

# LAW ENFORCEMENT OF THE CRIMINAL ACTION OF DRUG DISTRIBUTION ACCORDING TO LAW NO. 35 OF 2009 (CASE STUDY OF POLRES SEMARANG)

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**Abstract:** Policing opiates violations has been completed by various policemen and has gotten many adjudicator's choices. Policing be an impediment to the expansion in unlawful exchange and dissemination of opiates, however truly, the more concentrated policing did, the more dispersion and illegal exchange of opiates will likewise increment. Official arrangements overseeing opiates issues have been drafted and authorized, be that as it may, offenses connected with opiates have not been mollified. These last cases have gotten many street pharmacists and vendors and got serious assents, yet different culprits appear to disregard them and, surprisingly, will generally grow their area of activities. The narcotics crime referred to in Law Number 35 of 2009 concerning Narcotics provides for quite severe criminal sanctions, however, in reality, the number of perpetrators of crimes is increasing, and convicts, in reality, are not deterred that there is a tendency to repeat them. It is caused by criminal imposition factors that existed and have no impact or deterrent effect on the perpetrators. Law Number 35 of 2009 is no longer based on the imposition of punishment for each drug abuse which is felt to be less effective in eradicating or reducing narcotics crimes. Law Number 35 of 2009 also maximizes the role of the National Narcotics Agency (BNN) in preventing and eradicating narcotics abuse, so with this law, it is hoped that the performance of the agency will be even more optimal because the BNN is given the authority to conduct investigations and investigation of drug cases. This type of research is normative research. The approach used is a statutory approach (statute approach) and a conceptual approach (conceptual approach). The source of data used is secondary data. Data analysis was carried out in a qualitative descriptive manner. Concluding is carried out using the deductive method, namely finalizing the general to the specific, especially those related to the research topic, namely law enforcement against the Crime of Narcotics Abuse. This research resulted in findings that future election legislation must re-clarify the meaning. No wonder narcotics crime has spread to all groups from the young to the old, the factor is due to the development of the times itself, ordering narcotics to dealers is very easy, and the average message is via social media, the author's advice in dealing with narcotics crime is that the government cooperates with the police to train members in the areas of information and technology where it is beneficial to trace electronic information about the narcotics transactions themselves.

**Keywords:** Law Enforcement, Narcotics Circulation Crime, Law Number 35 of 2009

## INTRODUCTION

The public authority, as the coordinator of public life, should give security and prosperity to the local area through different measures on the plan of the Public Advancement Program Policing Wrongdoing in Indonesia. Government strategies are implanted in friendly arrangements (social approaches). A piece of this social strategy is policing, including regulative approach. Then again, wrongdoing anticipation strategy (wrongdoing strategy) itself is essential for policing (policing). The presence of the Opiates Regulation, in particular Regulation no. 35 of 2009 concerning Opiates is a lawful political exertion by the Indonesian government to handle opiates wrongdoing. It is trusted that the arrangement of the Opiates Regulation will actually want to handle the unlawful dissemination and maltreatment of opiates by utilizing the method for criminal regulation [1].

Policing opiates violations has been completed by numerous cops and has gotten many adjudicator's choices. Policing be supposed to be an obstacle to the expansion in unlawful exchange and circulation of opiates, however, the more concentrated policing did, the more conveyance and illegal exchange of nitwits will likewise increment. Administrative arrangements administering opiates issues have been drafted and upheld, in any case, violations connected with opiates have not been mollified [2]. These last cases have gotten many street pharmacists and sellers and got serious assents, yet different culprits appear to disregard them and, surprisingly, will generally grow their area

of tasks.

Narcotics are a form of substance that has different ingredients and uses in health sciences, then make it easier to pronounce, make it easier for people to communicate, and not mention long terms, they could be abbreviated as narcotics, namely narcotics and dangerous addictive drugs. However, in general, people do not know about narcotics because indeed these substances, in their mention in both the print and other mass media, have often been pronounced with the term narcotics, even though they only know the kinds and types of these drugs, including marijuana, cocaine, heroin, koplo pills, methamphetamine, and so on. Opiates misuse is a demonstration that is in opposition to regulations and guidelines [3]. Right now, opiates misuse covers all degrees of society whether poor, rich, old, youthful, or even kids. Opiates maltreatment from one year to another has expanded which eventually hurts the country's future units. Maltreatment of opiates energizes illegal traffic that is progressively far reaching and has a global aspect. Accordingly, it is important to forestall and control opiates and endeavors to annihilate unlawful traffic, remembering the advances in the improvement of correspondence, data, and transportation in the ongoing period of globalization.

