

# A NEW RULES METHOD DRUG DISTRIBUTION BASED ON COMMUNITY PARTICIPATION IN NORTH SUMATERA

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**Abstract:** *This Paper describe about design of a model Countermeasures Narcotics Crime in North Sumatra, this crime is a very complex crime. The spread is evenly distributed throughout Indonesia with very high numbers including. A method of this paper uses normative legal research specification with sociological juridical approach to see the application of positive law in drug trafficking. Secondary data collected through library study assisted interviews to some informants as a complement, then conducted analytical descriptive explain / describe the data obtained.*

*The legal arrangement of narcotic crime is done according to Law Number 35 Year 2009 on Narcotics. The role of Poldasu ( Police Of North Sumatera) in the prevention of narcotic crime is done through two efforts, namely Penal and non penal, Penal effort is an effort to apply the rule of criminal law contained in the legislation that is repressive (eradicate). This effort was carried out by Poldasu by arresting the perpetrators of narcotic crime and processing according to the legal provisions, non-penal effort is executed by means outside of criminal law in the form of preventive action (prevent) and preemptive (coaching).*

*Obstacles in the role of Poldasu carry out prevention narcotics crime consisting of obstacles to the legislation that there are mismatches and irregularities of regulations mainly relating to rehabilitation for addicts, obstacles from the side of the apparatus that is lack of resources and professionalism, and obstacles from the legal culture of society. Solutions to overcome these obstacles are done by improving human resources, increasing funding, improving technology and establishing and building community participation in helping Poldasu make efforts to overcome narcotics in North Sumatra.*

**Key Words:** *Prevention narcotics crime, New Method, Law in Drug Trafficking.*

## 1. INTRODUCTION:

The problem of illicit trafficking and drug abuse (narcotics and illegal drugs, hereinafter abbreviated to drugs) becomes a very serious problem for every country. Illicit drug trafficking cases continue to occur every year, in addition to that the number of drug users is actually greater than existing data, besides the death rate which is also quite high. Its circulation has also penetrated various segments of society, not only limited to the upper class which causes narcotics to be traded and consumed in any strata and ages, which are important for dealers, the goods are sold. Prevention, rehabilitation and repressive efforts have been carried out by the government and the community.

Drugs consist of various types, including opioids, morphine, codeine, heroin / putaw, marijuana, methadone, cocaine, crack (Law Number 5 of 1997 Concerning Psychotropics). It is also stated that psychotropic substances are substances or drugs, both natural and synthetic, not narcotics which have psychoactive properties, through selective influences on the arrangement of central conditions that cause specific changes in mental activity and behavior. Psychotropic types are amphetamine and ATS (Amphetamine Type Stimulants). In criminal law, psychotropic is classified into several groups.

This classification is based on its potential to cause dependence, as follows: Group I psychotropic namely psychotropic which has the highest dependence power, is used only for scientific purposes and is not used for treatment, group II psychotropic namely group psychotropic that has intermediate dependency, used for medicinal and scientific purposes, group III psychotropics, namely the psychotropic group that has moderate dependence power and group IV psychotropic group, which is a type of psychotropic group that has a low dependency.

Other addictive substances are substances which are not included in narcotics or psychotropic substances, but which cause dependence. The types of addictive substances are alcohol, caffeine / caffeine, nicotine, sedative and hypnotic substances, hallucinogens, and inhalants. Most substances in drugs are actually used for treatment and research, but for various reasons then the drug is abused. The levels of abuse are usually as follows: try, have fun, use at certain times or circumstances, abuse and dependence.

The level of drug abuse in North Sumatra Province is increasing every year, based on data on handling narcotics crimes committed by the North Sumatra Regional Police (POLDA SU). As an illustration, some data that

will become social facts and phenomena of narcotics and other addictive substances in North Sumatra in 2013 and 2014 will be presented:

**Table 1** Drug Crime Recapitulation in 2012 and 2013 in North Sumatra Regional Police

No	Years	Total		Percentage	Total Suspect
		Criminal Act	Criminal Action Settlement		
1.	2012	2.432	2.407	98	3.237
2.	2013	3.094	2.877	93	4.209
3.	2014	3.670	3.420	93	4.828

The data above shows that drug cases in North Sumatra every year (2012-2014) always increase (up). The history of narcotics abuse illustrated in the cases seemed to repeat the outbreak of narcotics abuse in the seventies with a more awesome appearance (Sasangka Day, 2003). Drug addicts at that time were still limited among adolescent children of high-income people or children of officials and entrepreneurs, some were young people of medium or middle-income people, while adolescents who came from low-income families were not yet seen, but in the era of the 2000s, drug users and abusers had entered into all levels, both upper, middle, and even the lower classes.

