality, but a concrete step in preventing and protecting the public from the dangers of narcotics.¹⁶ Third, justice is linked to transparency and accountability. Destruction carried out openly, witnessed by various parties, and well-documented will increase public trust in the integrity of the Prosecutor's Office. Conversely, if carried out behind closed doors, the public may become suspicious of potential irregularities.¹⁷

2. Research Methods

Research methods the approach used is sociological jurisprudence, namely a method carried out by analyzing law in practice or based on facts obtained objectively in the relevant field.¹⁸ This approach examines the practice of destroying evidence at the East Kutai District Attorney's Office. This approach is crucial because there are often discrepancies between written legal norms and

¹⁴ Peter Joshua and Lumban Raja, "The Role of the Prosecutor's Office in the Management of Evidence and Confiscated Goods," *Journal of Social Science Research* 4 (2024): 6022–31.

¹⁵ Satjipto Raharjo, *Legal Science* (Bandung: Citra Aditya Bakti, 2000), p. 53.

¹⁶ Barda Nawawi Arief, *Anthology of Criminal Law Policy* (Bandung: Citra Aditya Bakti, 2002), p. 112.

¹⁷ Anzar Erwin, Syamsuddin Pasamai, "Execution of the Public Prosecutor's Decision Not to Order the Detention of the Defendant," *Journal of Lex Generalis (JLS)* 2, no. 2 (2021): 467–69.

¹⁸ Rangga Suganda, "Juridical Approach Method in Understanding the Islamic Economic Dispute Resolution System," *Scientific Journal of Islamic Economics* 8, no. 3 (2022): 2859, <https://doi.org/10.29040/jiei.v8i3.6485>.

their implementation in the field. Therefore, this study will examine the extent to which the destruction of evidence, particularly narcotics, has been carried out according to procedure, transparently, and effectively in preventing potential abuse. Furthermore, it will analyze narcotics cases that have final legal force and whose evidence was destroyed by the East Kutai District Attorney's Office, also using relevant laws and regulations.

3. Results and Discussion

3.1. Effectiveness of the Implementation of the Destruction of Narcotics Evidence in Criminal Cases that Have Permanent Legal Force at the East Kutai District Attorney's Office

Drug crime is a type of organized crime that is very difficult to uncover, both in terms of quality and quantity, due to its secretive and closed structure and international organization with networks that span the globe. Indonesia has attempted to develop a set of regulatory instruments to prevent and respond to drug abuse-related crimes.¹⁹

Drug crime is a serious threat to Indonesia. This crime not only harms personal health but also endangers the younger generation, reduces national productivity, and can even undermine national stability.²⁰ It's no exaggeration to consider narcotics an enemy of the nation, given their multidimensional impacts: medical, social, economic, and security. Therefore, a state governed by the rule of law must remain consistent in upholding the rule of law regarding drug crimes.

Narcotics criminal cases are legal cases that arise due to alleged criminal acts related to abuse, distribution, or possession of narcotics is regulated by law. Legally, regulations related to narcotics criminal cases are based on Law Number 35 of 2009 concerning Narcotics, which states that narcotics are substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and cause dependence.

Drug crimes are unlawful and classified as organized crime. They are transnational crimes. Consequently, the growth of drug crimes occurring in countries around the world must be addressed comprehensively.²¹

Narcotics crimes encompass a wide range of prohibited acts, such as illegal possession, personal abuse, illegal trafficking, production, distribution, and participation in syndicates. These cases differ significantly from other crimes

¹⁹ Irwan Jasa Tarigan, *Narcotics and Their Prevention* (Sleman: CV Budi Utama, 2017), p. 4.

²⁰ Mardjono Reksodiputro, *Criminology and the Criminal Justice System* (Jakarta: UI Press, 2010), p. 62.

²¹ Roni Gunawan Raja Gukguk and Nyoman Serikat Putra Jaya, "Narcotics Crime as Transnational Organized Crime."

because, in addition to criminal law, they also involve health, social, and national security issues.

