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Article Title

Law Enforcement against Narcotics Offenses in Makassar City: Effectiveness and Influencing Factors

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ABSTRACT

This research aims to identify and analyze the enforcement of laws against narcotics offenses in Makassar City, as well as the factors influencing such enforcement. The study employs empirical legal research methodology, primarily utilizing field research supported by collected data and interviews. The research was conducted in Makassar City. The findings indicate that law enforcement against narcotics and psychotropic offenses in Makassar City has not been fully effective. This is attributed to several influencing factors: the legal framework itself, law enforcement officials, facilities and infrastructure, the community, and cultural factors. Community awareness and support for law enforcement efforts in combating narcotics and psychotropic abuse are deemed necessary. Furthermore, improved alignment between prosecutorial demands and judicial verdicts is required, given that narcotics and psychotropic offenses pose a significant threat to society and jeopardize the future of the younger generation.

Keywords: Law Enforcement; Makassar City; Narcotics Offenses; Psychotropics.

INTRODUCTION

The development of society across various aspects of life is becoming increasingly complex, giving rise to numerous challenges emerging within communities, prominently including the issue of narcotics and psychotropic substances. Current trends in illicit narcotics trafficking indicate that Indonesia is no longer merely a transit country but has also emerged as a producer, with certain substances such as cannabis, ecstasy, and methamphetamine being distributed internationally.

This rise in narcotics offenses is generally attributed to two primary factors: firstly, the allure of substantial profits for traffickers, and secondly, the perceived promise of tranquility or escape from psychological burdens for users. This latter perception diminishes the fear of apprehension and may even foster a sense of boldness (Satriana, 2015). Such conditions facilitate the establishment and persistence of illicit narcotics trafficking networks. Despite the enactment of Law Number 35 of 2009, it appears insufficient to curb the escalating illicit narcotics trade.

Empirical evidence, widely reported in mass media, confirms Indonesia's position within international narcotics trafficking networks. This international criminal activity demonstrates a qualitative and quantitative escalation towards transnational organized crime, operating across national borders and involving regional as well as international collaboration (Olii, 2005). The categorization of such activities as international crimes is typically based on international conventions, customary international law, general principles of international law, and legal doctrine. Consequently, an in-depth examination of the effectiveness of law enforcement against narcotics offenses and its influencing factors within Makassar City is urgently warranted.

Based on the foregoing discussion, this research aims to investigate and analyze the enforcement of laws against narcotics offenses in Makassar City, along with the factors influencing its effectiveness.

METHOD

This study employs empirical legal research, a methodology that examines law within its social context, specifically pertaining to the enforcement of laws against narcotics offenses (Sampara & Husen, 2016). The research was conducted in Makassar City, justified by the phenomenon of widespread illicit trafficking and abuse of narcotics and psychotropics in the area, which has reportedly led to a significant increase in cases compared to other regions. The types and sources of data utilized in this study include both primary and secondary data (Irwansyah, 2020):

1. Primary Data: Data collected directly from respondents in the field via interviews.
2. Secondary Data: Data gathered through literature review, encompassing primary legal materials, secondary legal materials, and tertiary legal materials.

The necessary data were collected using the following techniques (Qamar & Rezah, 2020):

1. Literature Review: This involved examining relevant legislation, academic books, scholarly journals, prior legal research findings pertinent to the research problem, as well as dictionaries and encyclopedias.
2. Field Research: This was conducted using direct, open-ended interview techniques. These involved question-and-answer sessions designed to elicit unrestricted information and detailed responses from participants, ensuring the data collected were pertinent to the research objectives.

The collected data were analyzed qualitatively. This process involved describing the data and facts gathered during the field research, followed by interpretation and evaluation to draw meaningful conclusions relevant to the study.

RESULTS AND DISCUSSION

A. Narcotics Law Enforcement in Makassar City

In general, the judicial process for narcotics and psychotropic offenses mirrors that of other criminal acts; however, their handling is prioritized. Pursuant to Article 74 section (1) of Law Number 35 of 2009, it is stipulated that:

“Cases involving the abuse and illicit trafficking of Narcotics and Narcotics Precursors are prioritized over other cases for submission to the court to ensure swift resolution.”

Furthermore, regarding the authority to investigate narcotics and psychotropic cases, this power is vested in investigators from the Indonesian National Police and the National Narcotics Agency. Article 81 of Law Number 35 of 2009 stipulates that:

“Investigators from the Indonesian National Police and National Narcotics Agency investigators are authorized to conduct investigations into the abuse and illicit trafficking of Narcotics and Narcotics Precursors under this Law.”