## 2. LITERATURE REVIEW:

The definition of narcotics according to Law Number 22 of 1997, is the same as the meaning stipulated in the new law, namely Law Number 35 of 2009. The meaning of Narcotics is that narcotics are substances or drugs originating from plants or non-plants, both synthetic or semi-synthetic, which can cause a decrease or change of consciousness, loss of taste, reduce to eliminate pain, and can cause dependence.

The symptoms of crime in the field of narcotics that occur in the United States and several developed countries also influence in Indonesia at almost the same time. Realizing this, the President of the Republic of Indonesia in 1971 issued Instruction No. 6 of 1971 by forming a coordinating body, known as BAKOLAK INPRES 6/71 (Implementing Coordination Board of Instruction Number 6 of 1971), which is a coordinating body (between departments ) all countermeasures against various forms that can threaten the security of the country, namely counterfeiting money, smuggling, the dangers of narcotics, juvenile delinquency, subversive activities and supervision of foreigners. Technological progress and rapid social changes, causing the Narcotics Act inherited from the Netherlands (in 1927) is no longer sufficient. So the government then issued Law No. 9 of 1976, regarding Narcotics. The law regulates, among other things, especially about illicit traffic.

Besides that, it also regulates the therapy and rehabilitation of narcotics victims (Article 32), by specifically mentioning the role of the doctor and the nearest hospital according to the instructions of the minister of health. Narcotics crime that is transnational in nature is carried out using the modus operandi and sophisticated technology, including securing the results of narcotics crimes. The development of the quality of narcotics crime has become a very serious threat to the lives of humanity. To further improve control and supervision as well as increase efforts to prevent and eradicate drug abuse and illicit trafficking, it is necessary to arrange in the form of new laws based on faith and piety towards God Almighty, the benefits of balance, harmony, and harmony, law, and science and technology, and keeping in mind the new provisions in the United Nations Convention on the Eradication of the Narcotics and Psychotropic Dark Circulation which was ratified by Law Number 7 of 1997 concerning the Ratification of the United Nations Convention on the Eradication of the Narcotics and Psychotropic Dark Circulation. The Narcotics Law is expected to be more effective in preventing and combating narcotics abuse and illicit trafficking, including to prevent the territory of the Republic of Indonesia from being used as a venue for transit and narcotics trafficking. Based on the above considerations, it is therefore deemed necessary to renew Law Number 9 of 1976 concerning Narcotics by forming new laws with various amendments to date applicable Law Number 35 of 2009 concerning Narcotics.

The enactment of Law Number 35 of 2009 concerning Narcotics actually also does not answer the problem of Narcotics Addicts. In Law Number 35 Year 2009, Narcotics addicts are people who use or abuse Narcotics and in a state of dependency on Narcotics, both physically and psychologically. But the difficulty for addicts or Narcotics Abusers also turns out to be placed in a difficult position. As part of Victimless Crime (crime victims). Addicts or abusers should not be placed as a crime, unless the group is proven to be a dealer in the Narcotics distribution network. However, national criminal law policies still require the politics of punishment in the form of prison threats. Some threats that can be traced are, for example: Article 127, Article 128, and Article 134, there may also be other provisions in the Narcotics Law.

### 3. METHODOLOGY:

This research is a type of socio legal research. This research means reviewing the regulations relating to the problem, looking at the application in the community then assessing whether the regulations are suitable and then designing how the regulations and policies should be implemented. This research was also carried out with a Research and Development approach.

This research is used to develop new products and / or procedures. The new products and procedures are expected to be a model for tackling drug trafficking.

#### 3.1 Data Collection Techniques.

- Participant observation.

The action taken by the researcher by: 1) being present in the process of resolving child criminal cases, 2) implementing the model assisted by the leadership and court staff, and 3) supervising the application of the model.

- Literature review

Various literatures are studied in developing a mediation model based on restorative justice in the settlement of child criminal cases, books, journals, court decisions, writings in the mass media, all of which have to do with child criminal cases that researchers will review and use for the purposes of discussing descriptive data obtained from the results of exploratory studies.

- Focus Group Discussion

This step is commonly used for government and non-government groups. The data to be discussed is about the effectiveness of mediation of penalties in the context of realizing justice in restoration in the settlement of criminal cases of children in court by presenting legal experts and practitioners.

#### 3.2 Data Analysis Techniques

The data analysis technique was carried out qualitatively. The reason for choosing a qualitative technique is because the final barometer of this study will look at the attitudes and actions of the judges and mediators in the resolution of drug cases.

