

IMPLEMENTATION OF PREVENTION AND ERADICATION OF NARCOTICS ABUSE AND ILLEGAL DISTRIBUTION AT THE BNN OF NORTH SUMATERA PROVINCE

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Article Info	Abstract
Article History Received : 2024-08-26 Revised: 2024-08-29 Published: 2024-09-10	This study analyzes the effectiveness of the implementation of Law Number 35 of 2009 concerning Narcotics in North Sumatra Province, focusing on the role of the National Narcotics Agency (BNN) in the Prevention, Eradication, Abuse, and Illicit Trafficking of Narcotics (P4GN) program. A juridical-sociological approach is used to evaluate how this
Keywords: Law Implementation, P4GN, Narcotics, BNN, North Sumatra	law is implemented in a complex social context, as well as how factors such as coordination between institutions, rehabilitation capacity, and community acceptance affect its effectiveness. The findings show that the implementation of this law is often limited to ceremonial activities and is not accompanied by effective follow-up. In addition, limited rehabilitation facilities and lack of coordination between law enforcement agencies are major obstacles. This study recommends the adoption of a more comprehensive approach, including the possibility of legalizing marijuana with strict supervision, which has proven effective in developed countries in reducing the demand for heavy narcotics. This approach should be based on Soerjono Soekanto's law enforcement theory and the principle of maslahah in Islamic law, which emphasizes the importance of community welfare and prevention of harm. Thus, the P4GN policy in North Sumatra can be strengthened to provide maximum benefits and prevent the negative impacts of drug abuse.

I. INTRODUCTION

The problem of drug abuse and illicit trafficking is a serious threat to national stability and security. In Indonesia, this problem is comprehensively regulated in Law Number 35 of 2009 concerning Narcotics, which is the main legal basis for efforts to prevent and eradicate narcotics crimes. This law is designed to provide a strong legal framework, including regulations on supervision, control, and law enforcement against narcotics, as well as regulations on severe criminal sanctions for violators of the law.(Rinaldo, Eddy, andhari 2022)

article 1

In this Law, the following terms are defined:

1. Narcotics are substances or drugs derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce or eliminate pain, and can cause dependency, which are divided into groups as attached to this Law.

Law Number 35 of 2009 concerning Narcotics not only regulates narcotics-related crimes, but also establishes various strategies for preventing and eradicating narcotics abuse through a broader approach, including aspects of rehabilitation, early prevention, and supervision of narcotics circulation. However, in practice, the implementation of this law faces various challenges that require in-depth legal analysis to understand the effectiveness and obstacles faced, especially in the BNN of North Sumatra Province, which is one of the regions with a high level of narcotics circulation in Indonesia.

One of the main problems faced in the implementation of Law Number 35 of 2009 concerning Narcotics is the effectiveness of law enforcement in the field. Although this law has provided a clear and firm legal framework, its enforcement is often hampered by various factors, including the lack of in-depth understanding of the legal provisions stipulated in this law by law enforcement officers. For example, differences in interpretation of the definition of "control" and "trade" of narcotics often lead to debate among law enforcers, leading to inconsistencies in the application of the law.(Fazizullah, Marlina, and Sahlepi 2022)

In addition, Article 103 of Law Number 35 of 2009 concerning Narcotics regulates

rehabilitation for drug addicts as part of efforts to prevent abuse. However, in practice, the implementation of this rehabilitation program is often hampered by a lack of coordination between the BNN, health institutions, and the community. Many addicts who should be rehabilitated end up in prison because law enforcement focuses more on the enforcement aspect than prevention and rehabilitation.

Article 103

- (1) Judges who examine cases of drug addicts can:
 - a. decide to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is proven guilty of committing a Narcotics crime; or
 - b. determine to order the person concerned to undergo treatment and/or care through rehabilitation if the Narcotics Addict is not proven guilty of committing a Narcotics crime.
- (2) The period of undergoing treatment and/or care for narcotics addicts as referred to in paragraph (1) letter a is calculated as the period of serving the sentence.