According to Ahmad Budiarto¹, a challenge encountered in enforcing narcotics laws is the occasional reluctance of community members to serve as witnesses. This reluctance stems from concerns about potentially incriminating the defendant in court, straining personal relationships, or even facing hostility from the family of the suspected narcotics offender.

The trend in the number of Narcotics and Psychotropic abuse cases, based on data obtained from the South Sulawesi Provincial National Narcotics Agency, is presented in the following table.

Table 1. Number of Narcotics and Psychotropic Abuse Cases in South Sulawesi Province, 2016-2018

No.	Case Type	Year		
		2016	2017	2018
1	Narcotics	1,752	1,692	1,725
2	Psychotropics	39	97	95
3	Hazardous Materials	-	-	-
TOTAL		1,791	1,789	1,820

Data Source: South Sulawesi Provincial National Narcotics Agency, 2019

Table 1 above indicates that the South Sulawesi Provincial National Narcotics Agency handled 1,752 narcotics cases in 2016. This number decreased to 1,692 cases in 2017, before increasing again to 1,725 cases in 2018. Regarding psychotropic cases, there were 39 cases in 2016, which increased to 97 cases in 2017, and then slightly decreased to 95 cases in 2018. These empirical facts signify that the number of narcotics and psychotropic cases fluctuated between 2016 and 2018. However, when aggregating both narcotics and psychotropic cases, the total was 1,791 cases in 2016, 1,789 cases in 2017, rising to 1,820 cases in 2018. Thus, the combined number of narcotics and psychotropic cases showed an overall increase during this period.

¹Interview with Ahmad Budiarto, Investigator, South Sulawesi Provincial National Narcotics Agency, June 12, 2019.

Furthermore, the research findings reveal the number of suspects involved in Narcotics and Psychotropic abuse in South Sulawesi Province, as shown in the following table.

Table 2. Number of Suspects in Narcotics and Psychotropic Abuse Cases in South Sulawesi Province, 2016-2018

No.	Suspect Category	Year		
		2016	2017	2018
1	Narcotics	2,583	2,575	2,436
2	Psychotropics	51	137	117
3	Hazardous Materials	-	-	-
TOTAL		2,634	2,712	2,553

Data Source: South Sulawesi Provincial National Narcotics Agency, 2019

Table 2 above shows that the South Sulawesi Provincial National Narcotics Agency handled cases involving 2,583 narcotics suspects in 2016, which decreased to 2,575 suspects in 2017. Similarly, the number further decreased to 2,436 suspects in 2018. Consequently, the number of suspects in narcotics cases experienced a decline from 2016 to 2018. Conversely, for psychotropic cases, there were 51 suspects in 2016, increasing to 137 suspects in 2017, and then decreasing to 117 suspects in 2018. However, when aggregating the number of suspects for both narcotics and psychotropic cases, there were 2,634 suspects in 2016, 2,712 suspects in 2017, and 2,553 suspects in 2018. Therefore, the total number of suspects in narcotics and psychotropic cases fluctuated over this period.

Further details regarding the number of suspects in Narcotics and Psychotropic abuse cases categorized by gender in South Sulawesi Province are presented in the table below.

Table 3. Number of Suspects in Narcotics and Psychotropic Abuse Cases by Gender in South Sulawesi Province, 2016-2018

No.	Gender	Year		
		2016	2017	2018
1	Male	2,479	2,506	2,392
2	Female	155	206	161
TOTAL		2,634	2,712	2,553

Data Source: South Sulawesi Provincial National Narcotics Agency, 2019

Table 3 above indicates that in 2016, there were 2,643 suspects, comprising 2,479 males and 155 females. In 2017, there were 2,712 suspects, consisting of 2,506 males and 206 females. Whereas in 2018, there were 2,553 suspects, with

2,392 males and 161 females. Thus, the majority of suspects during this period were male.

Subsequently, after investigators complete the investigation, the case file is submitted to the public prosecutor. Upon receiving the case dossier submitted by the prosecution, the district court determines its jurisdiction to adjudicate the narcotics or psychotropic case based on Article 152 section (1) of Law Number 8 of 1981.

Regarding law enforcement data at the South Sulawesi Provincial National Narcotics Agency, Ahmad Budiarto stated that:

“Essentially, Law Number 35 of 2009 also recognizes the concept of rehabilitation. There are two types: medical rehabilitation and social rehabilitation. Medical rehabilitation is an integrated treatment process aimed at freeing addicts from narcotics dependence. Social rehabilitation, on the other hand, is an integrated recovery process—physical, mental, and social—enabling former Narcotics addicts to reintegrate into society and resume their social functions.”

