

Legal Analysis of the Implementation of Justice Collaborators in Law Enforcement of Narcotics Crimes (Research Study of the Narcotics Directorate of the Riau Islands Regional Police)

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Abstract. *This research focuses on the juridical analysis of the implementation of Justice Collaborators in law enforcement for narcotics crimes during the investigation and inquiry stages at the Directorate of Narcotics Research, Riau Islands Regional Police. As an extraordinary transnational organized crime, narcotics distribution is managed through closed systems and the omerta (code of silence), making it difficult to uncover through conventional judicial mechanisms. This study employs normative and empirical juridical methods to examine the legal framework, ranging from Supreme Court Circular (SEMA) No. 4 of 2011 to Law No. 31 of 2014, and its practical implementation. The results indicate that a Justice Collaborator holds a crucial dual role: as a legal subject accountable for their actions and as a strategic source of information to dismantle network structures, modus operandi, and the chain of command of major kingpins. The application of this concept at the Riau Islands Regional Police is often pragmatic and transactional, where the state provides rewards in the form of sentence reductions in exchange for significant information. However, its effectiveness is still hampered by a lack of uniform understanding among law enforcement officers and weak physical protection for cooperating offenders and their families. Theoretically, this study confirms that the testimony of a Justice Collaborator serves as corroborating evidence that acts as a "road map" for investigators to construct a comprehensive case. Despite its strategic value, the validity of such testimony must still be tested against the principle of a minimum of two valid pieces of evidence to prevent abuse of power. As a recommendation, stronger and more specific regulations at the statutory level (particularly in the revision of the Narcotics Law and the Criminal Procedure Code/KUHAP) are required to ensure legal certainty regarding the criteria for identifying cooperating offenders and standardized protection for high-risk individuals to eradicate narcotics networks at their roots.*

Keywords: Collaborator; Investigation; Justice; Law; Narcotics.

1. Introduction

Protection law is one of the topic discussion important in enforcement law and system law in Indonesia. Issues central protection law this is very important Because system enforcement law and formation law in Indonesia is still often ignore interest community. Protection law to public often set aside if There is collision interest between interest public with interests of the state and interest something corporation related with investment. Protection law also becomes issue central in law criminal related with enforcement law crimes that are considered No capable give protection to witnesses, victims and perpetrators action criminal protection law in principle require existence availability effort laws that can carried out by the community on actions that give rise to loss for society and its existence clear settings about steps in submission effort law by society. However Thus, protection law from aspect criminal Still be the main one for public compared to law civil and administration Because law administration usually need protracted time for get certainty law. While law administration tend more fast will but existence trend decision court administration No implemented by the relevant official Because lack of Power force in law administration.

Philipus M. Hadjon put forward protection law is protection will dignity and honor as well as confession to right basic human, which is owned by the subject law in the state of law of arbitrariness. protection law is description from working function law for realize goals law namely justice, benefit and certainty law for the people. protection the law given to subject law in accordance with rule law is as action government that is *preventive* and is *repressive* ¹. protection law of a legal nature preventive aim for prevent occurrence disputes that lead to to action government for behave be careful in taking decision based on discretion and protection repressive laws aim for prevent occurrence dispute, in frame uphold regulation law including handling in the institution justice ².

In principle protection law require existence availability effort laws that can carried out by the community on the actions that give rise to it loss for society and its existence clear settings about steps in submission effort law by society. However Thus, protection law from aspect criminal Still be the main one for public compared to law civil and law administration Because law administration usually need protracted time for get certainty law whereas law administration tend more fast will but existence trend decision court administration no implemented by the relevant official because lack of power force in law administration.

¹Hadjon, Philipus M, *Legal Protection for the People in Indonesia*, Surabaya: Bina Ilmu, 1987

²Alfons, Maria, *Implementation of Geographical Indication Protection for Local Community Products from an Intellectual Property Rights Perspective*, Malang: Brawijaya University, 2010.

Protection law have meaning that is all Power efforts that guarantee existence certainty law and justice for all over layer public without except³. Interest law is taken care of rights and interests humans, so that law own authority highest for determine interest human beings who need regulated and protected. Related with law criminal so protection law must give to witnesses, victims of crime criminal, witness cooperating actors and perpetrators action criminal protection law to perpetrator action criminal has arranged in a way firm and clear in the Criminal Procedure Code used as rule in the process of investigation, inquiry, prosecution, examination in court until with implementation decision court. Protection to witnesses and victims of crime criminal of course Already arranged in The Witness and Victim Protection Agency Law (LPSK Law) will but its implementation in system justice criminal not enough notice fulfillment of a sense of justice for victims of crime criminal.

