

LAW ENFORCEMENT ON DRUG ABUSE PERPETRATORS COMMITTED BY INDONESIAN POLICEMEN

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Law Enforcement on Drug Abuse Perpetrators committed by Indonesian Policemen

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ABSTRACT

The regulation concerning drug is regulated on Law No. 35/2009, it is used to ensure its adequacy for the interests of science and health and prevent the drug abuse, and eradicate the illegal distribution of drugs. The cases that engaged Indonesian policemen on drug abuse criminal must have special attention in order to disappear this criminal act. These crimes cannot be considered normal, and law enforcement must be strictly enforced. This research aims to examine and analyze law enforcements on drug abuse perpetrators committed by Indonesian Policemen through law, regulations and court justice. The type of research used juridical-normative to analyze secondary data in the form of legal materials, especially primary legal and secondary legal materials. Based on the research result, when a police commits in a drug abuse offense and has the evidence, he/she may obtain criminal sanctions, such as imprisonment and fines that are determined by the type of drug abuse he/she committed. After obtaining a criminal sanction determined by the general court and has permanent force, the police officer is subject to sanctions for violating the police professional ethics code called dishonorable dismissal (PTDH).

Keywords: Drug Abuse, Indonesian Policemen, Law Enforcement

INTRODUCTION

Drug were originally discovered by human for humanity benefit, especially medicinal field. Drug are substances or drugs that are very useful and necessary for the treatment of certain diseases. In its development, it is known that the substances contained in drugs have an addictive power that can cause its user constantly addicted, and its use is often misused not for medical purposes, but to benefit certain parties and can threaten the nation generation. Drug crimes such as drug abuse, smuggling, and illicit trafficking is still a serious problem to Indonesia's national security, as in many other countries.¹ Drug crime is a serious crime against humanity, which has an extraordinary impact, especially on the younger generation of a nation. Drug crime is a transnational crime because its distribution and illicit trafficking are conducted across national borders. There are three basic principles in every country that adheres to the rule of law which means that equality before the law and law enforcement in a manner that is not contrary to the law. Drug abuse is defined as the unauthorized and illegal use of drugs that conducted for the user pleasure rather than medical needs, in large doses, addictive used, and have negative impacts on physical health. Children's drug misuse is caused by peer pressure, adult marital issues, a lack of socializing opportunities, being orphaned, selling and using drugs around home environment, poverty, joblessness that leads to idleness, and other factors.²

The regulation concerning drug is regulated on Law No. 35/2009, it is used to ensure its adequacy for the interests of science and health and prevent the drug abuse, and eradicate the illegal distribution of drugs.³ Police, prosecutors, judges, and correctional facility staff serve as law enforcement agents in criminal cases involving drug abuse. "One of the law enforcement officers is policemen as investigating officers in their investigation that they uncover all adequate evidence for the Public Prosecutor (JPU) to complete the case is prosecuted in court." Actuality, this is not realized in real action, only as written law. The main cause is the hesitations of law enforcement officials in implementing it. The handling of drugs criminal must include several aspects that have a positive impact on the community, not only by making laws, but also optimizing the role of law enforcers

¹ Muhammad Rifqi and Ernalem Bangun, "Drug Crime as a Threat to Indonesia's National Security," *Jurnal Pertahanan: Media Informasi ttg Kajian & Strategi Pertahanan yang Mengpankan Identity, Nasionalism & Integrity* 6, no. 3 (December 31, 2020): 386, <http://jurnal.idu.ac.id/index.php/DefenseJournal/article/view/871>.

² Idah Faridah and Kunarso, "The Jugde Considerations in Making Decision Against Narcotics in Children," *YURIS (Journal of Court and Justice)* 1, no. 4 (2022), <https://journal.jfpuher.com/index.php/jcj/article/view/208>.

³ and Bony Daniel Sujono, A R, *Komentar & Pembahasan Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika* (Jakarta: Sinar Grafika, 2021).

including policemen, prosecutors, judges in conducting the task of enforcing laws and regulations.⁴

Law authorizes police officers to enforce the law both preventive and repressive in the form of coercive action.⁵ Basically, the police officers is an institution and a government function that is engaged in maintaining public security. They have the duty and authority to maintain public security, enforce the law and provide protection, and service to the community. This police department includes police officers that must comply with the norms or rules regulating how the attitude should be served in committing their duties as a police officer. Based on Law No. 2/2002 concerning the Police explains the main duties of the police, one of which is to conduct the investigations and termination into all cases of criminal acts. In Article 13 of Police Act states that the main duties of Indonesian National Police are maintain public security and order, enforce the law and provide protection and service to the community.