From a criminal procedural perspective, narcotics cases are handled through the stages of investigation, prosecution, trial, and enforcement. These cases prioritize two main strategies: a repressive approach, which involves law enforcement against perpetrators of narcotics crimes, and a rehabilitative approach for users or addicts considered victims of drug abuse.

According to the author, narcotics crimes are among the most complex types of criminal cases because they involve transnational criminal networks, difficult-to-control distribution, and their significant impact on young people and society. Therefore, handling narcotics crimes requires not only firm law enforcement but also policy collaboration that encompasses prevention and rehabilitation.

Data from the National Narcotics Agency (BNN) shows that the prevalence of drug abuse in Indonesia in 2024 will reach 1.95%, or around 3.6 million people.²² East Kutai, a region in East Kalimantan, also faces similar problems. In 2025, the East Kutai District Attorney's Office recorded 177 narcotics cases, with evidence including 4,407 grams of methamphetamine and 100 Tramadol pills. This figure is quite high for a single district, indicating that drug trafficking in this region is no longer sporadic but has become a systematic network.

Evidence of the seriousness and concern of the Indonesian government in overcoming narcotics abuse has been realized through the birth of Law number 35 of 2009 concerning Narcotics which was passed on October 12, 2009. Law number 35 of 2009 concerning Narcotics has good objectives such as ensuring the availability of Narcotics for the purposes of health services and/or the development of science and technology, preventing, protecting, and saving the Indonesian nation from Narcotics abuse, eradicating the illicit trafficking of Narcotics and Narcotics Precursors, and regulating criminal sanctions in the form of imprisonment, life imprisonment, and medical and social rehabilitation for Narcotics Abusers and Addicts.²³

In the criminal justice system, evidence plays a crucial role as a means of proof. Without valid evidence, it is difficult for law enforcement officials to prosecute drug offenders.²⁴ However, once a court decision has final legal force (*inkracht van gewijsde*), the status of the evidence must be determined: whether it is returned, confiscated for the state, or destroyed. Specifically in narcotics cases, Law Number

²² <https://bnn.go.id/konten/unggah/2024/12/23122024-FINAL-PRESS-RELEASE-AKHIR-TAHUN-2024-COMPILE-ALL.pdf>, accessed on August 26, 2025.

²³ Ida Bagus Angga Prawiradana, Ni Putu Rai Yulianti, "The Role of the Police in Law Enforcement Against Narcotics Crimes in Buleleng Regency."

²⁴ Yahya Harahap, *Discussion of Problems and Application of the Criminal Procedure Code* (Jakarta: Sinar Grafika, 2019), p. 487.

35 of 2009 concerning Narcotics stipulates the obligation to destroy evidence to prevent further misuse.²⁵

Evidence is a crucial element in the criminal justice process. Legally, the Criminal Procedure Code (KUHP) does not explicitly define evidence, but it does outline its function in proving evidence. In practice, evidence is understood as anything that can be used to support the proving process in a criminal case.

Evidence in narcotics cases is crucial because it serves as the basis for judges to determine whether a crime has been proven. In the context of criminal procedure, evidence is one of the instruments of proof that determines the direction of a court's decision. Specifically, Law Number 35 of 2009 concerning Narcotics regulates evidence closely related to the crimes of drug abuse and illicit trafficking.

Article 91 paragraph (2) of the Narcotics Law stipulates that evidence in the form of narcotics, narcotic precursors, and other materials related to narcotics crimes must be immediately destroyed after receiving a decision from the Head of the local District Court. The destruction is carried out in the presence of authorized officials, such as investigators, public prosecutors, and other relevant officials. This provision aims to prevent misuse or loss of evidence during the legal process.

This systematic procedure demonstrates that the destruction was not merely symbolic, but rather carried out with the principles of caution and accountability. Each stage aims to ensure that the evidence has truly lost its function, leaving it no longer useful and open to misuse. The presence of various parties as witnesses also emphasizes the transparency of the process, ensuring the public has confidence that all evidence has been destroyed in accordance with the law.