Action criminal interpreted as something basic principles in fall criminal penalties for people who have do actions criminal on base accountability somebody on actions that have been done he did.⁴ With Thus, every act that lead to the crime threatened with sanctions criminal, then actions the is action criminal. Not excluding one of those who become enemy nation that is abuse very destructive narcotics generation nation and become attention important government for fighting nya. Remembering the increasing number of victims of abuse narcotics are very worrying However on the other hand drugs be one of substance or very useful and necessary medicine in the field health as in treatment disease certain and in frame interest development something knowledge knowledge. In facts drugs is substances that can damage nerve brain human and have consequence syndrome dependence to its users, so that If narcotics not in the right place, will cause danger for its users even can cause death.⁵

Crime narcotics categorized as action regulated criminal law in Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics. Ironically moment Indonesia has entered an emergency level narcotic and drugs forbidden and even government take step firm fighting. There fore government intense in effort prevention, safety and protection Indonesian citizens from crimes in the field narcotics with maximize *law enforcement*. In Indonesia, the projection amount abuse narcotics every year always experience improvement and nature transnational (*transnational criminality*) because can crossing national borders (*borderless countries*) which is carried out with using covert modus operandi and sophisticated technology, then enter to Indonesia as a transit country or even as

³Soekanto, Soerjono, *Effectiveness of Law and the Role of Witnesses*, Bandung: Remedja Karya, 1988.

⁴Amir Ilyas, *Principles of Criminal Law*, Yogyakarta: Rangkang Education & Pukap Indonesia, 2012, p. 27.

⁵Ahmad Rifai, *Drugs Behind Prison Walls*, Yogyakarta: Aswaja Pressindo, 2014, p. 1.

a destination country trading narcotics illegally (*point of market state*).⁶ Crime transnational in Indonesia can also happen Because amount the Indonesian population is considered big.⁷

In the system Indonesian law abuse narcotics in a way firm threaten with sanctions criminal for every user narcotic in a way illegal or people or corporations that use narcotics without right or oppose law. Act without rights and against law that is in essence can connected with principle legality so that in a way psychic will influence soul somebody For No do action criminal, because He moreover formerly know will result in himself asked accountability in a way criminal if do action criminal.⁸ Leave from dimensions law said, in fact Constitution Narcotics currently wait access thinking law criminal in the abstract moral sedimentation is absent criminal without error (*geen straf without schuld*).⁹ With Thus, observing view the show that ideally people don't proper asked accountability in a way criminal if do abuse narcotics For circles Alone.

2. Research Methods

Study law is a process for find rule laws, principles law, as well as doctrines law to answer issue the law being faced.¹⁰ Research methods is method scientific for get data with purpose and use certain. Scientific way means activity That based on characteristics science that is rational, empirical and systematic.¹¹ Study law in essence is something activity scientific method based systematics and thinking certain, which aims for learn One or a number of symptom law certain with clear analyze it. To That held in -depth examination to fact law the For Then try something solution on problems that arise in the symptoms concerned.¹² Secondary data is the data obtained through material bibliography.¹³ Study literature can stand itself and can also be supplemented with source from study field.¹⁴

3. Results and Discussion

3.1. Role and Position *Justice Collaborator* in Enforcing Narcotics Crimes

1) The Role of *Justice Collaborators* in Enforcing Drug Crimes

⁶Dahlan, *Problems of Justice in the Application of Criminal Penalties to Drug Abusers*, Yogyakarta: Deepublish, 2017, p. 3.

⁷Darwan Prinst, *Criminal Procedure Law in Practice*, Jakarta: Djambatan, 1998, p. 27.

⁸Roni Wiyanto, *Principles of Criminal Law*, Bandung: Mandar Maju, 2012, p. 82.

⁹Amir Ilyas and Muh Nursal, *Collection of Legal Principles*, Jakarta: Rajawali Press, 2016, p. 16.

¹⁰Peter Mahmudi, *"Legal Research"*, Jakarta: Kencana Prenada Media Group, 2008, p. 3.

