

Conference Paper

Criminal Policy in Law Enforcement of Criminal Acts of Drug Circulation in the Digital Era

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Abstract.

The process of proving narcotics trafficking cases in the digital era is closely related to the due process of law. However, if the proof process is carried out with legal defects, then the evidence obtained is also legally flawed, which renders it unusable as legal evidence before the trial. Considering this, the study aims to explore the criminal policy of law enforcement for narcotics trafficking in the digital era within the jurisdiction of Medan City, focusing on the factors that influence law enforcement and the criminal law enforcement policies for narcotics trafficking. This study adopts a normative legal research approach, using descriptive analysis and the statute approach. The data collection technique involves library research and interviews, with data analysis conducted through a qualitative method. The research results reveal that the most influential factor is the legal culture, as there is a stigma in law enforcement for narcotics crime, and everyone is suspected of being a dealer always seeking the lightest punishment and fast legal process. However, if the perpetrator is a narcotics user/abuser, there are Law Enforcement Officials who are unscrupulous and want the user to be subject to criminal sanctions as a dealer. In terms of law enforcement efforts, the penal policies carried out by law enforcement officials are still insufficient in eradicating narcotics trafficking in the digital era. The study suggests that with the support of the ITE Law regarding electronic evidence, law enforcement officials should be able to use these instruments in uncovering criminal cases to make it easier to prove. This is because, with the development of technology, information, and communication, the modes of drug trafficking are also growing rapidly.

Keywords: criminal policy, digital era, narcotics circulation

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1. INTRODUCTION

The swift progress of information and telecommunication technology during the digital age has brought about the emergence of different types of evidence in legal proceedings, which are categorized as electronic evidence.[1] These include, among

others, electronic mail, video conferencing for witness examinations, short message/SMS services, CCTV recordings, electronic information, electronic tickets, electronic data/documents, and other electronic media used for data storage.[2]

The increasingly sophisticated developments in information and communication technology have made drug trafficking transactions simpler. These transactions can be carried out via the internet disguised as packages, eliminating the need for face-to-face meetings between buyers and sellers, which pose a higher risk of detection by law enforcement officials. Furthermore, smuggled drugs are packaged in various ways to deceive security officers. This situation implies that Indonesia's borders have been compromised, making it easier for foreign countries to export illegal drugs into the country.[3]

During this digital age, technology can aid in uncovering crime cases relevant to the inquiry and investigation stages conducted by the Polri Investigators. These stages are closely associated with the law of evidence. The disclosure of crimes constitutes one of the primary responsibilities of the Indonesian National Police (Polri) in their efforts to uphold the law, namely, through the investigation and inquiry of criminal activities.[4]

The investigation and inquiry of criminal acts aim to gather evidence to shed light on the incident and identify the culprits.[5] The evidence gathered is expected to lead to the identification of at least one perpetrator. In cases where the crime has been committed meticulously and it is challenging to gather evidence, the advancements in technology and information during this digital era can assist law enforcement officials in revealing criminal activities.[6]

The utilization of advanced technological tools during the digital age to reveal drug distribution crimes is a knowledge and technology-based service offered by the Police to the community. The application of sophisticated technological tools to aid the National Police in uncovering criminal activities involves the use of digital forensic tools, such as the Direct Finder and Cellebrite UFED 4PC.[7]

Based on data from the National Narcotics Agency, as for the ranking of narcotics crime cases in the provinces in Indonesia, North Sumatra Province holds the first rank of narcotics cases per province with a total of 7,353 cases. Ranked second, East Java Province with a total of 6,193 cases. The third rank is Jakarta Province with 4,749 cases. Meanwhile, the last rank is East Nusa Tenggara Province with a total of 46 cases.[8] In other words, North Sumatra Province is a warehouse for narcotics trafficking in Indonesia with the highest level of narcotics circulation in Indonesia.

In January 2022, the Medan Police Narcotics Unit destroyed 32.7 kg of methamphetamine, 18.7 kg of marijuana, and 12,406 ecstasy pills in just two months. Medan

City is still the center of Narcotics circulation because of the high circulation of Narcotics. According to the Kapolrestabes Medan, Kombes. Pol. Riko Sunarko, "*Shabu is sold to the public at an average price of Rp. 650,000, - per gram. The value of methamphetamine alone is Rp. 21 billion more. Dealers aim to gain many times over from seizing narcotics whose victims are the community*".[9] Based on the Case Tracing Information System at the Medan District Court, from January 2019 to.d. July 2022, there were 7,797 cases.[10]

There is an interesting case as an example of a case raised in this study, related to the implementation of narcotics law enforcement in the digital era which starts from investigation and investigation, prosecution and trial in court is Medan District Court Decision No. 1763/Pid. Sus/2020/PN.Mdn., dated 03 November 2020. Therefore, Medan City is suitable as a research location. This study chose a research location in North Sumatra Province, especially Medan City because it wanted to see the criminal policy of narcotics crimes in the digital era with studies in the jurisdiction of Medan City.

The investigation and investigation used the method of tapping and extracting cell-phones from other perpetrators which led to the perpetrators in the Verdict of the Medan District Court No. 1763/Pid.Sus/2020/PN.Mdn., those. Furthermore, prosecutions are carried out in the digital era, where trials are carried out online. The public prosecutor and the panel of judges were at the Medan District Court, then the defendant and his legal advisers were at the Medan Tanjung Gusta Detention Center.

In this case, Defendant "Z.A.S" was a courier who carried methamphetamine-type narcotics weighing 4 kg, and 2,000 ecstasy pills weighing 1.2 kg. The defendant was only charged with imprisonment for 14 years and a fine of Rp. 1 billion subsidiaries 6 months in prison based on the Primary Indictment, violating Article 114 paragraph (2) *jo*. Article 132 paragraph (1) of the Narcotics Law.[11]

Supposedly, based on Article 132 paragraph (1) of the Narcotics Law with the net weight of evidence in the form of 4 kg of methamphetamine and 1.2 kg of ecstasy pills, the perpetrators should be demanded to die, but the public prosecutor only demands 14 years in prison and a fine of Rp. 1 billion subs 6 months in jail. What is the criminal policy of law enforcement for the criminal act of narcotics trafficking in today's digital era, whether the evidence at trial reveals legal facts that lighten the defendant? Therefore, this research needs to be carried out, bearing in mind that criminal policies in enforcing the law on criminal illicit trafficking of narcotics in the current digital era have no clear policy direction. The reality is sadder, the judge at the court decided by handing down a lighter verdict than the prosecutor's demands, namely: 9 years and 4 months, a fine of Rp. 1 billion subs 3 months in prison. How can the distribution of narcotics be eradicated, if law enforcement is not by the applicable legal regulations?

