

Effectiveness of Eradication of Narcotics Crimes in Class I Correctional Institutions in Cirebon City

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Abstract. *Narcotics are a major problem in the life of the nation and state, this is because narcotics can cause mental and physical health damage, economic and socio-cultural. The circulation of narcotics that has penetrated the area of correctional institutions adds to the status of narcotics as a serious crime problem in Indonesia. This thesis research aims to analyze and describe the effectiveness of the eradication of the circulation of narcotics crimes in correctional institutions today. To analyze and describe the obstacles and solutions to the problem of the ineffective eradication of the circulation of narcotics crimes in correctional institutions in the future. The type of research in this thesis is empirical. Empirical legal research, also called sociological legal research, is legal research that examines law conceptualized as actual behavior, as an unwritten social phenomenon. Based on the research conducted, it can be seen that the effectiveness of eradicating narcotics circulation in the Class I Prison in Cirebon City is not yet effective. This is indicated by the fact that throughout 2024 there were 21 cases of drug circulation.drugswith 35.7 kilograms of evidence. The details include 2,790.8 grams (2.7 kg) of methamphetamine, 32,706.59 grams (32.7 kg) of marijuana, and 263 ecstasy pills.*

Keywords: *Correctional Institutions; Crime; Distribution; Narcotics.*

1. Introduction

The serious danger of narcotics remains a problem that the government has yet to address, resulting in drug crimes continuing to permeate society, including within correctional institutions. Correctional institutions are organizations/business entities or institutions that accommodate the development of inmates, providing both physical and spiritual guidance so they

can return to normal life in society.¹Based on the reason for the prison's existence, it is clear that the prison aims to accommodate development activities for prisoners, both physical and spiritual, so they can return to normal life in society. The prison's important position in its development has not been optimally realized, partly due to the problem of drug distribution within the prison environment. This can be seen, for example, in the case of the distribution of tranquilizer pills in the Class I Prison in Cirebon City. Correctional Institution Officers (prison) Class I Cirebon, West Java, thwarted the smuggling of suspected goodsnarcoticstypes of crystal methamphetamine and 150 sedative pills, which were carried out by avisitorsfrom Bogor. Our officers successfully thwarted the smuggling of suspected methamphetamine by a visitor. Kadiyono said the thwarted smuggling of methamphetamine and 150 sedative pills into the Class I Cirebon City Prison occurred on Thursday, July 6, 2023, during visiting hours. According to him, the perpetrator of the smuggling was a woman with the initials SD from Bogor, West Java, who was going to visit her husband with the initials AU, who was serving a sentence in prison. Then, the officers directed the perpetrator to enter the body scanner. After the woman passed through the scanner, the officers became suspicious of something around the woman's genitals. After conducting a manual inspection, Kadiyono continued, officers found a number of items suspected to be methamphetamine and 150 sedative pills inside SD's genitals.²

Several other contributing factors that can lead to drug trafficking in prisons include communication between smuggling actors. This also plays a crucial role in facilitating drug smuggling crimes in prisons and detention centers. Communication between inmates and the outside world is likely driven by the extensive networks they established before incarceration.³Drug smuggling into prisons and detention centers involves various routes, including postal mail, packages, prison visits, and so on. Therefore, authorities need to establish a rehabilitation-based punishment system for drug abusers to reduce the problems occurring in prisons.⁴The various existing problems clearly result in the function of the LAPAS, namely providing guidance to prisoners/children and maintaining security and order in the Correctional Institution, not being able to

¹Yogyakarta Class IIA Correctional Institution, History of Corrections,<https://lapasjogja.kemenkumham.go.id/profil-3/tentang-satuan-kerja/sejarah-pemasyarakatan#:~:text=So%20what%20is%meant%20with%20Institutions,normal%20life%20re%20turns%20to%20society%22.,> on February 12, 2025.

²Jawa Pos, "Smuggled Narcotics and 150 Tranquilizer Pills",<https://radarmojokerto.jawapos.com/berita-daerah/821739451/pengunjung-lapas-cirebon-ketahuan-selundupkan-narkotika-dan-150-pil-penenang>, May 12, 2025.

³Andri Winjaya Laksana, "Review of Criminal Law for Narcotics Abusers Using the Rehabilitation System", Journal of Legal Reform, Volume II, No. 1, 2015, p. 76.

