
The Role Of The National Narcotics Agency (BNN) And The Police In Law Enforcement Against The Abuse Of Precursor Drugs

Rivaldo Abdullah¹, Moh. R. U. Pulu hulawa², Melisa Towadi³

¹ Faculty of Law , Gorontalo State University, rvldabdullah@gmail.com

² Faculty of Law, Gorontalo state University, mohamadrusdiyanto@yahoo.co.id

³ Faculty of Law , Gorontalo State University, mellisatowadi@ung.ac.id

ARTICLE INFO

Keywords :

BNN, Police, Precursor.

How To Cite :

Abdullah, R., Pulu hulawa, M.R.U., Towadi, M. (2020). The Role Of The National Narcotics Agency (BNN) And The Police In Law Enforcement Against The Abuse Of Precursor Drugs. *Estudiante Law Journal*. Vol. 2 (1): 215-227

DOI :

ABSTRACT

Drug crime is an international crime (International Crime), organized crime, has an extensive network, has large financial support and has used sophisticated technology. The enforcement of the eradication of narcotics abuse has been carried out by the police and BNN. The National Police and the National Narcotics Agency have released various efforts to eradicate criminal acts of abuse of narcotics and narcotics precursors which are carried out in a preventive, preventive and repressive manner with the aim of making the Indonesian state drug free.

@2020 Abdullah, R., Pulu hulawa, M.R.U., Towadi, M.

Under the license CC BY-SA 4

1. Introduction

A. Background

Advances in science and technology, in everyday life, are often faced with an urgent need, the need to satisfy oneself, and sometimes because of the desire or urge to maintain one's status. In general, the needs of every human being can be met, although not entirely, namely in a situation that does not require pressure from within or from others. The urgent need for fulfillment and must be met immediately is usually carried out without careful thought which can harm the environment or other humans.

Things like that will cause a negative result that is not balanced with a life of good value. To restore this, we need accountability from the perpetrators. And the responsibility that must be carried out by the perpetrator is in the form of delegating the suffering or loss experienced by the community. The delegation is carried out by an authorized individual or group of people as a task given by the community to him. Meanwhile, the recipient of the delegation is responsible for his actions in the form of a punishment called "convicted".

The severity of the law that must be carried out by a person to account for his actions depends on the public's assessment of that person's actions. Therefore, the provisions in the criminal which become the benchmark are the interests of the community in general. It's just that what can be felt heavy is criminal law sanctions because it is the implementation of accountability for the activities carried out and the manifestation of the criminal sanctions as something that is considered fair by the community.

To realize justice in society, in its implementation, there are often obstacles and obstacles that can threaten and endanger the community itself, one of which is narcotics abuse in Indonesia in general, especially in Gorontalo Province.

The spread of narcotics has reached a very alarming level. There are countless efforts to eradicate narcotics and narcotics precursors that have been carried out by the government, but it is realized that this is not an easy thing to do. Cases involving narcotics and narcotics precursors keep popping up with the analysis that the main driving element or motivator of criminals in the field of narcotics and narcotics precursors is the issue of economic profit. The narcotics and narcotics precursor business has grown to become one of the most lucrative businesses and it is not a strange thing if the sale of narcotics and narcotics precursors always increases every year which is almost the same as money laundering from narcotics and narcotics precursor business.

In the provision of health services, narcotics play an important role because these narcotics are used for science, research, development of education, and teaching so that

their availability needs to be guaranteed through production and import activities. However, the positive effects of narcotics are often misused such as excessive use and repeated use without clear medical instructions. As a result of all that without supervision from authorized officers will lead to addiction to dependence, which then causes problems, Based on one of the legal principles used as a reference for the enactment of a statutory regulation, namely *Lex Specialis Derogat Legi Generale*, then to ensnare perpetrators of narcotics abuse, Law Number 35 of 2009 concerning narcotics is used which is more specific. One of the efforts to eradicate narcotics abuse is to find and eradicate the origin or those who produce the goods so that the users find it difficult to get the narcotics.

