

**RESPONSES AGAINST POLICE MEMBERS WHO COMMIT
NARCOTICS ABUSE
(Study at Padangsidempuan Police)**

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ABSTRACT

Indonesia is on the highest list of countries targeted for the distribution of illegal narcotic drugs. In several cases there are police officers who abuse their authority as law enforcement officers and are involved in the abuse of narcotics and psychotropic substances, especially storing evidence for buying and selling and using it. The purpose of this research is to find out the modus operandi of police officers who abuse narcotics, to find out the factors that cause narcotics abuse by police officers, and to find out efforts to deal with police officers who abuse narcotics. This research is empirical juridical research. The research data sources are data originating from Islamic Law, primary data and secondary data. Data collection tools in this research are interviews and documentation studies. Based on the research results, it can be understood that the modus operandi of police officers who abuse narcotics is to embezzle evidence by keeping the narcotics found and reselling them. Apart from that, there are also those for personal use. Factors that cause narcotics abuse by police officers are environmental factors, economic factors, family factors, psychological and mental factors, weak faith factors, and weak supervision from leaders/superiors. Apart from that, it is also for fun and increasing stamina. Efforts to deal with police officers who abuse narcotics include preemptive efforts by providing education about the dangers and impacts of narcotics abuse, preventive efforts by carrying out urine tests, spiritual and mental development, and close supervision. And repressive efforts by conducting assessments or rehabilitation of police officers involved in narcotics abuse and providing disciplinary guidance so that they do not repeat their actions again by making an integrity pact.

Keywords: Prevention, Members, Police, Abuse, Narcotics.

A. Introduction

The 1945 Constitution, as a written constitution in Indonesia and also a reflection of the legal ideals of the Indonesian nation, has explicitly outlined.¹ some basic principles. One of the basic principles that received confirmation in the 1945 Amendment Constitution is the principle of the rule of law, as stated in Article 1

¹ Lukman Santoso Az, 2016, *Negara Hukum dan Demokrasi: Pasang Surut Negara Hukum Indonesia Pasca Reformasi*, Ponorogo: IAIN Po Press, halaman 23

Paragraph (3) which states that "The Indonesian state is a state of law.

One of the statutory regulations that is imperative is Law Number 35 of 2009 concerning Narcotics. This law is an amendment to Law Number 22 of 1997 which is deemed no longer appropriate to the development of the situation and conditions that are developing to overcome and eradicate these criminal acts. with the development of the situation and conditions that develop to overcome and eradicate these criminal acts.

In the field of medicine or health services and the development of science, basically narcotics are useful drugs. This is in accordance with the statement of Law Number 35 of 2009 concerning Narcotics in the consideration section. There are certain effects for those who introduce narcotic substances into their bodies, such as refraction, loss of pain, more excitement and hallucinations. Narcotics users will tend to become dependent because narcotics are addictive substances and classified as psychoactive substances, which affect the brain's working system and can change the user's behavior. Opium, morphine, marijuana, heroin, cocaine, ecstasy, methamphetamine and tranquilizers are included in the narcotics group.²

Deviating the behavior of police officers constitutes a violation of the disciplinary regulations for members of the National Police as regulated in the government regulation of the Republic of Indonesia Number 2 of 2003 concerning Disciplinary Regulations for Police Members. Efforts to enforce discipline and the National Police's code of ethics are very necessary in order to realize the implementation of the duties assigned and achieve professionalism of the National Police.

One of the cases of narcotics abuse that ensnared police officers in Padangsidimpuan, North Sumatra, was the case of eight members of the Padangsidimpuan Police who were arrested for a narcotics abuse case. The Medan

² Irwan Jasa Tarigan, 2017, *Narkotika dan Penanggulangannya*, Yogyakarta: Deepublish, halaman 1.

District Court (PN) sentenced eight police officers and one civilian in North Sumatra (North Sumatra) in connection with the case of the discovery of unclaimed marijuana. On Monday, March 2 2020, the 19 sacks containing marijuana were weighed and it was found that they weighed 327 kilograms. The engineering case was then revealed. They were then arrested and tried at the Medan District Court. The eight individuals have been sentenced along with one of the civilians. They were sentenced to varying degrees from 10 to 20 years in prison.