Policing wrongdoing in Indonesia, particularly as far as condemning, ought to allude to the methodology of lawful standards that are cultivating crooks by directing remedial foundations, in this way further developing convicts in these restorative organizations. This ought to have the option to give talk to decided in

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forming criminal sentences against culprits of wrongdoings with the goal that they could catch the desires of local area equity. The opiates wrongdoing alluded to in Regulation Number 35 of 2009 concerning Opiates accommodates very serious crook sanctions, but the quantity of culprits of violations is expanding, and convicts, truly, are not prevented and there is a propensity to rehash them [4]. It very well may be brought about by the presence of criminal burden factors that significantly affect the culprits. Regulation Number 35 of 2009 is not generally founded on the burden of discipline for each substance addiction which has so far been felt to be less viable in annihilating or diminishing opiates wrongdoings. Regulation Number 35 of 2009 additionally augments the job of the Public Opiates Organization (BNN) in forestalling and annihilating opiates misuse, so with this regulation, it is trusted that the presentation of the organization will be much more ideal in light of the fact that the BNN is likewise given the power to lead examinations and examination of opiates cases [5].

Dealing with the issue of substance addiction and unlawful dealing requires the public authority to contemplate how to conquer this issue, at long last, the government provided Regulation Number 5 of 1997 concerning Psychotropics and Regulation Number 35 of 2009 concerning Opiates. The law is supposed to have the option to stifle as little as conceivable the wrongdoing of substance addiction and unlawful dealing with Indonesia, in view of that in the arrangements of these regulations and guidelines the crook sanctions are extremely serious contrasted

with the authorizations in other crook act regulations. Noticing the advancement of medication dissemination and use among young people is incredibly stressing, in light of the fact that medications compromise the fate of the country's kids [6]. For this reason, social awareness is needed in fighting drug trafficking by involving all existing potential, starting from elements of law enforcement officials, the bureaucracy, and members of the community working hand in hand in a continuous synergy so that the younger generation can avoid being seduced into consuming drugs.

The issue of illicit drug use has wide and complex aspects, both from a clinical, mental, psychological well-being, and psychosocial point of view. Drug clients can harm the existence request of the family, local area climate, and school climate, even straightforwardly or in a roundabout way being a danger to the progression of improvement and the fate of the country and territory of Indonesia. Dealing with the issue of chronic drug use and illegal dealing requires the public authority to ponder how to beat the issue, and the public authority gives a regulation. Illicit drug use has expansive and complex aspects, both from a clinical, mental, emotional well-being, and psychosocial point of view. Drug clients can harm the request for everyday life and the local area climate [7].

## **MATERIALS AND METHODS**

This kind of exploration is regularizing research. The methodology utilized is a legal methodology (resolution approach) and a calculated methodology (reasonable methodology). The wellspring

of information utilized is optional information. Information examination was completed in an engaging subjective [8]. Concluding is carried out using the deductive method, namely concluding the general to the specific, especially those related to the research topic, namely law enforcement against the Criminal Act of Drug Trafficking. Subjective information examination is completed in the event that the observational information got is as an assortment of words and not in that frame of mind of a progression of numbers and can't be sorted out into classes. The information might be gathered in different ways (interview perceptions, archive occasions, and tape accounts). Also, typically handled first prior to being utilized in subjective examination including the consequences of interview records, information decrease, investigation, information translation, and triangulation [9].

## RESULTS AND DISCUSSION

### Law Enforcement in the Crime of Narcotics Abuse at the Semarang Police

Opiates are substances or medications got from plants or non-plants, both engineered and semi-manufactured, which can cause a decline or change in cognizance, loss of feeling, lessen to wipe out torment, and can prompt reliance. One might say that, from one perspective, opiates are medications or materials that are helpful in the fields of medication, wellbeing administrations, and logical turn of events, yet then again, they can cause reliance which is extremely negative whenever utilized without severe and exhaustive control and oversight. For this

situation, when seen from a juridical perspective, the presence of opiates is legitimate. The Opiates Regulation just disallows the utilization of opiates not by the arrangements of the law [10].