Criminal law reform in the Narcotics Law, Indonesia seems to be proceeding in a dynamic social and technological development that affects the development of crime in Indonesia, which requires anticipatory actions and policies against the threat of criminality which is also in the form of "Abuse" of Narcotics carried out through legal reform. which has quite a long history and a clear plot and steps. Therefore, to prevent and eradicate abuse and illicit trafficking of narcotics which is very detrimental and endangers the lives of the community, nation, and state, the government made changes to the Narcotics Law Number 22 of 1997, to regulate efforts to eradicate narcotics crimes through threats of sanctions. criminal law, namely imprisonment, life imprisonment, or death penalty under the Narcotics Law. This law also regulates the use of narcotics for medical and health purposes and regulates medical and social rehabilitation. Therefore, the existence of Law Number 35 of 2009 is the basis for law enforcement to ensure the availability of drugs for the benefit of science, technology, and health, and also to prevent abuse and illicit trafficking of narcotics

Law enforcement against narcotics crimes has been widely carried out by law enforcement officers and there have been many legal decisions regarding narcotics crimes. But in reality, the more intensive law enforcement is, the more the illicit trafficking and abuse of narcotics will increase. The Narcotics Law Number 35 of 2009 as the legal basis for the provisions of the legislation that regulates the issue of Narcotics has been drafted and enforced, however, this crime related to narcotics cannot be tackled.

In-Law Number 35 of 2009 concerning Narcotics, the role of the National Narcotics Agency (BNN) is also regulated, which has been upgraded to a non-ministerial government agency (LPNK) and strengthened its authority to conduct investigations and investigations. BNN (National Narcotics Agency) is located under the President, BNN

(National Narcotics Agency) also has representatives in the provinces and districts/cities as vertical agencies (Provincial Narcotics Agency or City Narcotics Agency). As well as regulating the role of the community in efforts to prevent and eradicate abuse of narcotics and narcotics precursors, including the provision of awards for community members who have contributed to efforts to eradicate abuse of narcotics and narcotics precursors.

The performance of the two-state institutions, namely the National Police and the National Narcotics Agency, in eradicating drug trafficking in Indonesia cannot be doubted. It is proven that in recent years the disclosures made by these two state institutions have shown extraordinary achievements for Indonesia. The National Police itself managed to find 126.76 grams of methamphetamine which was carried out in recent years with 56 suspects in Gorontalo Province.

Drug crime is an international crime (International Crime), organized crime, has an extensive network, has large financial support, and has used sophisticated technology. Drugs have a very broad negative impact, both physically, psychologically, economically, socially, culturally, defense and security, and so on. If drug abuse is not anticipated properly, this nation and country will be damaged. Therefore, good cooperation from all components of the nation is needed to overcome drug abuse.

The enforcement of the eradication of criminal acts of narcotics abuse has been carried out by various parties such as the police, BNN, and non-governmental organizations. The National Police and the National Narcotics Agency have released various efforts to eradicate criminal acts of narcotics abuse and narcotics precursors which have been carried out in a preventive, preventive, and repressive manner to make Indonesia drug-free.

B. Formulation Of The Problem

What are the role of the National Narcotics Agency (BNN) and the Police in law enforcement against the abuse of precursor drugs?

C. Research Methods

The type of research that will be used by researchers is the type of Empirical Research, where this research uses facts that are used as data in which the behavior of each individual becomes a parameter in the retrieval of information, both obtained from verbal

behavior interviews, as well as from observations. direct.¹

The author uses observations, interviews, and documentation as techniques in data collection. Meanwhile, in analyzing the data, the author uses a descriptive nature where the analysis is carried out as a description or explanation of the subject or object of research results in the field.² The analytical model used in this study is a qualitative descriptive analysis method. The qualitative descriptive method focuses on answers to research questions such as who, what, where, why, when, and how an event or experience occurs and is studied more deeply to find patterns that arise in these events.³

2. DISCUSSION

The scope of criminal law includes three provisions, namely criminal acts, liability, and punishment. The criminal provisions contained in Law no. 35 of 2009 concerning Narcotics are formulated in Chapter XV of Criminal Provisions Articles 111 to 148. Law no. 35 of 2009 concerning Narcotics, there are four categorizations of unlawful acts that are prohibited by law and can be threatened with criminal sanctions.