The results of the interview also explained that in the implementation of the destruction of narcotics evidence at the East Kutai District Attorney's Office, as in the case example in July 2025, it can be concluded that:

1) First, from the aspect of legal certainty, the Prosecutor's Office has exercised its authority as the executor of the verdict as mandated by Article 270 of the Criminal Procedure Code and Articles 91 and 92 of Law Number 35 of 2009 concerning Narcotics. The destruction process is only carried out after the case has obtained permanent legal force (*inkracht*), so that legally there is no longer any possibility of dispute regarding the status of the evidence. This demonstrates the institution's adherence to the principle of legality, which is one of the main parameters of the effectiveness of criminal law.

2) Second, effectiveness is also reflected in the systematic procedures implemented. Based on interviews, the destruction process begins with an inventory of evidence by the public prosecutor, followed by verification of

²⁵Law Number 35 of 2009 concerning narcotics, Article 91.

compliance with the court's decision. Afterward, the evidence is separated according to type and destroyed using the method deemed most appropriate. The methods used, namely incineration, crushing with a blender using detergent, and cutting with a grinder, ensure that the evidence is completely rendered useless and cannot be returned to circulation. This procedure demonstrates that the Prosecutor's Office has consistent operational standards that are legally and administratively accountable.

3) Third, indicators of effectiveness can also be seen from the aspects of transparency and accountability. The destruction process was carried out openly and witnessed by representatives from the police, courts, local governments, and the community. According to the Functional Prosecutor, the multi-stakeholder involvement was intended to provide public assurance that the evidence was truly destroyed and that there was no misuse by individuals. This transparency is crucial for building public trust in the Prosecutor's Office as a law enforcement institution. Without public trust, the destruction process will be seen as merely a formality, not a concrete instrument for preventing drug trafficking.

4) Fourth, the effectiveness of the destruction is also evident in its preventive impact. With a significant amount of evidence—4,407 grams of methamphetamine and 100 Tramadol pills—this destruction has strategic significance in breaking the potential chain of narcotics distribution in the community. The fact that the evidence is no longer stored in a warehouse, but is permanently destroyed, is a concrete step in preventing potential abuse. From a criminal law enforcement perspective, this action serves as general prevention, as it can provide a deterrent effect not only to the perpetrators but also sends a strong message to the wider community that the law is being seriously enforced.

Thus, when viewed across the entire series of procedures, the destruction of narcotics evidence carried out by the East Kutai District Attorney's Office has demonstrated a high level of effectiveness. This effectiveness lies not only in its compliance with positive legal regulations, but also in its application of the values of transparency, accountability, and prevention, which are the essence of modern law enforcement. This fact aligns with the interview results, which emphasized that destruction is not merely a normative obligation, but also a moral commitment of the Attorney General's Office to maintain the integrity of the institution and protect the public from the dangers of narcotics.

When analyzed using Soerjono Soekanto's theory of legal effectiveness, legal effectiveness is determined by five main factors: the law itself, law enforcement officials, facilities, society, and legal culture. The destruction of narcotics evidence on July 2, 2025, can be considered quite effective because it complies with positive legal regulations (the Narcotics Law and the Criminal Procedure Code), is carried out by law enforcement officials (the Prosecutor as the executor of the decision), and involves available facilities, albeit still modest. Public participation in the form

of representatives during the destruction indicates that community factors also play a role in fostering legal legitimacy. Meanwhile, from a legal culture perspective, the collective awareness that narcotics are an extraordinary crime also strengthens public acceptance of the destruction action. Thus, when viewed from these five factors, implementation at the East Kutai District Attorney's Office can be said to be effective, although there is still room for improvement in the aspect of facilities.