The investigation and investigation was carried out by the Directorate of Narcotics of the North Sumatra Police had succeeded in arresting the perpetrators so that based on preliminary research it turned out that to uncover the case using digital forensic analysis which finally revealed the perpetrator as a “*courier*” who committed the crime of drug trafficking in the digital era in the jurisdiction of Medan City.[12] Meanwhile, the prosecutor conducting the trial was from the Medan District Attorney’s Office, and the panel of judges who examined, tried, and decided on the case was at the Medan District Court.

The legal provisions regarding the criminal offense of narcotics distribution are stipulated in Law No. 35 of 2009 concerning Narcotics (referred to as the Narcotics Law). On the other hand, the regulations regarding the utilization of electronic evidence as an outcome of information technology developments during the digital era are outlined in Law No. 11 of 2008 concerning Information and Electronic Transactions, as amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (referred to as the Electronic Information and Transactions Law).[13]

The problems in this study can be formulated as follows: 1) What are the factors that influence criminal policy in enforcing the law on narcotics trafficking in the digital era of study in the jurisdiction of Medan City; 2) How is the criminal policy in enforcing the criminal law of narcotics trafficking in the digital era of study in the jurisdiction of Medan City.

In answering the first problem, the theory of factors influencing law enforcement put forward by Ediwarman is used. The factors causing the paradox of criminal law enforcement from the perspective of criminology in Indonesia include: “*The legal factor itself; Law enforcement factors (law enforcement factor); Facility factor (means factor); Community factors (community factors); and cultural factors (cultural factors)*”.[14]

The second issue can be addressed through the application of criminal policy theory. Criminal policy pertains to the measures taken to prevent criminal activities (criminal politics), which can be implemented through criminal law policies (penal) or a preventive approach (non-penal).[15]

According to the data obtained from the examination and the results of the existing research titles in the Libraries of State and Private Universities, the research entitled: “*Criminal Policy in Law Enforcement of Narcotics Trafficking in the Digital Age (Studies in the Legal Area of Medan City)*”, has never been done. Several studies discuss variables: investigation and investigation; criminal acts of narcotics trafficking; and the digital era, including:

1. Rahmad Gaol Hasibuan, "Legal Politics of Eradicating Narcotics Crime during the Covid-19 Pandemic (Study of the North Sumatra Regional Police)", Thesis, Postgraduate Masters of Law Program at UMA, Medan, 2021.
2. Ruben Achmad, "Criminal Policy in the Prevention and Control of Narcotics in Palembang City", Thesis, Postgraduate Masters of Law Program at Batanghari University, 2020.
3. Rio Nababan, "Criminal Law Policy for Narcotics Dealers at Investigator Level in the Legal Area of North Sumatra", Thesis, Study Program (S2) Master of Law, Faculty of Law, University of North Sumatra, Medan, 2019.

This research is different from previous research. This research tries to answer the problem of law enforcement policy on narcotics and narcotics crimes in the era of digital studies in the jurisdiction of Medan City.

2. METHODOLOGY/ MATERIALS

This research is normative juridical research.[16] The nature of the research is descriptive analysis.[17] This research approach uses a statutory approach. Secondary data was collected using library research techniques (library research).[18] with a document study data collection tool (documentary study). Primary data is used as support in this study obtained from field research (field research) with data collection procedures using interviews (interviews). The informants in this study were: Investigators from the North Sumatra Regional Police Directorate of Narcotics and Prosecutors at the Medan District Attorney's Office. The interviews were conducted using the in-depth interview method, without an interview guide. The data analysis performed was qualitative.[19]

3. RESULTS AND DISCUSSIONS

3.1. Factors Influencing Criminal Policy in Law Enforcement of Narcotics Trafficking in the Digital Age

1. Internal Factors Influencing Criminal Policy in Law Enforcement of Narcotics Trafficking in the Digital Age

Internal factors that influence criminal policy in enforcing narcotics law in the digital era consist of:

1. The Legal Factor Itself

(a) Not Concerned with the Element of Deliberation in Narcotics Crime

The use of the word “*every person without rights and against the law*” in several articles of the Narcotics Law without regard to intentional elements, can ensnare people who have no intention of committing narcotics crimes, whether due to coercion, pressure, or ignorance.[20]

The provisions of Article 112 and Article 127 of the Narcotics Law can be subject to multiple interpretations or ambiguity in their application. Article 112 of the Narcotics Law is frequently utilized to capture individuals involved in narcotics crimes. Meanwhile, Article 127 of the Narcotics Law is often enforced with respect to drug abuse victims. Ambiguity arises in the interpretation of the elements stipulated in Article 112 of the Narcotics Law, particularly the terms “*everyone*,” “*without rights or against the law*,” “*owns, keeps, controls, or provides*.” The term “*everyone*” refers to an individual. The term “*to have*” has two meanings according to the Indonesian Dictionary: “*to have*” and “*unlawfully taking as one’s own*.”[21]

The term “*saving*” in the Indonesian Dictionary refers to the act of placing something in a secure location to prevent damage, loss, or other harm, as well as packing, cleaning, or repairing.[22] Consequently, in Article 112 of the Narcotics Law, the element of “*storing*” indicates that the perpetrators have placed the narcotics in a safe location. “*To master*” as defined by the Indonesian Dictionary, means to have control or authority over something, suggesting that mastering Article 112 of the Narcotics Law implies that the perpetrator has control over the narcotics.[23] The third element is “*providing*,” which, according to the Big Indonesian Dictionary, means to prepare something.[24] Therefore, in Article 112 of the Narcotics Law, the term “*providing*” implies that the person is preparing or making the narcotics available.

Unlike Article 112 of the Narcotics Law, Article 127 of the Narcotics Law has clearly stated that Article 127 is devoted to the abuse of Narcotics. If you read and analyze the elements of Article 112 of the Narcotics Law, Narcotics abusers should also be subject to sanctions using Article 112. Narcotics Abuse in Article 1 point 15 of the Narcotics Law is a person who uses Narcotics without rights or is against the law. Narcotics Abuse, to be able to use Narcotics means that the Narcotics must be owned, stored, under his control, and provided. It is impossible for a Narcotics abuser to use Narcotics, but the Narcotics are not in their control. Based on this analysis, Article 112 of the Narcotics Law should be applied to Narcotics abuse. In practice, the use of this article still has ambiguity and multiple interpretations, whether this article can be applied to narcotics

abuse or not. It is this multi-interpretation article that is often used by interested parties, especially the perpetrators of protection crimes such as Narcotics abusers to avoid more severe criminal sanctions.