Law No. 35 of 2009 concerning Narcotics has regulated the types of sanctions given to narcotics crimes, including:

- a. Criminal Acts of Parents / Guardians of Narcotics Addicts who are not yet of Age (Article 128)
- b. Crimes Committed by Corporations (Article 130)
- c. Criminal Acts for People Who Do Not Report Narcotics Crime (Article 131)
- d. Criminal Acts of Trial and Conspiracy Committing Narcotics and Precursor Crimes (Article 132)
- e. Crimes for ordering, giving, persuading, forcing with violence, deception, persuading children (Article 133)
- f. Criminal Acts for Narcotics Addicts Who Do Not Self-Report (Article 134)
- g. Criminal Acts for Pharmaceutical Industry Managers Who Do Not Carry Out Obligations (Article 135).
- h. Crime against the Results of Narcotics Crimes and/or Narcotics Precursors (Article 137)

¹Mukti Fajar and Yulianto Achmad. (2010). "Empirical and Normative Legal Research", Jakarta: Student Library. p.280

²Dr. Mukti Fajar, Yulianto Achmad. (2017). "Dualism of normative and empirical legal research", Yogyakarta: Pustaka Pelajar. Pg.183

³Wiwini Yuliani. (2018). "Qualitative Descriptive Research Methods in Guidance and Counseling Perspective". *Quanta* 2(2). page. 84

- i. Crime against Persons Obstructing or Complicated Investigation, Prosecution, and Examination of Cases (Article 138)
- j. Criminal Acts for Captains or Flight Captains Who Do not Implement the Provisions of Article 27 and Article 28 (Article 139)
- k. Criminal Acts for PPNS, Police Investigators, BNN Investigators Who Do Not Implement Provisions on Evidence (Article 140)
- l. Criminal Acts for the Head of the District Prosecutor's Office Not Implementing the Provisions of Article 91 Paragraph (1) (Article 141)
- m. Criminal Acts for Laboratory Officers Falsifying Test Results (Article 142)
- n. Criminal Acts for Witnesses Who Provide False Information (Article 143)
- o. Criminal Acts for Everyone Who Repeats Crimes (Article 144)
- p. Criminal Acts committed by Hospital Leaders, Leaders of Scientific Institutions, Pharmaceutical Industry Leaders, and Pharmacy Traders Leaders (Article 147)

A. Precursor Drug Production Permit

Based on the Law of the Government of the Republic of Indonesia Number 44 of 2010 concerning Precursors Chapter IV Procurement of the Second Part of Production, namely:

- a) Article 7 :
 - (1) Precursors can only be produced by industries that already have a permit by the provisions of the legislation.
 - (2) Precursor production for the pharmaceutical industry must be carried out in a good production manner by the provisions of laws and regulations.
 - (3) Precursors for the pharmaceutical industry must meet the Indonesian Pharmacopoeia standards and other standards.
 - (4) Precursors for non-pharmaceutical industries must meet the requirements by the provisions of the legislation.
- b) Article 8 :
 - (1) Each Precursor must be labeled on each container or package.
 - (2) The label on the Precursor container or packaging as referred to in paragraph (1) may be in the form of writing, pictures, a combination of text and pictures, or other forms that are attached to the package or included in the package, affixed, or are part of the container and/or its packaging.
 - (3) Further provisions regarding the requirements and procedures for labeling Precursors as referred to in paragraphs (1) and (2) shall be regulated by the Minister and/or relevant ministers by their respective authorities.

B. Precursor Drug Distribution Permit

Regulation of the Minister of Health of the Republic of Indonesia Number 3 of 2015 concerning Circulation, Storage, Destruction, and Reporting of Narcotics, Psychotropics, and Pharmacy Precursors Chapter I General Provisions Article 1:

- Number 4 "Distribution is any distribution activity of Narcotics, Psychotropics and Pharmacy Precursors in the context of health services or scientific interests".
- Number 14: "Registered Importers of Psychotropics, hereinafter referred to as IT Psychotropics, are pharmaceutical wholesalers who are licensed to import psychotropics to be distributed to the pharmaceutical industry and scientific institutions as end-users of psychotropics".
- Number 15: "Registered Importers of Pharmacy Precursors, hereinafter abbreviated as IT Pharmacy Precursors, are pharmaceutical wholesalers who are licensed to import pharmaceutical precursors for distribution to the pharmaceutical industry and scientific institutions as end-users of pharmaceutical precursors".

Chapter II Distribution, Part Two Distribution, Paragraph 1 General, Article 8 "Distribution of Narcotics, Psychotropics, and Pharmacy Precursors must comply with proper drug distribution methods by the provisions of the legislation".