Furthermore, when linked to the theory of justice, the destruction of narcotics evidence is a concrete step towards realizing distributive justice as taught by Aristotle, namely giving everyone what is their right. In this context, the public has the right to be protected from the threat of narcotics abuse, while the state is obliged to carry out the destruction to ensure this right. An interview with a Functional Prosecutor at the East Kutai District Attorney's Office confirmed this commitment: "The destruction of narcotics evidence must be carried out immediately after the case has permanent legal force. This is to avoid the risk of misuse of evidence. Furthermore, by involving various parties, we want to demonstrate to the public that the Attorney General's Office is transparent and responsible."²⁶ This statement shows that the implementation of destruction is not merely a procedural formality, but rather a means to guarantee the public's sense of justice that the evidence is truly no longer in circulation.

From the perspective of legal certainty theory, the destruction of narcotics evidence reflects clear, firm, and non-discriminatory law enforcement. Legal certainty is evident in the East Kutai District Attorney's compliance with applicable legal procedures, from matching the evidence with the court's decision, sorting by type, using appropriate destruction methods, to documentation through minutes signed by authorized officials. The presence of police, courts, local government, and community representatives also strengthens legal certainty by eliminating any room for public doubt regarding the integrity of the process. Therefore, the destruction on July 2, 2025, can be said to fulfill the element of legal certainty, as it provides assurance that the evidence has been destroyed in accordance with the regulations and no longer has the potential to give rise to new legal issues.

Through these three theoretical frameworks, the author can conclude that the destruction of narcotics evidence at the East Kutai District Attorney's Office has been effective, both normatively and practically. The destruction process not only complies with regulations but also builds public trust, provides a sense of justice, and upholds legal certainty.

²⁶Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

3.2. Obstacles Encountered and Solutions That Can Be Applied in the Implementation of the Destruction of Narcotics Evidence at the East Kutai District Attorney's Office

The destruction of narcotics evidence at the East Kutai District Attorney's Office has been effective in principle. This is evident in the case study presented in this paper, namely the destruction activity carried out openly on July 2, 2025, according to procedure, and witnessed by various parties. However, this effectiveness does not mean it is free from obstacles. Based on interviews with Functional Prosecutors at the East Kutai District Attorney's Office, it was explained that in practice, there are structural, technical, administrative, and cultural obstacles that need to be examined and appropriate solutions implemented, as follows:²⁷

1) Legal and Administrative Obstacles

From a legal perspective, the destruction of narcotics evidence is often hampered by lengthy legal administrative processes, as execution can only occur after the case has obtained final legal force (*inkracht*). The waiting period for finality can be relatively long due to the heavy caseload in court or the defendant's subsequent legal action. Consequently, evidence must be stored for considerable periods, posing a risk of misuse or loss.

Interviews with the East Kutai District Attorney's Office functional prosecutors revealed that sometimes evidence has to wait months before it can be destroyed due to the busy legal process in the courts. This does pose a storage risk that we must anticipate. Therefore, to address these obstacles, the East Kutai District Attorney's Office has taken a solution by optimizing coordination between the court and the prosecutor's office to expedite the post-*inkracht* decision process, implementing a digitalization system for minutes and case data to expedite administration, and using a solution that adopts the practice of partial destruction in accordance with the Narcotics Law, so that some evidence is used for evidentiary purposes in court, while the rest can be immediately destroyed with court permission.²⁸

2) Technical Facilities and Infrastructure Constraints

The technical challenge facing the East Kutai District Attorney's Office is the limited availability of modern destruction facilities. Destruction is still carried out using simple methods, such as incineration, crushing with a blender, or cutting with a grinder. These methods are quite effective, but they have several drawbacks:

²⁷Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

²⁸ Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

potential air pollution, health risks for officers, and limited capacity for large-scale destruction.

An interview with a Functional Prosecutor at the East Kutai District Attorney's Office revealed that they intended to implement the system using a modern incinerator due to its safety and environmental friendliness. However, such facilities are not yet available here, so they are still using simple methods. Therefore, the solution is to procure modern, environmentally friendly disposal facilities, collaborate with other agencies such as the National Narcotics Agency (BNN) or the police, and coordinate across agencies to increase effectiveness without burdening the prosecutor's office budget.²⁹

3) Budget Constraints

Destroying narcotics requires significant costs, including infrastructure, security, transportation, and documentation. Limited budgets often lead to rudimentary methods, which impact the quality of the destruction and environmental safety.