Articles 112 and 127 of the Narcotics Law not only lead to multiple interpretations but also cause legal uncertainty when applied. Legal rules should be unambiguous, consistent, and firmly maintained for the law to be achieved. This is what is known as legal certainty. Legal certainty is an essential characteristic of the law, particularly written law, because without it, the law loses its purpose as a guide for behavior. In other words, the law would not exist without legal certainty.[25]

b. Minimal Use of the Criminal System

The implementation of a minimum criminal system in the Narcotics Law supports the notion that the law is primarily intended to prosecute individuals involved in drug-related crimes. The minimum sentence requirement also simplifies the decision-making process, although judges still have the discretion to issue sentences that are lower than the minimum requirement, as authorized by the Chief Justice of the Supreme Court.[26]

c. Criminalization for Parents and Society

The Narcotics Law provides criminal penalties (6 months in prison) for parents who deliberately do not report their children using narcotics to get rehabilitation. Although the element of 'intentional failure to report' must be proven first, this element does not exclude parents who do not know that the substance their child is consuming is Narcotics.[27]

The Narcotics Law also requires everyone to report narcotics crimes. This law provides for a maximum penalty of 1 (one) year for a person who does not report a narcotics crime.[28] Article 131 of the Narcotics Law: "*Anyone who deliberately does not report a narcotics crime is subject to a maximum penalty of one year in prison and/or a maximum fine of Rp. 50,000,000.- (fifty million rupiahs)*". Application of this article is very difficult to apply because usually this article is used for parties who are arrested when gathering with drug users. The person can also be used as a "crown witness" to incriminate a narcotics crime. This article also threatens the parties accompanying the community of narcotics addicts.

The urgency of regulating the obligation of everyone to report narcotics crimes is to raise awareness and real participation in the community in eradicating narcotics crimes. This is written in the Academic Manuscript for the formation of the Narcotics Law which is concretely embodied in the provisions of Article 131 of the Narcotics Law. This article will clearly and decisively provide imprisonment for anyone who does not report a crime that occurred within his jurisdiction.[29]

It is not clear and firm how the time limit for reporting narcotics crimes is generally regulated in the provisions of Article 131 of the Narcotics Law. So that in the end to determine the time limit is left entirely to the investigator as law enforcement officers are the earliest in the criminal procedure law process, to determine when the intended time limit and the elements have been fulfilled or not fulfilled.[30]

There should be a clear mechanism on how to report narcotics crimes because it is generally known that narcotics crimes are divided into 2 (two), the first is narcotics abuse and the second is narcotics illicit traffic. The two are technically different, so the way of reporting should also be regulated specifically according to their respective characteristics. To avoid ambiguity, time limits for reporting narcotics crimes should be strictly regulated, to prevent law enforcement officials from being wrong in applying rules that lead to trials of acts or coercive measures in the form of determining suspects and arrests through pretrial institutions.[31]

Public participation in preventing and eradicating the abuse and illicit traffic of Narcotics is regulated in Chapter XIII Community Participation starting from Article 104 to.d. Article 108 of the Narcotics Law.

d. Equality of Sentences for Trial and Criminal Offenses Completed

Law No. 35 of 2009 equates criminal penalties for non-criminal offenders with those for non-criminal offenders. Narcotics Crime is a crime because the act has a bad effect. Trial offense requires an attempted criminal act, so that the consequences of the crime are not completed, so that the sentencing between non-trial criminal offenders and non-criminal offenders should be differentiated.[32]

About the law enforcement of criminal acts of drug trafficking in the current digital era, in addition to the Narcotics Law, the Electronic Information and Transaction Law can also be used. The Electronic Information and Transactions Law is used as a legal basis for extending legal evidence.

e. Electronic Evidence as an Expansion of Evidence

In fact, "*criminal*" is only a "*tool*", namely a tool to achieve the goal of prosecution. According to Subekti and Tjitrosoedibio in their legal dictionary, "*criminal*" is "*punishment*". In essence, the history of criminal law is the history of crime and punishment which always has a close relationship with the problem of criminal acts.[33]

When a judge in Indonesia gives a criminal sentence to a defendant, they must have two valid pieces of evidence and a strong belief that the defendant committed the crime.[34] Electronic evidence is a form of legal evidence that can be used as "*other evidence*" to convict the defendant.[35] This means that electronic evidence is

acknowledged in the Indonesian criminal procedural law as a valid way to impose a sentence on a defendant.

This indicates that electronic evidence's position in criminal procedural law can be observed in various special laws and legal instruments authorized by the Supreme Court of Indonesia (No. 39/TU/88/102/Pid). As per this, electronic evidence is recognized as legal evidence and is considered independent evidence or complementary evidence (used to supplement written or physical evidence, as long as it is from a trustworthy system or has a secure system to ensure its authenticity).[36]

According to Debra L. Shinder, several conditions must be met for evidence to be admissible in court, namely: First, the evidence must be competent (reliable and credible) so that its validity is guaranteed. Through a certified information security system, the integrity of content in electronic evidence (electronic information and/or document) is guaranteed to be authentic; Second, the evidence must be relevant (can prove the facts of a case); and Third, the evidence must be material (strengthening the issues in question in a case). The conditions stated by Debra are requirements for the validity of electronic evidence. As for the positive legal provisions governing the validity of electronic evidence, it can be seen in the Electronic Information and Transactions Law.[37]

The independent status of electronic evidence means that it is considered as one of the categories of evidence defined in the Criminal Procedure Code. As for its non-standalone status, electronic evidence is considered as a substitute for documentary evidence, provided it meets the functional equivalent principle and is part of the evidence instructions.[38]

According to Edmon Makarim, the concept of a functional equivalent approach between electronic documents and written evidence involves three principles. Firstly, information is considered "*written*" as long as it can be stored and retrieved. Secondly, information is considered "*original*" if its substance has not been altered and its authenticity and integrity can be guaranteed. Finally, information is considered "*signed*" if there is an explanation of the legal entity responsible for it, or if there is a reliable authentication system verifying the identity and authority of the party involved.[39]

Electronic evidence, which refers to information and/or electronic documents, can be considered as written evidence if it satisfies at least three principles or basics under the "*functional equivalent approach*." This is consistent with the explanation provided in Article 6 of the ITE Law, which states that information and/or documents can be expressed in any form of media, including electronic media. In the realm of electronic systems, the distinction between the original information and its copy is no

longer important because electronic systems operate in a duplicating manner where the original information is not distinguishable from the copy.

Referring to Article 5 paragraph (3) and paragraph (4) *jo.* Article 6 of the Electronic Information and Transactions Law and its Explanation, electronic evidence is declared valid if it uses a predetermined electronic system, and is considered valid as evidence for proving a crime as long as what is contained therein can be accessed, displayed, guaranteed for its integrity, and can be accounted for. When connected with Debra's previous opinion, electronic evidence that meets the requirements of being reliable, credible, relevant, and material in nature must be accepted by the court as valid evidence in criminal procedural law to prove a crime in court. Likewise in the investigation stage, if these conditions are met then evidence as electronic evidence can be categorized as valid evidence.