The maltreatment and unlawful dissemination of Opiates inside the Semarang Police are expanding from one year to another. Many have become casualties paying little heed to mature and economic wellbeing. Incidentally, the maltreatment and dispersion of Opiates have infiltrated to where all gatherings become casualties. Not just common individuals or teens have become casualties of opiates misuse, even the Police, who unexpectedly are regulation implementers who ought to annihilate the illegal traffic of opiates, who have participated. The National Police institution is the front guard in public services, especially providing security and comfort and preventing the circulation of Narcotics. The involvement of members of the Police in the distribution of Narcotics is something that hurts the image of the Police in the sights of society [3].

Policing people group support are critically expected to forestall substance addiction. Since, supposing that there are no regulations expounded on misuse. In nations that comply with a composed overall set of laws, it has the result that each course of policing regard for the standards of maintaining basic freedoms (HAM). In view of the appropriate regulation in regards to requirement or implementation wrongdoings [11]. In taking care of criminal demonstrations, two endeavors are required, to be specific by correctional or policing non-punitive means, and that implies legitimate settlements don't utilize

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criminal regulation. Uncovering a network of narcotics crimes is uneasy because their crimes are usually very organized and neatly arranged with a criminal operating mode. which is always changing. In fact, in every case, the investigation and arrest of the perpetrators of crime is only limited to the users and the maximum is only on the arrest of the dealers [12].

In the use of investigative and investigative techniques on narcotics crimes related to the recognition of basic human rights, the morality of law enforcers needs to be controlled through a surveillance system. Supervision is carried out internally, namely by the organization, and external supervision is carried out by the community. It should be understood that legal rules that are effective in a country, do not necessarily indicate that the values or rules in that country can be easily applied in other countries, this is due to the different values and moral systems of society [13]. The obligation to explore and understand the value of the law is manifested in the activity of providing legal protection guarantees, carrying out investigative and investigative techniques, and applying criminal sanctions. For this reason, the awareness of parents and the authorities are expected to be able to eradicate and complete the distribution of illegal drugs.

#### **Law enforcement for drug traffickers according to Law no. 35 of 2009 at the Semarang Police**

Punishment rules as indicated in the eradication of narcotics crime, so Regulation Number 35 of 2009, not just controls the annihilation of criminal authorizations for opiates misuse yet

additionally for the maltreatment of opiate antecedents for the production of opiates. Balance of criminal authorizations is acknowledged as an extraordinary least sentence, 20 years detainment, life detainment, or capital punishment in view of class, type, size, and measure of opiates, with the expectation that this criminal authorization will be weighted so the destruction of opiates wrongdoings will be powerful and accomplish most extreme outcomes. Forms of formulation of criminal sanctions in Law Number 35 of 2009 concerning Narcotics can be grouped as follows:

- a. In the singular (imprisonment or fine only)
- b. In an alternative form (choice between a fine or imprisonment)
- c. In cumulative form (imprisonment and fine)
- d. In combination/mixed form (imprisonment and/or fine).

Misuse that at first gets restoration ensures, nonetheless, taking into account the guideline of legitimacy applied in Indonesia, in doing opiates clients should confront the gamble of criminal dangers as specified in Article 127 of Regulation Number 35 of 2009 concerning Opiates [1]. In the event that opiates clients are hoodlums, the inquiry is who is the casualty of violations carried out by opiates clients in light of the fact that in criminal regulation it is known that "there is no wrongdoing without a casualty", some writing states that the people who become casualties are themselves (Wrongdoing without casualties), according to the viewpoint of casualty obligation, Self-misleading casualties are the individuals

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who become casualties due to wrongdoings they have perpetrated themselves.

