

Legal sanctions against members of the National Police who Abusing Narcotics at Bengkulu Police Station

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ABSTRACT

Today narcotics crime is seen as a crime that is an enemy of humanity, therefore countries in the world including Indonesia continue to struggle to eradicate this crime. The issues raised in writing this thesis are Law Enforcement Against Members of the Police Who Abuse Narcotics and Psychotropics, how to regulate and Criminal Sanctions against the National Police who commit Narcotics Crimes, and how to apply criminal sanctions and a code of ethics to the National Police as perpetrators of Narcotics Crimes. The research method used in this paper is the normative juridical research approach. The normative juridical method in which this research examines the literature or secondary data which includes books and legal norms contained in statutory regulations, legal principles, legal rules and legal systematics and also examines the provisions of statutory regulations and legal materials others. From this research it can be concluded that 1) The process of law enforcement against members of the police who are caught in cases of criminal acts of narcotics abuse is in accordance with the applicable laws and regulations, in which in the process all people are equal in the eyes of the law, even in law enforcement the suspects is a member of the police, the sentence can be more severe. This is because the suspect is a law enforcement officer who should carry out a position order to fight narcotics, but the suspect is involved in a criminal case of drug abuse. 2) The process of enforcing the police professional code of ethics against members of the police who are caught in criminal cases of narcotics abuse in fact has not been carried out properly where the police do not immediately take firm action against members who are caught in criminal cases of narcotics abuse, as if the police are still protecting their members and are considered after their members have tried in general court and found guilty of committing a narcotic crime.

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Introduction

The aim of recognizing legitimate norms in public and state life, the duty and ability of the National Police to always maintain the region and be reliable is important, regardless of law enforcement, supporters and examiners. The police carry out their professional responsibilities for the upholding of justice based on the law for the benefit of the community through the provision of legal services, including efforts to empower the community to realize their basic rights before the law (Prasetyo, 2011).

Because he is one of the leaders of the National Police in maintaining public order, he does not only solve cases. A drug or substance that is useful in medicine, health care, or development but can be very dangerous if used without careful trial and supervision is one type of substance known as a "narcotic".

It is a mistake in Indonesia to import, ship, produce, develop, store, spread and use opiates without strict management and ignore related regulations and guidelines because it is very inhibiting and represents a very big danger to life, society, country. and public safety.

Romli Atmasasmita exemplified the following: The manufacture, storage, distribution, and use of narcotics other than violations and supervision that are sexy and contrary to applicable regulations are a major danger to humans and the life of the State in the fields of politics, security, economy, social, culture (Romli Atmasasmita, 2016).

Based on paragraph (1) of Article 29 of Law Number 2 Members of the National Police based on the results of a survey report in 2002 by the National Police. This shows that the National Police was developed as a subject. military law and is a civilian. Narcotics enforcement police officers are able to achieve discipline and ethics because every mandatory police officer is responsible for the upholding of the law as well as the reputation, good name, and dignity of the Indonesian National Police (see Article 5 letter a PP 2/2003 jo). Article 6 and Article 7. (14/11 Perkapolri).

As soon as the police officer is over, the criminal verdict must be dated in accordance with Article 12 paragraph (1) letter a of PP No. Dismissal of Members of the National Police of the Republic of Indonesia (PP 1/2003): Members of the National Police of the Republic of Indonesia are dismissed without fear from the service of the National Police of the Republic of Indonesia in the following cases: Imprisonment is referred to as a "court decision" when it has reached maximum capacity, and also referred to as "the consideration of untenable officials to remain in the service of the National Police of the Republic of Indonesia."

Therefore, a member of the National Police can only be dishonorably dismissed if the competent authority determines that he or she cannot be retained in the police service, even though the conviction is based on a decision that has permanent legal force. After a hearing with the National Police Professional Code of Ethics Commission (Article 12 paragraph [2] PP 1/2003), police members were fired.

These crimes are investigated by legal officials, such as police, prosecutors, judges, and correctional officers. The police are responsible for conducting investigations in the judicial realm. The police are authorized to prevent and eradicate criminal acts as well as the responsibility to maintain security throughout the territory of the Unitary State of the Republic of Indonesia as implementers and law enforcers. The police are obliged to carry out their duties and authorities as law enforcers because it is the foundation for the implementation of the justice system. In some cases, law enforcement officials abuse their authority by participating as users or dealers in drug and psychotropic drug abuse.

Although members of the National Police are also civilians, the procedures for investigating cases are different from other citizens because members of the National Police are also subject to disciplinary rules and codes of ethics that must also be obeyed.