B. Research Methods

A research cannot be said to be research if it does not have a research method.³ Research methods are one of the factors of a problem that will be discussed.⁴ The study was carried out using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from the results of research, studies and reviews of several papers which are then summarized into a work of scientific.

C. Analysis And Discussion

1. Modus Operandi of Police Members Who Abuse Narcotics

The definition of modus operandi in the scope of crime is the operation of methods or techniques that have special characteristics of a criminal in carrying out his evil deeds. Modus operandi comes from Latin, meaning procedure or way of moving or doing something. Modus operandi is the operating techniques used by criminals.

Based on data available in the field, it can be seen that the modus operandi of police officers who abuse narcotics varies because the methods used are different. Based on the results of an interview with Mr. Inspector Aguslim Anhar as Plt. Kasi Propam Padangsidempuan Police, the modus operandi of Padangsidempuan Resort police officers who abuse narcotics is as follows:

³ Ismail Koto, "Perlindungan Hukum Terhadap Korban Tindak Pidana Terorisme", *Proceeding Seminar Nasional Kewirausahaan*, 2.1, (2021): 1052-1059.

⁴ Ida Hanifah, Ismail Koto, "Problema Hukum Seputar Tunjangan Hari Raya Di Masa Pandemi COVID-19", *Jurnal Yuridis* 8.1, (2021): 23-42.

- a. Police officers who are on duty carrying out raids at nightclubs will be tempted and incited to use narcotics for the reason that they can increase their stamina when carrying out their duties. As is known, in nightclubs there are bound to be illegal drugs that people use to have fun. So that police officers will get used to using narcotics for the reason of increasing stamina when carrying out tasks that require excellent physical condition. This act is included in an act that is against the law which is categorized as fulfilling the criminal provisions in Article 111 of Law Number 35 of 2009 concerning Narcotics (any person who without rights or against the law plants, maintains, possesses, stores, controls or provides Class I Narcotics in the form of plants), Article 112 of Law Number 35 of 2009 concerning Narcotics (any person who without rights or against the law owns, keeps, controls, or supplies Class I Narcotics which are not plants), and Article 116 of Law Number 35 of 2009 regarding Narcotics (any person who without right or against the law uses Class I Narcotics against another person or provides Class I Narcotics for another person to use).
- b. During an arrest operation against a narcotics user or dealer, before the case is brought to court, there is a possibility that the dealer or narcotics user can find a middle ground with the police. Before the case is brought to court, the evidence can be arranged in such a way by the police and the evidence can even be reduced to the point where the evidence is removed. This act is included in an unlawful act which is categorized as fulfilling the criminal provisions in Article 115 of Law Number 35 of 2009 concerning Narcotics (any person who without rights or against the law carries, sends, transports or transits Class I Narcotics).
- c. Police officers who deal with arrests or narcotics evidence are often tempted to take possession of evidence that was taken secretly. Police officers secretly took the evidence, some for personal use and some for resale. This

act is included in an act that is against the law which is categorized as fulfilling the criminal provisions in Article 114 of Law Number 35 of 2009 concerning Narcotics (any person who without right or against the law offers for sale, sells, buys, receives, becomes an intermediary in buying and selling , exchange, or hand over Class I Narcotics).

2. Factors that cause narcotics abuse by police officers

The problem of the causes of crime is always a very interesting problem. Various theories regarding the causes of crime have been proposed by experts from various scientific disciplines and fields of science. However, until now there is still no satisfactory solution. Examining a crime requires understanding human behavior both with a descriptive approach and a causal approach. In fact, currently there is no longer any investigation into the causes of crime, because until now it has not been possible to determine the causal factors that carry a greater or lesser risk in causing certain people to commit crimes. crime, by looking at how complex human behavior is, both individuals and groups.

The problem of narcotics abuse, especially by members of the National Police, is not solely the police as law enforcement officers, but the police still violate the law because being involved in the problem of narcotics abuse can ensnare anyone indiscriminately. Because, narcotics does not look at positions or professions.