The cases that engaged Indonesian policemen on drug abuse criminal must have special attention in order to disappear this criminal act. These crimes cannot be considered normal, and law enforcement must be strictly enforced. The eradication of drug crimes will not be maximized as long as there are several policemen committing this crime, as stipulated in Article 81 of the Drug Law specifically states that investigators of this case is National Drug Agency (BNN), the investigators of Indonesian National Police are also authorized to investigate into drug crimes and illicit trafficking.⁶ Generally, in Law No. 8/1981 concerning Criminal Procedure Law (KUHAP) regulates the mechanisms and procedures of law enforcement for police officers who commit criminal acts, especially drug abuse with the exception to that the investigation's examination of members of the Indonesian National Police is conducted with due consideration for the position.

This research aims to examine and analyze law enforcements on drug abuse perpetrators committed by Indonesian Policemen through law, regulations and court justice. Various efforts have been made by police institution to minimize the involvement of policemen in drug problems through debriefing delivered during the education for Non-Commissioned Officers and take the firm action for members who are proven to be involved in drug abuse through the general judicial process and aggravated by submitting it to Police Professional Code of Ethics trial with legal sanctions up to dishonorable dismissal from the police service.

⁴ Arif Dharmawan, Otto Yudianto, Yovita Arie Mangesti, "Double Track System in Criminal Sanction Against Narcotics Abuse," *Ius Positum (Journal of law theory and law enforcement)* 1, no. 3 (2022): 41.

⁵ Hardianto Djanggih and Kamri Ahmad, "The Effectiveness of Indonesian National Police Function on Banggai Regency Police Investigation (Investigation Case Study Year 2008-2016)," *Jurnal Dmika Hukum* 17, no. 2 (2017): 152.

⁶ Kholilur Rahman, "Problem Pengaturan Upaya Paksa Penangkapan Terhadap Pelaku Tindak Pidana Narkotika," *Jurnal Hukum Ius Quia Iustum* 27, no. 3 (2020): 481-500.

RESEARCH METHODOLOGY

The type of research used juridical-normative to analyze secondary data in the form of legal materials, especially primary legal and secondary legal materials by understanding the law as a set of positive rules or norms in the Legislation system that regulates the human life. This juridical-normative research used a statutory approach which means that this research conducted by examining all laws and regulations related to the legal issues and a conceptual approach that relevant with the views and doctrines that develop in legal science.⁷ Researchers will find out concepts for legal notions by examining legal perspectives and theories. This research examines legal rules, regulations, and court justice againts the criminal act of drug abuse committed by Indonesian policemen.

RESULT AND DISCUSSION

Drug abuse is growing and getting easier to get anywhere. Drug distribution is widespread all over the world. Law enforcement officials are not unable to handle it, but those responsible for it have plenty of ways to produce and distribute it. It is not only civilians such as adults, both men and women, but also children who are allowed to use these illicit drugs. Drug distributors are indeed shrewd in distributing these illicit goods. They employ underage children and housewives as couriers between distributors and users because police officers will not suspect underage children and housewives. Due to the fact that some users have been used, supervision has become stricter because it is well realized that drugs are dangerous substances that can damage the souls of children and cause them to die in vain. Drug abuse is not only committed by civilians, but also by policemen.

Police officers who commit drug abuse crimes are highly concerning because they are supposed to be the main party in obeying the laws and regulations in Indonesia. Police officers who commit these acts are tarnishing their profession. Everyone who commits this criminal act will definitely be negatively affected and viewed badly by society. Police who are involved in drug abuse, certainly have causes or reasons for committing these criminal acts. These are some factors and causes of several police parties committing this criminal act such as following below:

1. The responsibilities of being a police officer, such as always being prepared to obey orders from the commander and other duties, as well as the pressures of life and job. They often resent their superiors who are arrogant and self-serving. Minimum salaries (especially occurred in a few years ago), that are not balanced with the needs of life. Many of police officer do not get house (official) facilities. Household conflicts, and so

⁷ Johnny Efendi, Jonaedi & Ibrahim, *Metode Penelitian Hukum Normatif Dan Empiris*, 1st ed. (Depok: Prenada Media Group, 2016).