¹¹Sugiono, *"Understanding Qualitative Research"*, Bandung: Alfabeta, 2014, p. 10.

¹²Bambang Sunggono, *"Legal Research Methods"*, Jakarta: Raja Grafindo Persada, 1997, p. 39.

¹³Ronny Hanitijo Soemitro, *"Legal and Juridical Research Methods"*, Jakarta: Ghalia, 1994, p. 11.

¹⁴Sudikno Mertokusumo, *"The Discovery of Law (An Introduction)"*, Yogyakarta: Liberty, 2012, p. 29.

Action criminal narcotics is crime organized *crime* that is carried out in a way systematic, closed, and involving network wide even across countries. In practice, the authorities enforcer law often experience difficulty reveal perpetrator main or big bookies Because network narcotics use system layered, secretive, and structured work.¹⁵ Therefore that, a special strategy is needed in the enforcement process law, one of them through use *Justice Collaborator*.

Justice Collaborator play a role important in help apparatus enforcer law reveal action criminal narcotics in a way comprehensive. A *Justice Collaborator* is perpetrator action criminal offenses that are not perpetrator main and willing Work The same with apparatus enforcer law with give information, tools evidence, and significant information related network crime narcotics.¹⁶ His presence become very important Because He is part from network so that know structure, pattern work, and parties involved in action criminal In the case of narcotics, authority investigation No only owned by the Republic of Indonesia National Police, but also by the National Narcotics Agency (BNN) as arranged in Constitution Number 35 of 2009 concerning Narcotics.

In progress investigation, investigator own authority for do various action law like arrest, detention, search, confiscation, and inspection to witnesses and suspects.¹⁷ actions the done in accordance with the provisions stipulated in the criminal procedure code and constitution number 35 of 2009 concerning narcotics. the purpose of action the is for get tool sufficient evidence to prove existence action criminal narcotics as well as reveal network circulation narcotics involved in case mentioned. in addition, in practice investigation action criminal narcotics, investigators also often use technique investigation special like *undercover buy*, *controlled delivery*, as well as development network through inspection suspects who have captured. techniques the used for reveal network circulation more narcotics wide, especially in cases involving syndicate narcotics organized.¹⁸

As for the role *Justice Collaborator* in enforcement law action criminal narcotics that is:

a. Help Revealing Main Actor

Main role *Justice Collaborator* is help apparatus enforcer law reveal perpetrator main or big bookies who have been This difficult reachable. In many case narcotics, authorities only succeed catch courier or dealer small, whereas actor intellectual

¹⁵ Romli Atmasasmita , *Theory and Selected Chapters of Criminology* , (Bandung: Refika Aditama, 2010), p. 89.

¹⁶ Eva Achjani Zulfa, *Justice Collaborator in the Criminal Justice System* , (Jakarta: UI Faculty of Law Publishing House, 2013), p. 45.

¹⁷ Republic of Indonesia, Criminal Procedure Code (KUHP), Article 1 number 2, Article 16, Article 17, Article 20, Article 32, and Article 38.

¹⁸ Barda Nawawi Arief, *Problems of Law Enforcement and Criminal Law Policy* , Bandung: Citra Aditya Bakti, 2014, p. 92

be behind closed network. Through information from *Justice Collaborator*, investigator can know Who controller main in network narcotics the.

b. Open Structure and Network Crime

Justice Collaborator own knowledge direct about structure organization crime, division task, path distribution, system communication, up to method transactions used in circulation narcotics. Information it is very helpful investigator dismantle network narcotics in a way broad and systematic.

c. Simplifying the Proof Process

In the system justice criminal, proof is element important determine error defendant. Statement *Justice Collaborator* can become tool help in strengthen tool other evidence, such as goods evidence, recording communication, as well as results confiscation.¹⁹ Information the often become instruction main for investigators and prosecutors in build construction case in court.

d. Support Effectiveness Investigation and Prosecution

Work the same as that done by *Justice Collaborator* can speed up the investigation and prosecution process Because apparatus get more information complete and accurate about action crime that occurred. With Thus, the enforcement process law becomes more effective and efficient in reveal network narcotics.

e. Prevent Wider Illicit Trafficking of Narcotics

Through statement, *Justice Collaborator* help apparatus stop track distribution and activities network narcotics. This is impact on efforts prevention abuse more narcotics widespread in society as well as protection to generation nation from danger narcotics.