Qualitative analysis conducted is expected to produce descriptive data, namely what is stated by the sample and the respondent in writing, verbally or real behavior and then set a number of indicators using the transformation transformation approach.

### 4. ANALYSIS AND RESULT:

The north is bordered by the Province of Aceh with a length of  $\pm 270$  Km, this border is the coast, the highlands, and the lowlands. Some of these borders are overgrown by the heaviest forests and the beaches are overgrown with mangrove forests / seaweed, with borders in this way, they can be used to:

- 1) Smuggling through coastal areas, counterfeit money from ASEAN countries and from land routes via public bus transportation, carts and others can be used as cross-border, bringing Marijuana from Aceh to the North Sumatra area.
- 2) Can be used as a runaway offender as well as recidivists and other crimes.

The East side is  $\pm 450$  Km in length, bordering neighbouring countries / ASEAN Malaysia, separated by the Malacca Strait, with such borders this can be used for: 1) Smuggling of ex-foreign goods, Drugs, counterfeit currencies, Infiltration and Subversion. 2) Can be used as a basis for infiltration of left / right anti-independence elements so that they need to be constantly on the lookout for. 3) Can be used as a place to escape drug offenders

South and Southwest bordering the low land area and partly swampy, can provide the possibility to: 1) Development of agricultural areas and the escape of recurrent recidivists. 2) Development of plantation areas such as rubber, coffee, tea, tobacco, rice and others.

West side is bordered by the Indonesian Ocean with a beach length of  $\pm 260$  Km which is partly steep with steep cliffs, flat and gentle. These border areas are likely to be used for: 1) Increasing Tourism especially from the ports of Sibolga, Barus, Gunung Sitoli and Teluk Dalam. 2) Infiltration / Infiltration and Subversion especially by high-powered Foreign Vessels due to currents / waves and their depth in the Indonesian Ocean.

Tables 2. Legal Area of North Sumatra POLDA Year 2014

No.	Police Location	An Area (Km <sup>2</sup> )	Population <sup>e)</sup>	Population Density( per Km <sup>2</sup> )
1	Medan	265,10	2.010.676	7.585
2	Tebing Tinggi	37,99	134.382	3.537
3	Binjai	90,33	232.236	2.571
4	Pematang Siantar	79,99	227.551	2.845
5	Tanjung Balai	60,52	149.238	2.466

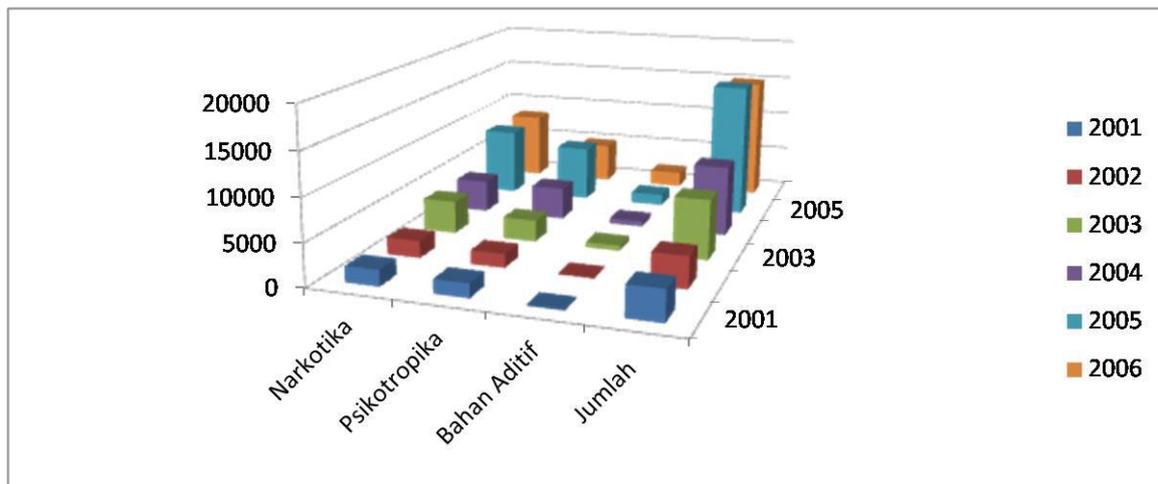
6	Sibolga	10,77	87.260	8.102
7	Deli Serdang	2.407,96	1.523.881	633
8	Langkat	6.263,30	955.348	153
9	Tanah Karo	2.127,29	312.300	147
10	Simalungun	4.386,60	818.975	187
11	Dairi	1.927,80	259.158	134
12	Asahan	4.580,75	1.009.856	220
13	Labuhan Batu	9.223,18	933.866	101
14	North Tapanuli	3.726,52	255.400	69
15	Toba Samosir	2.474,40	167.587	68
16	South Tapanuli	12.138,30	609.922	50
17	Mandailing Natal	6.618,79	379.045	57
18	Nias	3.495,39	433.350	124
19	Central Tapanuli	2.188,00	278.472	127
20	Serdang Bedagai	1.989,98	583.071	293
21	Humbang Hasundutan	2.335,33	152.519	65
22	Samosir	2.069,05	119.873	58
23	West Pakpak	1.218,30	34.260	28
24	Nias South	1.825,20	282.715	155
25	P. Sidempuan	140,00	172.419	1.232
26	Port Belawan	-	-	-
<b>North Sumatera</b>		<b>71.680,68</b>	<b>12.123.360</b>	<b>169</b>