Anyone can be involved in a narcotics abuse problem, but great concern always arises every time a narcotics abuse case is revealed and ensnares law enforcement officials, whether judges, prosecutors, lawyers or even the police. Because, they are the leading pillars in the legal system in this country whose role is to eradicate and combat narcotics abuse.

Narcotics abuse by members of the police presents a completely different perspective. For example, a police officer who commits a crime through possession of narcotics. Not to mention the potential for danger to public safety if a police officer is under the influence of illegal drugs or narcotics while carrying out their duties.

3. Efforts to deal with police officers who abuse narcotics

The National Police is a state instrument which is part of the executive function (executing laws). The position of the National Police of the Republic of Indonesia in the executive can be seen from the provisions of Article 8 paragraph (1) of Law Number 2 of 2002 which states that the National Police of the Republic of Indonesia is under the president, and the provisions of Article 8 paragraph (2) which states that the National Police is led by the National Police Chief, who in carrying out his duties is responsible to the President in accordance with statutory regulations.⁵

In order to maintain order in the police profession, the government issues laws and regulations that regulate criminal acts committed by members of the Indonesian National Police. The aim of these laws and regulations is made by the government to provide legal certainty and also justice. Law contains the values of justice, usefulness and certainty in the society where the law was created.

Legal regulations for members of the National Police of the Republic of Indonesia who commit violations and have been given criminal sanctions are contained in the National Police Regulation of the Republic of Indonesia Number 7 of 2022 concerning the Professional Code of Ethics and the Commission on the Code of Ethics of the National Police of the Republic of Indonesia. This legal position exists after a decision has been made. has permanent legal force, then further action can be taken.

This regulation regulates the obligations and prohibitions of the National Police in the context of state and social life in general as well as carrying out specific duties. Based on the Decree of the Chief of Police of the Republic of Indonesia Police Number 2 of 2016 concerning Settlement of Disciplinary Violations of Police Members, examinations through disciplinary hearings are carried out internally in each work unit or work sub-unit that oversees the offending police.

⁵ M.Gaussyah, 2014, *Peranan Dan Kedudukan Polri Dalam Sistem Ketatanegaraan Indonesia*, Jakarta:Kemitraan Partnership, halaman 15

In the trial, sanctions for violations are determined by the superior who has the right to punish (ankum). This implementation is carried out no later than thirty days after Ankum receives the Preliminary Examination List for Disciplinary Violations (DP3D) files.

Violation reports or complaints can be made on the basis of being caught red-handed, findings by officers, officer reports, and public reports. Depending on the type of disciplinary violation committed, this trial can be open or closed.

Based on the Police Regulation of the Republic of Indonesia Number 7 of 2022 concerning the Professional Code of Ethics and the Police Code of Ethics Commission of the Republic of Indonesia, an ethics trial is conducted by the Police Code of Ethics Commission (KKEP) against police who violate the National Police's professional code of ethics or Article 12, Article 13 and Article 14 Government Regulation Number 1 of 2003 concerning Dismissal of Police Members and Article 13 of Government Regulation Number 2 of 2003 concerning Disciplinary Regulations for Police Members.

Regarding the issue being discussed, the National Police of the Republic of Indonesia has a code of ethics that all members of the police must and must obey and must not violate. And every violation of the police professional code of ethics is not necessarily a criminal act. In terms of handling the problem of violations of the code of ethics, it is done differently.

D. Conclusion

The modus operandi of police officers in narcotics abuse is embezzling evidence by storing narcotics findings and reselling them. Apart from that, there are also those for personal use.

The factors that cause narcotics abuse by police officers are environmental factors, economic factors, family factors, psychological and mental factors, weak faith factors, and weak supervision from leaders/superiors. Apart from that, it is also for fun and increasing stamina.

Efforts to overcome police officers who abuse narcotics are preemptive, preventive and repressive efforts carried out by providing education about the dangers and impacts of narcotics abuse, carrying out urine tests periodically (quarterly), carrying out mental spiritual formation once a week , carry out close supervision of all forms of activities at the Padangsidempuan Police, carry out assessments and rehabilitation.

References

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