In some case, investigators also utilize information from perpetrator action criminals who are willing to Work The same with apparatus enforcer law or known as *Justice Collaborator*. Existence *Justice Collaborator* is very helpful in reveal structure network circulation more narcotics large, including identify perpetrator the main thing behind circulation narcotics said. Through information provided by *Justice Collaborator*, investigator can get information about track distribution, pattern communication between perpetrators, and the role of each actor in network circulation narcotics.²⁰ With Thus, the implementation investigation action criminal Narcotics at the Riau Islands Regional Police Narcotics Directorate is a complex process and requires a comprehensive strategy. in frame reveal

¹⁹Eva Achjani Zulfa, *Justice Collaborator in the Criminal Justice System* , (Jakarta: FH UI Publishing Agency, 2013), p. 102.

²⁰Romli Atmasasmita, *Contemporary Criminal Justice System* , (Jakarta: Kencana Prenada Media Group, 2010), p. 81.

network circulation narcotics in a way comprehensive. Through implementation various method investigation as well as utilization information from the perpetrator who works the same with apparatus enforcer law, it is hoped effort eradication action criminal narcotics can done in a way more effective in protecting public from danger abuse narcotics.

2) The position of Justice Collaborator in Law Enforcement of Narcotics Crimes

In the system law Indonesian Criminal Justice, *Justice Collaborator* own position special Because is at in position double, namely as perpetrator action criminal at a time as working witnesses the same with apparatus enforcer law. Position This differentiate *Justice Collaborator* with witness normal and perpetrator action criminal law in general. In generals juridical, position *Justice Collaborator* arranged in a number of regulations, including:

- a. Constitution Number 31 of 2014 concerning Protection of Witnesses and Victims;
- b. Circular letter Supreme Court (SEMA) Number 4 of 2011;
- c. Regulation Government Number 25 of 2023;
- d. as well as provision related in Constitution Number 35 of 2009 concerning Narcotics.

Based on provision said, position *Justice Collaborator* in enforcement law can explained as following:

1) As Perpetrator Criminal act

Justice Collaborator still is perpetrator action criminal offenses that must be accountable his actions in a way law. Status as working parties the same No delete error crimes that have been done. Therefore that, he still can processed, prosecuted, and sentenced criminal in accordance provision applicable law.

2) As a Cooperating Witness

Apart from being perpetrator, *Justice Collaborator* also has a position as witnesses who gave information important for assist the enforcement process law. The information provided must done in a way honest, voluntary, and have mark significant in reveal action criminal narcotics.

3) As Instrument Law enforcement

In the case of narcotics that are organized, *Justice Collaborator* become instrument strategic in reveal network difficult crime proven through tool proof usual. Because of that that, existence *Justice Collaborator* become part important from enforcement strategy modern law against crime organized.

4) As Parties Who Receive Legal Protection

Because of the statement can endanger safety himself and his family, *Justice Collaborator* entitled get protection law from the state. Protection the can in the form of protection physical, confidentiality identity, assistance law, until protection to threat from network perpetrator main.

5) As Parties Who Can Obtain Legal Awards

Work the same as that provided by *Justice Collaborator* can become consideration for judges in drop decision. Form awards the usually in the form of relief punishment Because his contribution help apparatus enforcer law reveal action more criminal big.

Enforcement law to action criminal Narcotics must based on principles the law that becomes foundation main system law in Indonesia. Principles law This give guidelines in stage handling case, start from investigation until giving sanctions to perpetrators. Three principles the main underlying enforcement law in context This that is principles justice, principles certainty laws and principles usefulness.²¹ Third principle This in a way synergistic for ensure law No just stand up in accordance rules, but also provide protection real to public.

a) Principle of Justice

The principle of justice is one of the fundamental principles in the law that inspires all over system justice criminal. In philosophical, justice has become mark main since the time of Aristotle, who distinguished between justice distributive, namely proper giving in accordance position individual, and justice corrective, namely correct to actions that violate norms. In the context of modern law, principles justice understood as principle that everyone should treated in a way proportional and not discriminatory.

John Rawls in *a Theory of Justice* asserts that justice is form of fairness, namely justice procedural and substantive that must be walk simultaneously. In Indonesia, the principles justice is also reflected in Pancasila (especially the 5th principle), the 1945 Constitution, and become objective main system law national. With Thus, the principles justice No only moral in nature, but also has dimensions legally binding every action and decision law.