- on. The low stress resistance and the lack of self-defense mechanisms to deal with the pressure.
2. Duty requires, for instance, a policeman on duty at a club might be persuaded by the urge to use the drug since it will make them more physically fit. It has been shown that the medicine gives you energy and endurance.
 3. Those who deal with the drug evidence. They are often tempted to take some of it (secretly). They steal some of it, either for their own use or for resale.
 4. Minimal penalty. Even after they have been detected using Drug, their bosses frequently let them go. It only imprisons people for two or three days before releasing them again; there is no deterrence impact and it became inebriated once more. The punishment for police discovered using Drug, according to the National Police Chief, is not entirely clear.
 5. When a policeman has started using drugs, he/she knows where the distributors are located. The distributor knows the weakness of the policeman, and he deposits a few packages once or twice a week as tribute.
 6. When a distributor is caught, and still be on police business, they usually reconcile for a certain price. As long as it has not been brought to court, the evidence can be arranged, reduced to eliminated. This is conducted at both Polsek and Polda levels. Even though the person who did it was unscrupulous, the mistake is often glaring. This might allow them to become buddies.⁸

Meanwhile, there are several other factors that cause policemen to abuse drugs, such following below:

1. Family factors

Family factors are important in early drug use. The family have an important role in early development and protects against the early drug use. When there is a huge conflict in the family and the problem is too difficult to solve and causing depression, this can trigger a person to use drugs in order to feel calm and away from the problems.
2. Economic factors

Every crime begins from economic considerations. Even police officers will break the law when their wants are not fulfilled. The police are forced by their high cost living to look for additional income through many ways, including abusing their authority in accepting bribes,

⁸ Mohammad Ekaputra Tumanggor, Paian, Ediwarman Ediwarman, Mahmud Mulyadi, "Pemberatan Pidanaan Terhadap Aparat Penegak Hukum Sebagai Pengedar/Bandar Narkotika: 32 di Putusan No. 2611/Pid. Sus/2017/PN. Lbp Dan Putusan No. 56/Pid. Sus/2020/PN. Dpk," *Locus: Jurnal Konsep Ilmu Hukum* 2, no. 1 (2022): 332–346.

shielding drug dealers, and even taking part in the use and drug distribution. They merely do this to support themselves and their families.

3. Mental factors of the police themselves

In this factor, the mentality of a police officer also affects the occurrence of drug abuse. No matter how difficult the issues are, a police officer with a strong mentality will be able to fight the impulse to abstain from drug usage. On the other hand, if a police officer has a poor mentality, they won't be able to resist using illegal drug. In this case, the mentality of a police officer, especially those who handle drug cases, must be trained for they are not easily influenced to take a part in drug cases.

4. Lack of supervision from the boss

The main factor driving police personnel to use drugs is a lack of monitoring from inspectors. The inspectors who pay less attention to the symptoms caused by their members can trigger the use of Drug by police. The giving sanctions to police officers who are proven to use drugs is quite low that also become the contributing factor to drug abuse by police officers.⁹

However, using drugs responsibly can have both beneficial and bad effects, depending on whether it follows medical professionals' and scientists' advice. Some negative impacts of drug use are described such following below:

1. Negative Impacts

a. Indirect effects of drugs abuse:

- a) It cost lot of money for the recovery and medical care of the drug addicts
- b) Being shunned by others and socially isolated. Drug users are also frequently antisocial
- c) Families will be deeply embarrassed to have a family member who are drug addicts
- d) Missing out the learning opportunities and may be expelled from school or college
- e) No longer trusted by others because drug addicts generally lie and commit criminal acts.
- f) When people disregard their religious commitments and lead sinful lives, their sins will only remain to rise.
- g) Imprisoned, which is extremely unpleasant on both a physical and mental level.

b. Direct impact of drugs on human body:

- a) Neurological disorders such as convulsions, hallucinations, impaired consciousness, and peripheral damage
 - b) Heart and blood vessel (cardiovascular) disorders such as acute infection of heart muscle and circulatory disorders
 - c) Skin disorders (dermatological) such as abscesses, allergies and eczema
 - d) Pulmonary disorders such as suppression of respiratory function, difficulty breathing, and hardening of lung tissue
 - e) Frequent headaches, nausea and vomiting, diarrhea, elevated body temperature, liver shrinkage and sleeplessness
 - f) The impact on reproductive health is endocrine disorders, such as decreased function of reproductive hormones (estrogen, progesterone, testosterone), and impaired sexual function
 - g) The impact on reproductive health in adolescent girls includes changes in menstrual periods, and amenorrhoea
 - h) Drug users who inject drugs through needles, especially those who use needles interchangeably, at risk of being affected diseases such as hepatitis B, C, and HIV
 - i) Drug addiction can be fatal because overdosing, which is when a person consumes more drugs than their body can tolerate that can result in death
- c. Direct impact of Drug on human psyche:
- a) Causes mental depression
 - b) Causes severe mental illness/psychotic disorder
 - c) Causing suicide
 - d) Causing the crimes, violence and vandalism
- d. Psychological Impact
- a) Sluggish work, sloppy work, frequent tension and restlessness
 - b) Loss of confidence, apathy, delusional, suspicious
 - c) Agitative, violent and brutal behavior
 - d) Difficulty in concentrating, feeling upset and depressed.
 - e) Tendency to self-harm, insecurity and even suicide
- e. Social Impact
- a) Mental illness, anti-social, moral, ostracized by the community
 - b) Troublesome and a burden on the family.
 - c) Gloomy future and education is disturbed.
2. Positive Impacts of Drug:
- a) Opioids or opium were used for centuries as painkillers and to prevent coughs and diarrhea
 - b) The cocaine leaves of Erythroxyton coca plant are usually chewed for stimulants, such as to increase stamina and reduce fatigue

- c) The ancients used the cannabis plant to make bags because the fibers it produces are very strong. Cannabis seeds are also used to make oil.

As stated in Republic Indonesia's 1945 Constitution, which has been amended, Indonesia is a state built on law (*rechtstaat*), not power (*machstaat*), and is not even considered a "night watchman state" (*nachtwachterstaat*).¹⁰ Since its independence, the founding fathers have wanted the administration of Indonesian to be governed by the rule of law. In this case, the law is required and must be implemented in Indonesia. Law is a rule or body of rules. There are also others that employ the law in addition to the social norms and constants that exist in society (*wetboek*). Generally, people impacted by the rule are required to abide with the applicable law.¹¹

Criminal acts of drug abuse committed by police officer must be minimized and eradicated for no one will defame the police in Indonesia, because police are an institution that become a protector and helper for society. Thus, police officers who commit criminal acts of drug abuse must be dealt with harshly in accordance with existing laws, since the law is made to be enforced indiscriminately without seeing the social status or position. The investigation process against police officers who commit criminal offenses is implemented in the same way as other civilians, through legal rules of Criminal Procedure Code and being tried in the district court. This is in accordance with Article 29 Paragraph (1) of Police Act which emphasizes that members of Indonesian National Police are subject to the general judicial power. It indicates that policemen are civilians and are not included as subjects of military law. Therefore, whatever criminal acts committed by policemen, the punishment or sanctions given are the same as civilians and the courts and tribunals are also the same as civilians. Police officers who abuse drug are still processed by the criminal law after a permanent verdict from the court, then the disciplinary process for the police is processed by Profession and Security Division of the Indonesian National Police. For police officers who use drugs, they will go through 2 two processes, called investigation through the court and tried by the code of ethics by Profession and Security Division of the Indonesian National Police. The mechanism or legal process of police officers who commit drug offenses can be explained as follows:

1. Investigation Process

The Criminal Procedure Code includes the responsibilities of the Police as law enforcers. The Criminal Procedure Code defines an investigation as "a series of investigator's actions to seek and find an event suspected of being a criminal offense in order to determine whether or not an

¹⁰ Ali Mukti Tanjung, "Penerapan Sanksi Terhadap Pihak Rumah Sakit Yang Melakukan Pemalsuan Data Kepada Pihak BPJS," *FOCUS UPMI* 7 1 (2018): 27–34.

¹¹ Rahardi Pudi, *Hukum Kepolisian (Kemandirian, Profesionalisme Dan Reformasi POLRI)* (Jakarta: Laksbang Grafika, 2014).

investigation can be conducted for the law." ² Members of the police who ¹⁶ commit criminal acts of drug abuse are based on public's reports, routine urine test results and the results of raids and the development of cases that are being investigated which are then submitted to the principal members of the Police, called the Police Service Unit (Provos). The Provos Unit then conducts a preliminary investigation. If the evidence is incomplete by Provos Unit, the authority to investigate is taken over by the Internal Police Security Unit. The Internal ²⁹ Police Security Unit conducts the investigation with the assistance of Criminal Investigation Unit. The Criminal Investigation Unit conducts investigations to find and collect the evidence related to the criminal offense. Furthermore, the Internal Police Security Unit provides a report to the Provos Unit to then proceed to investigation process for the violations of ethic code, and Criminal Investigation Unit remain the investigation process ⁴⁴ for criminal acts that have occurred in accordance with what has been regulated in the Criminal Procedure Code.