⁴National Narcotics Agency, "Problems of Drug Distribution in Correctional Institutions",<https://kepri.bnn.go.id/permasalahan-peredaran-narkoba-lembaga-pemasyarakatan/>, May 12, 2025.

be realized. This clearly contradicts Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment.⁵

Drug crime is a serious problem whose development cannot be easily contained. The rapid growth of drug crime not only poses a threat to individuals in society but also threatens the future of the nation. According to the National Crime Information Center (Pusiknas) of the Indonesian National Police, since the beginning of 2024, the Indonesian National Police have prosecuted 33,924 cases of drug crime and trafficking. In September 2024, the number of crime and drug trafficking cases handled by the Indonesian National Police was 18.86 percent of the total number of crime and drug trafficking cases handled in 2024. The number of narcotics 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 for narcotics cases was 4,865 people in September 2024. Sadly, the reported status of students and college students was 13.73 percent of the total number of reported cases in September 2024. According to Acting Head of the Banyumas BNN Wiki Sri Erlangga, the group that mostly abuses narcotics 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.⁶

Drug abuse in prisons can lead to riots and uncontrolled security, as well as worsen the health and well-being of inmates. Furthermore, drug abuse can affect inmates' recovery and disrupt the rehabilitation process of inmates. Although prison authorities have made various efforts to prevent drug abuse in prisons, the number of drug abuse cases in prisons continues to increase. Therefore, research is needed to identify factors influencing drug abuse in prisons, so that appropriate steps can be taken to prevent drug abuse in the future.⁷Based on the various explanations above, it is necessary to discuss further regarding "The Effectiveness of Eradicating Narcotics Crimes in Class I Correctional Institutions in Cirebon City".

⁵Bayu Puji Hariyanto, "Prevention and Eradication of Drug Trafficking in Indonesia", *Jurnal Daulat Hukum*, Volume 1, No. 1, 2018, p. 207.

⁶National Police Education Center, 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:_jangan_main-main_dengan_negara, on January 3, 2025.

⁷Zainudin Basan, Imam Riyadi, Mirtha Tirta Praharani, and Kalfin Febrian, "Factors Causing Drugs in Correctional Institutions", *Journal of Law and Social Politics*, Vol.1, No.3, 2023, p. 2.

2. Research Methods

This type of research is a sociological legal approach or what is known as field research, namely studying the applicable legal provisions and what happens in reality in society.⁸Types of primary and secondary data. The data analysis method used is qualitative descriptive analysis.

3. Results and Discussion

3.1. The Current Effectiveness of Eradicating the Circulation of Narcotics Crimes in the Class I Correctional Institution in Cirebon City

The National Narcotics Agency (BNN) revealed that throughout 2019 until the end of 2020, there were 33,371 narcotics cases with a number of evidence, namely marijuana narcotics totaling 112.2 tons, 5.01 tons of methamphetamine, 1.3 million Ecstasy pills and 1.65 million PCC pills confiscated from various locations throughout Indonesia. The BNN and the National Police (Polri) arrested 42,649 suspects in narcotics cases in 2019. In addition, in 2019, the BNN successfully mapped 98 narcotics syndicates, 84 of which were successfully uncovered by the BNN. The 84 networks comprised 27 international drug syndicates, 38 domestic/new networks, and 19 involving inmates who controlled the networks in 14 correctional facilities. Of the 98 syndicates, 75 used cyberspace to distribute narcotics.⁹In other words, narcotics law policy has not been able to keep up with the growth of society in the current digital era.

This situation was evident in the narcotics trafficking case carried out by AY and ES in Sragen, who offered and distributed narcotics through a hidden Facebook network. AY served as the digital social media operator, while ES acted as the courier and the party who communicated with potential buyers. An investigation by the Sragen Police resulted in the discovery of a computer used as a tool for offering and distributing narcotics, as well as 4 grams of methamphetamine. AKP Rini Pangestuti, Head of the Sragen Police Narcotics Unit, explained that:¹⁰ The modus operandi of illegal narcotics distribution today has utilized social media, thus requiring more advanced law enforcement facilities and infrastructure with a digital basis and greater community involvement.

The legal vacuum in the criminal law policy regarding drug trafficking is also evident in decision No. 133/Pid.Sus/2018/PN Rbi. The perpetrator's actions, which also offered narcotics through social media, were not specifically examined by the judge; the perpetrator was only charged under Article

⁸Mukti Fajar and Yulianto Achmad, 2010, *Dualism of Normative and Empirical Legal Research*, Yogyakarta: Pustaka Pelajar, p. 175.