Interviews with the East Kutai District Attorney's Office's Functional Prosecutor revealed that each destruction operation requires significant costs, from security to documentation. If the budget is limited, the destruction method will be adjusted to the existing conditions. Therefore, the solution is to involve local governments through a budget-sharing arrangement with the Attorney General's Office, schedule destruction periodically, and provide a special allocation in the national and regional budgets as part of the national priority of drug eradication.³⁰

4) Inter-Agency Coordination Constraints

The effectiveness of destruction depends on coordination between law enforcement agencies. In practice, coordination between the police, courts, prosecutors, and related agencies is not always optimal. Delays in the submission of evidence or inconsistent schedules can create administrative obstacles.

Interviews with the East Kutai District Attorney's Office functional prosecutor revealed that the police were late in handing over evidence, or the court schedule changed, delaying the destruction. Therefore, the East Kutai District Attorney's Office's solution was to establish an integrated coordination forum involving all relevant agencies.³¹

5) Cultural Barriers and Public Trust

²⁹ Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

³⁰ Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

³¹ Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

Cultural barriers arise from public skepticism about the transparency of the destruction of narcotics evidence. Some people still assume that evidence can "leak" and re-enter the market, raising legitimacy issues, even though formal legal procedures have been followed.

Interviews with the East Kutai District Attorney's Office functional prosecutors revealed that the public sometimes remains skeptical about the destruction of evidence, even though the procedures are in accordance with the law. However, to address this obstacle, the East Kutai District Attorney's Office has adopted a solution by conducting the destruction process openly, involving multiple parties, and publicizing it through the mass media. It has also created a digital information system that displays destruction data in real time.³²

6) Environmental and Health Constraints

Destroying narcotics by incineration can cause air pollution and endanger the health of officers. While not yet a primary concern, this environmental aspect is crucial in relation to the principles of sustainable development.

Interviews with the East Kutai District Attorney's Office revealed that there were clear pollution and health risks for officers during the destruction of the evidence. However, they chose to address this by using an environmentally friendly incinerator and standardizing safety procedures for officers, including the use of special masks, personal protective equipment, and a location for destruction away from residential areas.³³

Based on the description above, obstacles to the destruction of narcotics evidence at the East Kutai District Attorney's Office include legal, technical, budgetary, inter-agency coordination, community legal culture, and environmental health. These obstacles can be overcome through strategies such as accelerating legal administration, procuring modern facilities, cross-agency coordination, local government involvement, and public transparency. With these measures, the effectiveness of the destruction process can not only be maintained but also continuously improved.

In relation to Soerjono Soekanto's theory of legal effectiveness, the implementation of narcotics evidence destruction at the East Kutai District Attorney's Office reflects the relationship between four factors determining legal effectiveness: lawmakers, law enforcement officers, the public, and facilities/infrastructure. Legal constraints arising from the lengthy legal process emphasize the need for more responsive regulations and mechanisms for

³² Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

³³ Results of Interview with Functional Prosecutor at East Kutai District Attorney's Office on August 27, 2025.

expediting administration. Limited facilities and budget indicate the need for adequate infrastructure support for officers to optimally enforce the law. Meanwhile, public skepticism regarding the transparency of the destruction process emphasizes the importance of public involvement through open information and data digitization. With these measures, legal effectiveness can be improved, so that the destruction of evidence is not only procedural but also perceived by the public as an effective, fair, and reliable legal action.

4. Conclusion

The effectiveness of the destruction of narcotics evidence in criminal cases that have permanent legal force at the East Kutai District Attorney's Office is generally effective. The destruction process is carried out in accordance with legal procedures, is open to the public, and involves various parties as witnesses, thus ensuring accountability and compliance with applicable regulations. This effectiveness, when linked to Soerjono Soekanto's theory of legal effectiveness, is influenced by the readiness of law enforcement officers, available facilities and infrastructure, regulatory support, and community involvement in the legal process.

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