This law also regulates the eradication of illicit drug trafficking. Although this regulation is quite clear, the issue of law enforcement remains a major challenge, especially when dealing with increasingly sophisticated and organized international drug networks. The North Sumatra BNN, as one of the front lines in enforcing drug laws, often has to deal with limited resources and technology in this eradication effort. This shows urgent need for reconstruction and the strengthening of the implementation of this law in the field, in order to be able to respond to existing challenges more effectively.(Isnaini 2017)

Article 111

- (1) Any person who without rights or against the law plants, maintains, possesses, stores, controls, or provides Class I Narcotics in the form of plants, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion rupiah).
- (2) In the case of the act of planting, maintaining, possessing, storing, controlling or providing Class I Narcotics in the form of plants as referred to in paragraph (1)

weighing more than 1 (one) kilogram or more than 5 (five) tree trunks, the perpetrator shall be punished with life imprisonment or a minimum imprisonment of 5 (five) years and a maximum imprisonment of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).

Article 112

- (1) Any person who without rights or against the law possesses, stores, controls, or provides Class I Narcotics other than plants, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion rupiah).
- (2) In the case of the act of possessing, storing, controlling or providing Class I Narcotics other than plants as referred to in paragraph (1) weighing more than 5 (five) grams, the perpetrator shall be punished with life imprisonment or a minimum of 5 (five) years and a maximum of 20 (twenty) years imprisonment and a maximum fine as referred to in paragraph (1) plus 1/3 (one third).(Wijaya and Ruslie 2024)

Etc....

In the framework of legal theory, the effectiveness of a law is not only seen from the legal text itself, but also from how the law is implemented and accepted by society (law in action). The theory of law enforcement by Soerjono Soekanto states that the effectiveness of law enforcement is greatly influenced by five factors, namely the law itself, law enforcers, means or facilities that support law enforcement, society, and legal culture. In this context, Law Number 35 of 2009 concerning Narcotics has provided a fairly strong legal basis, but its effectiveness is highly dependent on the ability of law enforcers to implement it consistently and supported by adequate facilities.(Gani 2015)

One of the main problems in drug law enforcement in North Sumatra is the limited human resources and facilities owned by the BNN. According to data published by the BNN, despite the increasing number of cases successfully uncovered, the BNN still faces major challenges in terms of the number of personnel and the availability of sophisticated technology needed to combat international drug networks. In addition, another factor that affects the effectiveness of law enforcement is the legal culture of the community which often does not support efforts to prevent and eradicate narcotics, especially in areas with low economic levels, where narcotics are often seen as a shortcut to earning income.(Kenedi 2017)

The sociological theory of law also explains that the success of law enforcement is highly dependent on the extent to which society accepts and supports the law. In this case, the legal awareness of the people of North Sumatra still needs to be improved, especially regarding the dangers of drug abuse and the importance of active community participation in prevention efforts. This shows the need for a more holistic approach to drug law enforcement, where in addition to enforcement, the prevention and community education aspects must also be strengthened.(Judge and Tanjung 2024)

This study aims to further analyze the effectiveness of the implementation of Law Number 35 of 2009 concerning Narcotics in North Sumatra, with a focus on the role of BNN in preventing and eradicating narcotics abuse and illicit trafficking. Through a comprehensive legal analysis, it is hoped that this study can contribute to strengthening narcotics law enforcement policies and practices in Indonesia, especially in the North Sumatra region.(Ali 2023)

II. RESEARCH METHODS

This research uses a sociological juridical method,(Cape 2024)which combines normative analysis of laws and regulations with an empirical approach to understand how the law is implemented in practice. The legal approach is used to analyze in depth Law Number 35 of 2009 Narcotics, including concerning derivative regulations related to the prevention and eradication of abuse and illicit trafficking of analysis narcotics. This involves legal interpretation to understand how the provisions of the law are implemented by the National Narcotics Agency (BNN) at the provincial level, especially in North Sumatra. Thus, this study does not only focus on the legal text (law in the books), but also evaluates how the law is applied in a social context (law in action).(Cape 2022)

The sociological approach in this study was carried out through the collection of empirical data from the field, such as interviews with BNN North Sumatra officers, direct observation of the drug prevention and eradication process, and a study of BNN annual reports and official documentation. This empirical data was then analyzed to understand the obstacles faced in implementing the law, as well as how the BNN of North Sumatra Province adapts to the challenges in efforts to eradicate the illicit trafficking of narcotics. By using a sociological juridical approach, this study aims to reveal the gap between legal theory and practice in the field, and provide recommendations to improve the effectiveness of drug law enforcement in North Sumatra.