⁹<https://bnn.go.id/konten/unggah/2019/12/DRAFT-LAMPIRAN-PRESS-RELEASE-AKHIR-TAHUN-2019-1-.pdf>. Accessed on June 12, 2021.

¹⁰ AKP Rini Pangestuti, Interview Regarding the Development of the Modus Operandi of Narcotics Distribution Crimes in the Seragen Police Area, interview conducted on May 12, 2021.

127. Republic of Indonesia Law Number 35 of 2009 concerning Narcotics which states:¹¹

1) Every Abuser:

a) Class I narcotics for personal use are punishable by a maximum prison sentence of 4 (four) years;

b) Class II narcotics for personal use are punishable by a maximum prison sentence of 2 (two) years; and

c) Class III narcotics for personal use are punishable by a maximum prison sentence of 1 (one) year.

2) In deciding a case as referred to in paragraph (1), the judge must pay attention to the provisions as referred to in Article 54, Article 55, and Article 103.

3) In the event that the abuser as referred to in paragraph (1) can be proven or proven to be a victim of narcotics abuse, the abuser is required to undergo medical rehabilitation and social rehabilitation.

.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 No. 5 of 1997 concerning Psychotropics and Law Number 22 of 1997 in conjunction with Law Number 35 of 2009 concerning Narcotics, while in the law there are no express and clear regulations regarding illegal drug transactions if they are carried out using the internet. 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 related to cybercrime. The General Provisions Chapter does not clearly describe the explanation of crimes using computers. Computer crimes known in cyberspace are not clearly described. This includes crimes of narcotics abuse.

It is clear that technological advances have given rise to new means of committing crimes, including narcotics crimes, which are now often referred to as cybercrime. Therefore, the fundamental paradigm of narcotics criminal law must change. It is also clear that current criminal acts must be viewed from the perspective of justice within the country's criminal justice system. Furthermore, the lack of technical clarity regarding the eradication of narcotics trafficking through cyberspace also results in unclear coordination between relevant institutions. Sri Endah Wahyuningsih stated that good coordination is needed

¹¹ST. Aqmal, Decision Manuscript in the Narcotics Distribution Case in Bima City, Downloaded via <https://putusan3.mahkamahagung.go.id/direktori/putusan/5a3c87e5251d39e7d5d7bb8f702e5ed6.html>, on May 12, 2021.

between existing law enforcement agencies regarding any legal violations or crimes.¹²

3.2. The Current Effectiveness of Eradicating the Circulation of Narcotics Crimes in the Class I Correctional Institution in Cirebon City

Based on intelligence analysis, there will be a trend of taking shortcuts to meet economic needs as drug dealers or couriers. The Jakarta Provincial National Narcotics Agency (BNNP) predicts that drug trafficking will continue to increase in 2025. The Head of the Jakarta BNNP, Brigadier General Nurhadi, explained that the cause is the weakening economy of the community, which has affected how people earn income. Nurhadi said that throughout 2024 there were 21 cases of drug trafficking with evidence weighing 35.7 kilograms. The details are: 2,790.8 grams (2.7 kg) of methamphetamine, 32,706.59 grams (32.7 kg) of marijuana, and 263 ecstasy pills. According to him, this figure has exceeded the BNNP's previous target of nine cases. Nurhadi said that of the 21 suspects, two are still on the wanted list (DPO). In uncovering drug cases, the Jakarta BNNP stated that its team is more focused on hunting down dealers and dealers. This aims to disrupt the illegal drug trafficking network entering Jakarta. One of the most common methods used by dealers and drug lords is sending drugs via courier services disguised as ordinary packages.

According to AKP Heri Nurcahyo as Head of the Cirebon Police Narcotics Unit, there were 18 grams of methamphetamine, four one-milligram alprazolam tablets and 10 two-milligram trihexyphenidyl tablets as evidence of narcotics crimes that were intended to be smuggled into the Cirebon City Class I Prison that could be thwarted. In addition, there were 12 inmates of the Cirebon City Class I Prison who were proven to have bought, stored, and used where 2 of them also distributed in the Cirebon City Class I Prison, so that these 11 inmates have been transferred to the Nusa Kambangan area because their actions have been carried out for 5 months from April to August 2024. Until January 2025, the Police coordinated with the Cirebon City Class I Prison to investigate the involvement of members of the Cirebon City Class I Prison guards. Based on existing cases, it is clear that the eradication of criminal acts of narcotics distribution and smuggling in the Class I Prison of Cirebon City has not been carried out optimally.