Electronic information and documents are considered valid and admissible evidence to ensure legal certainty in cases involving electronic systems and transactions.[40] This is particularly important in proving legal actions conducted through electronic means. Additionally, interception, wiretapping, or recording of electronic information and documents must only be done for law enforcement purposes and upon the request of authorized institutions such as the police, prosecutors, or other agencies designated by law.[41]

The binding nature and recognition of electronic evidence as valid evidence are to provide legal certainty against violations of electronic systems and electronic transactions, especially for proof. Legal certainty is intended so that the use of electronic evidence to prove cases of violations of electronic systems and electronic transactions has a strong legal basis. About the results of interception or wiretapping or recording, they can only be used as legal evidence if requested by the police, prosecutors, and/or other institutions in the context of law enforcement. The question is "*Can electronic evidence regulated in a special law be used as legal evidence to prove all types of criminal acts in court?*".

Electronic evidence can serve as admissible evidence in criminal proceedings to prove various criminal offenses. Despite the fact that the Criminal Procedure Code does not specifically address it, the Electronic Information and Transactions Law, which is a specialist law, allows electronic evidence to be presented as admissible evidence in court to prove all criminal offenses. This is due to the principle of justice, which stipulates that a judge cannot reject a case presented to them even if the legal basis is unclear or non-existent, and it is the judge's responsibility to explore the legal principles that evolve and develop within society.

The acknowledgement of electronic evidence as valid evidence in the Electronic Information and Transactions Law is a reflection of the evolving legal values in society that have been codified into positive law. This recognition is also reflected in other special laws, legal instruments issued by the Supreme Court, and common criminal trial practices that include confessions. To be admissible in court as legal evidence, electronic evidence must clearly indicate the crime committed and meet certain validity requirements, such as being accessible, accurately displayed, guaranteed for integrity, and accountable. The use of electronic evidence in criminal proceedings aligns with the objectives of criminal procedural law, which include attaining material truth or substantial justice.

At the investigation stage carried out by Polri Investigators in uncovering online gambling criminal cases, investigators must collect 2 (two) sufficient pieces of evidence. So that based on these 2 (two) pieces of evidence, investigators have confidence that the suspect is the perpetrator of the crime of drug trafficking. In addition, to carry out coercive measures, Polri investigators need to provide 2 (two) sufficient pieces of evidence to be able to carry out arrests, detentions, searches, and confiscations.

The Electronic Information and Transactions Law has expanded or added new types of legal evidence by stating that electronic information and/or documents and/or print-outs are recognized as valid evidence in court. Evidence such as electronic devices and electronic records, both in the form of proof of money transactions through bank accounts, ID ownership and sites visited, SMS, BBM (Blackberry Messenger), e-mail, computers, cellphones, modems, and access to other electronic devices containing electronic transactions are considered as evidence of a crime.

With the issuance of the Electronic Information and Transactions Law, which broadens the meaning of evidence as stipulated in Article 184 of the previous Criminal Procedure Code, the Electronic Information and Transactions Law has accommodated electronic evidence that can be used in procedural law in Indonesia. There are 2 (two) important things in the Electronic Information and Transactions Law regarding evidence in the investigation stage, including 1) Digital evidence in Article 1 point 1 and Article 1 point 4 of the Electronic Information and Transactions Law; 2) Electronic evidence that can be used in procedural law in Indonesia is contained in Article 5 paragraph (1), paragraph (2), and paragraph (3) of the Electronic Information and Transactions Law.[42]

Meanwhile, the evidence in the Electronic Information and Transactions Law involves investigations specifically in Article 43 paragraph (5) letter e, which reads: *“Examine tools and/or facilities related to Information Technology crimes that are allegedly used to commit criminal acts based on this Law”*.[43] This basis is the reason, that for every

person who is arrested for allegedly committing a narcotic crime, his cell phone as a means of communication is confiscated. After the confiscation was carried out, the contents were cloned by Police Investigators for further analysis of the perpetrator's narcotics network.

The presence of Law No. 11 of 2008 concerning Information and Electronic Transactions, will provide benefits, some of which are: *“Guarantee legal certainty for people who conduct transactions electronically; Encouraging Indonesia’s economic growth; As one of the efforts to prevent information technology-based crimes; and protect service users by utilizing information technology”*.^[44]

Article 6 of the ITE Law, states: *“Electronic Information and/or Electronic Documents are considered valid as long as the information contained therein can be accessed, displayed, guaranteed for its integrity, and can be accounted for to explain a situation”*.^[45]

It is regulated in this Electronic Information and Transactions Law that all forms of electronic information, whether in the form of documents, electronic transactions containing the sale and purchase of narcotics, access to internet sites, or transfers of accounts related to the purchase of narcotics, as long as the evidence can be accessed or displayed and has an explanation. If the evidence is strong, then the evidence is considered valid in the criminal procedural law in force in Indonesia.

Based on the description of the factors of the legal substance, it has opened up opportunities for law enforcement officials (stigma) that perpetrators and abusers of narcotics crimes are always sought to be subject to criminal sanctions for dealers. Meanwhile, narcotics dealers are always trying to be subject to criminal sanctions for abusers. It aims to seek profits from the cases handled.

2. Law Enforcement Factor

Based on the factors of law enforcement officials, law enforcement on narcotics and narcotics crimes in the digital era consists of law enforcement agencies that are bound by the Criminal Justice System. In the context of this research, if it is reviewed and analyzed by all law enforcement officials, it will be out of focus. To avoid this lack of focus, law enforcement officials appointed from the North Sumatra Police Directorate of Narcotics Investigators, Public Prosecutors at the Medan District Court, and the Medan District Court as judicial institutions that hear cases of narcotics crimes.

Investigations in the field of criminal acts of narcotics distribution were started by Police Investigators, then prosecuted by the Indonesian Attorney General's Office, and tried at the District Court. In this case, referring to the example of the case raised in the case of the crime of trafficking in narcotics originating from the North Sumatra Police

Directorate of Narcotics Investigators, the prosecution comes from the Medan District Attorney, and the court is the Medan District Court.

As an example of the case, Defendant “Z.A.S”, was tried at the Medan District Court under the Special Criminal Case Register No. 1763/Pid.Sus/2020. The delegation of cases was carried out by the Medan District Attorney based on Case Transfer Letter No. B-46005/L.2.10.3/Enz.2/Mdn/06/2020, dated 17 June 2020 by the Public Prosecutor, Novrika.