C. Drug Consumption Rights

Based on the Law of the Republic of Indonesia Number 5 of 1997 concerning Psychotropics (c) that psychotropics are very useful and necessary for the benefit of health services and science, their availability needs to be guaranteed. medically and legally, psychotropic drugs may only be used according to the prescription and supervision of a specialist. These drugs are usually used to treat certain conditions or diseases, such as Mental or psychological disorders, Seizures or epilepsy, Parkinson's disease, Sleep disorders, such as insomnia or narcolepsy, Chronic fatigue syndrome, In addition, psychotropic drugs are also often used as anesthetics. or anesthesia to prevent and treat severe pain caused by certain medical procedures, such as surgery.

D. Drug Distribution Supervision

The role of doctor's prescriptions in protecting the public against the abuse of psychotropic drugs is considered important. Use according to a prescription will protect patients from the risk of dependence that can damage the user's physical and mental

health.

In carrying out its actions, the Gorontalo BNNP has carried out several ways to control the spread of illegal drugs, including prevention, supervision, and enforcement.

1. Prevention Aspect

Prevention is carried out through intensive public education, providing education, especially to groups of school children because the victims are mostly school-aged children. The reason might be because they feel burdened by something and think that using medicine is the way to deal with it

2. Supervision Aspect

Do supervision. Supervision is carried out in two ways, namely supervision in the field of production and distribution.

- Supervision in the production sector is carried out by carrying out more intensive supervision of industries that produce drugs. Drug-producing industries must record retailers regarding the drugs sold.
- Supervision in the distribution sector will be carried out on pharmacies and other pharmaceutical services such as clinics and hospitals to be more stringent.

BNN in collaboration with BPOM will supervise users of psychotropic drugs in pharmacies in Gorontalo Province.

3. Aspects of Enforcement,

If illegal products are found, namely products that have been withdrawn from circulation but are still found to be produced, BNN and BPOM will act decisively by applicable laws and regulations

E. BNN Actions Against Abuse

Efforts made by the National Narcotics Agency in overcoming narcotics abuse in Gorontalo are efforts that have been carried out annually in overcoming narcotics abuse in three parts, namely Pre-emptive, which is an early prevention effort. Preventive, is an effort that is strategic and is a medium-term and long-term action plan but must be seen as an urgent action to be implemented immediately, and Repressive is a countermeasure that is law enforcement action starting from being carried out by Police intelligence in the investigative process which includes reconnaissance, raids, and arrests to find Narcotics users and dealers and their evidence. Then by socializing the Narcotics legislation, Counseling on the dangers of narcotics abuse, Providing moral encouragement to the community to create alternative livelihoods for the community in terms of socio-

economic development of the community.

Efforts to be made further are by collaborating with relevant agencies such as NGOs, Government Agencies, Cooperating with the community, Conducting routine raids for motorized vehicles in every city border lane, Conducting raids and routine Urine tests, Installing billboards about the dangers of drugs, Collaborating with institutions medical rehabilitation and social rehabilitation.

Efforts made to prevent abuse of narcotics precursors in Gorontalo are that BNN always provides education and knowledge for the entire Gorontalo community about the dangers of narcotics, both counseling at schools, good information on the streets, such as banners so that people know about the dangers of drugs. Then provide information to the public so that people are aware of the dangers of drugs, because drugs can damage the psychology of the wearer, the nation, and the state, then also damage the environment, counseling to schools, once a month we do a urine test and provide knowledge to the community, provide socialization through radio, television, and magazines. Then put up banners on the streets, and conduct outreach to villages.

Efforts are made to rehabilitate narcotics abusers, the efforts made are by conducting a coaching program or preemptive program, by conducting a treatment program or a curative program. Then efforts to restore mental and physical health are shown to drug users who have undergone a curative program. Treatment of drug users is very complicated and requires extraordinary patience from doctors, families, and sufferers. And there are two rehabs, there is inpatient care and there is outpatient, so if there is still a trial-and-error stage, we don't depend on it, we treat it, for a maximum of 3 months, previously we made appointments to meet several times for counseling and if hospitalized for 3 months month.