III. RESULTS AND DISCUSSION

A. Effectiveness of Implementation of Law Number 35 of 2009 in North Sumatra

Law Number 35 of 2009 concerning Narcotics is a legal basis designed to combat drug abuse and illicit trafficking in Indonesia. In North Sumatra Province, this law is implemented by the National Narcotics Agency (BNN) as the main institution tasked with preventing, eradicating, misuse, and illicit trafficking of narcotics (P4GN). However, the effectiveness of the implementation of this law is still a big question. Although this law contains comprehensive provisions, in practice, its implementation in North Sumatra often seems to be only ceremonial and normative, without any significant impact felt by the community.(H. Silalahi, Sahlepi, and Sidi 2024)

In the context of law enforcement, the North Sumatra BNN has made various efforts to implement Law Number 35 of 2009 concerning Narcotics. These efforts include community education, narcotics raids, mass urine tests in the workplace, schools, and communities, and operations to take action against narcotics distribution networks. However, although these efforts appear active, their effectiveness in reducing the level of narcotics abuse in North Sumatra is still questionable.

One example is the counseling program that is often carried out by the BNN.(Yanti 2020)This program aims to raise public awareness of the dangers of narcotics, but in reality, this counseling is often just a ceremonial activity without any concrete follow-up. Data shows that even though counseling is routinely carried out, the rate of drug abuse in North Sumatra remains high. For example, in 2021, it was recorded that around 1.5 million people in Indonesia were involved in drug abuse, and North Sumatra is one of the provinces with the highest prevalence of drug users. This shows that the counseling activities carried out have not been able to provide a significant impact in reducing the rate of drug abuse.(Yanti 2020)



Source.2019DrugAbuseSurveyCollaboration of the National Narcotics Agencyand the Center for Community and CulturalResearch–LIPI

Still based on the same source In Indonesia, drug abuse has become a serious threat Disclosure of Drug Cases in 2018 BNN: 914 cases, 1,355 suspects. Police: 33,060 cases, 43,320 suspects. In 2019 Directorate of Drug Crimes Bareskrim Polri: 1,155 cases were successfully disclosed Meanwhile, Prisoners in 2018 45% of the total prison inmates (115,289 out of 255,407 people) are drug prisoners and prison inmates are drug dealers 64%, Drug Users 36%.

The implementation of Law Number 35 of 2009 concerning Narcotics in North Sumatra also faces various obstacles that hinder its effectiveness. One of the main obstacles is the lack of coordination between law enforcement agencies. In many cases, the BNN must work together with the police, prosecutors, and other agencies. However, there are often differences in views and priorities between these agencies, which causes overlapping in law enforcement and prosecution. As a result, many narcotics cases are not handled properly, or even fail to be solved.(JA Silalahi and Zarzani 2023) In addition, the lack of human resources and technology is also a major obstacle for the BNN in carrying out its duties. In North Sumatra, the BNN often lacks personnel who have special expertise in handling narcotics cases, as well as a lack of sophisticated equipment needed to uncover increasingly complex and hidden narcotics trafficking networks. This greatly hampers the BNN's ability to track and arrest the main perpetrators behind narcotics trafficking.(Meliala and Sahlepi 2024)

When comparing the legal theory regulated in Law Number 35 of 2009 with the practice that occurs in the field, it is clear that there is a significant gap. Normatively, this law stipulates that anyone who is proven positive for using narcotics is required to undergo rehabilitation, as regulated in Article 54 of Law Number 35 of 2009 concerning Narcotics.

"Drug addicts and victims of drug abuse are required to undergo medical rehabilitation and social rehabilitation".