¹²Sri Endah Wahyuningsih and Agus Sunaryo, "The Role of Prosecutor Office in the Eradication of Corruption Criminal Acts in Indonesia", *Jurnal Pembaharuan Hukum*, Volume IV No. 2 May - August 2017, p. 248.

3.3. Obstacles and Solutions to the Problem of the Ineffective Eradication of the Circulation of Narcotics Crimes in the Class I Correctional Institution of Cirebon City

The obstacles that influence the effectiveness of eradicating narcotics trafficking in the Class I Correctional Institution of Cirebon City are:¹³

1. There is over capacity among prison inmates.
2. Lack of officers, for example: inmates in prison.
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 insufficient when compared to the number of prisoners, which is not comparable because the number of officers at the Class I Cirebon City Penitentiary is not comparable.
5. Lack of Supervision of Performance (HR), Disturbance from criminal networks: criminal networks involved in the distribution of narcotics in correctional institutions infiltrating institutions with the intention of continuing operations within them.

In addition to the obstacles mentioned above, the existence of factors that trigger the circulation of narcotics in the prison environment is also an obstacle in eradicating the circulation of narcotics in the Class I Prison in Cirebon City.

The following factors cause the circulation of narcotics in correctional institutions, namely internal factors which can occur from inmates, correctional institution officers, and visitors.¹⁴

- a. Factors from inmates who have permission to leave such as permission from their parents to die, permission to be a marriage guardian, permission to divide inheritance assets, even though they have been given permission and meet the requirements by the correctional institution and are escorted by the police when entering the correctional institution, negligence can occur from officers who do not immediately check so that narcotics can be smuggled into the correctional institution.
- b. Officers or employees, such as cleaning staff who come in and out to throw away trash, one mode that can occur is like online food orders that already contain narcotics packages, so that before entering the correctional facility and the food is not always checked. Based on the case that occurred, the regional office formed a special team to examine officers involved in the circulation of

¹³*Loc, cit.*

¹⁴*Loc, cit.*

narcotics in the correctional facility due to limited SOPs, it is difficult to prove the involvement of officers because narcotics can pass through walls and be thrown into the correctional facility.

c. Visitors or guests, who have many ways to distribute narcotics.¹⁵

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:¹⁶

- a. What actions should be punished;
- b. Conditions that must be met to 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 Prison in Cirebon City are:

- a. There is a need for education and provision of knowledge, skills and experience for human resources in prisons regarding 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 to follow the technological innovations of narcotics traffickers at the Class I Prison in Cirebon City.

4. Conclusion

1. The effectiveness of drug trafficking eradication at the Cirebon City Class I Penitentiary is still ineffective. This is demonstrated by the fact that throughout 2024, there were 21 drug trafficking cases with evidence weighing 35.7 kilograms. The details include 2,790.8 grams (2.7 kg) of methamphetamine, 32,706.59 grams (32.7 kg) of marijuana, and 263 ecstasy pills. 2. Obstacles that affect the effectiveness of eradicating drug trafficking in the Class I Correctional Institution of Cirebon City are the occurrence of overcapacity in prison inmates. Lack of officers, For example: in the prison of its inmates. Minimal facilities and infrastructure are almost non-existent, For example: there are no narcotics detection devices. The number of officers is still insufficient compared to the number of inmates because the number of officers in the Class I Correctional Institution of Cirebon City. Lack of Supervision of Performance (HR), Disturbances

¹⁵*Loc, cit.*

¹⁶Barda Nawawi Arief, *Several Aspects of Criminal Law Policy and Development*, PT. Citra Aditya Bakti, 2nd Edition, Bandung, 2005, pp. 75-76.

from criminal networks: criminal networks involved in drug trafficking in correctional institutions in infiltrators within the Institution with the intention of continuing operations within it. The solution that can be done is the need for education and provision of knowledge and skills as well as experience for human resources of prison personnel related to supervision and legal action for perpetrators of drug trafficking in prisons. There is a need for development of law enforcement facilities and infrastructure with better and more updated technology following the technological innovations of perpetrators of drug trafficking in the Class I Correctional Institution of Cirebon City.

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