In Law Number 35 of 2009 concerning Narcotics investigators are regulated in Article 73 and National Narcotics Agency (BNN) Investigators and their authorities are regulated in Article 75. Meanwhile, in Law Number 5 of 1997, investigators range from Article 55 to Article 58, and their powers as investigators are regulated in Article 56 Paragraph (2). Starter activity from public reports about supposed places utilized as a spot for exchanges or unlawful dissemination as well as spots that are frequently utilized as opiates parties in a space. In the event that it's obviously true that unlawful medications are found at that spot, then, at that point, the skilled specialists will quickly research the scene via looking. There are two types of searches. Capture in the arrangements of article 1 section (20) of the Criminal Technique Code is an insightful activity as briefly controlling the opportunity of a suspect or litigant in the event that there is adequate proof for the interests of the examiner or arraignment as well as the legal executive in issues and as per the strategy specified in the law this [3]. In the case of searches, seizures, and arrests, the police or authorized personnel shall be accompanied by an assignment order, search warrant, confiscation order, and arrest warrant. The most common way of looking at opiates wrongdoings alludes to the criminal procedural regulation managed in the Criminal Technique Code. In the book, assessment at trials is directed in Articles 203 to 232. The reason for the denounced being analyzed and

investigated in court is to demonstrate whether the demonstration or wrongdoing perpetrated can be represented and to force suitable lawbreaker sanctions on the individual who carried out the wrongdoing.

Uncovering a network of narcotics crimes is not easy because their crimes are usually very organized and neatly arranged with the ever-changing mode of operation of crimes. In fact, in every case, the investigation and arrest of the perpetrators of crime is only limited to the users and the maximum is only on the arrest of the dealers. In the use of investigative and investigative techniques on narcotics crimes related to the recognition of human rights, the morality of law enforcers needs to be controlled by a monitoring system. Supervision is carried out internally, namely by the organization, and external supervision is carried out by the community [4]. Legal rules that are effective in a country, do not necessarily imply that the values or rules in that country can be easily applied in other countries due to the different values and moral systems of society.

## **CONCLUSION**

The policing opiates wrongdoings at the Semarang Polres incorporates criminal obligation, activities that qualify as criminal offenses, and criminal authorizations. Criminal responsibility comprises of responsibility executed by people and partnerships as subjects of criminal demonstrations. Restricted acts comprise of disseminating opiates or opiate antecedents and mishandling opiates or medication antecedents both for one and others.

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The assents contained in this regulation are criminal approvals comprising of head and extra crook sanctions. Head discipline comprises of capital punishment, detainment, restriction, and fines. In the interim, extra punishments comprise of denial of permits to operate and repudiation of legitimate substance status for enterprises. The authorizations for activity given are treatment and recovery for junkies or survivors of opiates misuse.

Because Narcotics are an extraordinary crime, the government should pay special attention to eradicate this crime, because narcotics crimes can damage the nation's generation. No wonder narcotics crime has spread to all groups from the young to the old, this factor is due to the development of the times itself, ordering narcotics to dealers is very easy, and the average message is via social media, the author's advice in dealing with narcotics crime is that the government cooperates with the police to train members in the areas of information and technology where it is useful to trace electronic information about the narcotics transactions themselves.

## SUGGESTIONS

The execution of policing be completed stringently, reliably, and genuinely by the arrangements of the regulations and guidelines that apply. it is necessary to propose to the government and the DPR that the law stipulate minimum penalty sanctions for perpetrators, especially dealers, and producers, in addition to the maximum sanction, and for drug abusers to be given

the obligation to undergo therapy and rehabilitation provided by the government. Supervision and control of narcotics and legal precursors need to be tightened and improved to prevent abuse and diversion on the black market.

The role of the younger generation in overcoming drugs is a form of concern for the current condition of the nation amidst unbridled drug trafficking. In dealing with drugs, the younger generation needs to have managerial skills in peer group organizations and basic knowledge about drugs. Therefore, the first step is drug education for the younger generation early and continuously.

To the government so that there is no continuous abuse of narcotics and psychotropic substances in the community, especially among the younger generation, there is a need for socialization and counseling on the effects of narcotics abuse, especially in the school and campus environment. Judges in imposing criminal sanctions on perpetrators of Narcotics abuse are expected to prioritize the granting of rehabilitation rights for Narcotics users rather than imposing criminal sanctions.

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