However. in practice, rehabilitation facilities in North Sumatra have experienced overcapacity. Many drug users who should be rehabilitated end up in prison due to lack of space in rehabilitation centers. This condition not only adds to the burden on already full correctional institutions, but also does not comply with the spirit of the law which emphasizes rehabilitation as a form of preventing drug abuse. Furthermore, what is less confusing and creates a paradox for the BNN is the meaning contained in article 127 of Law Number 35 of 2009 concerning Narcotics.(Zarzani, Aspan, and Lubis 2021) Article 127

- (1) Any Abuser:
 - a. Class I narcotics for personal use are punishable by a maximum prison sentence of 4 (four) years;
 - b. Class II narcotics for oneself are punishable by a maximum imprisonment of 2 (two) years; and
 - *c.* Class III narcotics for personal use are punishable by a maximum prison sentence of 1 (one) year.

- (2) In deciding a case as referred to in paragraph
 (1), the judge must pay attention to the provisions as referred to in Article 54, Article 55, and Article 103.
- (3) In the event that the Abuser as referred to in paragraph (1) can be proven or proven to be a victim of Narcotics abuse, the Abuser is required to undergo medical rehabilitation and social rehabilitation.

Article 54 and Article 127 of Law Number 35 of 2009 concerning Narcotics reflect a dualistic approach in dealing with the problem of drug abuse. Article 54 emphasizes rehabilitation as the main path for addicts and victims of drug abuse, promoting a more restorative approach and reducing stigmatization of them as victims. However, Article 127 provides a criminal punishment framework for drug abusers, which tends to ignore the nuance that many abusers are also victims.

Therefore, the author believes that it is clear that despite adequate legal provisions for rehabilitation, in practice, the facilities available are inadequate, and law enforcement often prioritizes punishment over rehabilitation. This creates a paradox where, while the law recognizes the need for rehabilitation, the reality is a lack of infrastructure and resources, which often leads to prison as the default solution.(Haris et al. 2024)

This contradiction provides a loophole for abuse of power. In situations where the law gives law enforcement officers discretion to choose between rehabilitation and punishment, without clear and consistent guidance or adequate oversight, there is an opportunity for individuals to exploit this ambiguity for personal or group gain. For example, this abuse can take the form of bribes to avoid punishment or manipulation of evidence that can steer a case in a direction that is more favorable to those in power or with resources.

In addition, the urine testing program often conducted by the North Sumatra BNN to detect

drug use among students, employees, and communities is also often unsustainable. Although this test successfully identifies drug users, effective follow-up is often not carried out. Identified users often do not get access to proper rehabilitation, or even support to stop using drugs. This shows that, although the law provides a clear framework, its implementation in the field is still far from what is expected.(Munandar 2019)

Seeing the various weaknesses in the implementation of Law Number 35 of 2009 concerning Narcotics in North Sumatra, breakthroughs and new approaches are needed in implementing the P4GN program. BNN needs to innovate in efforts to prevent and eradicate narcotics, such as utilizing digital technology to track narcotics distribution networks, improving training for investigators, and strengthening cooperation with international institutions to eradicate international narcotics networks. In addition, a community-based approach also needs to be strengthened, where the community is empowered to play an active role in preventing and overcoming narcotics. More intensive and sustainable education needs to be carried out to build legal and social awareness in the community, so that they can be part of the solution in combating illicit drug trafficking. Thus, the effectiveness of the implementation of Law Number 35 of 2009 concerning Narcotics in North Sumatra needs to be improved through comprehensive reform, both in terms of policy, resources, and the approach used. Without these steps, efforts to prevent and eradicate narcotics will continue to face major challenges and may only become a formality that does not produce real change in society.

B. Legal Analysis of the Effectiveness of P4GN in North Sumatra

The Prevention, Eradication, Abuse, and Illicit Trafficking of Narcotics (P4GN) Program in North Sumatra run by the National Narcotics Agency (BNN) is an integral effort to reduce the number of narcotics abuse in this region. Although Indonesia has Law Number 35 of 2009 concerning Narcotics which normatively provides a legal basis for eradicating narcotics, the effectiveness of this program in the field is still far from optimal. A juridical-sociological approach is very relevant to understanding how this law is applied in a complex and dynamic social context, as well as how social, cultural, and economic factors influence the implementation of P4GN.(Fithri 2020)