The legal basis for rehabilitation is provided in Article 54 of Law Number 35 of 2009, which stipulates that *“narcotics addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation.”*

Table 4. Number of Rehabilitation Clients at the South Sulawesi Provincial National Narcotics Agency, 2016-2018

2016	2017	2018
1,196 Clients	920 Clients	1,136 Clients

Data Source: South Sulawesi Provincial National Narcotics Agency, 2019

Based on Table 4 above, the number of rehabilitation clients was 1,196 in 2016, decreased to 920 clients in 2017, and subsequently increased to 1,136 clients in 2018. Furthermore, according to Ahmad Budiarto:

“Narcotics addicts and victims of narcotics abuse are required to undergo medical and social rehabilitation. The judge’s verdict determines whether the individual undergoes rehabilitation, based on whether the committed criminal offense is proven. This means a court examination process occurs before a judge’s decision determines rehabilitation. However, even during the criminal justice process—whether at the investigation, prosecution, or court examination stage—investigators, public prosecutors, or judges may request an assessment of the suspect or defendant for placement in a rehabilitation facility without waiting for the final verdict. The assessment team referred to is an integrated assessment team comprising a medical team (including doctors and psychologists certified as assessors by the

Ministry of Health) and a legal team consisting of elements from the National Police, the National Narcotics Agency, the Prosecutor's Office, and the Ministry of Law and Human Rights."

B. Factors Influencing Law Enforcement

The factors influencing law enforcement are inherently neutral; their positive or negative impact depends on the specific content or state of each factor (Husen et al., 2020). These factors include the following:

1. The Legal Factor

Research conducted at the Makassar District Court indicates that narcotics offenses constitute the most frequently tried criminal cases, with narcotics trials observed daily in nearly every courtroom. Consequently, Andi Nur Fitriani stated that:²

"This situation significantly contributes to the backlog of general criminal cases, as substantial time and energy of law enforcers, particularly public prosecutors, are consumed by handling and resolving narcotics cases."

Observing this condition, the Attorney General issued Circular Letter Number B-029/A/EJP/03/2019 dated March 14, 2019, concerning the Submission of Narcotics Offenses and Narcotics Abuse Cases via Summary Examination Procedure, addressed to all Heads of High Prosecutor's Offices throughout Indonesia. This initiative aims to minimize case backlogs by simplifying and expediting the handling of narcotics offense and abuse cases considered to have straightforward evidentiary requirements. The provisions are as follows:

- a. Cases deemed by the public prosecutor to be simple in nature, with straightforward proof and application of law (vide Article 203 section (1) of Law Number 8 of 1981), include those where:
 - 1) The suspect was caught red-handed;
 - 2) The suspect confesses to the act;
 - 3) Narcotics evidence and/or evidence related to narcotics use possessed/ owned/used by the suspect is found; and
 - 4) A laboratory test report confirms the evidence is positive for narcotics.
- b. Narcotics offense cases that cannot be submitted via summary examination procedure are those:
 - 1) Attracting significant public attention;

²Interview with Andi Nur Fitriani, Public Prosecutor, Makassar District Prosecutor's Office, May 2, 2019.

- 2) Involving perpetrators who are public figures, community leaders, and/or public officials;
 - 3) Involving foreign nationals as perpetrators;
 - 4) Involving perpetrators who are part of national or international illegal narcotics trafficking syndicates, and/or involving large quantities of evidence.
- c. Narcotics abuse cases charged under Article 127 of Law Number 35 of 2009 can also be submitted via summary examination procedure if the evidence found when the perpetrator is caught red-handed does not exceed the maximum amount for one day's personal use, detailed as follows:
- 1) Methamphetamine group (shabu): 1 gram
 - 2) MDMA group (ecstasy): 2.4 grams = 8 pills
 - 3) Heroin group: 1.8 grams
 - 4) Cocaine group: 1.8 grams
 - 5) Cannabis group: 5 grams
 - 6) Coca Leaves: 5 grams
 - 7) Mescaline: 5 grams
 - 8) Psilocybin group: 3 grams
 - 9) LSD (d-lysergic acid diethylamide): 2 grams
 - 10) PCP group (phencyclidine): 3 grams

However, the implementation of this procedure has not yet been fully effective due to difficulties in presenting witnesses within the short timeframe required.