The position and position of North Sumatra Regional Police in tackling narcotics crime is in the component of the criminal justice system. Mulyadi translates the criminal justice system as a network of justice that uses criminal law as its main means, both material criminal law and formal criminal law. In the criminal justice system contained systemic motion of its supporting components, namely the police, prosecutors, courts and correctional institutions.

This systemic movement as a whole and the totality try to transform inputs into outputs which are the targets of the work of the criminal justice system, namely the short term is the socialization of perpetrators of crimes, the medium term target is crime prevention, and the long term goal is public welfare. The role of the North Sumatra Regional Police in overcoming narcotics crime is very important considering both nationally and regionally the number of criminal acts of narcotics abuse is very large. Narcotics crime as part of a serious crime because it involves the future of the young generation of the Indonesian people. Indonesia was originally a drug transit (market) country, now it has become one of the drug producing countries. In Indonesia, according to a BNN survey and Puslitkes UI (2004), it is known that the prevalence of drug abuse is 1.5% of the total population of Indonesian people (3,2 million inhabitants). As an illustration, some data that will become social facts and the phenomenon of narcotics and other addictive substances in Indonesia compiled by Mahmud Mulyadi in 2006:

**Tables 3.** Number of Narcotics Crime Cases in Indonesia

No	Case	Years						Total
		2001	2002	2003	2004	2005	2006	
1	Narcotics	1.907	2.040	3.929	3.874	8.171	8.247	28.168
2	Psychotropic	1.642	1.632	2.590	3.887	6.733	4.891	21.381
3	drugs Additives	62	79	621	648	1.348	1.881	4.639
<b>Total</b>		<b>3.611</b>	<b>3.751</b>	<b>7.140</b>	<b>8.409</b>	<b>16.252</b>	<b>15.019</b>	<b>54.188</b>
<b>% Increased</b>		-	<b>3,7</b>	<b>90,3</b>	<b>17,8</b>	<b>93,3</b>	<b>-7,6</b>	<b>205</b>



**Figure 1.** Number of Narcotics Crime Cases in Indonesia

The data above shows that narcotics cases in Indonesia every year (2001-2006) always increase (up). The history of narcotics abuse illustrated in the cases seemed to repeat the plague of narcotics abuse in the seventies with a more awesome appearance. Narcotics addicts at that time were still limited among adolescent children of high-income people or children of officials and businessmen, some were young people of medium or middle-income people, while adolescents who came from families with low income were not yet seen, but in the era of the 2000s, narcotics users and abusers had entered into all levels, both upper, middle, and even the lower classes. In general, narcotics abusers do not know their age, many narcotics abusers are young and productive (ABG) and are still attending school, but among adults and even parents. This phenomenon can be seen in the following data:

According to the results of research in general can be grouped the wishes of the perpetrators of narcotics crimes when committing a narcotic crime, namely:

1. Those who want to seek experience (the experience seekers), namely people who want to gain new experiences and sensations from the use of narcotics;
2. Those who intend to avoid or avoid the reality of life (the oblivion seekers), those who consider the anesthetized state to be the most beautiful and comfortable place to escape;
3. Those who want to change their personality (personality change), by using narcotics want to be braver, eliminate the shame of being not rigid when hanging out.