In law criminal, principle justice become guidelines main for judges and officers enforcer law For give appropriate punishment with level error actor, role in action criminal, as well as the impact to public.²² Justice in criminalization No just drop appropriate punishment with the article that was violated, but notice *mens rea*,

²¹S. Jaang, 2023, *Analysis of Legal Protection for Consumers Based on the Principle of Justice*, Wara Sains Journal of Law and Human Rights, Vol. 2, Number 05, page 349.

²²Gustav Radbruch, *Legal Philosophy*, Oxford: Clarendon Press, 1950

actus reus, condition perpetrators, and his contribution in the enforcement process law.²³ Principle This demand that the authorities enforcer law No behave mechanical in drop criminal, but must see context, motive, role, and level involvement of each actor. Therefore that, the principles justice is very close relation with principles proportionality and principles differentiation role, cause perpetrator main must accept more punishment heavy than perpetrator small, especially If perpetrator small the help reveal more matters big.

The principle of justice the more strong in action criminal narcotics Because crime narcotics own characteristic *extraordinary crime* of a nature organized, layered, and involving various role. Many studies and decisions court show that the couriers or intermediary small in fact the most frequent become defendant main in trial. On the other hand, the bookies or controller precisely more difficult touched law Because existence they hidden, using system control distanced, and taking advantage of the little people operate distribution narcotics. Imbalance this is what often happens cause injustice substantive, because courier small accept very severe punishment even lifetime life or dead temporary perpetrator main No affordable. In good condition said, the principles justice demand existence instrument laws that can support disclosure perpetrator main through information from perpetrator small. This is where draft *Justice Collaborator* obtained enormous relevance.

In perspective justice, a *Justice Collaborator* does not may equalized his position with perpetrator usual. Although He involved in action criminal, its contribution in help the country dismantle network big make his position different.²⁴ The principle of justice demand that the state provide *reward*, good in the form of subtraction punishment and protection. This is in line with principles *fairness* that people who help the enforcement process legal and risky to his safety worthy get treatment special.

In addition, the principles justice also emphasizes that role witness perpetrator in reveal truth substantive must appreciated, because without his contribution, the system justice criminal No will capable reach perpetrator level above. With thus, relief criminal for *Justice Collaborator* is not form injustice for society, but precisely form justice for system laws and efforts eradication crime big.

b) Principle of Legal Certainty

In the system law criminal, principles certainty law own very important role Because concerning fate, rights and freedom a person. Criminal law must clear in determine what is action criminal, who can punished, how much big threat the penalty given, as well as how is the proof process. When the rules law contain

²³John Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, 1971, p. 53

²⁴Mahrus Ali, "Justice Collaborator in Disclosing Organized Crime," *Jurnal RechtsVinding*, Vol. 4, No. 1, 2015, pp. 35–36

ambiguity or no arranged in a way complete, then will cause uncertainty for apparatus enforcer law and defendant. principle *lex certa* in principle legality also confirms that criminal norms no may vague, open to multiple interpretations, or give freedom excessive to apparatus for interpret. With Thus, certainty law No only concerning existence legislation, but also clarity, strength binding, and uniformity its application in the field.²⁵

In context *Justice Collaborator*, the principles certainty law becomes very important Because position *Justice Collaborator* as perpetrator but also witnesses who help the state often arise confusion in practice. Regulation about *Justice Collaborators* spread in various provisions: Law Number 31 of 2014 concerning Witness and Victim Protection, PP No. 25 of 2023, SEMA No. 4 of 2011, as well LPSK guidelines.

However, the legal status *Justice Collaborator* not yet arranged in a way comprehensive in the Criminal Procedure Code and Law Narcotics. As a result, there are asynchrony between Investigators, Prosecutors, Judges, and LPSK in determine who is worthy become *Justice Collaborator*. Therefore that, the principles certainty law demand existence more regulations comprehensive, strengthening guidelines for apparatus enforcer law, as well as consistency the judge's decision that *Justice Collaborator* has certainty in the legal process he is facing. With Thus, the implementation *Justice Collaborator* does not only become instrument eradication crime, but also form fulfillment the principle of the rule of law which guarantees protection and certainty for every citizen who are facing with law.

c) Principle of Benefit

The principle of utility functioning as guidelines ensure that the enforcement process law No only emphasize aspect retributive, but also aspects preventive and instrumental. This means that the law criminal must beneficial in prevent crime, protect society, and eradicate structure threatening crime order general.