2. The Law Enforcement Officials Factor

Law enforcement officials are those directly involved in upholding the law, encompassing not only 'law enforcement' (Akbar & Musakkir, 2022) but also 'peace maintenance'. This includes personnel within the judiciary, prosecution, police, legal advocacy (advocates/lawyers), and correctional services (Bunyamin, 2021). According to Bambang Nurcahyono:³

"Determining guilt relies on evidence such as witness testimony, documentary evidence, indications, physical evidence, and the defendant's statement. Furthermore, judges' legal considerations in rendering a verdict include the basis of the examination, the evidence presented, and the facts revealed during the trial. Once the panel of judges is convinced that the defendant has committed the narcotics or psychotropic offense, they must also consider whether any grounds for excuse or justification exist for the defendant. Therefore, before imposing a sentence, the judges first consider aggravating and

³Interview with Bambang Nurcahyono, Judge, Makassar District Court, August 21, 2019.

mitigating factors related to the defendant. After examining all facts revealed in court, the panel of judges deliberates and reaches a verdict on whether the defendant has been legally and convincingly proven guilty of the narcotics abuse offense, or otherwise."

3. The Facilities and Infrastructure Factor

Effective law enforcement is impossible without certain supporting facilities or infrastructure (Purnawati & Ilham, 2022). Such facilities and infrastructure include, among others, educated and skilled human resources, effective organizational structures, adequate equipment, and sufficient financial resources (Kusuma, 2015). According to Andi Nur Fitriani:

"Constraints faced include a shortage of human resources for prosecution tasks and limited transportation facilities. Considering that Makassar courts handle approximately 200 to 300 defendants daily, only three buses are available to transport defendants from correctional institutions to the courthouse."

4. The Community Factor

Community support is one of the factors influencing the effectiveness of law enforcement (Manangin et al., 2022). According to Ahmad Budiarto:

"A challenge in enforcing narcotics laws is the occasional reluctance of community members to act as witnesses. This stems from concerns about incriminating the defendant in court, potentially straining neighborly relations, or even facing future hostility from the suspect's family."

5. The Cultural Factor

Culture, understood as a subsystem within the broader social system encompassing the structure of formal legal institutions, the relationships between them, associated rights and obligations, and so forth, also influences the problem of narcotics and psychotropic abuse (Nainggolan, 2009; Hariyadi, 2020). Interviews conducted with several defendants at the Makassar District Court revealed that the primary reasons for their descent into narcotics and psychotropic abuse were predominantly curiosity, environmental influences, and economic factors.

Furthermore, the causative factors for narcotics and psychotropic abuse can be categorized into two types: internal and external factors, elaborated as follows (Sitepu, 2011):

1. Internal Factors: These factors originate from within an individual, prompting actions, including those legally classified as criminal offenses. An example includes excessive curiosity, driving individuals to pursue desired experiences, potentially leading to substance use.
2. External Factors:
 - Economic Conditions: These can essentially be divided into poor economic conditions and favorable economic conditions. Favorable conditions may provide easy access or means to acquire substances. Conversely, individuals facing economic hardship may seek escape or alternative means, potentially leading them towards illicit activities or substance abuse as a coping mechanism.
 - Social Environment (Peer Group/Associates): Social circles and environments—including family, school, workplace, and peer groups—can significantly influence an individual's engagement in narcotics and psychotropic abuse. The social environment, particularly peer influence, is identified as highly influential in the occurrence of narcotics and psychotropic abuse in Makassar City.

CONCLUSIONS AND SUGGESTIONS

Law enforcement against narcotics and psychotropic offenses in Makassar City is assessed as being less than effective. This condition stems from the complex interplay of various interconnected influencing factors, encompassing the legal framework or legislation itself, the performance of law enforcement officials, the availability of supporting facilities and infrastructure, the level of community participation and awareness, and the impact of local cultural factors.

To enhance the future effectiveness of law enforcement, concerted efforts are essential to foster public awareness and encourage active community participation in supporting the work of law enforcement agencies to combat narcotics and psychotropic abuse more comprehensively. Furthermore, a careful balance must be achieved between the demands presented by public prosecutors and the verdicts rendered by judges, consistently considering the disturbing societal impact engendered by these types of crime and the serious threat they pose to the continuity of the younger generation. Consequently, a firm stance from all law enforcement officials, particularly in the application of severe and commensurate penal sanctions against perpetrators of narcotics and psychotropic crimes, is crucial for creating a significant deterrent effect while simultaneously protecting the broader community.

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