No, in law. Regarding Narcotics, Article 1 of Law Number 35 of 2009, "Narcotics are substances or drugs both synthetic and semisynthetic derived from plants or non-plants that can change or regulate consciousness, cause taste, reduce or eliminate pain, and cause dependence. These substances or drugs are divided into categories in this law".

The special criminal law governing drug crimes in Indonesia aims to fill the legal vacuum in drug crime enforcement and anticipate the rise of transnational crime (Dewi & MH, 2017).

A state that ensures the safety of its citizens is capable of realizing a civilized, just, prosperous, and civilized society. Internal security is organized so that the National Police of the Republic of Indonesia (POLRI) can carry out its responsibilities, which include maintaining public order and security, law enforcement, protection, and community services.

The views and actions of POLRI members are related to the Police Professional Code of Ethics. In particular, the Main Guidelines of the National Police Number regulate the Principles of Police Competency: 7 of 2006. The set of standards or guidelines on which the single ethical or philosophical basis is the Police Professional Code. Ethics. These include rules of conduct and speech about whom, regardless of professional background, is legally responsible. In the event that the offense is the ongoing use of massively destroyed illegal drugs by the government,

The author is interested in raising this problem in a scientific paper entitled "LEGAL SANCTIONS AGAINST MEMBERS OF THE NATIONAL POLICE WHO ABUSE NARCOTICS AT THE BENGKULU POLICE STATION".

Based on the background presented, the problems are: 1. What are the legal sanctions against POLRI members who abuse narcotics at the Bengkulu Police Station? 2. What are the legal obstacles against POLRI members who abuse narcotics at the Bengkulu Police Station?

The purpose of this study is to determine the function of the POLRI in dealing with cases of abusing narcotics at the Bengkulu Police Station and to find out legal obstacles against POLRI members who abuse narcotics at the Bengkulu Police Station.

Research methods

In conducting research to be carried out optimally, the research uses several methods as follows: According to Bambang Sunggono, that "Population is a whole or set of objects with the same characteristics. A population can be a set of people, things (living or inanimate), occurrences of cases, times, or places with similar properties or traits".

H. Zainal Asikin, stated that "Population or universe is a whole unit or human being (can also be in the form of symptoms, or events) that have the same characteristics". For example, all police.

The population in this study is all parties involved, in tackling narcotics crimes at the Bengkulu Police Station.

J. Supratno continued, that "Sample is a kind of data collection method that is not comprehensive, meaning that it does not include all objects of investigation (population / universe), but only part of the population, which includes samples taken from the population".

The sampling method in this study used purposive samples that were deliberately chosen because there were certain purposes and objectives that were considered representative of the population as a whole. So the samples in this study are:

- Three reserse members at the Bengkulu Police Station.
- Three people were seen in the Bengkulu Police Department.
- Three kanit privos Bengkulu Police.
- Three police officers perpetrated crimes at the Bengkulu Police Station

Results and Discussions

1. Definition of Legal Sanctions

Law is a rule that must be obeyed and obeyed that is coercive and if violated, sanctions will be imposed in accordance with applicable regulations.

According to Teguh Prasetyo, the definition of criminal law according to several legal experts is:

- a. Moeljatno said that the Criminal Law is part of the overall law in force in a country, which establishes the basics and rules for:
 1. Determine which acts may not be done, which are prohibited, and which are accompanied by threats or sanctions in the form of certain crimes for those who violate the prohibition.
 2. Determine when and in what cases those who have violated the prohibitions may be imposed or imposed on as threatened.
 3. Determine in what manner the criminal imposition can be carried out if any person is suspected of violating the prohibition. (Bambang Poernomo, 1985: 19-22).
- b. Satochid kartanegara, that criminal law can be viewed from several angles, namely:
 1. Criminal Law in an objective sense, that is, a number of regulations containing prohibitions or imperatives for violations are threatened with punishment.
 2. Criminal law in an objective sense, that is, a number of regulations containing prohibitions or imperatives for its violation are punishable by punishment.
- c. Soedarto said that criminal law is a negative sanction system, it is applied, if other means are inadequate, then criminal law is said to have a subsidiary function. Crime also includes an act (maatregelen), after all a suffering, something that is felt uncomfortably by others who are regarded, therefore, the nature and purpose of the crime and punishment, for reasons of criminal justification.

According to Frans Marimis, the definition of criminal law according to some experts: (Pemidanaan, n.d.)