Regarding narcotics users who were not successfully rehabilitated in Gorontalo, it was due to factors from the family who could not bear to see their child being placed in a rehab facility, then the lack of funds, and the lack of cooperation between doctors, families, and the user, this was one of the factors that made the sufferer fail to be rehabilitated. , if the first stage of rehabilitation is not successful, the next step is the second stage of rehabilitation, the second stage of rehabilitation is called post-rehab. In post-rehab there is also a program for 3 months, after post-rehab it also failed to enter the second stage of rehabilitation. Because rehab is the coordinator of changing a habit, addicts experience psychological (psychological) disorders. The punishments/sanctions

given to perpetrators of narcotics abuse in Gorontalo are imprisonments, the amount of the prison sentence depends on the results of the evidence from being arrested, must be rehabilitated for 6 months if according to the report/arrest, with evidence brought under 3.5 grams. Criminal penalties are not only criminalized if proven but the user is also punished. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. must be rehabilitated for 6 months if appropriate from the report/arrest, with evidence brought under 3.5 grams. Criminal penalties are not only criminalized if proven but the user is also punished. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. must be rehabilitated for 6 months if appropriate from the report/arrest, with evidence brought under 3.5 grams. Criminal penalties are not only criminalized if proven but the user is also punished. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. with evidence carried under 3.5 grams. Criminal penalties are not only criminalized if proven but the user is also punished. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the

evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. with evidence carried under 3.5 grams. Criminal penalties are not only criminalized if proven but the user is also punished. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. Now it has started to run, namely the BAP, so the process is through medical assistants, doctors, psychologists as well as the legal team from the police, from the BNN investigators, now it has started when the initial arrest was under 5 grams, it is considered not a dealer so it will be assessed first if proven, dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer. dealers and users, the punishment is rehab and criminal punishment. Then the punishment for traffickers is death, and the user is rehabilitated, depending on the evidence. If the evidence exceeds 3.5 grams, it will be sentenced to death, because it is a dealer.

F. Police Role

Efforts to overcome criminal acts are included in the field of criminal policy (criminal policy). This criminal policy is also inseparable from a broader policy, namely social policy, which also consists of policies or efforts in social welfare (social welfare policy)

and policies or efforts to protect the community (social defense policy)).⁴

The handling of criminal acts carried out by the Police can be classified into 3 efforts, namely:

1. Pre-emptive

Pre-emptive actions are the initial efforts made by the police to provide prevention of crime so that it can be called early prevention. Efforts are made in the prevention of pre-emptives is to instill good values/norms so that these norms are realized in a person, even though there is an opportunity to commit a crime/violation but there is no intention to commit a crime/violation.⁵

2. Preventive

Preventive efforts are prevention so that someone's intention to commit a criminal act is not carried out so that people's lives become orderly and the maintenance of the law can be achieved.

3. Repressive

Repressive efforts in the form of legal action/enforcement efforts against perpetrators of criminal acts can be carried out with professional investigations and investigations

3. CLOSING

A. Conclusion

Efforts to eradicate narcotics cannot be separated from the support of law enforcement officers who are included in the criminal justice system, starting from the police, prosecutors, judiciary, to correctional institutions, all of which have become one unit that cannot be separated, but since the birth of the Law No. 35 of 2009 concerning Narcotics, there is one other institution that also plays a role, namely the National Narcotics Agency (BNN) and is even given a large portion of the investigation. The task of preventing and eradicating Narcotics and Psychotropics is not only the task of the government, police, state apparatus, or more specifically the State institution, namely the National Narcotics Agency, but also the duty of all levels of Indonesian society, starting from the smallest component, namely the family, the Neighborhood Association (RT). and Rukun Warga (RW).

⁴Barda Nawawi Arief, 2008, op. cit pp. 77

⁵Ngawiardi, 2016, "Criminological Study of the Crime of Child Abuse in Parigi Moutong", Journal of Legal Opinion, Vol. IV, No. 4

B. Suggestion

BNNP Gorontalo, BPOM, Police, and other relevant agencies, need to review the rampant sales of several types of Precursor drugs containing Psychotropics in pharmacies spread across Gorontalo. And it is hoped that the public will realize that consuming drugs whose identity is not clear and is prohibited by the government because can damage health and has strict legal sanctions

References

Book:

- Mukti Fajar and Yulianto Achmad. (2010). "Empirical and Normative Legal Research", Jakarta: Student Library.
- Dr. Mukti Fajar, Yulianto Achmad. (2017). "Dualism of normative and empirical legal research", Yogyakarta: Pustaka Pelajar.
- Wiwin Yuliani. (2018). "Qualitative Descriptive Research Methods in Guidance and Counseling Perspective". Quanta 2(2).
- Barda Nawawi Arief, Legislative Policy in Combating Crimes with Imprisonment, UNDIP Semarang, 19968).

Journal article:

- Ngawiardi, 2016, "Criminological Study of the Crime of Child Abuse in Parigi Moutong", Journal of Legal Opinion, Vol. IV, No. 4