In practice, the efforts of the North Sumatra BNN in implementing P4GN are often limited to ceremonial activities, such as counseling and mass urine tests. Meanwhile, more substantial efforts, such as emphasizing the reduction of narcotics supply entering the region, receive less attention. In fact, the theory of law enforcement by Soerjono Soekanto states that the effectiveness of the law depends not only on existing norms, but also on their acceptance and implementation in society. In this context, a more focused approach to reducing the supply of narcotics, such as that carried out in countries such as Iceland, where the government has succeeded in drastically reducing the number of drug addicts by reducing the accessibility of narcotics through strict supervision of supply, can be an inspiration.(Sepatia, Zarzani, and Purba 2022)

A comparison between the P4GN policy implemented in North Sumatra and the results achieved shows that there is a significant gap. Although the BNN is actively conducting arrests and raids, the number of drug abusers in North Sumatra is still relatively high and tends to stagnate. For example, data from the BNN shows that in the period 2017-2022, the number of drug abusers in Indonesia was around 3.3 million people, and North Sumatra is one of the provinces with the highest rate of abuse. This shows that although the P4GN policy has been implemented, the results achieved have not been significant in reducing the overall rate of drug abuse.

In some developed countries, such as Portugal and the Netherlands, a more revolutionary approach,(Siregar 2013)such as decriminalization of drug use for rehabilitation purposes, have shown more effective results. Portugal, for example, managed to significantly reduce the annual overdose rate after implementing decriminalization and focusing on the rehabilitation of drug users. Similarly, the Netherlands has succeeded in suppressing drug use by adopting a decriminalization policy for marijuana use, which prevents users from accessing other, more dangerous types of drugs. This kind of approach can be considered for implementation in Indonesia, with modifications that are appropriate to the local social and cultural context.

Based on the analysis above, there are several recommendations that can be proposed to improve the effectiveness of P4GN in North Sumatra. First, BNN needs to adopt a more aggressive approach in suppressing the supply of narcotics. Emphasis on reducing supply, as is done in countries that have successfully reduced drug abuse rates, can help reduce demand. When drug supplies are difficult to access, demand will also decrease, which in turn will reduce drug abuse rates.

Second, rehabilitation programs need to be strengthened and expanded. Currently, many rehabilitation institutions are overcapacity, so that users who should receive treatment are instead imprisoned. The government needs to increase the capacity of rehabilitation institutions and expand access to rehabilitation to all drug users who need it, as part of a holistic effort to eradicate narcotics.

Third, there needs to be a more progressive policy, such as that implemented in Portugal and the Netherlands, which focuses on rehabilitation and decriminalization of drug use. This approach not only reduces the number of drug users, but also reduces the burden on the state budget in terms of law enforcement and management of correctional institutions. In addition, the application of taxes on certain drugs, as is done in the United States, can be a significant source of state revenue and at the same time reduce the economic incentives for illicit drug trafficking.

The law enforcement theory put forward by Soerjono Soekanto asserts that the effectiveness of law enforcement is highly dependent on five main factors: the law itself, law enforcers, supporting facilities or means, society, and legal culture. In the context of implementing P4GN (Prevention, Eradication, Abuse, and Illicit Trafficking of Narcotics) in North Sumatra, these five factors interact with each other and contribute to the success or failure of the program.(Hasan 2015)

First, the law itself refers to Law Number 35 of 2009 concerning Narcotics which is the legal basis for P4GN. Although this law provides a strong normative foundation, its implementation in the field is often limited to enforcement and counseling without more comprehensive efforts to suppress the supply of narcotics. In several developed countries, such as Canada and the United States, the legalization of marijuana with certain restrictions has been shown to reduce the demand for heavy narcotics, thereby reducing the number of users who switch to more dangerous narcotics. Thus, the policy of reducing supply and regulating the legalization of certain types of narcotics, if implemented strictly and accompanied by adequate education, can be an alternative in overcoming drug abuse in Indonesia.(Prabowo, Panggabean, and Hutahaean 2023)

Second, law enforcement in North Sumatra, especially the BNN and the police, play a crucial role in the success of P4GN. However, weak coordination between institutions, as well as limited training and facilities, often hamper the effectiveness of law enforcement. To improve this, there needs to be ongoing special training for law enforcement officers, as well as strengthening infrastructure and technology that support narcotics law enforcement.

