

Narcotics Investigation Authority in Handling Criminal ACTS of Narcotics Distribution Committed by Minors in the Jurisdiction of the Bali Regional Police

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Abstract

The authority of narcotics investigators in handling narcotics trafficking crimes committed by minors in the jurisdiction of the Bali Regional Police has been regulated in the Criminal Procedure Code where the Republic of Indonesia police officers or certain civil servant officials are given special authority by law to conduct investigations. Law No. 2 of 2002 concerning the Republic of Indonesia Police in Article 16 In order to carry out the duties of investigators as referred to in Articles 13 and 14 in the field of criminal proceedings, the Authority of Police Investigators Based on Law Number 35 of 2009 concerning Narcotics and the Authority of Investigators based on Law Number 11 of 2012 concerning Juvenile Justice, where Investigations into Juvenile cases are carried out by Investigators appointed based on the Decree of the Chief of the Republic of Indonesia Police or other officials appointed by the Chief of the Republic of Indonesia Police. Obstacles to Investigations: National Police investigators face various obstacles in investigating narcotics cases involving children within the jurisdiction of the Bali Regional Police. Obstacles to handling include limitations in the quality and quantity of investigators, as well as limited time to complete case files. Children involved often experience communication difficulties and are uncooperative, as well as the child's absence during summons, and the inability of parents to accompany them during the investigation.

Keywords : Narcotics investigation authority, drug trafficking, and children.

Introduction

Drugs are a crime that will destroy the nation's future, as a growing number of people are falling victim to them. The consequences can include physical suffering, mental illness, and even death. Based on experience in treatment, many experts state that drug abuse cannot be cured normally. At most, recovery can only approach 80% of the normal rate. Even then, this requires significant costs.

The abuse and trafficking of narcotics, psychotropic drugs, and other dangerous drugs, often referred to as narcotics, is a never-ending topic. The various methods employed to facilitate illicit drug trafficking pose a threat to national security and stability. Illicit drug trafficking poses a security threat involving several countries, thus requiring international cooperation. Drug crimes are not only committed by adults; they have also spread to children as perpetrators. Children are part of the younger generation, representing the potential and future successors of the nation's ideals. They require special guidance and protection to ensure balanced physical, mental, and social growth and development.

The increase in narcotics cases has led to an approach that places greater emphasis on resolving

crimes outside the courts, often referred to as restorative justice. Restorative justice is only applied to the resolution of minor crimes, cases involving children, women in conflict with the law, and narcotics cases. Specifically for narcotics cases, the application of Restorative Justice can only be applied to addicts, abusers, drug dependencies, victims of abuse, and one-day narcotics users.

By looking at the background above, the following problem formulations can be drawn: first, the authority of narcotics detectives in handling narcotics trafficking crimes committed by minors in the jurisdiction of the Bali Regional Police; second, the obstacles of narcotics detectives in handling narcotics trafficking crimes committed by minors in the jurisdiction of the Bali Regional Police.

This study aims to determine the authority of narcotics detectives in handling narcotics trafficking crimes committed by minors and the obstacles of narcotics detectives in handling narcotics trafficking crimes committed by minors in the jurisdiction of the Bali Regional Police.

Methods

The research method used in this study is a normative research method supported by empirical research that uses various types of primary legal materials in the form of laws and regulations and secondary legal materials in the form of library materials related to the authority of narcotics investigation as sources of research material. Johnny Ibrahim is of the opinion that normative legal research is a form of scientific research aimed at finding the truth based on the logic of legal science reviewed from the normative part, or which is in the form of an effort to discover law that is adapted to a particular case.

Results and Discussion

Narcotics Investigation Authority in Handling Narcotics Trafficking Crimes Committed by Minors in the Bali Regional Police Jurisdiction

Drug abuse refers to someone using narcotics without the knowledge or supervision of a doctor. Repeated drug abuse can lead to dependence, whether mild or severe. The severity of this dependence is measured by the extent to which the person can wean themselves off the drugs they use.

Mashuri Sudiro, in his book "Islam Against Drugs," mentions several characteristics of drug addiction, including: a. An overpowering desire to obtain the drug, and the person will resort to any means necessary to obtain it. b. Psychological dependence, whereby if the drug is not available, it can lead to feelings of restlessness, anxiety, confusion, depression, and other mental health issues. c. Physical dependence, whereby if the drug is not available, the addict will experience excruciating pain throughout the body, commonly referred to as withdrawal symptoms.