After delegating the case files, a panel of judges was appointed, with the following composition: 1) Chief Judge: Tengku Oyong; 2) Judge Member: Jarihat Simarmata; 3) Member Judge: Bambang Joko Winarno; 4) Alternate Registrar: Irwandi Purba.[46]

The handing over of the case files went smoothly until the first trial schedule was determined, namely Wednesday, July 15, 2020. The trial was held every Tuesday every week. The trial began with the reading of the indictment, examination of witnesses and evidence, demands, defense notes, and decisions. The trial ended with a decision being carried out on Tuesday, 03 November 2020.[47]

One dossier of the crime of narcotics distribution was tried from July to July. November 2020. Thus, the trial period takes 3 (three) months for one case. Defendant “Z.A.S” was charged with a subsidiary charge,[48] namely: Primary Indictment: The Defendant's actions as regulated and threatened with criminal sanctions violated Article 114 paragraph (2) jo. Article 132 paragraph (1) of the Narcotics Law. Subsidiary Indictment: The actions of the Defendant as regulated and threatened with criminal sanctions violated Article 112 paragraph (2) jo. Article 132 paragraph (1) of the Narcotics Law.[49] The charges against the defendant are as in the Primary Indictment, namely: Article 114 paragraph (2) jo. Article 132 paragraph (1) of the Narcotics Law. With a prison sentence of 14 years and a fine of Rp. 1 billion subsidiary 6 months in prison.[50]

In its decision, the panel of judges at the Medan District Court based on Article 114 paragraph (1) of the Narcotics Law handed down a verdict for 9 years and a fine of Rp. 1 billion subsidiaries 3 months in prison.[51] Based on the Medan District Court Decision No. 1763/Pid.Sus/2020/PN.Mdn., dated 03 November 2020, meaning that the demands of the Public Prosecutor in their requisition were reduced by the panel of judges by 1/3 of a prison sentence. The evidence known in the case of the crime of trafficking in narcotics is 5 kg of methamphetamine and 4,000 ecstasy pills. The evidence is listed as fantastic evidence. The panel of judges should have sentenced the convict to life imprisonment, or at least sentenced to a maximum imprisonment of 20 (twenty) years, but this was not done.

1. External Factors Influencing Criminal Policy in Law Enforcement of Narcotics Trafficking in the Digital Age in the Legal Area of Medan City

Based on the description of the factors of legal substance, and from the brief description of the case examples in this study, it has opened up opportunities for law enforcement officials (stigma) that perpetrators and abusers of narcotics crimes are always sought to be subject to criminal sanctions for dealers. Meanwhile, for Narcotics dealers, efforts are always made to be subject to criminal sanctions for abuse. It aims to seek profits from the cases handled. This means that it is suspected that there is a culture of bribery that has taken root and is mushrooming in the law enforcement of Narcotics circulation, especially in the current digital era.

2. Cultural Factors: Law Enforcement of Transactional Narcotics Trafficking Supported by Electronic Evidence

The evidentiary law which incidentally has been upheld by the existence of the Electronic Information and Transactions Law is used by law enforcement officials to carry out investigations into the disclosure of cases of narcotics and narcotics crimes. However, his intellectual father is always never revealed. Examples of cases in the Medan District Court Decision No. 1763/Pid.Sus/2020/PN.Mdn., the Defendant was only a “*courier*”, not the owner of the Narcotics. When law enforcement is carried out transactional law enforcement, starts from investigation, and prosecution, to trial in court.

Based on these two erroneous legal cultures (cultural factors), the criminal policy towards law enforcement for the criminal act of narcotics trafficking leads to selective law enforcement. This can lead to the degradation of the value of justice and the usefulness of law in the ultimate goal of law enforcement.

Criminal Policy in Law Enforcement of Narcotics Trafficking in the Digital Age in the Legal Area of Medan City

A. Penal Policy (Repressive Efforts) in Law Enforcement of Narcotics Crime in the Digital Age

Law No. 35 of 2009 concerning Narcotics is a revised version of Law No. 5 and No. 22 of 1997 which dealt with Narcotics and Psychotropics. This law classifies drug users as addicts and provides them with rehabilitation instead of criminal sanctions as per the Criminal Justice System. The term “*Narcotics Dealers*” is not explicitly defined in the Narcotics Law, but it can be interpreted as people who engage in activities related to narcotics distribution and delivery. However, the definition of “*dealer*” can also

be broadly applied to include those who sell, buy, distribute, transport, store, control, provide, and engage in the acts of exporting and importing narcotics.[52]

The fight against drugs has intensified in recent years, and the distribution of narcotics is not limited to adults but also involves children. To prevent more victims of narcotics abuse, the government, private sector, and community must take action. Chapter XV of Law No. 35 of 2009 regarding Narcotics emphasizes that the impact of narcotics abuse is not insignificant and can be compared to corruption in terms of its threat to national progress and security. Narcotic cases are still prevalent and often go unreported, with many being resolved through non-official channels (unreported cases).[53]

Articles 114 and 119 regulate the Crime of Narcotics Trafficking whereas in those articles, a variant of Narcotics Crime can be constructed with the following qualifications:

1. Elements of the subject of a crime, namely: *“everyone”*.
2. Elements of the Act, namely: *“offering for sale, selling, buying, receiving, an intermediary in buying and selling, exchanging, or handing over Narcotics Group I and Group II”*.
3. The element of error, namely: *“intentionally”*.
4. The element against the law, namely: *“against the formal law or the material law means “an act that violates the rules of a written law or an unwritten law”*.

In the context of criminal policy as a form of public policy to tackle crime, such as the criminal act of narcotics distribution is also a form of formal reaction from society. The formal reaction of the community is a pattern of forms of community activities carried out by community institutions, which were formally formed by the state to tackle crime. The real form of the formal reaction to the crime is the drafting of criminal law which starts from: the Police Agency, the Prosecutor’s Office, the Judiciary Agency, and the Punishment or Convict Development Institution.[54]

The Criminal Justice System has been the primary actor in addressing crime, including drug-related crimes. However, non-Criminal Justice System actors have not been significantly involved. The Criminal Justice System is only one of the means of controlling crime in Criminal Politics, particularly in the penal system. The Criminal Justice System only deals with reported crimes, and its effectiveness is sometimes limited due to the need to balance public order and individual rights, which can restrict law enforcement.

Enforcement of narcotics trafficking laws in the digital era should not always rely on the Criminal Justice System. It is necessary to explore other alternatives, such as non-penal measures, also known as prevention without punishment, to effectively address the issue.[55]

From the perspective of positive law, Law No. 35 of 2009 concerning Narcotics guarantees that Narcotics Abusers who are arrested by Narcotics Investigators (*"Narcotics Abusers"* who have problems with the law) condemn rehabilitation, even though it prohibits self-use.[56] To ensure that Narcotics Abusers are sentenced to rehabilitation, the Narcotics Law explicitly states "Government Legal Politics" which is clearly stated in its objectives as referred to in Article 4.[57] This is so that the public and law enforcers know the direction that must be addressed in overcoming the abuse and distribution of narcotics.