2. Examination Process ¹⁴

The definition of examination according to Article 1 point 2 of the Criminal Procedure Code is "examination is a series of investigator's actions in the case according to the method regulated in this law to find and collect evidence of criminal acts that occur to find the suspect." The police also have functions based on the Police Act "Maintaining security and public order, law enforcement, protecting and serving the community." The examination is conducted when there are indications that the police have committed a drug crime, usually known during periodic urine tests that when the results are positive, the police conducted the rechecking so see the result. When the results are positive again, then case development is conducted to determine whether a person should be suspected of committing a drug crime or not. The investigation process against members of Indonesian National Police who ²⁸ commit criminal offenses is guided by Government Regulation No. 3/2003 concerning the Implementation of Technical Institutions ²³ General Courts for Indonesian National Police, which is conducted by investigators as regulated by the criminal procedure law applicable in general court environment. The examination ⁴ of Indonesian National Police takes into the scene of the crime. The member of Indonesian National Police who commits a criminal offense in his/her area shall be investigated by the ⁴ higher unit than the unit he/she is assigned to. The examination of members of Indonesian National Police who ⁴ commit certain criminal offenses is implemented by investigators of the Indonesian National Police. The custody area for suspects who are officers with the Indragiri

Resort Police is segregated from the detention area for other suspects. The suspect receives warrants related to forced efforts from the investigators, and copies are also handed to the suspect's family and the leader of the suspect's work unit. Since the investigation process is conducted until a court decision has permanent legal force and the investigation is conducted by examining his/her positions and will be temporarily dismissed from the official position of Indonesian National Police.

- a. Non-commissioned officers are examined by members of the Indonesian National Police with the lowest position of Non-Commissioned Officer
- b. Enlisted personnel are examined by members of the Indonesian National Police with the lowest position of Non-Commissioned Officer

3. Prosecution Process²⁶

The definition of Prosecution based on Article 1 point 7 of the Criminal Procedure Code is "Prosecution is a public prosecutor's action to submit a criminal case to the authorized District Court and in the manner provided for in this law with a request that it be examined and decided by a judge at a court session." The public prosecution conducts prosecution preceded by pre-prosecution with the aim to find out whether the Criminal Procedure Report (BAP) is complete or not. If it is complete, the prosecution is conducted as soon as possible must be immediately submitted to the District Court (PN), with a request to immediately judge the case accompanied by a letter of appeal, the Public Prosecutor (JPU) in giving demands to police officers who commit drug crimes is more severe because he is a law enforcer.

4. General Court Process

The criminal justice system contains systemic movements of its supporting subsystems including Police, Prosecutors' Office, Courts, Correctional Institutions, which transform inputs into outputs which are the objectives of the criminal justice system, called controlling the occurrence of crime within the limits of tolerance that can be accepted by society. In a good system, there should be no conflict or overlapping between parts.¹² The process in the general court is described such following below:

a. Trial Examination

The case examination at Court session begins with the appointment of a panel of judges. According to Muhammad Nafis, the judge's

¹² Vika Ayu Regita Dewi, "Penegakan Hukum Terhadap Anggota Kepolisian Dalam Kasus Penyalahgunaan Narkotika (Studi Kasus Penyalahgunaan Narkotika Anggota Polres Purbalingga)." ¹⁹

consideration in sentencing police officers who commit drug crimes is aggravating, since the police should be the one who become law enforcers.

b. The Decision Implementation

The procedure for the execution of a court decision of a police officer who committed a drug crime sentenced to 7 months imprisonment and rehabilitation and receiving a copy of the court decision from the District Court within 1 (one) week. The head of the prosecutor's office issues a warrant for the execution of the court decision, then delivers the convicted person to a correctional institution.