The principle of utility demand that criminalization must give effect positive, good for perpetrators, victims, and society. Therefore that, criminalization No may only nature punish, but also must capable give contribution to eradication crime in a way more effective. Principle this is what makes principle very important benefits in context action criminal narcotics, where the crime nature organized and impactful wide for generation and stability of the country.

In context *Justice Collaborator*, the principles benefits become key main why the state provides treatment special to witness the perpetrator who helped reveal crime big. Utilization *Justice Collaborator* is a legal strategy used by the Riau Islands Police Narcotics Directorate with objective get internal information from network

²⁵Peter Mahmud Marzuki, *Introduction to Legal Science* (Jakarta: Kencana, 2008), pp. 158–159.

crimes that usually closed and difficult penetrated. The perpetrator small like courier become source information important in reveal the dealer, controller, or network international. From the perspective benefits, use *Justice Collaborator* provides far- reaching benefits more big for the country compared to punish perpetrator small with criminal maximum without get information whatever. In other words, the benefits provided *Justice Collaborator* to society and systems justice considered more big than just punish perpetrator in a way maximum without demolition network main action narcotics crimes.

d) Application of Legal Principles in Action Criminal Narcotics

Action criminal narcotics is one of the form crimes that have characteristics different compared to action criminal conventional. Crime This nature transnational, organized, systematic, and involving layered network, so that handling need implementation principles law in a way precise and dynamic. In the context law Indonesian criminal law, implementation principles law No only covers principles legality and certainty law as base normative, but also principles justice, utility, proportionality, differentiation participation principles protection of human rights and fair trials. Entire principle the used for ensure that enforcement law to action criminal narcotics walk effective, fair and appropriate principles of a modern state of law.

Implementation principles justice and certainty law become very important in handling action criminal narcotics remember threat the penalties are severe, including criminal dead.²⁶ The principle of justice demand differentiation clear roles that the dealer must give the most severe punishment, whereas perpetrator small given handling different, including through rehabilitation or relief criminal.

In context This time, *Justice Collaborator* is present as instrument important in fulfil principles justice and proportionality, because perpetrator small that helps the country uncover perpetrator main own role big in the enforcement process law.

With thus, the award law in the form of subtraction punishment becomes form justice substantive. However in in practice, certainty law often disturbed Because difference interpretation to role perpetrator, level errors, and values proof from information witness perpetrators. Many decisions show that that courier or intermediary often get the same punishment the weight with the main port Because focus proof only on goods proof physical, not structural network or the role of each actor. This show that certainty law formally visible fulfilled, but no reflect certainty law fair substantive.

Related with principles benefit, action criminal narcotics demand the state to using strategies that provide benefit the biggest for public broad. Criminalization

²⁶Suspect Day, *Narcotics and Psychotropics in Criminal Law* (Bandung: Mandar Maju, 2003), p. 97

to perpetrator small without succeed uncovering big dealers No give benefit substantive for eradication crime narcotics. ²⁷Therefore that, utilization *Justice Collaborator* becomes implementation direct from principles usefulness, because give chance for perpetrator small contribute reveal structure more crimes big.

The country gets profit in the form of internal network information, methods distribution, flow commands, as well as parties involved at the top level. With Thus, the principles benefits put *Justice Collaborator* as tool strategic for reach objective law that is protect society and eradicate crime narcotics in a way effective.

3.2. Obstacles/Constraints and Solutions in Disclosure Action Criminal Narcotics

1) Obstacle Implementation Justice Collaborator Investigation

Although mechanism *Justice Collaborator* has become instrument important in eradication crime outside normal like action criminal narcotics, its implementation in Indonesia is still face various weaknesses that are inherent normative, structural, cultural, and Implementation. Weaknesses This hinder effectiveness *Justice Collaborator* as tool dismantle network large and organized narcotics. For understand in a way comprehensive reason implementation *Justice Collaborator* not yet can running optimally, it is necessary discussion deep about factors that cause mechanism This often No give results maximum. Here description complete about weakness *Justice Collaborator* in handling action criminal narcotics, as following:

a. Barriers to Disclosure Action Criminal Narcotics

Implementation draft *Justice Collaborator* in handling action criminal narcotics is one of the strategies that can used by the authorities enforcer law sor reveal network circulation narcotics that are organized. However in in practice, implementation *Justice Collaborator* Still face various obstacles that can influence effectiveness enforcement law to action criminal narcotics. In many case action criminal narcotics, the perpetrators are at the level dealer or courier often know existence more networks big. However Thus, the perpetrator tend reluctant give information in a way open Because the presence of fear to threat or pressure from network narcotics said. Condition This cause investigator experience difficulty in reveal perpetrator main in network circulation narcotics.²⁸

The most fundamental weakness is Not yet existence One regulations that are specific and comprehensive arrange about justice collaborator mechanism. Arrangements *Justice Collaborators* spread in various instruments including

²⁷Satjipto Rahardjo, *Legal Science* (Bandung: Citra Aditya Bakti, 2014), pp. 53–54.

²⁸Lilik Mulyadi, *Legal Protection for Whistleblowers and Justice Collaborators in Efforts to Combat Organized Crime*, (Jakarta: PT Alumni, 2015), p. 85

Constitution Number 31 of 2014 concerning Protection of Witnesses and Victims, Circular Letter Supreme Court Number 4 of 2011 concerning Treatment for Criminal Reporters and Witnesses Who Cooperate in Cases Certain Criminal Offenses and internal regulations of several apparatus enforcer law. So that result in Non uniformity regulations make *Justice Collaborator* as vulnerable instruments interpreted different, so that often No implemented in accordance ideal concept.

Not all apparatus enforcer law own common understanding about mechanism determination somebody as *Justice Collaborator*. This caused by Because arrangement about *Justice Collaborator* No arranged in a way details in the Criminal Procedure Code, but through various other regulations such as Circular Letters Supreme Court and regulations institution related. Conditions This sometimes cause difference view between investigator, prosecutor general, and judges in determine whether a perpetrator worthy given status as *Justice Collaborator*. Although Constitution about Protection of Witnesses and Victims has give base law about protection to witnesses and victims, in in practice Still there is limitations in implementation protection said. This is can make the real perpetrator willing Work The same with apparatus enforcer law be hesitant to give important information for disclosure network narcotics.

Case of action criminal narcotics involving Lots perpetrators, often difficult for determine who is perpetrator main and who only play a role as dealer or courier. determination this is very important because one of them condition for obtain *justice collaborator* status is that perpetrator the no is perpetrator main in action crimes committed.²⁹ information from the perpetrator who works the same with apparatus enforcer law must still supported by tools other evidence to be able to used in the process of proving in court. If information the No supported by tools sufficient evidence, then information provided by *Justice Collaborator* No can used optimally in the enforcement process law.³⁰

Although regulations has there is culture implemented laws apparatus enforcer law often become obstacle main. Many officer enforcer law Still see *Justice Collaborator* as permanent perpetrator must punished heavy and someone with potential manipulate statement for the sake of leniency. In facts in modern concept of law enforcement law *Justice Collaborator* is key for dismantle perpetrator main (dealer/ controller).

Until moment this, no There is standard standard for evaluate contribution a worthy *justice collaborator* categorized as substantial. every institution evaluate in a way different, even between judges in the courts are different. Weaknesses This cause *Justice Collaborator* does not Enough means and becomes subjective as

²⁹Eva Achjani Zulfa, *Justice Collaborator in the Criminal Justice System* , (Jakarta: FH UI Publishing Agency, 2013), p. 48.

³⁰Andi Hamzah, *Indonesian Criminal Procedure Law* , (Jakarta: Sinar Grafika, 2016), p. 270.

well as No can predicted so that reduce motivation perpetrator small For Work The same.