1. Non-Penal Policy Arrangements for Law Enforcement of Narcotics Crime in the Digital Age

In this study, the main discussion is the Law Enforcement Officials as important role holders in the Criminal Justice System. Roy R. Romberg and Jack Kuykendall in the book *Police & Society*, define the police as: "... *individuals or non-military organizations that are given general rights by the government to use coercive force to enforce the law and whose main purpose is to respond to individual and group conflict problems involve illegal behavior*".[58]

In the police investigation research report formed by the Police Foundation and Policy Studies Institute in London, it is revealed: "The purpose of the police service is to uphold the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; ... and to be seen to do this with integrity, common sense, and sound judgment".[59]

The police have almost the same duties around the world, although they are organized differently. The common points or common threads include:

1. *"The main tasks are almost the same, namely: enforcing the law and maintaining security and washing the public.*
2. *Flowing from this main task is known as policy action which means prevention (preventive) and prevention (repressive).*
3. *Due to the rigorous nature of the assignment, police and police officers, in general, have to be strong, semi-military organized, educated, groomed, and*

equipped like the military. Certain parts are even carried out more heavily than the military.

4. *As law enforcers at the forefront of the process of implementing the Criminal Justice System (CJS) or the Criminal Justice System, which has the authority to make coercive measures in repressive actions, which have the potential to abuse the authority entrusted to them, the police must be bound by strict procedural law. To be able to behave and act politely must also be bound by police ethics which are enforced consistently and consistently.*
5. *In preventive action, the police have the right to exercise discretion. In carrying out their preventive duties, the police may do whatever they want, as long as they do not violate the law itself.*
6. *In essence, this common thread shapes the behavior and organizational culture of the police everywhere. Thus the bodies and faces of police organizations may vary, but the spirit is almost the same. At its core, the soul and spirit of the police organization are dedicated and service to the community. Therefore morally the police are fully obliged to uphold and respect human rights.*
7. *So that any police who consciously do not respect human rights is a serious violation.”[60]*

To achieve professional police and effective policing, it is necessary to have policing based on knowledge so that it can adapt to the style of society and the environment it faces. Policing (Police) is a way of carrying out police duties that refers to the relationship between the police and the government and the community which encourages the authority, needs, and interests of the police, the community, and various other organizations.[61]

According to More and Trojanowics as quoted by Barbara Etter and Mick Palmer, they revealed 4 (four) policing operational strategies, namely:

1. *“Reactive Policing is an operational policing strategy that focuses on police action patterns that suppress a police action that is carried out after an incident, violation or crime has occurred.*
2. *Proactive policing is an extension of reactive policing, in which the police have begun to utilize information from the public about the impending or already occurring violation or crime, with an emphasis on crime control through the detection and monitoring of criminals. As for the methods used by carrying out investigative activities, certain methods, such as tailing, undercover, and so forth.*

3. *Problem-Solving Policing is a strategy that mobilizes the community and official officials determined by law to jointly solve crime problems using negotiations or trying to solve problems that arise before they become bigger problems.*
4. *Community Policing is a strategy that emphasizes working together effectively and efficiently with all the potential of the community, to prevent or eliminate as early as possible all forms of crime, where success is highly dependent on the ability and participation of the community in fighting the crimes that occur”.[62]*

The Indonesian Police are responsible for managing narcotics offenses as part of their primary duties, which are outlined in Article 13 of Law no. 2 of 2002 concerning the Indonesian National Police (UU Polri). These duties include preemptive, preventive, and repressive measures.

The Indonesian National Police are defined as an instrument of the state whose role is to preserve public order and security, enforce the law, and offer protection and assistance to the community according to Law No. 2 of 2002. Additionally, Article 13 of the same law outlines the primary responsibilities of the police force as follows: maintaining public order and security, upholding the law, and delivering protection, assistance, and service to the community.[63]

According to Article 15 letter c of the Police Law, the Indonesian National Police is authorized to prevent and address the spread of social problems while performing their duties. One of the social problems that fall under this category is drug addiction, which makes the police crucial in the Criminal Justice System process.[64]

Regarding the second point, Kunarto defines a preventive task as a task that has the meaning of coaching the community so that they are aware of and obey the law and have resistance against unlawful or criminal practices. The implementation of this preventive task is divided into two major groups:

1. *“Physical prevention by carrying out four main activities, including organizing, guarding, escorting, and patrolling.*
2. *Prevention is coaching in nature by carrying out counseling, guidance, direction, continuation, and support to create a society that is aware and law-abiding and has the power to prevent and deter crime”.[65]*

Meanwhile, the repressive task is limited, its authority is limited by the Criminal Procedure Code so that the principle is legal, which means that all actions must be based on law. The form of implementation of repressive tasks is in the form of investigative actions, raids, arrests, investigations, investigations, and trials.[66]

According to Awaloeddin Jamin added one more type of prevention, namely pre-emptive.[67] In practice in the field, the National Police refer to this pre-emptive term as “*community development*” or “*indirect prevention*”, namely coaching that aims to make people become law-abiding citizens.[68] In this case, the police talk about law enforcement, without even mentioning the law and item law enforcement.[69]

This is stated in Article 14 paragraph (1) of the Police Law, which states the main mandate of the police, including: “*to foster the community to increase community participation, awareness of the legal community and compliance of citizens with laws and regulations*”.

1. Preventive Efforts

According to Nur Istiono’s research in dealing with narcotics crimes, there is the Medan Polrestabes “*Polisi Kita*” application which is integrated with the Regency/City Government, Regional People’s Representative Council, National Counterterrorism Agency, National Narcotics Agency, Fire Department, and Community Leaders in the jurisdiction of the North Sumatra Regional Police. In using the “*Polisi Kita*” application regarding the complaint feature, the public can report all incidents related to security and public laundering to the Medan Polrestabes. This Complaint Report is only as initial information which is forwarded to Medan Polrestabes Officers. After the information is received, the officer then traces the truth of the information, whether the complaint is true or not.[70]

The results of an in-depth interview with Kompol Revi Nurvelani stated that:

“Residents of Medan City, North Sumatra should care about security. One of them is by using the “*Polisi Kita*” application. This application is to make it easier for the public to quickly connect with police personnel in North Sumatra.”[71]

In this case, the complaint report made by the public after searching for the truth turns out to be true, then the operator will immediately provide information to superiors to take further action. Such action may take the form of forced measures: search, arrest, confiscation, and removal. Forced efforts are carried out to facilitate investigators to uncover criminal acts that have occurred. Regarding the criminal act of Narcotics, many received reports of public complaints related to the illicit circulation of Narcotics in an area.

Communities who report narcotics crimes through the “*Polisi Kita*” application are then followed up, the National Police must provide legal certainty to the reporter or the reported party. To find out whether the information as a report is valid or not, the field officer investigates by conducting a field survey.

The “*Polisi Kita*” application is a forum for the public to be able to report information about the existence of narcotics circulation to the police. Apart from that, as a form of police service, in this case, the Medan Polrestabes in providing technology-based services to the community, it is hoped that with this application, the community can participate in realizing security and public order.[72]

The results of field research using data collection tools in the form of observations of the “*Polisi Kita*” application, it was found that currently it cannot be accessed at all. So, if there are complaints about the circulation of narcotics through the application, they will not be followed up.