5. The enforcement through the Police Code of ethics

Police ethics are *Tribrata* values based on and imbued with Pancasila that reflect the identity of police members, including service, institutional and state ethics, further compiled into the Code of Professional Ethics of Indonesian National Police. The enforcement of Code of Ethics is regulated in the Regulation of Indonesian National Police Number 7 of 2022 concerning the Professional Code of Ethics and Code of Ethics Commission of Indonesian National Police which is entitled to enforce the code of ethics is the Police Code of Ethics Commission (KKEP). Meanwhile, the enforcement of KEPP is implemented through several ways:

 - a. Preliminary examination conducted through an investigative audit, examination, and filing by the Profession and Security Division of the Indonesian National Police function in Professional Responsibility.
 - b. KKEP (Police Code of Ethics Commission) are conducted by KKEP to examine and decide cases of violations committed by alleged violators.
 - c. Appeals Commission Session is held by Appeal Commission to examine and decide on objections submitted by the Violator. Violators who are subject to sanctions submit an appeal to the Appeal Commission through the Superior who has the right to punish (Ankum) in accordance with their position no later than 14 (fourteen) working days from the receipt of the KKEP Session decision letter.
 - d. KKEP Judicial Review Session no later than 14 (fourteen) working days after receiving the decision to form KKEP PK.
6. PTDH (Dishonorable Dismissal)

Police officers who commit drug offenses and have been convicted by the court are guilty, in accordance with Article 1 Number 29 of the

Perkapolri Code of Ethics, states that "Dismissal not with honor, abbreviated as PTDH, is the termination of the Police service period by the authorized official against Police Officers for certain reasons." including criminal offenses. By referring to Article 29 Paragraph (1) of the Police Act mentioned above, it is clear that police officer who commit criminal offenses are investigated by members of the police themselves as well as other members of civil society who commit criminal offenses, except when the police member commits an indisciplinary act, it is investigated by his immediate commandant after the police member is examined based on the police professional code of ethics as stipulated in Article 34 and Article 35 of the Police Act as follows:

Article 34 of the Police Act which states such following below:

1. The attitude and behavior of Indonesian National Police officers are related to the code of ethics of Indonesian National Police profession.
2. The code of ethics of Indonesian National Police can be a guideline for the development of other police functions in conducting their duties in accordance with the laws and regulations applied in their environment.
3. The provisions regarding the professional code of ethics of Indonesian National Police are regulated by a decree of the Chief of Police.

Meanwhile, Article 35 of the Police Act states:

1. The violations of the professional code of ethics of Indonesian National Police by officials of Indonesian National Police are resolved by the Indonesian National Police Code of Ethics Committee.
2. The provisions regarding the organizational structure and work procedures of the code of ethics commission of Indonesian National Police shall be regulated by a decree of the chief of police.¹³

Regarding accountability for drug-using police officers, when a police officer is suspected of committing a specific crime, the investigation process and the relevant legal process are also handled in accordance with the guidelines of the Indonesian criminal procedural legislation in force. The requirements of Indonesian criminal procedure law must then constitute the foundation for the administration of universal justice to police who commit crimes, such following below:

¹³ Sadjijono, *Op.Cit.*, h. 23.

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1. The Police Act as implicitly stated in Article 29 of the Police Act has been strengthened by the existence of Government Regulation Number 2 of 2003 concerning Police discipline stated in Chapter II Article 3 Letter G which states that "obey the applicable laws and regulations, both those related to official duties and those that apply in general".
2. Based on Article 28 Paragraph (1) of the 1945 Constitution on equal treatment before the law that the actions of the police are outside or exceed their legal authority or do not have the legal authority to act, it must be seen as a personal individual action that must be accounted for through 4 characters, such as:
 - a. Disciplinary liability
 - b. Civil law liability
 - c. Criminal law liability.
 - d. Constitutional law liability

There is no distinction between the examination of defendants who are not police officers and police officers based on the prosecution and examination procedures used in public courts. It means that the person who conducts the indictment and prosecution is also a public prosecutor. During the judicial examination, the defendant, although a member of the police, is obliged to comply with the general rules that apply within the scope of the Criminal Procedure Law, and the suspect concerned are obliged to facilitate the trial. Therefore, it can be known that general judicial process against police officer begins from investigation, prosecution, and trial are all applied based on the criminal procedure law that applies in the general judicial as ordinary people who commit criminal offenses.

CONCLUSION

It maintains the rule of law, which ensures that all citizens are treated equally before the law and the government, as it is a state of law. This includes the Indonesian National Police's attempts to enforce the law against people indulging in illegal drug use, which must be punished using the appropriate legal sanctions. If there is evidence that a police officer participated in a drug abuse crime, they might be subject to criminal sanctions, which may include imprisonment and fines based on the type of drug abuse the police engaged in. The police officer is liable to punishment for violating the police professional code of ethics, known as dishonorable dismissal (PTDH), after receiving a criminal penalty assessed by the general court that has permanent force.

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