1. W.P.J. Pompe that criminal law is the entirety of legal regulations that determine what behaviors should be punished and what penalties should be imposed.
2. According to G.A. Van Hamel, criminal law is all the basis and rules adopted by a State in maintaining legal order (rechtsorde) namely by prohibiting what is contrary to the law and imposing a penance on those who violate these prohibitions.
3. According to D. Simons, the penal code is the entirety of orders and prohibitions, the violation of which is punishable by a specific "criminal" by the State or another public law society, the entire regulation determining the conditions for the effect of that law, and the overall provisions for imposing and executing the crime.

According to Wirjono Prodjodikoro, the definition of criminal law is: "legal regulation on crime. The word "criminal" means things that are "criminalized", that is, those that are delegated to an individual by an individual as things that are not pleasant to him and also things that are not daily devolved".

Of course, there is a reason for assigning this crime, and this reason should have something to do with a circumstance, in which an individual concerned acts unkindly. So the element of "punishment" as a retaliation is implied in the word "criminal".

2. Definition of Police

The definition of POLRI throughout history has had several different meanings as well as the terms given by each State to the definition of police are different because each State tends to give terms in its own discussion. For example, the term *costable* contains a certain meaning for the definition of police *costable* contains two kinds of meanings, first as a designation for the lowest rank among the police (police *costable*) and second means police station (office *costable*).

The term police originally came from the Greek (*Politieia*) which means all orders of the city-state. From there it can be seen that the term (police) is used to refer to part of the government.

According to Momo Kelana, the definition of police has similarities from various countries including:

"The definition of police has many similarities in various countries. For example, the British (police) are the custodians of public order and the protection of persons and their possessions from circumstances which in estimation may constitute a danger or public disturbance and unlawful acts. Whereas in Germany (*polizet*) is a body that provides answers to problems of duty and authority in order to deal with danger or disturbance of security and order or unlawful acts".

Then according to Momo Kelana again, said the meaning of the Indonesian National Police (POLRI) is "a government institution of the Republic of Indonesia tasked with ensuring order and law enforcement and fostering public peace aimed at maintaining unity in police policy and technical implementation".

According to the provisions of Article 1 Number 1 and Article 4 of Law No. 8 of 1983 concerning the Criminal Code, it is stated:

Article 1 Number 1 reads: "Investigators are officials of the National Police of the Republic of Indonesia or certain Civil Service officials who are specifically authorized by law to conduct investigations".

According to the provisions of Article 1 Number 1 and 4 of Law No. 8 of 1983 concerning the implementation of the Code of Criminal Procedure, state that:

1. Investigators are
 - a. Certain police officers of the Republic of Indonesia have at least the rank of Assistant Second Lieutenant of Police.
 - b. Certain civil servant officials who have at least the rank of Junior Regulator Level 1 (Class II/b) or likened thereto,
2. In the event that in a police sector there is no investigating officer as referred to in paragraph (1) letter a, the commander of the police sector shall hold the rank of non-commissioned officer below Assistant Second Lieutenant of Police, because his position is investigator.
3. The investigator as referred to in Paragraph (1) point a, shall be appointed by the Chief of Police of the Republic of Indonesia in accordance with the prevailing

laws and regulations.

4. The authority of appointment as referred to in Paragraph (3) may be delegated to officials of the National Police of the Republic of Indonesia in accordance with applicable laws and regulations.
5. The investigator as mentioned in Paragraph (1) point b, shall be appointed by the minister on the proposal of the department subordinating the employee.

According to Sudarsono, states that the State police are "State employees or members of government bodies with government duties and supervision".

3. Definition of Narcotics

According to Subagyo Partodiharjo, the definition of narcotics is:

Narcotics are substances or drugs, either derived from plants, synthesis, or semisynthesis, which can cause a decrease or change in consciousness, loss of taste, reduce to relieve pain, and can cause dependence. In general, narcotics have the ability to reduce and change consciousness (anesthetic) and reduce or even eliminate pain (analgetics). In the world it is used to anesthetize people who will be operated on so that they do not feel pain during surgery. In addition, narcotics are also used for cough suppression drugs (antitusiva) and pain suppression drugs (analgetics).

Ida Listyarini Handoyo stated that children in general become drug users initially just on a whim, want to try and so on, but the nature of drug compounds that can cause addiction makes the user not free from drug traps.

Conclusion

In addition to the judiciary, advocates, and prosecutors, the responsibility of the police to protect the public and implement legal principles in public and state life is an important consideration. The police carry out their professional responsibilities for the upholding of justice based on the law for the benefit of the community through the provision of legal services, including efforts to empower the community to realize their basic rights before the law. He is more than just solving criminal cases because he is one of the leaders of the National Police in maintaining public order. One type of substance known as "narcotics" is a drug or substance that is useful in medicine, health care, or development that can be very detrimental if used without careful trial and supervision.

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