With existence various obstacle mentioned, it is necessary more optimal efforts from apparatus enforcer law for increase effectiveness implementation *Justice Collaborator*, especially in case action criminal narcotics in general involving network organized and cross- regional. There are various obstacles and constraints faced apparatus enforcer law in reveal action criminal narcotics, especially at the stage investigation and inquiry, namely:

a) Network Narcotics are closed and organized

One of obstacle main is character network narcotics that are very secretive and have structure neat organization. Every perpetrator own task certain such as dealers, dealers, couriers, financiers and controllers network.³¹In practice, the perpetrators often No each other knows in a way direct so that make things difficult apparatus for reveal perpetrator main. In addition, the network narcotics use system communication secret, code certain, and methods modern transactions for avoid detection apparatus enforcer law. Conditions This cause apparatus often only succeed catch perpetrator field like courier or dealer small, while the dealer is big difficult reachable.

b) Increasingly Modern Modus Operandi

Development technology become challenge alone in disclosure action criminal narcotics. The perpetrator utilise technology digital communication, social media, transactions electronics, as well as method advanced delivery for hide its activities. The modus operandi that continues develop make apparatus enforcer law must always adapt investigative skills and strategies.

c) The difficulty Obtaining Evidence

In the case of narcotics, tools proof often limited to goods proof physique in the form of narcotics. Meanwhile that, for prove involvement perpetrator main needed proof additional information that shows connection between actors and structures network. Without existence information from party in network, investigator often experience difficulty in get sufficient evidence for ensnare big dealers.

d) Threats and Intimidation from Network Narcotics

Network narcotics usually own strength financial and great influence so that capable do intimidation to witness and the perpetrator who works the same with apparatus enforcer law. Threats to safety self and family often make witness or

³¹Mardjono Reksodiputro, *Criminology and the Criminal Justice System* , (Jakarta: Center for Justice Services and Legal Service, University of Indonesia, 2007), p. 152.

perpetrator reluctant give information in a way honest. Condition This be one of obstacle in implementation *Justice Collaborator*, because the real perpetrator own information important Afraid give testimony consequence threat from network narcotics.

e) Lack of Similarities Understanding Apparatus Law enforcer

In practice, it is still there is difference understanding between apparatus enforcer law about determination and treatment to *Justice Collaborator*. Difference the can cause uncertainty law in the process of investigation, prosecution, and trial.

In addition, the lack of understanding related mechanism protection and appreciation to *Justice Collaborator* cause its implementation not optimal in eradication action criminal narcotics.

f) Limitations Protection against Justice Collaborator

Although has there is regulations about protection witnesses and victims, implementation protection to *Justice Collaborator* in practice Still face various constraints. Protection physical, confidentiality identity, as well as protection to family sometimes Not yet can given in a way maximum so that reduce courage perpetrator For Work The same with apparatus enforcer law.

Justice Collaborator does not will brave reveal structure network narcotics without guarantee protection law and physics. Doctrine protection witness give moral and legal basis that witnesses who gave information important must protected by the state from threat retaliation. In case narcotics involving syndicate big, risk for *Justice Collaborator* becomes very high. Doctrine This emphasize state obligation to keep secret identity *Justice Collaborator*, providing protection physical and psychological, providing security special and considerate LPSK recommendations in verdict.

g) Character Crimes of a Criminal Nature Transnational

Circulation narcotics No only happen in scope national, but also involves network international. Differences jurisdiction law between countries, limitations Work The same international, and the difficulty tracking cross- country to become constraint big in disclosure action criminal narcotics.

4. Conclusion

Implementation investigation action criminal narcotics at the Directorate Detective Riau Islands Police Narcotics Unit has implemented in accordance with provision regulated criminal procedure law in the Criminal Procedure Code (KUHP) and Constitution Number 35 of 2009 concerning Narcotics. Investigation process started from stage investigation, arrest, search, seizure goods evidence, examination witnesses and suspects, detention, up to delegation file case,

suspect, and goods proof to the Public Prosecutor. In practice, investigations are also carried out with development case for reveal network circulation more narcotics wide, considering action criminal narcotics generally done in a way organized and involving lots perpetrator in something network. the application of justice collaborator in investigation action criminal narcotics own role important in help apparatus enforcer law reveal network circulation more narcotics big. justice collaborator is perpetrator action criminal offenses that are not perpetrator main and willing work the same with apparatus enforcer law with give significant information to reveal other actors who have role more big in something action criminal law. in practice, the application of justice collaborator refers to several regulations such as circular letter supreme court number 4 of 2011 and constitution number 31 of 2014 concerning protection of witnesses and victims. however thus, the mechanism the determination of justice collaborator is still need coordination between investigators, prosecutor prosecutor general public, judges, and the witness and victim protection agency (LPSK) to ensure that the perpetrator who works the same get protection adequate law.

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