Third, adequate facilities are very important in supporting law enforcement. Currently, the limited capacity of rehabilitation institutions and law enforcement facilities is a significant obstacle. Further development of these facilities, including the construction of adequate rehabilitation centers and the procurement of technology to track drug networks, must be a priority to increase the effectiveness of P4GN.

Fourth, the community needs to be actively involved in P4GN efforts. A community-based approach, which involves the community in drug prevention and control, can increase public awareness and participation. More interactive and sustainable education programs are needed to build an anti-drug culture in the North Sumatra community. Fifth, the legal culture in the North Sumatra community also needs to be improved. The legal culture that is permissive of drug abuse must be changed through intensive legal education efforts and stronger awareness campaigns.

The theory of maslahah or maslahah in Islamic law emphasizes the importance of actions that bring the greatest benefit and prevent harm (mafsadah) to society. In the context of P4GN, this theory supports an approach that focuses not only on prosecution, but also on prevention and rehabilitation aimed at achieving the welfare of society as a whole. The use of narcotics, which in many cases causes physical, mental, and social damage, is clearly contrary to the principle of maslahah. Therefore, policies that allow for a decrease in the supply of narcotics through the of marijuana legalization with strict supervision, as is done in Canada and the Netherlands, can be considered if the goal is to prevent greater damage, such as an increase in heavy drug users.

In Islam, any form of action that is detrimental to oneself and others, including drug abuse, is prohibited. The relevant evidence in this case is the word of Allah SWT in Surah Al-Baqarah verse 195 which reads: "And do not throw yourselves into destruction, and do good, for verily Allah loves those who do good". This verse emphasizes the importance of protecting oneself from destructive actions, which in this context, can be translated as an effort to avoid drug abuse and ensure that the policies taken bring benefits to the welfare of society.(Nurliza 2019)

Based on this analysis, it is recommended that P4GN in North Sumatra be strengthened with a more comprehensive and integrated policy. This policy should include efforts to reduce the supply of narcotics, increase rehabilitation capacity, and adopt an approach based on the theory of welfare. Legalizing marijuana with strict supervision and clear restrictions, as is done in Canada and the Netherlands, can be considered as a step to reduce the circulation of more dangerous narcotics. However, this policy must be implemented carefully and supported by intensive education and strict legal supervision to ensure that the objectives of welfare are achieved.

By integrating Soerjono Soekanto's law enforcement theory and the theory of welfare within the P4GN framework, it is hoped that a new, more effective approach will be born in combating drug abuse and illicit trafficking in North Sumatra. This policy must be based on fair legal principles, and consider relevant social, cultural, and religious aspects, so that it can bring maximum benefits to the welfare of the community.

IV. CONCLUSIONS AND RECOMMENDATIONS

This study shows that the implementation of Law Number 35 of 2009 concerning Narcotics in North Sumatra Province still faces various serious challenges, both in terms of law enforcement and in terms of the effectiveness of the P4GN policy. Although the BNN has made various efforts to prevent and eradicate narcotics, such as counseling, mass urine tests, and enforcement operations, the effectiveness of the program is still limited and often ceremonial. Weaknesses in coordination between law enforcement agencies, limited rehabilitation facilities, and the inability to suppress the supply of narcotics are the main factors that hinder the success of this program so that the state suffers losses of no less than 84.7 trillion.

Through the approach of Soerjono Soekanto's law enforcement theory and the theory of benefit in Islamic law, it is recommended that the P4GN policy in North Sumatra be strengthened with a more comprehensive approach, including the possibility of implementing policies that adopt successful practices from other countries, such as the legalization of marijuana with strict supervision. This approach not only aims to suppress the supply of narcotics and reduce demand, but also to ensure that the policies taken bring the greatest benefit to society and prevent greater damage, in accordance with the principle of benefit in Islamic law. Thus, it is hoped that this more progressive and integrative approach can increase the effectiveness of drug law enforcement in North Sumatra and provide a real positive impact on community welfare.

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