The Indonesian National Police, as a government agency responsible for maintaining public order and security, law enforcement, protection, and service to the public in the context of maintaining

domestic security, faces numerous challenges both internally and externally in carrying out its functions. Relations and cooperation within the Indonesian National Police are a means to address these challenges and to facilitate the implementation of functional police duties, both operationally and in the developmental areas. Therefore, it is necessary to collaborate with local government elements, law enforcement agencies, other agencies, institutions, and communities within the country, as well as with other police and law enforcement agencies abroad, including international organizations. Furthermore, it is necessary to optimize and mobilize all available resources within the Indonesian National Police, both through efforts to improve human resource capabilities, equipment, systems and methods, and limited operational areas.

The objectives of the cooperation encompass all matters within the authority of the autonomous police, including operational tasks, technical cooperation, education, and training. The objectives of the cooperation are a primary factor in determining the form of cooperation to be implemented. In relation to the implementation of police cooperation, a liaison officer is established to facilitate its implementation. Any collaboration between the Indonesian National Police and other parties can have both positive and negative impacts. These negative impacts must be mitigated in such a way as to prevent and avoid decisions by Indonesian National Police officials that conflict with the principle of neutrality in carrying out their duties, functions, and roles. Therefore, the procedures for implementing cooperation between the Indonesian National Police and other parties need to be regulated in this Government Regulation.

In conducting investigations into children's cases, investigators are required to seek advice or suggestions from community guidance counselors after the crime has been reported or complained about. (If deemed necessary, investigators may seek advice or counsel from educational experts, psychologists, psychiatrists, religious leaders, professional social workers or social welfare workers, and other experts. When examining child victims and child witnesses, investigators are required to request a social report from a professional social worker or social welfare worker after the crime has been reported or complained about.)

In fact, diversion can also be described as a system in which a facilitator manages the process of resolving disputes between conflicting parties to reach a satisfactory resolution, a form of restorative justice. The tradition and mechanism of deliberation and consensus are concrete manifestations of strengthening the laws that have existed in society for a long time. Therefore, the essence of restorative justice is healing, moral learning, community participation and concern, dialogue, forgiveness, responsibility, and the creation of change, all of which serve as guidelines for the restoration process from a restorative justice perspective.

The Indonesian National Police (Polri), which plays a role in maintaining security and order, enforcing the law, providing protection, shelter, and community service, and carrying out law enforcement duties, has duties, functions, and authorities in the field of Criminal investigations are

carried out professionally, transparently and accountably in every criminal case in order to realize the supremacy of law that reflects a sense of justice. Since July 25, 2012, the Indonesian National Police have started to implement Regulation No. 14 of 2012 concerning Criminal Act Management.

The purpose of establishing Perkap no. 14 of 2012 is to provide a guideline for the Police institution, especially those related to the duties of the Police, Perkap no. 14 of 2012 regulates the principles of the duties of the Police therefore it is necessary to immediately understand by all members of the Police, especially those related to the process of investigating criminal acts. The birth of Perkap no. 14 of 2012 concerning the management of criminal investigations is also intended to create orderly administration in the field of investigations and the creation of legal certainty, so that comprehensive investigation management is carried out including planning, organizing, supervising and controlling effectively. Investigation management Perkap No. 14 of 2012 concerning Criminal Investigation Management explains that from Investigation Management is a series of investigation activities that include planning, organizing, implementing, supervising and controlling. Implementation of Investigation Management of the Republic of Indonesia National Police According to Perkap No. 14 of 2012 Implementation of investigative management, part one is planning, investigators are required to create an investigation plan that is submitted to the investigator's superior in a hierarchical manner. The second part in the investigation management of Perkap no. 14 of 2012 is Organization. The investigator's superior is required to organize all available resources aimed at forming an investigative team, supporting the investigation budget and equipment support. The third part in the investigation management of Perkap no. 14 of 2012 is implementation which consists of Investigation, SPDP (Notification Letter of Commencement of Investigation), Coercive Measures, Examination, Case Title, Settlement of Case Files, Submission of Case Files, Submission of Suspects and Evidence, and Termination of Investigation. The fourth part of the investigation management of Perkap no. 14 of 2012 is supervision and control. The subjects of supervision and control of investigations are the investigator's superior and the official carrying out the investigation supervision function. The objects of supervision and control of investigations and inquiries are the investigating officers and investigators.

Obstacles to Narcotics Investigation in Handling Narcotics Trafficking Crimes Committed by Minors in the Bali Regional Police Jurisdiction

In carrying out their duties to maintain security, provide protection, order, and tranquility in society, the police have duties and authorities. These duties and authorities are regulated by Law Number 2 of 2002 concerning the Indonesian National Police. The police are also tasked with conducting inquiries and investigations as stipulated in the Criminal Procedure Code (KUHAP). Investigations and inquiries are distinct. An investigation is a series of actions by investigators to locate and identify an event suspected of being a crime in order to determine whether or not an investigation can be conducted according to the procedures stipulated in the law.