In the use of the “*Polisi Kita*” application for the prevention of narcotics crimes by the Medan Police Narcotics Unit, it is clear that the “*Polisi Kita*” application only exists in the ranks of the North Sumatra Regional Police. There are no other regional police in Indonesia yet. As is well known, there are 27 (twenty-seven) Polres at the district/city level in the North Sumatra Police. However, the obstacle is that there is no integrated connection between the Polres under the North Sumatra Police. Not connected and integrated, meaning that one Polres with other Polres in the North Sumatran Police are not connected.

Preventive action according to Momo Kelana is the implementation of police functions that are directed at efforts to prevent disturbances of community order and security.[73] In addition to the use of the “*Polisi Kita*” application, preventive handling of Narcotics circulation can be done to increase police activities. In the case of preventing the crime of Narcotics, the Narcotics Directorate of the North Sumatra Police together with the Medan Police Narcotics Unit carried out Routine Police Operations and Police Special Operations.[74]

Preventive handling carried out by the Directorate of Narcotics of the North Sumatra Regional Police and the Sat. of Narcotics of Polres in the District/City related to the similarity of needs, in this case reducing drug abuse in society by the concept of policing expressed by Mark Findlay & Ugljesa Zvekic. Where the Directorate of Narcotics of the North Sumatra Police in carrying out police duties refers to the relationship between the police and the government, as well as with the community which is driven by the authority, needs, and interests of both the police, the community and from various other organizations.[75]

Regarding Police Special Operations that are usually carried out by the Narcotics Unit, they are carried out together with other agencies, such as NGOs working in the field of drug prevention and other government agencies. This was done when the number of crimes related to drugs was getting higher so a separate operation (Police Special

Operation) was needed outside of the operations carried out daily by the Directorate of Narcotics of the North Sumatra Police.[76]

In using the “*Polisi Kita*” application, we also collaborate with the Regional Government, in this case, the North Sumatra Provincial Government and the Medan City Government. Routine Police Operations carried out by the North Sumatra Police Narcotics Directorate and the Medan Police Narcotics Unit are operations carried out daily about the Policy of the Chief of Police regarding a minimum target of cases per month. This operation also includes conducting raids on motorized vehicles.[77]

Preventive steps that are continuously carried out by all Polri personnel throughout the ranks of the North Sumatra Regional Police are prioritizing the Police Officer in charge of community security and public order function (Bhabinkamtibmas) which can directly come into contact with the community. Every Police Officer in charge of community security and public order Personnel in the ranks of the North Sumatra Regional Police is responsible for 1 (one) Village or Kelurahan each. Every Bhabinkamtibmas personnel is required every day to visit Religious Leaders, Community Leaders, Traditional Leaders, and other communities with the “*Door to Door System*” program. This is so that the National Police can find out even the slightest problem that exists in society. Apart from that, the public can also feel the presence of Polri amid society as a protector, protector, and servant of the community.[78]

Handling Narcotics Crime Through Restorative Justice Based on Police Regulation Number 8 of 2021 by the Police Narcotics Research Unit

The enactment of Polri Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice is a policy pursued by Polri in handling criminal acts that prioritize restorative justice. This is based on the consideration that the National Police needs to realize the settlement of criminal acts by prioritizing restorative justice which emphasizes restoration to its original state and a balance of protection and interests of victims and perpetrators of crimes that are not oriented towards punishment is a legal requirement of society.

Polri Regulation Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice is in terms of G. Peter Hoefnagles’ Criminal Policy Theory, that criminal policy is a rational effort from the government and society in carrying out countermeasures carried out including as a criminal policy is a policy of designing human behavior as a crime (*criminal policy is a policy that can change human behavior to do better*). The approach used is a non-penal approach through restorative justice. Based on research by conducting interviews with Iptu Amirul Hasan as Head of the Narcotics Investigation Unit of the Police, it is known that the handling of narcotics

crimes through restorative justice is carried out by Polri Regulation Number 8 of 2021 by the Investigation Unit Police Drugs. Handling through restorative justice begins with the process of investigating the perpetrators of narcotics crimes.

The implementation of investigations into narcotics crimes by Polri investigators cooperates and coordinates with investigators from the National Narcotics Agency, so it takes time. This is regulated in Article 81 of Law Number 35 of 2009 concerning Narcotics, Indonesian National Police investigators and BNN investigators have the authority to conduct investigations into the illicit circulation of narcotics based on the Law. The investigator's authority in carrying out investigations into the illicit traffic of narcotics as referred to in the article above shows the implementation of the duties, functions, and powers of investigators in disclosing cases or criminal acts by applicable laws and regulations, as a juridical aspect of carrying out this role. The role of authority shows the existence of a person's ability to carry out a legal action provided by law. Authority shows the right to do something or to order others to do or not do something to achieve predetermined goals.

According to Aipda Jhintravolta as the Investigator of the Narcotics Research Unit of the Police, it is known that efforts to tackle drug trafficking are carried out in the investigation process, as stipulated in Article 81 of Law Number 35 of 2009 concerning Narcotics, investigators from the Indonesian National Police and BNN investigators have the authority to carry out investigations into illicit narcotics circulation based on Constitution. The investigator's authority in carrying out investigations into the illicit traffic of narcotics as referred to in the article above shows the implementation of the duties, functions, and powers of investigators in disclosing cases or criminal acts by applicable laws and regulations, as a juridical aspect of implementing this role. The role of authority indicates the existence of a person's ability to carry out a legal action provided by law. Authority indicates the right to do something or to order others to do or not do something to achieve predetermined goals.

Investigators can cooperate to prevent and eradicate the illicit traffic of narcotics (Article 83 of Law Number 35 of 2009 concerning Narcotics). In carrying out investigations into narcotics crimes, investigators from the Indonesian National Police notify National Narcotics Agency investigators in writing and vice versa (Article 84 of Law Number 35 of 2009 concerning Narcotics).

Based on the provisions of the two articles above, it is known that Police investigators and BNN investigators carry out coordination and cooperative relations that complement one another to uncover narcotics crime cases. This is because the circulation and illicit traffic of narcotics is a very complex problem, so comprehensive management efforts

are needed by involving multidisciplinary, multisectoral cooperation from the authorities and requiring community participation which is carried out on an ongoing basis so that the illicit traffic of narcotics does not become more widespread and growing and has the potential to endanger the life of the nation and state.

By the provisions of Article 85 of Law Number 35 of 2009 concerning Narcotics, in carrying out investigations into the illicit traffic of narcotics and narcotics precursors, certain civil servant investigators coordinate with BNN investigators or investigators with the Indonesian National Police by the Law on Procedural Law Criminal.