The data above shows the number of cases of abuse and narcotics crime continues to increase, therefore the ranks of the North Sumatra Regional Police in particular the North Sumatra Police Narcotics Directorate have made various efforts to tackle narcotics crime. This means that in handling narcotics crime the North Sumatra Regional Police carry it out in the form of implementing preventive functions and in the form of implementing repressive functions, in this context POLRI is located as gatekeepers (keepers of narcotics cases) criminal justice system and as a goal prevention officer (deterrent officer). As gatekeepers of the criminal justice system, the position of the Indonesian National Police determines the continuation of the process of narcotics crime cases. As an example, it can be stated that the provision of Article 74 of the Narcotics Act and Article 58 of the Psychotropic Law places cases of narcotics and psychotropic crimes including cases that take precedence over other cases to be submitted to the court for immediate resolution, this depends on the role played by the Indonesian National Police in this case. This provision opens the opportunity for the use of police discretion. The case based on the message of the law must take precedence, but the decision to prioritize or reverse the case is based more on POLRI's own considerations. Case disclosure priorities are sometimes not solely based on law orders, but the situation and conditions on the ground can determine otherwise. This once again opens up the opportunity of the Indonesian National Police to exercise discretionary authority, because whether or not this provision is implemented in the criminal justice system is very dependent on the Indonesian National Police. Drug crime countermeasures are carried out through penal efforts (criminal law) by the North Sumatra Regional Police by arresting narcotics offenders and processing them according to applicable law. In general, in the last 2 (two) years the North Sumatra Narcotics Directorate has succeeded in uncovering drug crime cases with the following statistical data:

**Tables 4.** Evidence of Narcotics Crimes Seized in 2010

NO	Types	Description
1.	Cannabis	<ul style="list-style-type: none"> <li>• 3.037,52 Kg</li> <li>• 150,1 gram of Seeds</li> </ul>

		<ul style="list-style-type: none"> <li>• 23.656 tree Trunk</li> <li>• Marijuana field area</li> <li>• ± 15 Ha</li> </ul>
2.	Putauw	0,6 gram
2.	Pil Ecstasy	18.603 pill
3.	Shabu	18.189,99 gram
4.	Pil Happy Five	58 pill
5.	Kaitame	9.041 gram
6.	Pil Ephedrine	4.000 butir
7.	Cafein Flour	1,6 Kg
8.	Miras	913 bottles
9.	Materials are ready to print	25 gram
10.	Coloring agent	86 gram
11.	Wet noodles that have become mixed with borax	55 Kg
12.	Subutex	1 pill

Based on the data obtained from the North Sumatra Police Narcotics Directorate above, it can be seen that efforts to tackle narcotics crime are carried out by arresting the perpetrators and proceeding with the investigation until they are handed over to the Public Prosecutor. The prosecution effort carried out by the North Sumatra Regional Police has succeeded in arresting the perpetrators and successfully arresting members of the drug syndicate who are expected to provide information about the drug network. North Sumatra Regional Police as part of the criminal justice system in tackling narcotics crime conduct coordination and integration of actions with institutions outside the criminal justice system. The North Sumatra Regional Police's tasks are carried out through actions against narcotics abuse.

Efforts that are part of the Penal Policy (criminal law) are carried out through enforcement actions. The operation is first directed at taking action against the user, smoker, and narcotics addict. Implementation is carried out through raids in vulnerable places and other actions in the investigation such as deterrence, raids, search, confiscation of evidence and detention. Operation of narcotics crime is also carried out by involving elements or other elements such as the Indonesian National Army (TNI), because sometimes certain places that are commonly used for narcotics abuse are protected by certain members of the TNI. Narcotics crime countermeasures a It is effective if it is carried out in an integrated and planned manner, this can be done by increasing coordination that is more integrated with the police in other jurisdictions. Because based on observations so far, if operations are carried out intensively in the Jakarta Metropolitan Police area, for example, the criminals will move to the outskirts while looking for prey, or hide without doing activities for a while and wait for the situation to calm down and then re-launch the action if the situation is already secure.

## 5. CONCLUSION:

Based on the data above this paper, it can be seen that the efforts made by the North Sumatra Regional Police are to arrest narcotics offenders and then process them at the level of investigation and delegation to the Public Prosecutor. In 2009 the North Sumatra Regional Police succeeded in arresting 3,231 Perpetrators and as many as 2,802 have been delegated to the level of investigation and as many as 2,509 people have been delegated to the Public Prosecutor. In 2010 there was an increase in the number of criminal perpetrators as many as 3,736 people who have entered the investigation stage as many as 2,718 people and who have been delegated to the prosecutors as many as 2,444 people. One of the achievements of the North Sumatra Regional Police in carrying out efforts to tackle narcotics crime is to successfully dismantle a narcotics factory in the Krakatau Street area of Medan.

The data presented previously illustrates that narcotics crime has reached a serious stage, the figures presented constitute narcotics crime in the legal territory of North Sumatra excluding other regions. The handling of narcotics crime requires serious and maximum efforts to prevent the spread of narcotics crime in North Sumatra.

The next effort made by the North Sumatra Regional Police was to confiscate narcotics evidence and then destroy it to prevent abuse and negative effects on other parties.

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