Several factors contribute to drug abuse, which are outlined as follows: 1. Economic factors. Economic circumstances can basically be divided into two: good economic circumstances and poor economic circumstances. In good economic circumstances, people can easily meet their needs. Conversely, in poor economic circumstances, meeting needs is very difficult, therefore people will try to escape the economic pressure. 2. Curiosity or Experimentation Factors. Crimes with this motive are usually committed by novice users or children or adolescents. The high curiosity of children and adolescents has led to a rise in drug crimes at the Denpasar Police Department over the past three years. 3. Environmental factors. These environmental factors include the residence, school, or workplace, and other social environments. These three environments can negatively influence a person, meaning that the effects of these environmental interactions can lead to positive behavior or negative consequences.

The policy for combating and eradicating drug crimes within the jurisdiction of the Bali Regional Police is part of legal policy. This policy represents a comprehensive effort to create a healthy young generation and improve community welfare. This aligns with the opinion of Soehardjo Sastro Soehardjo, as quoted by Wisnusubroto and G. Widiatna who stated: Legal policy doesn't stop after a law is enacted, but rather, this is where problems begin to arise, both those anticipated or calculated from the outset and those that arise unexpectedly. Each law requires a long period of time to determine the extent to which its legal policy objectives can be achieved. If the results are expected to be difficult to achieve, are changes or adjustments necessary?

The development of drug abuse crimes in Bali can be seen based on age, occupation, gender, and background. This can be seen in the table below.

No	Age Level	Number of Narcotics Crime Perpetrators		
		2022	2023	2024
1	<15 Years	1	-	-
2	16-19 Years	46	38	48
3	20-24 Years	164	171	233
4	>30 Years	450	569	560
Total		661	778	841

Source: Bali Police Narcotics Directorate

Drug crimes in Bali are of no age. Between 2022 and 2024, 1,579 people were predominantly aged 30 and over. This is because those over 31 are predominantly financially secure, making it easier for them to commit drug crimes in Bali. This has raised public concern, necessitating serious action by the government and the community to combat drug crime.

Drug crime in Bali is particularly concerning, especially since perpetrators are not limited to

men or children but also women. The involvement of both men and women in drug crimes requires serious attention from all parties, including the government, law enforcement, and the community. This will make drug trafficking easier to combat.

Based on the provisions of Article 9 and data on children who are suspects in drug crimes, children who become couriers are usually aged 15-17 years or still minors, so the diversion process must be prioritized over the formal judicial process. The concept of diversion diverts cases from formal to informal processes to protect children in conflict with the law. Several police forces in Indonesia have implemented this concept. To provide legal protection to children, investigators handling these cases are policewomen (Polwan) who have an interest, concern, dedication, and understanding of children's issues. Investigations by Polwan are intended to examine suspects in a family atmosphere, taking into account advice from community counselors, education experts, mental health experts, and so on. The examination of child perpetrators of crimes is carried out in a special room and is confidential. If the diversion process does not reach an agreement or the diversion agreement is not implemented, investigators will continue the case to the juvenile criminal justice process in accordance with applicable laws, namely Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The Bali Regional Police have undertaken various law enforcement efforts against perpetrators of drug abuse and illicit trafficking in Bali Province. According to the author, the Bali Regional Police's investigations of children who commit drug abuse crimes have been carried out in accordance with applicable legal regulations, namely Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, as well as other related laws. This law enforcement closely adheres to social norms, especially those related to minors.

Obstacles to investigating children as perpetrators of narcotics crimes in the Bali Regional Police involve several factors. External obstacles include difficulty obtaining witnesses due to public reluctance to provide information, delays in reporting that damage the crime scene, lack of evidence, and excessive action by some police officers. Obstacles related to child suspects include uncooperative and emotional behavior, children taking longer to answer questions, pressure from narcotics networks, short detention times, limitations in the application of diversion, and lengthy rehabilitation processes. Obstacles to the quality of law enforcement include a lack of understanding of diversion, slow and unproactive law enforcement in handling cases, weak integrity, and a lack of professionalism. Obstacles to the quantity of investigators include a lack of trained investigators, a disproportionate workload, and an inadequate number of investigators, which impact the quality of service and protection for the community. Overall, to overcome these obstacles, it is necessary to improve understanding of diversion, enhance integrity and professionalism, and increase the number and training of investigators.

Conclusion

The authority of narcotics investigators in handling narcotics trafficking crimes committed by minors in the jurisdiction of the Bali Regional Police has been regulated in the Criminal Procedure Code, Law No. 2 of 2002 concerning the Republic of Indonesia Police in Article 16, Law No. 35 of 2009 concerning Narcotics and the Authority of Investigators Based on Law No. 11 of 2012 concerning Juvenile Justice. Obstacles in investigating narcotics cases involving children in the jurisdiction of the Bali Regional Police include limitations in the quality and quantity of investigators, as well as limited time to complete case files.

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