The implementation of police investigations must be adjusted to the general obligations of the police as contained in Law Number 2 of 2002 concerning the Indonesian National Police. Article 2 states that the function of the police is one of the functions of the state administration in the field of maintaining security and order, law enforcement, protection, protection, and community service. Furthermore, Article 4 states that the Police aim to realize internal security which includes maintaining public order and security, order and upholding of the law, the implementation of protection, protection, and service to the community, as well as fostering public peace by upholding Human Rights. The police in carrying out their duties as law enforcers always respect the law and human rights. The implementation of the functions of the police is the implementation of the profession, meaning that in carrying out their duties members of the Police use their professional abilities, especially expertise in the technical field of the police. Therefore, in carrying out their profession, every member of the police is subject to the Police's professional code of ethics.

The Polri professional code of ethics includes behavioral and moral norms that are used as guidelines so that they become a spirit booster and a sign of conscience for each member for the restoration of the police profession so that it is carried out according to the demands and expectations of society. So the Police must be protectors, protectors, and public servants, as well as clean law enforcers. The Indonesian National Police Professional Code of Ethics consists of service ethics, namely the moral commitment of members of the Indonesian National Police to their profession as maintainers of public security and order, law enforcers and protectors, protectors, and public servants. Institutional ethics is the moral commitment of every member of the Indonesian National Police to their institution which is a vessel of service that should be upheld as a physical and spiritual bond of all Bhayangkara people and all their dignity and honor. State ethics is the moral commitment of every member of the Indonesian National Police and its institutions to always be neutral, independent, and unaffected by political interests, and groups to uphold the rule of law in the Republic of Indonesia.

Examples of cases of handling narcotics crimes through restorative justice by Police Regulation Number 8 of 2021 by the Police Narcotics Research Unit include:

1. It is alleged that every person without rights or against the law keeps, owns, controls or provides Narcotics class I in the form of non-plants, or Everyone who without rights or against the law abuses Narcotics class I for himself”, as referred to in Article 112 paragraph (1) or Article 127 paragraph (1) letter a RI Law No. 35 of 2009 concerning Narcotics, which was committed by the suspects Revan Farendra Bin Sunaryo and Yohanes Tri Gunawan Anak from Sukirman Based on Police Report Number: LP / A/406/IX/2021/SPKT.SAT NARKOBA/POLRES METRO/POLDA LAMPUNG, September 21, 2021 and Investigation Warrant Number: SP.Sidik/60/IX/2021/Res Narcotics, September 21, 2021.
2. The alleged crime is “*Every person who without rights or against the law owns, keeps, controls or provides Narcotics Group I not plants*”, or “*Every Narcotics Abuser Group I for himself*” as referred to in Article 112 paragraph (1) or Article 127 paragraph (1) letter a RI Law No. 35 of 2009 concerning Narcotics, which occurred on Tuesday 07 September 2021 at around 17.30 Wib, on Jl. General Sudirman Kel. Ganjar Agung Kec. Metro Barat Metro City, deliberately owned, stored or controlled the methamphetamine-type Narcotics and abused Narcotics Category I for himself which was carried out by the suspect Muhammad Prastya Wibowo Bin Juhri Abdul Muin and Hermawan Kesuma Negara Bin Hamdan based Police Report Number: LP/A/241/V2021/SPKT.SAT RES NARKOBA/POLRES METRO/POLDA LAMPUNG, dated 27 May 2021. Investigation Warrant Number: SP.Sidik/41/V/2021/Res Narkoba dated 27 May 2021

The handling of narcotics crimes through restorative justice by Police Regulation Number 8 of 2021 by the Police Narcotics Investigation Unit is carried out in the process of investigating perpetrators of narcotics crimes, with special requirements, namely drug addicts and victims of drug abuse who apply for rehabilitation. At the time of being caught red-handed, evidence of 1 (one) day of use was found with the classification of narcotics and psychotropics by statutory provisions, and no evidence of narcotics crime was found but the urine test results showed positive drugs. In addition, the perpetrators were not involved in the narcotics crime network or dealers or dealers. An assessment was carried out by an integrated assessment team and the perpetrators were willing to cooperate with investigators to carry out further investigations.

Chief of Police Regulation No. 08 of 2021 concerning Settlement of Crime Cases Using a Restorative Justice Approach to Narcotics Crimes as Perpetrators, Addicts,

and Narcotics Abusers Who Must Be Rehabilitated Medical/Social, is a non-penal effort in dealing with narcotics crimes. The restorative justice approach in this regulation aims to improve the relationship between perpetrators, addicts, or narcotics abusers and victims, the community, and the surrounding environment, as well as restore the condition of perpetrators, addicts, or narcotics abusers who must be rehabilitated medically/socially. In this case, penal efforts such as conventional law enforcement are still being carried out, but with due regard to the restorative justice approach as an alternative to settling cases.

2. Pre-Emptive Effort

Prevention efforts refer to actions taken at an early stage, which includes providing counseling activities aimed at influencing the factors that contribute to the occurrence of crimes related to drugs (known as Criminogenic Correlative Factors) in order to create awareness and deterrence. The goal is to establish behavioral patterns and norms of life that are free from the threat of drugs.[79]

To address the widespread distribution of drugs, the Narcotics Unit of the Medan Police conducts pre-emptive operations as part of its operational activities, in accordance with the responsibilities and authority of the Guidance and Extension Unit. The “*Polisi Kita*” app, which includes a “Public Leader feature”, is utilized by the public to access lectures and guidance on various topics, including the dangers of narcotics and illegal drugs.[80]

Preemptive steps are usually carried out by prioritizing the Sabhara function by implementing Patrols. Patrols use motorized vehicles, both 4-wheeled and 2-wheeled. However, what is more, prioritized now is dialogic patrols by going directly to places that are considered vulnerable or areas that require the presence of the Police and having direct discussions with the community around the location. That way you can find solutions for those areas that are considered vulnerable or problematic.[81]

4. CONCLUSION AND RECOMMENDATION

The factor that has the most influence is the legal culture factor, because there is a stigma in enforcing the law on Narcotics crimes, and everyone who is suspected of being a dealer or dealer, always seeks the lightest possible punishment and a speedy legal process. However, if the perpetrator is a user/abuser of Narcotics, there are certainly “*personnel*” of Law Enforcement Officials who want these users to be subject to provisions of criminal sanctions as dealers.

Law enforcement efforts in the context of penal policies, carried out by law enforcement officials, are still not sufficient to eradicate the circulation of narcotics in the digital era. This is because, along with the development of technology, information, and communication, the modes of narcotics distribution are also rapidly evolving. A suggestion is that with the support of the Electronic Information and Transactions Law, specifically regarding electronic evidence, legal evidence can be expanded. Law enforcement officials should be able to utilize this tool in uncovering crime cases, making it easier to provide evidence and prove them.

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